

Barnett v. Cliffside Mills Testimony

February 1914

The witnesses are presented in this document in the order they appeared at trial. If you wish to read their testimony out of order, use the Bookmarks at the left.

Several of the witnesses are men whose names are prominent in the history of Cliffside: W. L. Packard, G. K. Moore, R. B. Watkins and W. E. Hames, in particular.

There were several character witnesses not included here who testified briefly—and positively—about the defendant and his father.

Some witnesses are identified only by their last names, including a Mr. Moore. From his self-description he is obviously G. K. Moore, so we have identified him by his full name.

It's interesting to hear these voices from a century ago reveal a world so different than ours, in the way they lived, talked and thought.

The court proceeding was retyped from the official document by Bud and Jeri Crow.

TIMMONS BARNETT

My name is Timmons Barnett. I live at Shelby. I am eighteen years old; birthday 7th June. In the fall of 1907 I lived at Cliffside, N. C. I was eleven years old then and was living with my papa and mama. They are here now. They were then living at Cliffside. In November, along about that time, one of my eyes was put plum out and the other one affected so I could hardly see out of it. It was put out with a dynamite cap which I got in front of the postoffice at Cliffside, at a well. Mama had sent me for the mail from the postoffice, and I seen some little boys and girls playing over the other side. There were some plank in the well. Some of them were standing looking into it. There were a few plank over the well.

Nobody was working at the well at that time. I looked into the well, and there was a box sitting there and some dynamite caps lying down there. That is what they said it was. I picked up one and took it home with me. Two or three were on the ground, brass looking sorter like cartridge hulls. I thought it was an electric wire about six inches long in it. I had never seen a dynamite cap before. I did not know what it was. Where I found the cap is a public place fifteen to twenty steps from the post-office and about one hundred yards from the cotton mills and about the same distance from the coal Shute [chute]. About, that time I think there were seven or eight hundred hands working in the mill. There was a path five to ten steps of the well. The mill hands traveled it back and forth to the mill. This mill was on the premises of the Cliffside Mills.

I carried the dynamite cap home and took it out to where we had been playing, about forty steps from the house. I exploded it with a hammer, and it put my eye out. The right eye went plumb out; have not been able to see out of it a bit since. The other eye was hurt. I did not know what it was when it exploded. I do not know what I did after it exploded. When I came to myself I was in the house. I suffered pain. Dr. Hanes [Haynes] got out two pieces of dynamite cap and said he thought there was another piece in there. Dr. Whisnant of Charlotte treated my eye also. I do not see as well out of my left eye as I did three years ago; it has been getting worse all along. I had Dr. Wilson to look at my eye recently. It is not as good as it was three months ago. For the last six months I have worked only a day or two at a time; can not see to do anything. I can not read or write; got my eye put out and did not get to go to school; if I look at print for a few minutes now it all runs together. Once and a while along the eye takes spells and hurts all the time. I told my father and mother I got the dynamite cap in front of the postoffice at that well. There was no fence around the well. I saw boys and girls playing around that well several times. The place where this well was at had at one time been a playground for the children going to school. I have never been in trouble of any sort. I have been a witness before.

CROSS-EXAMINATION Timmons Barnett:

At the time of the accident my father had been living at Cliffside for three weeks. Staying at Mr. Green's and buying our own rations. Mr. Green lived up on Main street in Cliffside, about as far from the postoffice as from here to the Southern depot. My father was in the employ of the Cliffside Mills at that time. He was working for Mr. Tucker that day. I am not sure that he had been working for the mill when back there for that three weeks. On that day he was working for Mr. J. W. Tucker, a house carpenter. We were not living in one of the company houses, but were staying with Mr. Green until arrangements were made to move there.

I went to the postoffice on that morning between 9 and 10. The postoffice was then situated right where it is now, on the lefthand side of the street down from where we lived. It was a brick building. It was on a public street. The well was right out across the street from the postoffice. I do not know how wide the street is. The well is up on the bank a little from the street—just a few steps to the end of the house, the end of the Super's house, twelve or thirteen feet from the street. The well is kinder in the edge of the Super's yard. The house had not been completed at that time. I do not think the well had been finished. There was no one working there that day. I found the dynamite cap about two steps from the edge of the well at the side of the box where they had been drawing water out of the well. It was close to that box, lying on the ground. I picked it up and carried it home. I went to the door and told mama there was no mail and went on out where the rest of them were playing. I went about forty steps to the back of the house. John Noah Green was with me. The hammer was out there where we had been playing with it. I took the hammer and busted it. I did not know what it was. I laid it on a rock and took the hammer and hit it and it exploded. I did not hit it to make it explode; I did not know what it was; I tried to pull it off, the fuse, but could not. I did not know it would bust. I was just beating it off, the wire. The hammer was lying right there at the side of a pine tree where we had been making a wagon. I hit it twice and when I hit it the second time it exploded. John Noah Green was present when it exploded. He is a first cousin of mine. He was nine or ten years old at that time. There was no one else right there then, He was standing right over me and a few rocks hit him on the breast. He was not hurt much.

We stayed at Cliffside three to four months after that and then went to Henrietta and stayed there about three months, and then went to Caroleen and stayed there two or three years, and then moved to Shelby. Lived here seven or eight months and moved back to Caroleen and stayed a little over a year and then came back here. We have been here about one year now. I was eleven years old when this accident happened. I had been to school about two sessions. I did not go to school because I worked in the mill. I did not learn to read or write. My father can not read and write and my mother can some. Nothing wrong with my father's eyesight. He is about forty years old. I do not remember any suit being brought for me at Rutherfordton. He did not bring suit for me; he brought one for himself. I went to the trial at Rutherfordton. I do not remember when that was. Since living in Shelby I have worked in the Ella and Shelby mills some, and get one dollar a day. I did sweeping at Ella Mill. That did not require good eyesight. If it was not for stooping down and hurting my eyes, could do any of that work that does not require good eyesight. I have worked about two months in the mill here at Shelby. I have worked some at the transformer house and have painted some. I get \$1.25 a day for painting. I can not do any fine painting at all; have not had a great deal of experience in painting.

