

University of North Carolina at Asheville

Penal Reform and Construction
of the Western North Carolina Railroad 1875-1892

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By

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“Daylight entered Buncombe county to-day through the Swannanoa tunnel; grade and centres[sic] met exactly.” With this telegram to Governor Zebulon B. Vance, Major James W. Wilson, the President of the Western North Carolina Railroad, celebrated an important milestone in the economic development of North Carolina. On 11 March 1879, Wilson’s crews opened the longest and most difficult tunnel in the struggle to lay a railroad line across the Blue Ridge Mountains.¹ Convicts from North Carolina’s new penitentiary built this transportation system and solved the state’s need for a cheap labor force as well as the prison’s need for employment for their large idle force of inmates. During 1875-1892, of the 7852 people entering the new penitentiary system, 3644 were sent to the Western North Carolina Railroad. According to official records, 461 died from all causes (not including escape attempts).² Most of these individuals were black. According to the 1880 national census, 37.9 percent of the people in North Carolina were black, but 85 percent of the inmates in the new North Carolina penitentiary were African American.³ Paradoxically, while the prison reform movement, based on incarceration, rehabilitation, and penitence, solved the state’s problems in two critical areas, the convict labor system proved to be a racist system vulnerable to severe abuses that largely negated its original humane intent.

Historians began documenting and studying convict labor systems soon after incarceration replaced corporal and capital punishment as the primary response to

¹ *Salisbury Carolina Watchman*, 13 March 1879. This early report erroneously has the telegram going to Governor Zebulon Vance. Vance had just been elected to the U. S. Senate and his replacement, Thomas Jordan Jarvis, was inaugurated on 5 February 1879. Original telegram not found. This error has been perpetuated in the literature since the original report.

² North Carolina, Penitentiary (hereafter Penitentiary Report), *Biennial Report of the Board of Directors, Architect, Deputy Warden, Steward, and Physician*, printer varies, 1874-1892.

³ University of Virginia Geospatial and Statistical Data Center, United States Historical Census Data Browser, 1998. University of Virginia. Available from

criminal activity in America. While historians have discussed mortality, disease, age, race, and geography, they have failed to contrast the humane reform considerations with the abusive system that followed. They have also failed to quantify, analyze, and compare significant data, leading to longstanding misconceptions concerning the construction of the Western North Carolina Railroad.

Social reformers such as George W. Cable personally inspected a number of southern penal systems, conducted numerous interviews, and initiated a widely publicized moral critique of convict labor in the 1880's, citing its underlying foundations of racism and poverty.⁴ Clarissa Olds Keeler, a Christian temperance activist, also focused her work on the myriad abuses in the convict systems as well as highlighting alcohol as the major cause of criminality.⁵

Publicizing these reforms may have resulted in minor cosmetic improvements, but little in the way of structural reform occurred. Jesse F. Steiner and Roy M. Brown studied public works programs in North Carolina after the shift away from private contracts during the Progressive Era and concluded that many of the same problems seen in the early lease systems continued in the "chain gang" systems.⁶ Hilda Jane Zimmerman conducted a survey of penal systems in the South from 1865 to 1940 and concluded that little reform had occurred during the period of her study. However, she felt that changes in the systems during the decades of the turn of the century formed the foundation for

<http://fisher.lib.virginia.edu/collections/stats/histcensus/>, Internet, accessed 13 November 2003. Also see Table 2.

⁴ George W. Cable, *The Silent South* (Montclair, NJ: Patterson Smith, 1969), taken from the 1889 edition published by Charles Scribner's Sons, 140-145.

⁵ Clarissa Olds Keeler, *The Crime of Crimes Or The Convict System Unmasked* (Washington, D.C.: Pentecostal Era Company, 1907), Available from <http://memory.loc.gov>, Internet, accessed 3 February 2003.

⁶ Jesse F. Steiner and Roy M. Brown, *The North Carolina Chain Gang: A Study of County Road Work* (Chapel Hill: The University of North Carolina Press, 1927), reprint 1969.

reform in the future.⁷ C. Vann Woodward, in *Origins of the New South 1877-1913*, felt that the convict labor systems “did greater violence to the moral authority of the Redeemers than did anything else.”⁸

Later historians expanded the study of the penal systems. Dan T. Carter studied the political and economic bases of the convict systems in railroad building, and more recently, Christopher R. Adamson typified the later trend in analysis by concentrating on the interactions of underlying political, economic and social controls of the lease contracts. He proposed that the new convict systems were a functional replacement for slavery in race control, class rule, and cheap labor for New South industrialization.⁹

Racism and race control in the aftermath of the Civil War and emancipation of the slave population are constant themes in the study of convict labor. The historian Shelby Foote stated that:

Slavery was the first great sin of this nation. The second great sin was emancipation, or rather the way it was done. The government told four million people, ‘You are free. Hit the road.’ The tiniest fraction of them had any profession that they could enter.¹⁰

Alex Lichtenstein agreed, stating that the convict labor systems were an obvious link with antebellum slavery and made the much needed economic development of the South compatible with white supremacy.¹¹ James C. Cobb noted that the growth of the

⁷ Hilda Jane Zimmerman, “Penal Systems And Penal Reforms In The South Since The Civil War” (Ph.D. diss., University of North Carolina, 1947), iv-v.

⁸ C. Vann Woodward, *Origins of the New South 1877-1913* (Baton Rouge: Louisiana State University Press, 1971, reprint of 1951 edition), 215.

⁹ Dan T. Carter, “Prisons, Politics, and Business: The Convict Lease System in the Post Civil War South” (M.A. thesis, University of Wisconsin, 1964), 19-61, and Christopher R. Adamson, “Punishment After Slavery: Southern State Penal Systems 1865-1890,” *Southern Problems* 30, no. 5 (1983): 555-569.

¹⁰ Tony Horowitz, *Confederates in the Attic. Dispatches from the Unfinished Civil War* (New York: Vintage Books, 1998), 152.

