

THE PENITENTIARY SCANDAL.

Finding of the Investigating Committee.

Columbia State, August 27th.

The report of the Penitentiary Investigating Committee was filed at the executive office yesterday. The report makes no recommendation as to what steps shall be taken in the matter, and as Governor McSweeney is out of town no action will be taken for a day or two at least. He will probably submit the testimony, together with the report to Attorney General Bellinger for his official opinion. Mr. Bellinger, too, is out of town. The report, though long, is clear cut and to the point. It covers a great deal of ground, but there is no unnecessary verbiage. Following is the full text of the document:

To Hon. M. B. McSweeney, Governor:

The General Assembly of this State at its last session passed a concurrent resolution to appoint a committee of two Senators and three Representatives "for the purpose of investigating the affairs of the penitentiary" with instructions to report to you. The undersigned were appointed as said committee and organized by electing W. F. Stevenson chairman. It selected John Taylor as expert bookkeeper and Miss M. F. Gibbs as stenographer. Meetings were held from time to time, as it was expedient to do so, as is shown by the record herewith submitted. Much testimony was taken bearing on the condition and management of the penitentiary. The matters examined were embraced under three heads: 1. The treatment of the convicts. 2. The condition and management of the farms and the disposition of farm products. 3. The general financial affairs of the penitentiary proper and the use and disposition made of the assets of the penitentiary proper, including amounts due to the same.

1. As to the treatment of the convicts: We find that Mr. Neal has always been an advocate of humanity and that wherever the treatment of convicts came under his personal supervision there is no doubt of their kind and humane treatment. One instance of very severe whipping is reported as being given by one subordinate, Mr. J. J. Cooley, for which Mr. Neal is not responsible. We wish to commend the methods used by Mr. Miller, manager of the Lexington farm, in this particular: His management has reduced the necessity for whipping to a minimum, and yet he gets excellent results. While we know that the convict must be controlled, we feel that the dictates of humanity require that the unfortunate who is without character or legal standing and without friends or hope of redress should be treated with all the consideration which strict discipline will allow. We are glad to be able to report that Mr. Neal has always shown his desire to do his full duty by the convicts from a humanitarian standpoint.

2. We find the farming property in fine condition, well stocked and well cultivated; large crops are made, and valuable improvements in the way of buildings and dikes and ditching and clearing have been made during his administration. The superintendent deserves commendation for the energetic and skillful management of the affairs and improvements made on the property, both on the farms and at the penitentiary itself. The DeSaussure and Reid farms have been paid for under the administration of Mr. Neal. We are not prepared to say that the farming business, however, is profitable. There has been, for instance, for the year of 1898, an average of 139 hands used on the Reid and DeSaussure farms. The evidence is that they will pay \$50 per year per head when hired out, making \$6,950 net from their hire. The total products from these farms for 1898 as reported by the board was \$41,013.95. The cash returned from the farm produce of DeSaussure and Reid farms, pages 24 and 11, is \$12,735.55; ninety-nine bales of cotton on hand January 1st, 1899; there was possibly on hand at that time under a liberal estimate \$7,000 worth of other produce, making a total of \$22,210.55 accounted for, and leaving a balance of \$18,803.40 which must have been consumed. Now, this crop cost, therefore, the hire of convicts, \$6,950; accounts paid for the two farms, \$20,069; rent of land, estimating it at one-quarter of the crop, \$10,250.40; produce consumed in the making, \$18,803.40. The crops cost, therefore, \$56,076.27; the value of the crop, \$41,013.95, leaving a deficit of \$15,062.32. From this should be deducted the value of permanent improvements claimed as being made during the year (see exhibit A), \$1,000, leaving an apparent deficit of \$14,062.32. To this should be added the interest on the equipment, which is valued by the directors at \$25,000, on page 21 of the report of 1897, which, at 6 per cent, would be \$1,500, making the total deficit of \$15,562.32. From this, of course, should be deducted the corn and oats and bacon furnished to the penitentiary itself,

which, at a liberal estimate from the testimony before us, could not exceed \$5,000 from the crop of 1898, which would necessarily leave a loss of \$10,562.32 from farming operations on those two farms.