I do not wear the bandage around my head all the time. I wear it when my eye hurts. Have had it on now nearly three weeks. I do not wear it every day. I wore it while at work at Shelby Mill about four months ago. I would wear it until my eye quit hurting, and then take it off. I wore it three days during the month I was at Shelby Mill. I do not remember how many times I wore it while at Ella Mill. I did not wear it during the time I painted. Yes, I was out in the sun then. I wore it at Caroleen a right smart. I worked for Geo. Rollins; he was boss weaver. I did not have trouble with my teacher at school and have to stop school. I did not draw a knife on the teacher at Cliffside. The trustees did not have to take such a matter up and stop me from school, nor Mr. Humphreys, either.

I told my father and mother I got the dynamite cap at the well opposite the postoffice, and I told the lawyers at Rutherfordton the same thing. It was right near the box where the rock had been pulled out of the well. At Caroleen I did sweeping at the mill and got one dollar a day. I did not work at Henrietta. I

worked at Cliffside and got seventy-five cents per day; later I got one dollar a day for my work. Before the injury I got fifty cents a day at Cliffside, when I was smaller. I know Twit Humphreys. I remember a tool box that sat down at Cliffside Railroad. I remember a box that sat there; I did not see inside of it. I do not know how far it was from Mr. Green's; was hardly ever down there. I do not recall being down at that box when T. Humphreys passed by. I never stopped at that box. I was there about the time of the accident or the day before. I did not knock a knot hole through the door of the box nor taking a pick and prizing the hinges off that box. I did not get a dynamite cap out of that box. I never saw one on the railroad when I stayed there. If I ever saw one I did not remember it. I did not know a dynamite cap. I do not know J. L. Cooper. I do not know Fate Cooper. I did not tell a man that I found this dynamite cap on Cliffside Railroad.

I know Claud Atkins [Atknsn]. I did not have a conversation with him about the time the accident happened. I did not tell him where I got it. I do not know as I ever spoke to him after I got my eye put out. I did not show him a dynamite cap the day before my eye was put out, and I did not see him afterwards and tell him it was that same cap that put out my eye. I did not have any such conversation with him.

There was a well pretty close to where Mr. Green lived. There was a house between us and the well. The well was about fifty yards away, I expect. This well was used by different houses. I did not get the dynamite cap at that well; I am certain about that. I did not tell anybody I got it there.

TIMMONS BARNETT, Witness, recalled:

I never told Charles [Claud] Atkins [Atkinson] I got the dynamite cap out of tool box, and I did not tell Twit Humphreys that. John Noah Green and I were never at that box trying to break into it. I never told anybody I got this dynamite cap anywhere but at the Packard well. That is where I got it. My right eye is inflamed now. I did not take the bandage off last night. I can not see good out of the other eye.

CROSS-EXAMINATION, Timmons Barnett:

I went to the show but did not have the bandage off. I took it off when I went to bed.

J. H. LIVERETTE

I live in Rutherford County, fifteen miles from Cliffside. I remember when Timmons Barnett got his eye hurt at Cliffside. I was working at the well there some of the time. I think they had been blasting at the well at the Super's house, Mr. Packard. I do not know whether we were blasting anywhere else on the premises at that time or not. I was helping at the windlass. Kelly Moore, who works for the company, had me employed. He is outside boss, I think. The company paid me. I reckon there had been some blasting done about that time. I did not have anything to do with the blasting. Same was done while I was at work on the well. They used dynamite and caps and powder to do the blasting. I never saw any dynamite caps lying around there loose; they kept them in a small box and kept it sitting under the floor like. This well was right close to the house. The house had not been finished. Would always set the box back under the porch, two or three steps from porch to the well; box sorter under the porch floor. I do not remember whether the box was covered or not; I do not remember whether it had a lid to it or not; box was about one and one-half feet square. I think that is the well Timmons Barnett testified to down by the postoffice. Those dynamite caps we had there looked something like cartridge hulls; little long caps. There was near the well a little pathway or walkway from on the opposite side or back of the house, a little pathway down to the railroad where you go down there after water. We worked there on that well a good while, some of the time we could not work on it; it had bad air in it. When we were not at work on it, we would cover it up. I have seen children playing about there. The well was about fifty yards from the company store, and it was further than one hundred yards to the main entrance of the mill. It was on the opposite side of Mr. Packard's house. It was about the center of the town, no house close to this; other houses down below the railroad like. It is about twenty-five yards from the public road and about twenty-five yards further than that, to the company store. There was no fence around where the well was being dug. We did put up some posts, but I do not know at that time whether we had put up fence.

CROSS-EXAMINATION J. H. Liverette:

It has been several years ago that we were doing this work as well as I remember it was somewhere along about June or July, but I do not remember the year; five or six years ago. I was not living there at that time. I was living on Mr. 's place, right close. I lived there four or five years after working on this well. I had been there a year or two before going to work there; then I went to Cliffside and lived there three months and then went to Henrietta and stayed two or three months, and then moved back up on Broad River and have stayed there about three years in September. The well we were working on was close to the company store at the Super's house, on the opposite side from the front yard, at the back side from the postoffice. As well as I remember, it was twenty-five to thirty steps from the street running between the postoffice and the Packard house. The well was not done at that time. I was helping at the windlass. I did not stay until they finished the well. My uncle worked some in the well. There was some blasting done while I was there. I think my uncle did some and a darkey did some. It was in the summer time. They kept the dynamite caps in a box. I do not know whether they were carried back to the magazine at night or not. I never saw any lying around. It was the custom at Cliffside to be careful with explosives, mighty careful. I never saw one lying around on the ground while I worked at Cliffside.

G. F. SISK

I live at Caroleen. I remember the time Timmons Barnett got hurt. In 1907 when he was hurt. I was living at Cliffside. I know where the Packard well is located. I heard blasting there. I did not see any dynamite caps lying around there, but saw some in a box. They were working there. The box was there, and I looked at them and said, "I reckon that is what they bust them rocks with," and he said yes, and I said I would not know how to begin it. Looked like sort of fuse with little tin cap on it. Not many of them. Did not notice it much. That cap was off a little piece, sorter under the edge where had laid the plank off the well to go down to work, two to four feet from the well. I do not know that I ever noticed about children playing there; I did not have much business out there. This was up a little hill. Postoffice over from it.