¹¹ Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (New York: Verso Press, 1996), 5.

convict labor systems was related to the “expansion of laws that produced more convicts...Southern state and local officials found a way to make crime pay.”¹²

Studies of the development of the railroad industry in North Carolina include Cecil K. Brown’s economic history tracing the building of the main rail lines to connect the regions of North Carolina with growing markets in the South as well as the Mississippi and Ohio River valleys. He emphasized the difficult economic and political issues facing the state in its efforts to support economic development both before and after the Civil War.¹³ In a more specific study, William H. Abrams limited his thesis to the building of the Western North Carolina Railroad, peripherally noting the “hybrid” convict leases which called for state supervision and control of prisoners working for private corporations.¹⁴

Using a more informal format, Wilma Dykeman combined carpetbaggers, crooked financiers, government mismanagement, corporate fraud, convict labor, and engineering marvels to tell the story of the building of a section of the Western North Carolina Railroad from Old Fort, North Carolina, to Asheville in the late 1870’s.¹⁵ Although Dykeman decried the injustice of convict labor, she did not delve into the earlier structural problem of the rapidly increasing numbers of prisoners in temporary quarters in Raleigh with nothing to do.

¹² James C. Cobb, *Industrialization and Southern Society* (Lexington: The University Press of Kentucky, 1984), 68-69.

¹³ Cecil Kenneth Brown, *A State Movement in Railroad Movement. The Story of North Carolina’s First Effort to Establish an East and West Trunk Line Railroad* (Chapel Hill: The University of North Carolina Press, 1928).

¹⁴ William H. Abrams Jr., “The Western North Carolina Railroad, 1855-1894” (M.A. thesis, Western Carolina University, 1976).

¹⁵ Wilma Dykeman, *The French Broad* (Knoxville: The University of Tennessee Press, 1955): 152-165.

In March 1875, when the General Assembly authorized the purchase of the bankrupt Western North Carolina Railroad, the new reform penitentiary system faced impending disaster because the inmates had no work. Several decades of prison reform efforts in North Carolina culminated in the Reconstruction Constitution of 1868 which mandated a state penitentiary. As early as 1802, the House of Commons of North Carolina considered a reform bill that a Dr. Jones discussed on November 20th of that year. Although he professed to support an Enlightenment philosophy of incarceration, he spoke against the measure, saying that:

I am unable to discover, from all the information I can obtain, or from any arguments that have been urged upon this floor, that the proposed amendment, would be an improvement ... The plan of lessening the frequency of crimes by reforming instead of punishing criminals, has originated in principles I revere... The idea first originated with philosophers, who, in their closets, saw human nature through the 'spectacles of books.'¹⁶

The reform bill failed to pass. The state legislature debated bills for reform and the creation of a state penitentiary in eighteen separate years between 1800 and 1845. Finally, in 1846, the legislature decided to put the question to a popular vote. The proposition called for building a penitentiary at a cost of \$100,000. The referendum failed miserably.¹⁷ The issue then lay dormant at the legislative level until 1867, when the legislature took a tentative step forward by allowing two or more counties to consolidate

¹⁶ J. Gales, "Dr. Jones' Speech on the bill to amend the Penal Laws, By establishing A Penitentiary House for Criminals," Delivered in the House of Commons of North-Carolina, November 20, 1802, first published in the Raleigh Register, Raleigh: Printed by J. Gales, Printer to the State.

¹⁷ Guion Griffis Johnson, *Ante-Bellum North Carolina. A Social History* (Chapel Hill: The University of North Carolina Press, 1937) 661-669, 672.

jails in order to create “Houses of Correction” that would be more efficient and less costly to support and manage.¹⁸

In 1868, at the Constitutional Convention, the Committee on Punishments, Penal Institutions, and Public Charities recommended that punishments include only death, imprisonment, fines, and removal or disqualification from office. They emphasized the goals of justice, reform, and prevention and recommended abolishing any “cruel and unusual punishment,” such as cropping, branding, whipping, and the use of the pillory. “Capital punishment should be reserved for wilful[sic] murder only.”¹⁹

The Convention changed its final wording, allowing imprisonment “with or without hard labor.” They also expanded the capital offenses to include “murder, and also arson, burglary, and rape,” and removed the specific wording on branding, whipping, and use of the pillory.²⁰

The General Assembly responded with legislation creating a committee to purchase land for a penitentiary and employ contractors to build a prison for one hundred convicts.²¹ The legislative committee purchased eight thousand acres for the proposed penitentiary with \$100,000 of “Penitentiary bonds,” but consultants found the land unsuitable for construction, and the state Supreme Court declared the bonds invalid due to “fraudulent” issue. In 1869, the General Assembly repealed the original legislation and

¹⁸ North Carolina, Public Laws and Resolutions (hereafter Public Laws), General Assembly, Sessions of 1866-'67, *An Act to Amend an Act Entitled “An Act to Establish Work Houses of Houses of Correction in the Several Counties of the State,”* 2 March 1866, chap. 130, 204-205.

¹⁹ North Carolina, *Journal of the Constitutional Convention of North-Carolina, Session 1868*, Raleigh: Joseph W. Holden, Convention Printer, 1868, 292, Available from <http://docsouth.unc.edu/nc/conv1868/conv1868.html>, Internet, accessed 27 July 2003.

²⁰ Public Laws, *Constitution of North Carolina. Article XI*, 1868-'69, 36-37.

²¹ Public Laws, *An Act to Provide for the Employment of Convicts and the Erection of a Penitentiary*, Special Session, 1868, chap. 61, 82-85.

directed that a site near Raleigh be purchased for a penitentiary for five hundred inmates.²²

Little progress occurred in the construction of permanent inmate quarters for the next three years, and in April 1872, the General Assembly suspended the penitentiary contract and directed a reevaluation of the penitentiary construction program. They specifically authorized the penitentiary to “farm out” all prisoners not needed for penitentiary construction to “railroad companies or other public corporations” for the best terms obtainable. The legislation also directed that those individuals sentenced for murder, manslaughter, rape, or arson, not be leased outside the central penitentiary.²³

In December 1874, the President of the Penitentiary Board of Directors, Jacob S. Allen, addressed the General Assembly regarding the “peculiar condition of the Institution.” He noted that in the forty days since submission of the annual prison report on 31 October 1874, eighty six prisoners entered the prison system, making a total of 528 inmates in temporary facilities designed for a fraction of that number. The system needed additional funding for food, clothing, and housing. More importantly, the convicts needed work. No appropriations were available for developing prison programs, and while the General Assembly enacted statutory permission for leasing inmates to railroads, the laws contained no specific structure for such agreements, and no railroads had requested convict labor. In the absence of employment, Allen suggested alternatives, including prison release, reversion to the county jail system, or Sir Walter Crofton’s Irish Prison

²² North Carolina, Executive and Legislative Documents (hereafter Legislative Documents), Under Act of Assembly, Session 1871-'72, *Report of the Commission to Investigate Charges of Fraud and Corruption*, Document No. 11, Raleigh: James H. Moore, State Printer and Binder, 11-12. Also Fred A. Olds, “History of the State Prison,” *Prison News* (15 November 1926), 5.

