

case for hearing was as follows:

That the affidavit of the claimant in this matter was filed with the North Carolina Industrial Commission on Form T-1, on September 23, 1954;

That the bill of particulars filed by the claimant in this matter was filed with the North Carolina Industrial Commission in September 27, 1954;

That the affidavit was signed by Geneva Gould as Administratrix of the estate of Eleanor Rush, deceased, and was sworn and subscribed to before Lonnie T. Lindsey, a Notary Public of Anson County;

That Eleanor Rush died on or about August 20, 1954, in the isolation cell block at Woman's Prison in Wake County, North Carolina.

MRS. GENEVA GOULD testified:

DIRECT EXAMINATION by Mr. Taylor:

My name is Geneva Gould; I am the mother of Eleanor Rush who was born in Anson County on July 4, 1936. The last time I saw Eleanor Rush was when she was sent to Woman's Prison. Eleanor Rush was in good health before her death; she weighed about 150 pounds and was 5 ft. tall. I am the administratrix of the estate of Eleanor Rush and the paper writing which the court has marked as Exhibit A, is a copy of my letters of administration. Eleanor Rush is buried in Albemarle, which is my home.

The Letters of Administration which were marked Exhibit A, were offered and received in evidence without objection.

CROSS EXAMINATION by Mr. Wooten:

Eleanor picked up the name Rush; at her

birth she was given the name Eleanor Montgomery. I don't know of any legal procedure by which her name was changed to Eleanor Rush. Eleanor's father died several years ago. Before she was sent to Woman's Prison she was staying with me at Albemarle. I am now married to Connell Gould. Eleanor made her home with me most of her lifetime. She stayed with Jessie Clark a few weeks; he is a cousin of Eleanor's father. Eleanor never told me that she had married a fellow named Phillip Clark. She told me she was married to somebody, but she didn't call the name. That was while she was living with Jessie Clark. I don't know whether she was married or not. I don't know that Jessie Clark ran her away from his home.

Eleanor worked some; I don't know the people she worked for; she worked over close to Dunlap down at a lady's house; I don't know how many weeks; she helped clean up the church uptown but not regularly, just sometimes on Saturdays; I don't think that she ever worked for anyone else.

Eleanor wasn't in school at the time she last came to prison; she didn't go to school. I don't know exactly the date she stopped school; she hadn't gotten to high school yet. Sometimes she stayed with my mother whose name was Willie Winchester, but she is dead now. I don't know exactly how long Eleanor lived with my mother. She didn't stay with her as much as she stayed at my house. I don't know that she ever lived with anyone except me and my mother. I don't know how long she lived with Jessie Clark. I don't know exactly what grade she was in when she stopped school.

BY THE COURT:

Eleanor worked in someone's house as a house servant, and she also worked at the church on Saturdays as a janitress.

REDIRECT EXAMINATION by Mr. Taylor:

She was born in 1936. She was 18 years old

at the time of her death, and she was my baby and last child. _____

WILLIAM F. BAILEY testified:

DIRECT EXAMINATION by Mr. Mitchell:

I am Director of Prisons for the State of North Carolina. Women's Prison at Raleigh is one of the units of the Prison System and is under my direction. I was holding this same position in August of 1954. My office investigated the death of Eleanor Rush. There are rules and regulations governing the care and discipline of prisoners, and I am familiar with those rules. There were rules covering those subjects in August of 1954 up to a point. I was not present at the coroner's inquest. I do not have a copy of the Prison Rules and Regulations which were in effect with me here today. The rules in effect were general rules which had been adopted by the Highway Commission. They are in printed form.

Plaintiff's Exhibit B is a copy of the rules adopted by the Highway Commission. Plaintiff's Exhibit B is a copy of the rules in effect in August of 1954. The only rules that were in effect in August 1954 are those rules which are contained in plaintiff's Exhibit B. Plaintiff's Exhibit B does not include the custody rules for the Prison System. Plaintiff's Exhibit B is the backbone or constitution by which the custody rules were formulated. The custody rules are not included as a part of the rules and regulations adopted by the Highway Commission. I can make available to you a copy of the custody rules.

I have been Director of Prisons since September 1953. Prior to that time I was Judge of Juvenile Court in High Point for approximately 7 or 8 years. The Superintendent at Women's Prison is Mr. Hinton.