Cliffside was a good-sized village. There was one store, all the people traded there. Store was about two hundred yards from the well. Children worked in the mill then. I do not think there was any fence around the well then; fixed up one later. They were building this Packard house and hauling lumber in and digging the well. No one living in the house. Mr. Packard moved up in an old house and said he would finish that one up. They started the well along about roasting-ear time. I do not remember what time it was finished; it was pretty near seven years ago. Me and J. P. Burgess (?) went to this well place. The men were there at work when I saw the caps. I did not see any anywhere except in box. There were men working on the house at that time. It was day time when I saw the caps. There were no children about then. It was close to the road. It was a private well for the Packard house, up a hill from the street. The street came around and there was a bank and it was up a hill sorter, maybe ten or twelve steps up on the bank, thirty to thirty-five feet, maybe more, about two hundred yards from the store and pretty near same distance to the mill. Warehouse is between the mill and the store. I never noticed much about whether children played around there while this blasting and work was going on. I never worked any there, and they never said anything to me about their dynamite caps. There was only one time that I noticed dynamite caps, the only and all the time.

DR. H. D. WILSON

I am an optician. I refract the eyes. I have been in this business for fifteen years. I have given the eye study, but I would not call myself an expert. I prescribe glasses. Timmons Barnett came to see me some time ago. I did not examine his eye in particular. I looked at them and asked questions. I made no examination except with my eyes; did not take him to a dark room.

Q. Did you form any opinion from looking at his eyes?

A. Yes, sir.

Q. Did you reach a conclusion as result of your examination of the eye or from what he told you? A. From what he told me; I just took his word for it. It seemed that the right eye was blind. I could not tell as to the left eye, whether it was impaired, except what he said. He said he was blind in his right eye and had a defect in the left, and I told him that was not a case for me but a case for the oculist. When the vision of one eye is lost, I think the other eye would probably be affected. The two nerves come together after they get back of the eye; that is what the Op. journals tell us.

CROSS-EXAMINATION Dr. Wilson:

The information I had Timmons Barnett gave me. He came to me six weeks ago; since this suit was instituted, I suppose.

REDIRECT, Dr. Wilson:

The right eye looked like a blind eye; was not inflamed or red. He did not have bandage on when I examined it.

RECROSS-EXAMINATION, Dr. Wilson:

He did not say for what purpose he came to me. He did not say anything about wanting me as a witness.

CHARLEY GARDNER

I was living at Cliffside in the fall of 1907. I remember hearing them talk about Timmons Barnett getting hurt. I never saw him. It was in November, I think, of 1907. I was working in the dye house at Cliffside Mills. I do not work there now. I remember the well at the Packard house being started; I think they were working on this well in the fall of 1907. I saw some dynamite caps there in a box one day; had fuse in them, close to the well. As well as I remember, that was before this boy was hurt; I remember afterward hearing about his being hurt. They were in a small box, about two feet; it was not covered when I saw the box, and was about four or five feet from the well. The well was about fifty yards from the company store, about thirty-five to forty yards from the northern entrance to the Cliffside Mill. This well was very near the central part of the village. Just one store over in town, one at Fairview, about half a mile away. The public generally traded at that store. There were from seven to eight hundred people employed in the cotton mill at that time. There was no fence or anything around the well when I passed there. There were children playing close there when I passed that day. I never was at the well but once; that was somewhere in the time of a week before the boy was hurt. I heard some blasting, and there had been blasting there. There had been blasting at a lot of other places.

CROSS-EXAMINATION Charley Gardner:

This accident happened sometime in November. I came right by the path to the well from the railroad up toward the postoffice and store. There was not any board fence around it at that time. I did not count the caps; I did not touch them; they were in a box two feet long. There was nobody at the top of the well; and I do not think there was anybody down in the well. It was between dinner and night. I had been up to Caroleen. I was working in the dye house. I left Cliffside some time along towards the first of January after this happened. I moved to Caroleen and lived there about two years and went to Blacksburg and stayed about three months. I ran a restaurant there. Then I went, back to Cliffside and stayed a couple of months and went to Caroleen for seven or eight months.

ED WOOD

I live at No. 8 Township, Cleveland County. In the fall of 1907 I lived in Rutherford County, one and one-half miles from Cliffside. My business carried me to Cliffside often. I heard about Timmons Barnett getting hurt. I had been to Cliffside before he was hurt after my mail, and I traded there. I knew the Packard well. I had seen the well before Timmons Barnett got his eye put out. I had seen it sometime during that year. They had been blasting at the well when I was along there. I saw some dynamite there, but I won't be certain I saw any caps. The dynamite was in a box uncovered, three to four feet from the well. The well is about fifty yards from the store. I went to the well to see Doc Pack. He was not there that day. I do not think the Packard house was done then. I could not say how much dynamite was there. It was in a wood box one and one-half feet long. There was a man at work there. I went out to see Dock Pack.

CROSS-EXAMINATION Ed Wood.

All I know is, I went there where they were digging a well and blasting, and they had some dynamite in a box there.

ED WOOD, witness, allowed to make change in his testimony:

Some one said I swore it was dynamite. It was a cap; that is what I guaranteed to say. It was at Mr. Packard's well. No fence around the well.

CROSS-EXAMINATION, Edw. Wood:

I was around there off and on in the fall of 1907. I stated that there was not any fence up there when Timmons Barnett got hurt.

W. L. PACKARD

I live at Cliffside, Rutherford County. I have a home at Shelby, also. I am superintendent of the mill at Cliffside. My family stay [stays] here in the summer and at Cliffside in the winter. I have been superintendent for seven years. I took charge the 1st April, 1907. I am familiar with the Packard house spoken of I went into it the last of July or 1st August, 1907. At the time I moved there the well had been dug; the windlass was not finished and the back porch was not finished. The blasting was finished about the time I went down there. The yard was enclosed when I moved there. I had some fine Plymouth Rock chickens and had them enclosed in the yard. When I moved there the well was enclosed by plank fence five feet high all the way around back and connects with the house. In November, 1907, the well was fenced and enclosed and the well finished. The fence is of solid plank. I am positive that fence was there in November, 1907. I had occupied the house since the last of July or first of August, 1907. I had occasion to be around the well all the time they were working on it, off and on. I used water from that well. No children played around that well. Mr. Jolly, who had one little girl, moved next to me later. After I moved there I got water from the well at the store and across the railroad for a few days before the top was put on the well; it was all finished up a few days after we moved there. I did not observe any dynamite caps around there. I was around the well every day while they were working. I was anxious for them to get it done. It was right in my back porch. I never saw any dynamite caps around there. The well was on the back porch and the porch extended round the house and all were under one cover.