²³ Public Laws, *An Act for the Better Government of the Penitentiary. And for Other Purposes*, 1871-1872, chap. 202, 363-365.

system. Crofton's system of "conditional release" was the forerunner of the modern parole system.²⁴ Allen's address to the legislature carried a desperate tone. The new penitentiary system designed as a "locus penitentiae" (a place of penitence) faced imminent collapse.

The legislature responded quickly with a solution for the lack of work for the convicts. Within nine days after the authorization to purchase the bankrupt Western North Carolina Railroad, the General Assembly gave the Penitentiary Board the legal and regulatory specifics needed to begin the lease contracts that would simultaneously energize the state economy and save their modern Enlightenment penitentiary system from failure. The Act specifically authorized that "every able bodied convict above 250" be farmed out for food and clothing, or even less if necessary. Section 12 of the law specifically provided for employing as many convicts as necessary on the Western North Carolina Railroad. An important proviso that differed from other states' lease programs required that the Board retain control of the convicts, govern them according to its own rules and regulations, and supervise them with state employees. Leasing companies were also bound by these regulations. Work schedules specifically called for ten hours labor each day, except Sundays and national holidays.²⁵

North Carolina bought the Western North Carolina Railroad twenty years after the General Assembly chartered the railroad during its 1854-1855 session. Routing disputes, inadequate funding, the Civil War, massive fraud, and inept management slowed construction and led to receivership in 1872. The original charter, "An Act to Incorporate

²⁴ Legislative Documents, Jacob S. Allen, *Communication, To His Excellency Governor Brogden*, Document No. 12, 1874-'75, 34-36. Also Todd R. Clear and George F. Cole, *American Corrections* (Pacific Grove, CA: Brooks/Cole Publishing Company, 1990), 79.

the Western North-Carolina Railroad Company,” sought to open the state of North Carolina to lucrative markets in both the Mississippi and Ohio River valleys,

to effect a communication between the North-Carolina railroad and the Valley of the Mississippi...from the town of Salisbury, on the North-Carolina railroad, passing by or as near as practicable to Statesville, in the county of Iredell, to some point on the French Broad River beyond the Blue ridge.²⁶

Prior studies submitted by Walter Gwynn of the North Carolina Railroad included four possible routes for the western extension. He recommended the course through the Swannanoa Gap even though it was longer and slightly more costly because it had lower summits, fewer tunnels, less grade, and less curvature.²⁷

When Civil War hostilities began in April 1861, the road brought passengers and freight to within five and one half miles of Morganton.²⁸ Union Colonel George W. Kirk destroyed railroad property during a June 1864 action near Morganton, and in April 1865, General George M. Stoneman’s forces destroyed most of the railroad from Salisbury to Morganton.²⁹ After the war, eleven contractors hired nine hundred men to repair the damaged road, and construction crews reached Old Fort in 1869.³⁰

Insufficient state funding, misappropriation of railroad bonds, and poor management slowed progress in construction and operation, and the company became insolvent in 1872 after failing to make bond interest payments.³¹ The United States

²⁵ Public Laws, *An Act to Authorize the Hire of Convict Labor in or Outside the State’s Prison, and to Regulate the Same*, 1874-’75, chap. 246, 329-333.

²⁶ Public Laws, *An Act to Incorporate the Western North-Carolina Railroad Company*, chap. 228, 1855, 257.

²⁷ Brown, *A State Movement*, 100-101.

²⁸ Abrams, 3-12.

²⁹ Charles Lewis Price, “The Railroads of North Carolina During The Civil War,” (M.A. thesis, University of North Carolina, 1951), 179-182.

³⁰ Abrams, 21, 26.

³¹ Legislative Documents, *Fraud Commission*, Document No. 11, 1872, 196-366. Also Abrams, 26.

Circuit Court appointed William A. Smith, the President of the North Carolina Railroad, receiver of the Western North Carolina Railroad in April 1873. Later, in response to a North Carolina Senate resolution requesting a report and accounting, Smith reported total indebtedness of \$848,307.48 as of 15 January 1875.³²

On 13 March 1875, the General Assembly authorized the governor and two appointed commissioners to purchase the railroad for not more than \$850,000. Section 6 of this landmark legislation provided that the railroad “shall have such convicts as are not necessary for completing the penitentiary for labors upon the unfinished portion of the Western North Carolina Railroad as they may require...”³³

The state purchased the railroad in June 1875, for \$825,000. Governor Curtis H. Brogden and the private stockholders named four new commissioners, and James W. Wilson of Morganton became Chief Engineer on 1 October 1875.³⁴

One year later, William Rollins, the President of the railroad, reported that the penitentiary sent a total of 316 convicts to work on new road construction. He suggested that if the convict force were increased to 500 and kept at that level, the railroad could be completed to Asheville in one year and reach Tennessee in another year.³⁵

Zebulon B. Vance became governor on 1 January 1877 and in his inaugural address enthusiastically endorsed convict labor for railroad construction. He specifically requested the entire available force of the penitentiary be sent to the railroad. He also asked for reorganization of railroad management and sufficient means to purchase “the

³² Legislative Documents, 1874-’75, *Report of W. A. Smith*, Document No. 15, 1875, 1-6.

³³ Public Laws, *An Act in Relation to the Western North Carolina Railroad*, chap. 150, 1875, 172-176.

³⁴ Legislative Documents, *Report of the Joint Select Committee on the Western North Carolina Railroad*, Document No. 30, 1876-’77, 43-47. Also Abrams, 29.