I have known Timmons Barnett since a short time after I went to Cliffside. I do not remember whether Mr. Barnett was there when I moved or not; if not, he came shortly afterwards. I know what the people generally said about Timmons Barnett. His reputation was bad there. I remember the time suit was brought at Rutherford. The boy was not put on the witness stand to my recollection.

CROSS-EXAMINATION W. L. Packard:

They did not have a trial at Rutherfordton; no one was put on the witness stand. Butler Justice took a nonsuit and no trial was had of it.

They did blast in this well. They claimed the air was bad and they blasted awhile and quit, and then old man Pack he blasted awhile and quit and went off and got a white man; can not remember his name; He blasted awhile; they worked at it piece-meal. They worked regular; then would get tired or sick. I paid no attention to it when they were not working. I was wanting them to finish it. When I moved they had finished digging and were curbing it and putting on the top. The well was seventy-five to eighty feet from the company store. I was superintendent of the mill then. Timmons Barnett worked in the mill a little with his father. I had no trouble with him because I did not come in contact with him; the overseer of the weave room managed him. He was a young boy then. I remember the time when he got his eye hurt. I do not think they used dynamite caps in my well; they used electric exploders; used powder; I won't be positive they did not use caps, but almost positive.

REDIRECT W. L. Packard:

They had left there in the early fall, about October, and came back along about the first of November, and during their visit this boy got hurt. Neither of them were [was] working for the company then.

RECROSS-EXAMINATION W. L. Packard:

I give out the houses. Mr. Barnett went to work after Timmons Barnett was injured. Mrs. Barnett asked me to let her husband work until they could move the boy, and I agreed for that and he went to work November 15th. At that time I suppose there were five or six hundred hands at work. Fifteen hundred people in the village, I suppose.

G. K. MOORE

I live at Cliffside; am employed by the Cliffside Mills. I remember about the time Mr. Packard's well was dug. The well was dug and finished before November, 1907; it was completed, wall, shelter and all, by the first day of September. The well was enclosed before the house was finished inside; the outside of the house was not finished. The back yard fence was commenced in June and finished in July. Fence five feet ten inches high at least. Plank sixteen feet long-and made three pieces, and the base plank at the bottom ten inches, and it was a blind fence and commenced from a little to the back of the house and out and around and back to the house again; takes in a little of the back of the house. The front is enclosed by a hedge. Two gates to this fence; one fronting the store on the back side; one fronting Mr. Jolly's house. He got water there for some time. Those gates are kept closed.

The dynamite at Cliffside is in my charge. I have charge of the magazine. The key stays in Mr. Haynes' office. I deliver what they want at a certain shot. They tell me how many holes they want and the depth and how many dynamite and caps and exploders and the amount of powder, and I give them enough for that, and if they have any left, they are requested to bring it back to me and I put it back in the magazine. In my absence Mr. Watkins attends to that.

In Mr. Packard's well, I think the first shot they made they used caps, and they claimed one did not go off. I gave them three dynamites and three caps the first shot that was made. They shot part of them. Two of them went off and they bored out the other one. That cap was taken back to the magazine; the powder was in the dirt. Then they used exploders in the Packard well after that. An exploder; it is a dynamite cap; there is a wire that runs from the battery to these three wires and cap on the end of each of these that goes into the dynamite and into the hole and when you connect them you pull the battery and they all shoot at once. It is done by electricity. There would be no caps after it had exploded.

I have been working at Cliffside fourteen years; I was the first man that went there. My duties carry me in the mill, the store, the office, railroad and all. Where work is going on I visit it three or four times a day, if I am able to get around. I look over the premises when the work is completed; that is part of my duty, to look after what is wasted or left and take any dynamite caps lying around there. I observe to see what is left. We moved all of the dirt. It covered the ground from the house back for twenty feet. Part of that dirt was put in front of the _____ building above the railroad and raised the road leading towards the bridge at the river, and part in front of the old company store.

CROSS-EXAMINATION Moore:

I am outside man.

Q. And it was your duty to go about after the carpenters and workmen and take up the lumber and dynamite caps?

A. I have it done.

I do not know that I ever picked up any dynamite caps or dynamite or anything. It was my duty to look after that.

Q. Didn't you testify that it was your duty to pick up lumber and dynamite and dynamite caps, or have it done?

A. I said if it was necessary to pick up dynamite caps.

In the fourteen years I have been there I have seen one piece of dynamite lying up at the railroad cut, one and one-fourth miles above there. I left it there. I mashed it with my foot; it was just like dirt. I do not know that I complained to a negro of his leaving dynamite in a house two or three days. I will not swear positively about that. There was a right smart of blasting done there about seven years ago. Of course I have a lot to do and cannot remember everything that happens. I had not forgotten that the boy got hurt.

We do not have to blast all the wells. Did not blast but about four. There are on the premises anywhere from six to fifteen wells; several bored wells; bored through dirt and rock. We blasted eight wells, I would say, two since 1907, P____ and Hawkins' Livery Stable. We blasted Packard's well in 1907. We blasted at the wheel pit, but am not positive whether this was before or after 1907, but I believe it was before that.

The magazine is about three hundred yards from the Packard well; it is a plank house about eight by twelve. In 1907 we had just a box or two of dynamite in there; would get about one hundred caps at a time. Did not let them have a box at a time to work with unless had an empty box. Sometimes we would get out. Dynamite is not as dangerous as the caps. Thirty pounds pressure is what it takes to explode a dynamite cap. I would give them fuse with the caps. I gave them three sticks and three caps to blast in the Packard well—six feet of fuse; I remember that well. I was not there when they made the shot. I heard the explosion, two, I think. I do not remember the time of the day or the day of the month.

We did not commence the Hawkins well until after the Packard well was done. We had electric shots along toward the last. The cap was attached then. Nitro-glycerin is what furnishes the power. If the wire was in the cap it could not be easily pulled loose. I brought this wire with me. I did not bring cap with me; I did not want to put it in my pocket. It takes a jar to burst it. I let them have three caps for the Packard well, and I heard two explosions. They came to me and complained about one shot not going off; bored it out and brought me the cap and fuse. I know some Duncans, but I have never heard of negroes leaving dynamite at the Duncan house and my getting after them. I do not know of the negroes leaving dynamite anywhere, to my personal knowledge. I believe I will swear that there was never any dynamite, caps or powder given out there that was not accounted for or returned; never was any lost that I know of. I can do it in this way; they would come to me and ask for the stuff to shoot so many holes, and I would give them the dynamite and caps or exploders to do that much, and when they would come back again I would ask them if they had used it all and if they had any left.