³⁵ Legislative Documents, *Report of the Commissioners of the Western North Carolina Railroad*, Document No. 12, 1876-1877, 1-7.

iron as may be required.” He expected “before your assembling again” the road to be “in operation as far as Asheville at least.”³⁶

Shortly thereafter, a Joint Select Committee conducted hearings on the status of the railroad since the state purchase. The committee recommendations included a new Board of Directors and a streamlined management to include a President, Superintendent, and a Secretary-Treasurer, all of whom should be experienced railroad men.³⁷

On 19 April 1877, the General Assembly reorganized the railroad. They empowered the governor to direct, at his discretion, that all convicts not otherwise “required or retained” be assigned to the railroad.³⁸

Governor Vance spent a great deal of time on railroad and penitentiary matters during his term of office. George P. Erwin, the Secretary-Treasurer of the railroad, wrote that the Penitentiary Board was not sending as many convicts as appropriated because of a lack of funds. He proposed advancing railroad funds to the penitentiary to facilitate transfers.³⁹ Another staff member wrote that the quality and health of some of the laborers created problems. “We have a number of convicts here who are and never have done any good at all. The most of them [are] near deceased when they come here. It is impossible for the hands ever to be cured in camp.” He closed by saying he was “much pleased with everything up here. The convicts are well feed[sic] and are treated humanely.”⁴⁰

³⁶ Zebulon B. Vance to the General Assembly, 1 January 1877, *The Papers of Zebulon Vance*, ed. Gordon McKinney and Richard M. McMurry (Frederick: University Publications of America, 1987), NCAH 5437, 24-25. This is also in Legislative Documents, Document No.1, 1876-1877.

³⁷ Legislative Documents, *Report of the Joint Select Committee on the Western North Carolina Railroad*, Document No. 30, 1876-1877, 1-9.

³⁸ Public Laws, *An act to Provide for the Speedy Completion of the Western North Carolina Railroad*, chap. 106, 1876-'77, 166-172.

³⁹ George P. Erwin to Zebulon Vance, *Vance Papers*, 16 March 1877, NCAH 12884.

⁴⁰ J. M. Jones to Zebulon B. Vance, *Vance Papers*, 4 April 1877, NCAH 12945.

Governor Vance's involvement with the railroad and the penitentiary covered a wide range of matters, including complaints concerning convict discipline. Ever the pragmatic politician, he tried to balance the conflicting needs of those writing him with issues at the construction sites. He responded vigorously to reports of abusive treatment of prisoners, and, in July 1877, he requested that a member of the Penitentiary Board investigate allegations, use "legal counsel," interview convicts privately, and discharge guilty offenders immediately.⁴¹ However, he also favored discipline, efficiency, and productivity. In November, he "earnestly recommended" reversal of a prior order prohibiting corporal punishment for convicts, stating that the Attorney General and the "legal profession believe such punishment to be legal" and that supervisors of the convicts believe that the practice is "absolutely essential." He then cleverly requested that officials take "proper care that no cruelty shall be inflicted."⁴²

The reorganized railroad Board elected civil engineer James W. Wilson President and Supervisor of the road. Wilson had a history with the road starting before the Civil War and was a large stockholder in the project. After his election, construction activity increased significantly. During 1877, the prison sent 353 additional inmates to the camps, adding to the 252 already there. Of those, 99 were discharged or pardoned, 30 died, 4 were killed, and 42 escaped. On average, 351 prisoners were available each month.⁴³ Major Wilson wrote Governor Vance frequently on railroad matters. Shortly after his election, he asked the governor to talk to J. W. Hicks, the warden of the penitentiary, about disagreements with the penitentiary supervisors. He predicted the road would reach

⁴¹ Zebulon B. Vance to Penitentiary Board, *Vance Papers*, 9 July 1877, NCAH 5652, 210.

⁴² Zebulon B. Vance to Penitentiary Board, *Vance Papers*, 10 November 1877, NCAH 5779, 330.

⁴³ Penitentiary Report 1878, 24.

Asheville in twelve months (April 1878) if a more cooperative Penitentiary Board delivered the specified quota of inmates.⁴⁴

Wilson's company held the contract for excavation of the Swannanoa tunnel. In order to speed this work and meet deadlines, he decided to work the east and west portals simultaneously. Since having a locomotive on the western side would facilitate not only work on that side of the tunnel but also aid in laying track to Asheville, he solved the problem in a novel way, as witnessed by *Burke Blade* reporters. "We went up last week to see Wilson's niggers pull that engine over the Blue Ridge—and they did it." Convicts pulled the seventeen ton "Salisbury" over the top and to tracks on the western side by dragging three ropes, laying track in front and removing track from behind as they traveled along the stagecoach road. This creative maneuver made the "Salisbury" the first locomotive "west of the Blue Ridge in North Carolina."⁴⁵

Shortly after this extraordinary endeavor, Wilson complained to Vance that the General Assembly authorized five hundred convicts to "work on the Western North Carolina Railroad." In a clever interpretation of this wording, he noted that twenty percent of the convicts labored with "getting wood, cooking, and washing," and thus could not be considered part of the specified work force of five hundred. He wanted to speed the work and wished that more prisoners had arrived "before the severe weather."⁴⁶ He later repeated his contention that the General Assembly intended an actual force of five hundred in addition to support workers. He also said he wanted to send one hundred

⁴⁴ James W. Wilson to Zebulon B. Vance, *Vance Papers*, 28 April 1877, NCAH 5555, 143.

⁴⁵ *Salisbury Carolina Watchman*, 22 November 1877, 1.

⁴⁶ James W. Wilson to Zebulon B. Vance, *Vance Papers*, 1 December 1877, NCAH.

workers to Buncombe County. “With this number, I will call for no more, please get them for me.”⁴⁷

Engineering problems and convict labor shortages slowed progress. Prompted by allegations of mismanagement from Wilson’s political enemies, the legislature directed an investigation of the railroad in January 1879 by two legislators and a civil engineer. The investigation exonerated Wilson and the railroad management. The engineer’s report summarized the delays and difficulties caused by various landslides, especially the famous “Mud Cut” slides. After removing 69,000 (of a total of 77,000) cubic yards from an excavation, landslides later deposited a total of 110,000 cubic yards into the area. The engineer also explained the savings gained from the local production of the 18,000 pounds of nitroglycerine, used for the first time in southern engineering projects.⁴⁸

The inspecting team found 604 convicts working six different locations on 1 February 1879. They reported the convicts were “well fed, well clothed, ...have very comfortable quarters; hospitals are well supplied, the sick cared for and physicians attentive.”⁴⁹ The daily diet as described by the overseer at Lick Log quarters consisted of “1/2 pound bacon or beef, 22 ounces of cornbread, 1/3 pound of peas, 1 pound of Irish potatoes, onions, molasses, and coffee morning and night.”⁵⁰

Rebecca Harding Davis, a prominent regional writer, apparently did not appreciate the “very comfortable quarters” mentioned in the committee report. On a visit to the convict quarters during this time, she reported that the inmates “were driven into a

⁴⁷ James W. Wilson to Zebulon B. Vance, *Vance Papers*, 17 December 1877, NCAH 13363.

⁴⁸ Legislative Documents, *Report of the Committee of Investigation on the Western North Carolina Railroad and the Western Insane Asylum*, Document No. 27, 1879, 10-15. Also *Asheville North Carolina Citizen*, “Mud Cut,” 20 March 1879.

⁴⁹ *Ibid.*, 6.

⁵⁰ *Ibid.*, 30.

row of prison cars, where they were tightly boxed for the night, with no possible chance to obtain either air or light.” The conditions in the camps were “squalid and horrifying.”⁵¹

During these troubled times, Wilson reported to Governor Vance that the difficult eight miles (three miles airline distance) from Henry Station to the western portal of the Swannanoa tunnel should be completed in January 1879.⁵² The remaining eighteen miles to Asheville would be finished by mid 1879. He recorded a work force of 350 convicts in 1877, and 500 in 1878, twenty percent of whom were “cooks, wood-cutters, wash-women, and etc.” According to Wilson, convict maintenance cost \$0.30 per day, \$0.07 for food, \$0.10 for guard salaries and support, and the “remainder for clothing, medical attention, and etc.”⁵³ However, food and maintenance reports varied. Penitentiary reports recorded food costs at \$0.10 per day, while W. C. Sandlin, a railroad employee who worked on the road during this period, recalled in an interview in 1932 that:

The standard food was navy beans and corn bread. For Sunday breakfast, there was the luxury of biscuits. Sometimes there was fat pork, cabbage, potatoes, and black-eyed peas. Blackstrap molasses was a treat. Six and one-quarter cents per day was the average allowance to feed a convict.

He also spoke of “several hundred prisoners...about fifty of them were women” arriving to work on the railroad in 1872, when in fact the railroad first contracted for prisoners in 1875 (during that first year, according to state records, sixteen women were sent). Sandlin also recalled that, “these women were a constant source of worry. They could never be

⁵¹ Cary Franklin Poole, *A History of Railroading in North Carolina* (Johnson City, TN: The Overmountain Press, 1995), 6.

⁵² The other tunnels were Burgin, High Ridge, McElroy, Lick Log, and Jarrett’s.

⁵³ Legislative Documents, *Report of Jas. W. Wilson, President of the Western North Carolina Railroad*, Document No. 14, 1879, 1-2.

satisfactorily handled in the camps. They often ran away and paid little attention to the camp rules.”⁵⁴ No female convicts were sent to the railroad camps after 1882.⁵⁵

The two crews working the Swannanoa tunnel met on 11 March 1879. In Asheville, the *North Carolina Citizen* proclaimed, “Hail to the Chief! Hurrah for Major Wilson and the Western North Carolina Railroad. Day-Light through the Tunnel.”⁵⁶ Many years later, reports appeared describing the deaths that same day of twenty convicts and a guard in a sudden cave-in near the western portal of the tunnel.⁵⁷ However, no mention of the accident appears in the biennial Penitentiary Report for 1880, Major Wilson’s reports, or any other noted primary or state document. The 1880 report shows an average of 537 convicts for 1879. Of those, 75 died, 6 were killed, and 35 escaped.⁵⁸ The lack of state or primary documentation of any kind at the time of the alleged accident casts doubt on the accuracy of the recollections of those interviewed.

Wilson’s Mountain Division performed most of the primary construction from Old Fort to the Swannanoa tunnel from 1877 through 1879. During that time, losses for all the contractors working convicts on the road totaled 139 deaths (9.7 percent for the three years, based on the average number of workers per month).⁵⁹

⁵⁴ *Asheville Citizen-Times*, “Andrews Man Has Built Many Miles Of Railroad,” 10 April 1932. Recollections and perceptions of times past tend to take on a life of their own. Sandlin was born in 1867. His memories of the early 1870’s must be suspect or secondary in nature. Dykeman’s passage on this subject comes from this 1932 interview, as does Abrams’ description of the same. Dykeman, *The French Broad* 162. Abrams 37-38. Penitentiary Reports, 1874-1876. Public Laws, *An Act in Relation to the Western North Carolina Railroad*, chap. 150, 1875, 172-176.

⁵⁵ Penitentiary Reports, 1884-1892.

⁵⁶ *Asheville North Carolina Citizen*, “Hail to the Chief!” 13 March 1879.

⁵⁷ Herbert G. Monroe, “Murphy Branch,” *Railroad Magazine* (June 1949), 42. Also Abrams, 44.

⁵⁸ Penitentiary Report 1880, 22. During this time period, the reporting of those killed grouped together accidental deaths and escape attempts. Later reports listed them separately. Neither Monroe’s or Abrams’ secondary accounts are footnoted or referenced.

⁵⁹ Penitentiary Reports 1876-1880.

Construction continued on all phases, especially the eighteen miles from Ridgecrest to Asheville, and rail service to Asheville began on 2 October 1880, nineteen months after opening the Swannanoa tunnel.⁶⁰

Major Wilson later commented on the considerable advantages to the region of finishing the railroad both to Paint Rock and to Murphy, North Carolina. He favored retaining state ownership and management of the railroad to maximize state income from the company, this more than counterbalancing the increased short term state costs in completing the project to connecting lines in Tennessee.⁶¹

However, resources to complete the road meant further burdening the taxpayers of the state. News of rising discontent in the western mountains reached Governor Thomas J. Jarvis in 1879. With a history of large monetary outlay, poor management, fraudulent bond transfers, and slow construction, the state appeared unable to provide the needed east-west transportation link. Facing an important election in 1880, politicians, businessmen, and ordinary citizens felt that the Democrats would be voted out of office unless the Jarvis administration could secure speedy completion of the railroad through a sale to outside capitalist interests. On 19 December 1879, Zebulon Vance wrote from Washington, D.C., enclosing a detailed proposal from W. J. Best of New York to purchase the state's interest in the railroad. He supported the proposal and suggested that the governor call a special session of the legislature to consider the proposal.⁶²

⁶⁰ *Southern News Bulletin*, "Crossing Blue Ridge Great Engineering Feat" (September 1925), 1-2. Also *Asheville Citizen*, 24 September 1925.

⁶¹ Legislative Documents, *Wilson Report*, Document No. 14, 1879, 4-5.

⁶² Z. B. Vance, Robert Brank Vance, and Robert Franklin Armfield to Thomas J. Jarvis, in Thomas J. Jarvis, *The Papers of Thomas Jordan Jarvis*, vol. 1, ed. W. Buck Years (Raleigh: State Department of Archives and History, 1969), 125-126.