Mr. Liverette worked at the Packard well. I know him. I do not know that I know his general character. I have known him ten years. I know Ben. I do not know as I ever heard anything against him specially; never came in contact with him much.

REDIRECT, Moore:

The dynamite cap handed me is the kind used with fuse. The exploder is crimped into the fuse; you could hardly pull the fuse out unless you pulled it in two. I cannot say that I personally know Timmons Barnett. I knew him when I saw him at Cliffside. I know what they all said of him, that it was bad. I have seen Charley Gardner. I do not know that I know his general character; I never knew anything good of him.

RE-CROSS-EXAMINATION Moore:

I said they said Timmons Barnett's character was bad. The people said he was a bad boy. Nobody ever indicted him at Cliffside. I have two boys; I expect I have said they were bad myself; yes, they are bad; they would not be boys if they were not.

W. E. HAMES

I know Charley Gardner and have for eight or ten years. I know people say his character is bad. I know Timmons Barnett; people say he—that he is bad.

CROSS-EXAMINATION W. E. Hanes [Hames]:

I do not know whether he knew my general character or not. I have heard people say bad things about me. I am not as bad as some. I work at Cliffside in a photograph gallery. I pay them rent for it. I suppose they subpoenaed me as a witness. Mr. Charley Hanes [Haynes] asked me about Charley Gardner's character, and I told him. I told them what I heard as to Timmons Barnett's character. I have heard he was bad to fight and throw rocks. I have boys. They fight sometimes and throw rocks. I do not think Timmons was ever indicted for throwing rocks.

REDIRECT, W. E. Hanes [Hames]:

I am not employed by the Cliffside Mill; I pay them rent. I am in business for myself.

J. P. TOMS

I live in Shelby and work at Lily Mill. I have known Charley Gardner for six years. I do not know that I know his general character. I know he has always been a mighty worthless fellow about working, but as to his character further than that I can not say.

CROSS-EXAMINATION, J. P. Toms:

I do not know about his character as to telling the truth. Lots of folks do not work. I know your friend Hatcher Webb; he does not work, but I would not say he is a man of bad character,

R. B. WATKINS

I live at Cliffside and work there. I am cotton buyer and sorter help Mr. Moore. When he is away I have charge of the magazine. We sometimes sell to the people in the country around. The key is kept in Mr. Hanes' [Haynes] office, and I get' it, and when through with it take it back. I ask employees how many holes they have, and I deliver to them the amount for that many holes.

I remember when Timmons Barnett was hurt. I saw the fuse; it was new fuse; light, white looking; I examined it myself and on the inside was perfectly new powder; never been wet. I examined the one the boy had fifteen minutes or half an hour after the accident at the back of Mr. Green's house on the same day. If it had been out in the weather the white stuff would come off and the powder on the inside would run together. I guess the cap was blown to pieces; I did not see that. Dynamite and caps were given only to experienced men, the one who was doing the blasting. I was engaged in outside work. I recollect the well at the Packard house.

Mr. Packard moved there the last of July. I remember the time itself. The well and yard was enclosed before he moved; some time before he moved. I helped dig the holes and looked after part of it myself. I have known Charley Gardner for several years. I know his general reputation; it is bad. I knew Timmons Barnett before this occurred: I have not known him since he left Cliffside, Rutherfordton. I sorter kept trace of him until 1909, until after the trial in Rutherfordton. Up to that time his reputation was bad. I have lived at Cliffside ever since the mill was graded out. Most of the blasting was done before this accident occurred; most of it twelve months before the accident.

CROSS-EXAMINATION R. B. Watkins:

I am working at Cliffside now. No, I have not taken a great deal of interest in this case; I do not know that I have helped to get up the evidence. I do not know who the witnesses are. I talked to old man Sisk outside the clerk's office this morning. I did not try to get him not to testify. I talked to him about this case. I talked to Ed Wood in a crowd. I did hear Ed Wood say to some one in the crowd that he was a witness. I take no more interest in the case than is right. I am interested in Cliffside Mill to a certain extent.

REDIRECT, R. B. Watkins:

I had some conversation with Sisk and Wood. I am magistrate in Rutherford County besides working for Cliffside Mills.

GEORGE R. WATERS

I live at Forest City; work in shop at cotton mill. I was in the employ of the Cliffside Railroad for two years. I left in November 20, 1908. Have not worked for Cliffside since. I know of Timmons Barnett; am not personally acquainted with him. I heard he got his eye put out while I was at Cliffside. He was injured in October or November, 1907; I was then blasting dirt to fill in the trestle one-half mile above the mill, on the railroad.

The railroad had a tool box there that I kept tools in. It was on the side of the railroad in ten feet of the track; about one-half mile from the Cliffside store, three to four hundred yards from the Green house where Timmons Barnett was stopping. We had railroad jacks, bars, tools of all kinds that it took to supply eight or ten men, shovels and picks, a couple of dynamite caps ready primed with fuse in them about six inches long.

I went to this box every day, night and morning. I remember going to this box next day after the boy was hurt. The hinges were pulled off and the lid turned around to one side and two dynamite caps were missing; they were the only two I had. They were in a little cigar box tacked up under the lid. I had left the tool box fastened. It was six feet long and two and one-half feet wide. The box was left locked. The plank was broken where there was a knot hole in it; about six-inch plank; this was not broken the day before; it was in good shape the day before. The knot was taken out when the plank broke. The top of the box looked like it had been hammered at. There was no tool left on the outside that could have been used to do this. The distance from the tool box to where the Barnett's were staying was four hundred or three hundred yards.

CROSS-EXAMINATION, George R. Waters:

I was working on the Cliffside Railway; I was section boss. We were working on the trestle, filling in with dirt. Most of the heavy blasting was done two years before that possibly. I went there after the railroad was built. We were just blasting up dirt to fill up the trestle; I always went, to the magazine and got what I needed; got it from Mr. Moore or Mr. Watkins at Cliffside; they gave me the dynamite I had in tool box; I had cap and fuse. I do not think I had it over a day before then; I do not know exactly how long. I left the box on the right of way with two dynamite caps locked up in it. I cannot say that Timmons Barnett broke it open, but it was done the day before he got hurt.