The sale of the railroad as a political issue continued to escalate. In January, Robert M. Furman of Buncombe County, the clerk of the state Senate, wrote Governor Jarvis that he estimated the completion of the road to Paint Rock and Murphy would cost over \$3,500,000 and take twenty two years to complete. He predicted the General Assembly would not be willing to tax and appropriate these sums for that length of time. In the plainest terms, he warned that should Jarvis fail to call a special session of the General Assembly to dispose of the problem, the Democrats and Jarvis himself faced defeat in the looming state elections. Neither the eastern section voters, tired of increased taxes, nor the western taxpayers, who wanted speedy completion of the road, felt that the state could successfully continue the project.⁶³

The W. J. Best group agreed to assume the \$850,000 mortgage on the railroad, complete the project to Paint Rock by 1 July 1881, and reach Murphy by 1 January 1885. They also agreed to pay \$550,000 in mortgage bonds to the state and pursue non-discriminatory freight policies within the state. The state agreed to provide 500 convicts to the project until completion.⁶⁴

Governor Jarvis called the special session of the legislature and reported to the Assembly that the railroad was complete to within six miles of Asheville. He explained that Major Wilson's estimates for necessary funds "included \$650,000 to reach Paint Rock and \$5,330,000 over the next thirty years to reach Ducktown." Hearing this, the Assembly sold the project within the next fourteen days and deeded its interest in the

⁶³ Robert McKnight Furman to Thomas J. Jarvis, *Jarvis Papers*, 138-141.

⁶⁴ Public Laws, *An Act to Provide for the Sale of the State's Interest in the Western North Carolina Railroad Company, and for Other Purposes*, chap. 26, 1880, 58-67. Also Thomas J. Jarvis to A. J. de Rossett, D. R. Murchison, and Donald McRae, *Jarvis Papers*, 156-159.

road to the W. J. Best group in April, 1880.⁶⁵ The Best group promptly assigned all their interests in the railroad to the A. S. Buford group of the Richmond Terminal Company, owners of the Richmond and Danville System.⁶⁶ These transfers prevented funding for construction through the summer of 1880, and the severe winter of 1880-81 caused further delays. The Richmond and Danville principles elected a new Board of Directors in April 1881, with Alexander B. Andrews as president.⁶⁷

Problems with its obligation to supply convicts to the new owners continued for the state. Andrews reported delays in construction caused by an insufficient number of convicts, difficult terrain, and poor weather. He requested and received extensions on the agreed time for completion of the construction.⁶⁸

Although penitentiary management consistently reported on the adequacy of the diet given the prisoners, North Carolina newspapers reported an outbreak of scurvy at the Murphy Branch construction camps during the summer of 1881. E. R. Stamps, president of the Penitentiary Board responded in an open letter to the *Raleigh News and Observer* in September. He requested a full investigation of the problem and stated that the penitentiary physician reported the cause was not related to inadequate diet but due to “overcrowding, foul air, and exposure.” Disinfectants and adjustments in the living quarters had “speedily abated” the problem. Stamps, a Raleigh lawyer, personally felt the outbreak should be attributed to the severe weather of the prior winter. His rambling defense in the newspaper included citing preexisting diseases and the destructive

⁶⁵ Legislative Documents, *Message to the General Assembly, March 15, 1880*, Document No. 1, 1880, also in the *Jarvis Papers*, 202-213.

⁶⁶ Public Laws, *An act to amend and act to provide for the sale of the state’s interest in the Western North Carolina Railroad, and for other purposes*, chap. 241, 1883, 396-400.

⁶⁷ *Raleigh News and Observer*, 13 April 1881.

⁶⁸ A. B. Andrews to Thomas J. Jarvis, Z. B. Vance, and J. M. Worth, 30 April 1881, *Jarvis Papers*, 388-392.

lifestyles of the prisoners. He also inexplicably invited comparisons with the mortality figures of black Union army volunteers during the Civil War, stating their death rate from disease was fifty percent higher than that of the convicts on the railroad. Regardless of his digressions, an outbreak of scurvy during the summer when citrus fruit and vegetables were available speaks poorly of the actual diet of the convicts and casts doubt on the accuracy of the penitentiary reports as well as the assertions in Stamps' correspondence concerning the problem.⁶⁹

In spite of the difficulties encountered, the Paint Rock extension connecting with the East Tennessee, Virginia, and Georgia Railroad officially began limited service on 5 April 1882, and the state sent the prisoners to the Murphy Branch construction sites.⁷⁰

In the Penitentiary Report of 1882, Stamps called attention to the high mortality rate on the Western North Carolina Railroad, blaming the higher numbers on the fact that the mountain winters were too rigorous for the "negro race" who are "chiefly from the milder counties of the East."⁷¹ He also discussed the goals of penitence and requested a library, lecture programs, "regular preaching of the Gospel", and "Sunday-school."⁷² Discussions of penitence, reform, and rehabilitation seem irrelevant when total maintenance costs for each convict during this period averaged about \$0.30 per day, equivalent to \$5.25 in today's dollars, a sum not supplying basic subsistence needs, much

⁶⁹ *Raleigh News and Observer*, 29 August 1881, and 3 September 1881, 2. Treating scurvy with citrus fruit and vegetables began in the mid 18th century and was generally known by the 1880's. Of the 178,975 black volunteers in the Union army during the last two years of the Civil War, 36,847 (twenty percent) died, 29,658 (eighty percent of the deaths) from disease. From Frederick H. Dyer, *A Compendium Of The War Of The Rebellion* (Des Moines, IA: The Dyer Publishing Company, 1908), pt. 1. Philip Oliver, *The Civil War CD-ROM* (Carmel, IN: Guild Press of Indiana, 1996).

⁷⁰ *Raleigh News and Observer*, 11 April 1882.