I have known of Timmons Barnett for several years. I do not know as to his character; I have not seen him in six or seven years. Had seen him only about once before that time. I never talked to him about it. He was hurt along late in the evening or I heard then he had his eye put out.

They summoned me to be a witness. I was a witness before when it was up. I talked to several about it; nobody ever asked me to be a witness. I was down at Cliffside. I saw some hands and several people. I saw Mr. Hanes [Haynes] at the office. The case was mentioned three to four weeks ago. I did not know I was going to be a witness until I was summoned. I do not believe I talked to Mr. Hanes [Haynes] about it.

REDIRECT, Geo. R. Waters:

I was summoned to be a witness at Rutherfordton and summoned this time. I know the father of Timmons Barnett. He was at my house in June, and me and him talked about it. We talked about the box being there, and I told him what I said here.

RE-CROSS-EXAMINATION, Geo. Waters:

I was working for the Cliffside Railroad and got the dynamite from the Cliffside people.

CLAUD T. ATKINSON

I live at Cliffside. I have lived there since January 17, 1902. I work in the mill and know Timmons Barnett. I remember the time his eye was hurt. I had conversation with him, as well as I remember, the day before he got hurt. I was going down the street and he walked out into the street in front of me. He was near the second or third house from where Mr. Hanes [Haynes] lived. He had his hand shut up and stuck it up into my face and said, "Look out, or I will shoot you." I saw something like a cartridge and I asked him to take it down, and I saw what it was and it was a dynamite cap. I asked him to let me see it, and he held it out in his open hand, and I asked him where he got it, and he said out of the tool box; I told him he had better put it up, that it would blow him up. Two or three weeks after he was hurt, when he was out on the street again with his head bandaged and I said to him, "That cap went off and got you at last," and he said, "No, that one did not, but another one did," and I asked him where he got it, and said out of the company's tool box on the railroad, that the one I saw was not the one.

CROSS-EXAMINATION, Claud T. Atkins [ATKINSON]:

I said that dynamite cap went off and got you at last, and he said no, that one did not, but that another one did. I am twenty-four years old. I was about seventeen then. Timmons looked to be about ten. He had on knee pants. We were together a good deal. I can not say that I know his general character. I left there the 23d August, 1911. I worked in the beamer room. He had his eye bandaged. I could not tell about his being hurt. I was not a witness in the other case. I told Tom Jenkins (?) about it right after he got hurt. I told Mr. Hanes [Haynes] last Friday was a week ago. I was with Jenkins when they summoned him, and Jenkins turned to me and said that I knew all about it, and then Sheriff McT. asked me about it. I told Mr. Jenkins I did not know about it; I did that because I did not want to come. Mr. Hanes [Haynes] told me the lawyers would rack me and make me admit it if he advanced the money, and for me to go on and he would make it right. I am not getting time; I was not at work before I left. I got hurt about a week ago and have not worked since; got right leg hurt playing baseball. Mr. Hanes [Haynes] sent for me after they summoned Jenkins. He told me they wanted me to be a witness. I do not remember having told anybody except Jenkins. I am staying over the Cleveland Restaurant, paying my own way; I do not expect to get it back. I have known Timmons Barnett ten years; have not seen him much since he was hurt. He had the cap in his hand with thumb down on the end of it. That was along between three and six the day before, I think. I was two or three houses from Mr. Hanes [Haynes]. I was loafing then. He walked up in front of me and said, "Look out, or I will shoot you." I had seen the caps frequently where they were blasting. I do not know that they were blasting at the rock quarry at the time. They were not blasting at the Hawkins well. I did not know there was a tool box on the railroad at the time.

REDIRECT, Claud Atkins:

I have seen Timmons Barnett three or four times since he left Cliffside. I think the first time I saw him after he left he had on the bandage. I saw Timmons at the show last night; he did not have on the bandage.

TWIT HUMPHREYS

My people live at Gaffney; I am working at Cliffside. In 1907 I was living at Cliffside. I know Timmons Barnett. I remember hearing of his getting hurt. I was passing down the railroad and he and John Noah Green were at the tool box on the railroad where the tools were kept, and Barnett was beating on the lock with a rock, and when I got up to him he was beating on it light like he was playing. I passed on by and did not speak to them at all. I think that was two days before he was hurt; might have been later or might have been sooner. The box was eight to ten feet from the track. I was a witness in the other trial. I told several about it, Mr. Cooper and Tom McLean, who was conductor on the Cliffside railroad at that time. I told the lawyers in the case at Rutherfordton when I went there.

CROSS-EXAMINATION Twit Humphreys:

I have been living in South Carolina something like two years. I left there last Monday was two weeks ago. I was in restaurant at Gaffney. I have been got up once or twice down there; never worked on the roads; was up for drinking and transporting whiskey; I plead guilty. They fined me thirty-five dollars for transporting whiskey and ten ten [sic] dollars for being drunk and disorderly; that was about five months ago. I do not know where John Noah Green is now. He was at Cliffside last Saturday. I have not spoken to him about this, and do not know what he says about it. Mr. Shuford Humphreys came to Gaffney after me. I think he lives in the country now; used to live at Cliffside; he came to Gaffney in a horse and buggy. I did not tell him he would have to pay me before I would be a witness; I did not tell him they would have to promise to give my father and mother a home at Cliffside. I said I wanted a job, and he said, "You can get it." I do not know who sent him down there. I got the job when I got to Cliffside. I had rather have it than the job I had. I had heard from Cliffside Mills before Humphreys came; I do not know that Mr. Hanes [Haynes] asked me to come up there. Humphreys came three or four days after I received that letter. I came back with him in the buggy; have not paid Mr. Humphreys; he never said anything about charging; it is about sixteen miles. I am firing on the Cliffside Railroad. I do not know exactly what I get a day; have pretty good idea, though—about one dollar per day. I went to work without knowing what I would get per day. I fire the locomotive; have been doing it regular every day. I had thought nothing about getting anything for coming down here; nothing said about my drawing wages while here. I haven't gotten a cent yet for coming back from Gaffney; I am not looking for it. I am not looking after the money. I do not care whether they pay me or not.

REDIRECT, Twit Humphreys:

They pay on the railroad on the 10th. I have not been there on pay day yet. I do not know that I know what firemen usually get. Mr. Hanes [Haynes] just told me he would do whatever was right about it. I was witness before at Rutherfordton and subpoenaed here.