⁷¹ Penitentiary Report 1882, 4. The death rate for that two year period is higher for the Western North Carolina Railroad, 8.7 percent, as compared to the mortality for the Cape Fear and Yadkin Valley Railroad, 4.25 percent, and the central penitentiary, 7.7 percent. However, the overall mortality for the

less reform programs.⁷³ Additionally, these comments in the biennial reports to the General Assembly were in sharp contrast to the attitude of one attendee at the National Prison Association meeting in 1883, who said:

Before the war, we owned the negroes. If a man had a good nigger, he could afford to keep him; if he was sick, get a doctor. He might even put gold plugs in his teeth. But these convicts, we don't own 'em. One dies, get another.⁷⁴

On 30 December 1882, a flatboat carrying forty prisoners across the Tuckaseegee River capsized, drowning nineteen convicts. The state House of Representatives requested an investigation of the accident, the general work practices, and living conditions of the prisoners.⁷⁵ Stamps personally visited the convict camp at the Cowee tunnel (near Sylva) and interviewed sixteen convicts and staff involved in the accident. He found no improper conduct and promptly rendered a report to the governor. He also addressed other sensitive issues, including prison diet, stating again that “the usual ration” consisted of bacon or beef, vegetables, unlimited bread, coffee, and molasses. He noted, “It has been impossible to entirely prevent scorbutic infections...”⁷⁶ Governor Jarvis forwarded Stamps’ report and additional comments of his own to the General Assembly:

We did not wish to make the penitentiary an attractive home or a place of torture. Nor did we wish to make it a place of idleness or of unreasonable labor. Our policy has been to make every convict who was able to work to do

years studied in this project, 1875-1892, shows no statistical difference in the mortality rates for the central penitentiary and the two railroads. See Table 1.

⁷² Ibid., 5.

⁷³ Economic History Services, Available from <http://www.eh.net/ehresources/howmuch/dollarq.php>. Internet, accessed 13 October 2003.

⁷⁴ Matthew J. Mancini, *One Dies, Get Another: Convict Leasing in the American South, 1866-1928* (Columbia: University of South Carolina Press, 1996) 2-3.

⁷⁵ Legislative Documents, *Treatment of Convicts-Response of the Governor and President Board of Directors to House Resolution*, Document No. 16, 1883, 1.

⁷⁶ Ibid., 10.

so; but at the same time, to see that he was well clothed, well fed, and made comfortable.⁷⁷

The guard aboard the boat, Fleet Foster, was pulled ashore by Anderson Drake, a young black prisoner. While Drake saved the guard's life, he also stole his wallet during the rescue and was denied a pardon because of the theft. He received both a whipping and a small reward for his mixed efforts.⁷⁸ Another prisoner, Sam Pickett, saved several men from drowning and was rewarded with a pardon from Governor Jarvis and a gift of \$100.⁷⁹

In 1884, both the president of the Board and the warden called attention to increased mortality rates in the mountain camps as opposed to the "Middle or Eastern portions of the State", where "the death rate is very much lighter." In fact, the mortality rate for these two years in the Western North Carolina Railroad camps was 9.3 percent while the mortality at the Cape Fear and Yadkin Valley Railroad (piedmont region) was 10.5 percent. Additionally, the warden complained that the state had no separate facilities for juvenile offenders and that all the inmates, ages nine through seventy, lived together.⁸⁰

Stamps, in his 1886 report, again reported a high death rate among the prison population. He listed "six prominent causes" for the high death rate:

1) "Proverbially improvident negroes" composing 90 percent of the prison population who have mortality "largely in excess of the white"⁸¹

⁷⁷ Ibid., 3.

⁷⁸ Monroe, 44.

⁷⁹ Olds, 6.

⁸⁰ Penitentiary Report 1884, 14-15, 28, 30.

⁸¹ The official records do not support the racist remarks of the president of the Penitentiary Board. Blacks composed 85 percent of the prison population and their death rates were little different from the death rates of the white inmates. See Table 2. These racist attitudes were a recurring theme not supported by their data. In the 1874 and 1876 Penitentiary Reports the prison physician, William G. Hill, cited excess "mortality among colored convicts," in direct contradistinction to his own report, Penitentiary Report 1874, 60, and Penitentiary Report 1876, 58. See Table 2.

- 2) The eastern negroes have been worked in the harsher “Piedmont and mountainous sections”
- 3) Prisoners as a subset of the general population are “diseased by a life of vicious indulgence” when entering the criminal justice system
- 4) Prior detention in “miserably kept county jails”
- 5) Outside quarters (such as railroad stockades) with crowded conditions and poor hygienic standards
- 6) The dual and overlapping responsibilities of convict management in the North Carolina modification of convict leases⁸²

Contrary to the assertions of Stamps in regard to the dangerous mountain weather, the mortality figures for the two years of the 1886 report showed the mortality for the Western North Carolina Railroad to be 5.4 percent while the Cape Fear Railroad had 10.4 percent mortality.⁸³ Among other matters, he recommended a juvenile “house of correction,” noting that the penitentiary managed 352 persons fifteen to twenty years of age and 46 prisoners aged eight to fifteen years.⁸⁴ In a separate section of the report, the warden expressed dissatisfaction with the modified convict lease system, saying, “Our mixed systems can never give satisfaction to the prison authorities or the public.” He recommended a change to the public account or piece-price system.⁸⁵ He also called attention to the prisoners age twenty years and younger, saying that placing these young people with older hardened criminals had “unavoidable consequences.”⁸⁶

The report failed to mention the particularly harsh winter of 1885. One camp foreman recalled later that the destructive spring flooding following the heavy snow pack

⁸² Penitentiary Report 1886, 6.

⁸³ Ibid., 25-27.

⁸⁴ Ibid., 8.

⁸⁵ Ibid., 18. In the public account system, prison labor production is entirely under state supervision with no profit to individual contractors. In the piece-price model, a contractor furnishes raw material to the state and purchases a finished product made by prison labor entirely under state supervision. From U. S. Bureau of Labor, *Second Annual Report of the Commissioner of Labor, 1886. Convict Labor* (Washington: Government Printing Office, 1887), 379-380.

⁸⁶ Ibid., 19.

of the winter isolated 150 men in quarters above the Nantahala gorge. Nineteen men died in the camp before supplies arrived from Andrews.⁸⁷

In 1888, Stamps reported a considerably reduced mortality for the prison system, due to better medical care, improved diet and quarters, and more consistent supervision by penitentiary authorities rather than railroad overseers. He then immediately called attention to a “greatly increased death rate over what it would have been, by sporadic epidemics...” He recommended that convicts exposed to infectious diseases not be sent to the penitentiary.⁸⁸

Stamps further noted that the railroad contract work would be completed in the near future, and the state would need to plan for other means of support and maintenance for the prison population. He predicted a “grave situation” might arise if no employment was found for the inmates, and no additional quarters were built at the penitentiary. He thought the purchase of convict farms for prison support and convict labor seemed necessary.⁸⁹ Tables for that period showed mortality at the central penitentiary of 5.8 percent, the Western North Carolina Railroad 4.2 percent, and the Cape Fear Railroad 2.4 percent.⁹⁰

Convict leasing for railroad construction declined rapidly in the next three years. In 1889, the prison sent only eighteen inmates to the Western North Carolina Railroad (of a total of 1092 in the whole prison system) and twenty in 1890.⁹¹

The first work crew entering the Murphy terminus arrived in June 1891. The town celebrated by preparing a barbecue banquet for the railroad workers. At the celebration,

⁸⁷ Monroe, 49.

⁸⁸ Penitentiary Report 1888, 6.

⁸⁹ *Ibid.*, 7-8.

⁹⁰ *Ibid.*, 27-29.

the large number of townspeople present ate most of the food, fights erupted, and the convict crews were turned away, to return to their camps hungry and frustrated.⁹² On 6 December 1891, the convict crews completing final work on the Murphy Branch were transferred to the prison farms.⁹³ By the end of the reporting period in 1892, the total prison population worked on five farms and one canal.⁹⁴

The era of convicts building railroads was over. However, long before inmates laid the final rails, investigators reported that the new criminal justice systems based on “locus penitentiae” had in fact become places of work, pain, disease, and death. George W. Cable stated that the death rate in North Carolina for the convicts working on railroad construction during 1879-80 was:

Nearly eleven and a half percent, and therefore greater than the year’s death-rate in New Orleans in 1853, the year of the Great Epidemic... The number of deaths inside the walls (of the penitentiary), amounted, in 1880, to just the number of those in the prisons of Auburn and Sing Sing in a population *eight times as large*...ten elevenths of the deaths for 1879 and 1880 were from lingering diseases, principally consumption.⁹⁵

Cable also noted, “In the two years 1879-80 there were turned into this penitentiary at Raleigh 234 youths under twenty years of age, not one of whom was under sentence for less than twelve months.”⁹⁶

During the seventeen years of this study, forty six percent of the people entering the new penitentiary system were sent for varying periods to the Western North Carolina Railroad. Twelve percent of these individuals died while there.⁹⁷

⁹¹ Penitentiary Report 1890, 25-26.

⁹² Monroe, 51.

⁹³ Penitentiary Report 1892, 42.

⁹⁴ *Ibid.*, 13.

⁹⁵ Cable, *The Silent South*, 143-144. Death rates were actually much less. See Table 1. Yellow fever claimed 8-10,000 lives in New Orleans (population 150,000) in the summer of 1853. “Auburn” and “Sing Sing” refer to prisons in New York State.

⁹⁶ *Ibid.*, 145.

Noble intentions to create reform in criminal justice established an institution with tragic flaws and disastrous results, even while performing a useful service for society and the institution itself. The combination of sudden emancipation of almost four million slaves, post war financial destitution in the South, the need for structural improvements, and the ideology of the “Lost Cause” of southern culture created a crisis that would have challenged the most heroic response from any nation. However, contractors leasing the convicts focused exclusively on productivity, not reform. Funding at subsistence levels resulting in inadequate diet and living conditions increased morbidity and mortality and precluded educational and training programs. Placing the very young with older felons proved antithetical to rehabilitation.

The study of these social and political movements allows historians to show not only relevance to present structures in society and give perspective to our current conditions, but also to teach important lessons in the paradox, irony, and duality of nature. Failure to learn from the study of these movements and their untended consequences can lead to a destructive repetition of tragedy as well as the solidification of the structures themselves, thus making modification and change more difficult with time.

⁹⁷ Penitentiary Reports, 1874-1892.

Table 1.

Percent mortality based on number of deaths per average number of convicts per month at the central prison, the Western North Carolina Railroad (mountain climate) and the Cape Fear and Yadkin Valley Railroad (milder piedmont climate)⁹⁸

	Penitentiary	WNCRR	CFYVRR
1877	7.6	8.5	
1878	6.5	6.7	
1879	7.6	14.0	2.2
1880	13.5	6.7	5.0
1881	11.0	8.0	7.7
1882	4.4	9.4	1.8
1883	5.8	8.6	12.0
1884	6.2	10.0	9.0
1885	7.3	4.6	12.1
1886	6.4	6.2	9.1
1887	6.6	2.7	3.4
1888	5.0	5.7	1.3
1889	11.9	5.4	
1890	12.2	6.5	
1891	6.7	4.0	
1892	10.3		
Average*	8.0	7.13	6.09
range	4.4-13.5	2.7-14.0	1.3-12.1

*Using two-tail t-test, averages are not statistically different at 95% confidence level

⁹⁸ Penitentiary Reports, 1877-1892.

Table 2.

Percentage of African American (AA) prisoners in the Central Penitentiary (Pen) and the Western North Carolina Railroad (WNC) for the years recorded and the percentage of African American (AA) deaths at the Central Penitentiary.⁹⁹

Year	Place	Total Prisoners	AA prisoners	% AA deaths
1874	Penitentiary (Pen)	455	384 (84%)	81
1875	Pen	647	570 (88%)	88
1876	Pen	794	703 (89%)	93
1877	Pen	309	0-unknown	
1877	WNC	430	0-unknown	
1878	Pen	365	295 (81%)	
1878	WNC	558	523 (94%)	
1879	Pen	285	0-unknown	
1879	WNC	463	0-unknown	
1880	Pen	301	252 (84%)	
1880	WNC	357	324 (91%)	
1881	Pen	357	296 (83%)	
1881	WNC	485	429 (88%)	
1882	Pen	412	332 (81%)	
1882	WNC	478	436 (91%)	
1883	Pen	389	318 (82%)	
1883	WNC	484	451 (93%)	
1884	Pen	409	335 (82%)	
1884	WNC	412	381 (92%)	
1885	Pen	375	290 (77%)	
1885	WNC	343	323 (94%)	
1886	Pen	393	297 (75%)	
1886	WNC	315	289 (92%)	96%
1887	Pen	307	231 (75%)	
1887	WNC	282	254 (90%)	
1888	Pen	362	283 (78%)	
1888	WNC	354	311 (88%)	
1889	Pen	234	164 (70%)	
1889	WNC	305	270 (89%)	
1890	Pen	173	104 (60%)	84%
1890	WNC	215	191 (89%)	
1891	Pen	196	135 (69%)	
1891	WNC	79	68 (86%)	
1892	Pen	116	75 (65%)	
Total		12439 (10952)	9314 (85%)	88.4%

⁹⁹ Penitentiary Reports, 1874-1892.

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