J. L. COOPER

I live at Cliffside; have been living there about a year. I ran a blacksmith shop at Copal for three years. I worked at Cliffside four years before that. I was working there when Timmons Barnett was hurt. I remember about it. I was a witness at Rutherfordton. Twit Humphreys told me about this matter at Cliffside, possibly a month or two after the boy was hurt. It was before there was any trial. He was telling me about the boy getting hurt and said he seed him beating on the box and he just 'lowed he got the dynamite cap out of it. I heard Humphreys at Rutherfordton; he made about same statement there that he told me and that he told here, that he saw the boy beating on the box. After Timmons Barnett was able to get out he was standing back of the old store and I asked him how he got his eye hurt, and he said with a dynamite cap, and I asked where, and he said he found it up on the railroad. That was two or three weeks after he got out; still had a cloth over his eye. I was a witness at Rutherfordton before.

CROSS-EXAMINATION, J. L. Cooper:

Twit was at Cliffside, was not working much. He was a witness before. He is firing for them now, and has been for about two weeks. I am engineer and have been about three to four months; have been on the road a year in July. I was there at the time the accident happened; was in the machine shop. There was blasting going on about there. I know Twit Humphreys. I do not know much about his character; have known him for eight years; Never heard anybody say anything about his character any way.

REDIRECT, J. L. Cooper:

I do not know how long Twit has been away from Cliffside. He has been back once in the four years he was away.

W. L. TOMS

In October, 1907, I was working at Union, S. C., and wrote to Mr. Packard for a position as electrician at Cliffside, and I went on to Cliffside the last of October and asked Mr. Packard's permission to go on to the Jamestown Exposition and went to Mr. Packard's house and came back the 27th October and went to Mr. Packard to get me a boarding house, and I was at this house on Saturday before and it was the 27th October when I went to work, and I have a little book with all the changes I have made in it. There was at that time a blind fence around the back part of his house and the well was enclosed in it.

This was October 27, 1907. I did not go to examine the fence, but came in on the train and can see the back side coming in. I was looking for Mr. Packard. Yes, I remember seeing several blind fences on my way from Union, S.C. I got a job then at Cliffside and worked for nearly five years. Quit three years ago and am now working at Ella Mill, Shelby. Cliffside did not get me the job or recommend me. I told Mr. Hoey about this fence yesterday evening. Did not tell about it when he examined me first. I heard what the witnesses testified as to the fence. I knew the fence was there, and I wanted to testify as to it. I told Mr. H. [Hoey] about it. Yes, I wanted to help Cliffside Mill.

REDIRECT, Toms, recalled:

I have told nothing that is not true. My name is W. L. Toms. I live near Hollis, in Rutherford County.

MR. GOODE

In the forepart of 1907 I was living at Cliffside. I think I left there in January, 1907. Left there six years ago now next January. That book is in my handwriting. That date is November, 1907. I suppose I was working there when I made that entry in the book. I was boss in the dye house. That is the time book. It shows the time for November, 1907, of the dye house. The hours of all parties who were engaged in work at the dye house for October and November and on. I made the entries (reads eighteen names). This book shows all parties who worked there at that time. The name of Charley Gardner does not appear. He was not there while I was there. I live at Boiling Springs now. I have been away nearly six years.

CROSS-EXAMINATION, Mr. Goode:

I do not know why I was summoned as a witness. I was just summoned this morning. I did not bring the book down here. Mr. Charley Hanes [Haynes] gave it to me. I worked there six years. I might have been working there the first part of 1908. Charley Gardner did not work there while I did. I know Charley Gardner. I have seen him around there in 1906 and 1907. I think he did photographic work there. I heard the blasting at the river below the dye house. The Packard well is from fifty to seventy-five yards from the dye house. I heard some blasting from inside the dye house, but not much. Blasting was going on at several places around there. I do not know where the magazine is; never saw a dynamite cap. I do not remember about the Packard fence.

MR. WEATHERS

I live at Boiling Springs. I am not now employed by Cliffside Mills and have not been for five or six years. I was boss of the dye house at Cliffside. Mr. Goode ran it some the latter part of 1907 and a month or so in 1908; I was then at school at Boiling Springs. I quit the last day of August, 1907, and Mr. Goode commenced September 1, 1907. He continued there until January, 1908.

CROSS-EXAMINATION, Weathers:

I know the handwriting in the book you show me. It is my brother in law's. The name shown is Charley Gardner— the month June, 1908. That is after my father in law quit and my brother was working. I know Charley Gardner. I saw him around there in the fall of 1907. He did not work in the dye house then. I do not know about his general character at that time.

DR. B. M. HAYNES

I am a practicing physician, licensed in this State. I graduated from Grant University in — and the North Carolina Medical College, and have taken seven post-graduate courses at Philadelphia. I practice in Spartanburg now. I make a specialty of diseases of the internal organs. I have taken the regular course as to eye given in the medical colleges; I have not made a specialty of the eye. I am a nephew of R. R. Hanes [Haynes]. I was practicing at Cliffside when Timmons Barnett was hurt. I think I was out of town the day he was hurt. I treated him. He had an injury which they told me was from a dynamite cap, and I think I got a piece of the cap out of his right eye. I did not have the special apparatus to make examination of the eye.

Q. Can you give an opinion satisfactory to yourself as to what effect the loss of this eye would have on the other eye from the examination you made of it?

A. Yes, sir.

Q. What effect would it have?

A. Just from the injury alone it would not necessarily have any effect on the other eye, unless from stuffing or something of that kind it inflames. The boy's parents told me in his presence that he got it down on the railroad; did not say exactly where. That was on my first visit. They did not state to me how they knew.

CROSS-EXAMINATION, Dr. Hanes [HAYNES]:

I do not know that the boy was in a very confused state of mind. He was suffering intensely. I do not remember that any other part of his face was injured. I suppose I used a pair of thumb forceps to get the piece of cap out. I could not say as to the size of the particle. It was enough to produce blindness. I saw him several times; have lost my books and cannot say just how long. There was no stuffing while I attended him. It is quite probable that I suggested that he go to see Dr. Whisnant. If the eye remains in the head, stuffing or inflammation may set up at any time and affect the other eye. If the right eye became inflamed it could affect the other eye. Back at the base of the brain the two nerves converge, the nerve fibres cross. The optic nerve is not a sympathetic nerve.

I do not know about Senator Vance and Senator Tillman having eyes taken out to save the other eyes.

Z. D. BARNETT

I am the father of Timmons Barnett. Timmons is eighteen years old; was eleven years old when hurt. We were then living with my brother in law at Cliffside. I got a job with the boss weaver, and Mr. Packard said [he] did not have a house, and if I would get a place for a few days he would make arrangements about a house and I made arrangements with Mr. Green to stay there and got some rations. The day Timmons was hurt I was rolling a house for Cliffside working for Mr. Tucker. I had worked for Cliffside Mill before that. I also worked for them after he was hurt. I remember the Packard well. He was hurt in November, 1907. I had been at that well a couple of times before he was hurt. There was blasting going on down there, J. R. Liverett was there and Eldra and a colored man. The well was eight to ten steps from the path that went down across to the house, and forty to fifty yards from the company store, fifty to seventy-five yards from the main entrance to the mill. I saw children around there frequently. I know they played there when they taught school in the building at the mill; six to seven hundred people employed in the mill then. I saw dynamite caps in a box under the floor near this well, under the Packard house; box open. Four to five feet from the well. I was down there two or three times and saw them all the time I was down there two or three times. Box was one and one-half feet long. Mr. Packard was not living there then. There was no fence around it when I was there. None there when Timmons was hurt. I saw him about one-half hour after he was hurt; face bleeding; both eyes hurt and two cut places on his forehead. Left eye was swelled up. I went for the Doctor, but was not at the house when he came. I did not tell Dr. Hanes [Haynes] where Timmons got this cap; I had no conversation with the Doctor about that. We did not get any rest with Timmons day or night. I carried him to Dr. Whisenant in Charlotte and he put him in a hospital. He has complained ever since it was hurt. He says the other eye is failing him. He works only a day at a time. Eye gets red and inflamed. John Noah Green is at Cliffside.

CROSS-EXAMINATION, Z. D. Barnett:

I am forty years old. Before moving to Cliffside the last time I lived at Butlers. I went to Cliffside to get a job. Had not moved my things; I did not aim to carry my family back. I was furnishing my own rations, but did not have my furniture there; had been there about two weeks. I was employed to help move a house that day by Mr. Tucker. I do not know what house Packard had lived in, so do not know if it was the house he moved out of that we were rolling. Packard was not living in the new house at that time, I heard Everette say he was there in the summer time. I say this was in November when he got his eye put out and when I saw the dynamite caps there. I knew more about the case right after it happened than now. I recall what I said then. I remember the well up near Mr. Green's house. I suppose it is fifty yards from the Green house; the Packard well is close to one-fourth of a mile from the Green house. I filed complaint at Rutherfordton and swore to it. I did not say it was at a well forty feet away that defendants were doing blasting on the 16th April, 1908. I never heard it read. I had lawyers and they drew the complaint and I swore to it. I told Mr. Justice it was the same well at the time and he put it forty steps of the house. Mr. Justice stopped the case at Rutherfordton. I was present. Nothing was done about it from that time until a few months ago. I told Mr. Justice about the case and he wrote something down and I went back to swear to it, and he said he had drawn it up right and I did not know any better. When

I went back to give him my evidence he said the complaint did not correspond with the evidence. It was one year and three months after I filed complaint before the case was stopped.

Timmons is just about blind. I have not brought suit separate from this for myself I just sued for the whole thing together. I did not swear to the complaint in this suit. To the best of my recollection I was at the Packard well two or three times before Timmons was hurt. Timmons did not tell me he found the cap on the railroad.

REDIRECT, Z. D. Barnett:

The day after he was hurt was when Timmons told me about it, I think, that he had found it down at Mr. Packard's well. Mr. Justice stopped the first suit that was brought.

Q. Will you tell why he stopped it?

(Defendant objects; overruled; exception.)

A. Mr. Justice said he had it started wrong and would stop the suit so the boy could take it up again any time before he was twenty-one.

RE-CROSS-EXAMINATION, Z. D. Barnett:

When we got there for the trial, then Mr. Justice told us he had it started wrong. He did not tell us he had found out there was no dynamite used at the well near Green's. I told him about stopping it that he knew best and I would give the case to him.

REDIRECT, Z. D. Barnett:

I made my mark to that complaint in the clerk's office. Mr. Lawyer Eaves was with me. The complaint was not read to me.

MRS. Z. D. BARNETT

I am the mother of Timmons Barnett. This book is my family Bible. The entry there is Timmons Barnett, born June 7, 1896. I was living at Cliffside when he was born; have lived there four or five years. Timmons was eleven years old when hurt. I sent him to the postoffice to see if there was any mail. he had a playhouse about forty steps from the house and a hammer out there, and he and John Noah Green were making a little wagon. I did not see any dynamite cap when Timmons came home from the postoffice. I heard a noise in ten or fifteen minutes afterwards. I found him blind and his face bleeding. He could not see; ran over me. I took him to the house and laid him on the bed and sent for Dr. Hanes [Haynes]. He came and bathed the eye in cold water; said that was all he could do; the next day he got something out of the eye; I did not see it; they said it was a piece of dynamite cap. He has suffered ever since.

I went to the store to do all my trading after his eye was put out. There was no fence around the well. The well is in the same place now. I saw the fuse, black looking piece. Timmons told me he got the cap down at Mr. Packard's well. I think that was the second day after he was hurt.

John Noah Green is working at Cliffside Mills. The day before Timmons was hurt he was helping Mr. John Sisk roll the windlass where they were moving that house. He never named the railroad to me. I told anybody [sic] he got it anywhere but at the Packard well. He complains all the time with his eyes; always talking about going blind.

CROSS-EXAMINATION Mrs. Z. D. Barnett:

My son told me the day after he was hurt that he got the dynamite cap at the Packard well. We had been at Cliffside two weeks; Mr. Packard was not living in the house at that time. The reason he called it Packard well was they all told him they were building this house for Mr. Packard. The house was not done and there was not any fence there. I went to Rutherfordton about this case. I never heard Mr. Justice read over the complaint. I was there when Mr. Barnett told him the facts before he drew the complaint. Mr. Barnett went back again to swear to it and I did not go along. I was there when the case was disposed of I did not hear Twit Humphreys tell at Rutherfordton that he saw Timmons beating on the tool box at the railroad. John Noah Green is a first cousin of Timmons. John Noah Green was present when the cap was busted.