3. As to the general financial affairs of the penitentiary proper and the use and disposition made of the assets, etc., we are constrained to report that the investigation has brought forth a state of affairs which is not creditable. In the first place it will be found by a close examination of the testimony taken that the directors knew too little of the affairs of the institution and were too subservient to the will of the superintendent. The fact that there were about \$4,600 of Ragsdale notes in the bank with the penitentiary endorsement representing convict hire for two years on Mr. Neal's place, while the directors thought the hire had been paid, shows that their knowledge of the affairs of the institution was entirely superficial. The fact that they paid him \$10 a month stable rent for six years and two months for allowing penitentiary horses to stand in the stables, where they were kept purely for his convenience, and now profess not to know they were paying it is another evidence of the somnolence of their faculties when approving accounts. They either knew that such was the case, or they did not know it. If they knew they were paying it, they were deliberately yielding to Mr. Neal's desire for money, to which he was not entitled, and were therefore culpable, or, if they didn't know it, they were approving and paying an item monthly for several years which was wrong and never found out. Either supposition is sufficiently humiliating. We would note here that we know of no law authorizing the directors to keep a lot of horses and earriages for the use of the superintendent's family, and we regard it as an unwarranted extravagance. The evidence here is that the bookkeeper had to use his horse on penitentiary business, for which the State fed him in part, while the horses for whose stable rent we were paying handsomely were being used by the superintendent's family. The evidence is that there was stable room for these horses at the penitentiary. The custom of entertaining largely at the penitentiary grew up also under Mr. Neal. Crowds ate there free at the bounty of the State, making the taxpayers their hotel keepers, and exercising a thrifty instinct to get all they could at the public credit. Unfortunately the board of directors set the example by boarding themselves there, thus adding to the pay allowed by law the further provision of hotel bills. In justice to the board, however, we will say that after this investigation was begun, and that matter was brought out they decided to discontinue that practice and pay their own board. This is at it should be. The lavish entertainment there, though, was such as should not be tolerated again. Politicians, contractors, State constables, and personal friends all found a welcome and good cheer there. The result has been that the institution came to be considered as a place where any accommodation desired could be had, and as a result we find many things to report as wrong. We find that he has given away many articles produced by the penitentiary to prominent men, such as a bookcase to Congressman Latimer, furniture to D. H. Tompkins, Secretary of State, and T. J. Cunningham and S. P. J. Garris, directors, and Senator Tillman, who also got a carload of brick, which he says Neal gave him, but which Neal says he sold him. Most of these articles Neal professes to be ready to pay for, although he had never charged himself with them up to the institution of this investigation. Mr. Garris also got a carload of brickbats and some pigs and turkeys, for which Mr. Neal does not think he should pay. Garris had been anxious to settle the pig bill, but could not get it made out, and the other items were mere presents and they contend were worthless. We do not think it wise, though, for directors to be accepting even valueless presents from the penitentiary. If Mr. Neal had paid for these things when he gave them away, it is a questionable practice for an officer to be making presents to public men, but when he fails to pay for them and takes the State's property and gives it to public men he does two wrongs, he misappropriates public property and attempts, apparently, to control the influence of public men by the use of it. Further than that, he has allowed the governors of the State during his administration all to get such things as they desired from the penitentiary, and has neither presented the bills for them nor placed them in the assets and on the regular books. A list of their accounts which he should have presented and collected or published in the list of accounts

due is hereto attached. He has himself, also, taken supplies to a large amount at a very low price and has never paid for them, an account of them being also set forth in this report. We find also that there has been a rule that the superintendent shall be furnished with wood and coal free. This is not warranted by law, and is merely another device to increase the salary of the superintendent contrary to law. Again, the governors have been allowed the use of convicts, tools and stock to cultivate land near the city, and this has not been charged to them. This is excused by Mr. Neal on the plea that the governor is ex-officio chairman of the board of directors and has in consequence always gotten what he asked for. If that is correct, it is time that the governor should be taken off the board. We do not refer in speaking of the cultivating of land to the patch around the governor's mansion, which is public property and properly cultivated by convicts, but to independent farms outside. Again, the board had a steam laundry established in the penitentiary and operated by the convicts. Mr. Neal and Governor Ellerbe have both had their family washing done there ever since free, until the termination of Mr. Neal's term of office. Now, while it is disagreeable to refer to these matters, we deem it our duty to call them to the attention of the General Assembly. If the governor's salary is too small it should be increased by the General Assembly, not supplemented by the penitentiary. If not too small the governor should be satisfied therewith. The same remarks apply to the other officers mentioned. It should be a pleasure to those gentlemen who have received these things from the State to make reparation, and the lesson should be learned once for all that a public officer, because he is a public officer, has no more right to the property of the State than the humblest citizen, and when he attempts to give it away to prominent men the inference properly deducible is that he is bartering it for their influence and they should be above suspicion, and keep themselves so by declining such presents. Any other course breeds distrust in the people of their rulers, and when that thoroughly permeates the masses respect for law and order perishes, and it becomes a question of who can get the most out of the Government and high office is sought not from motives of patriotism, but of plunder.

We think the Penitentiary authorities should proceed at once to ascertain the value of the assets thus given away and present bills for them to the parties who received them, many of whom have professed willingness and desire to pay for them, and if possible save all such items. This should by no means prevent their holding the bond of the superintendent liable for such things as are not settled for. He has misappropriated the assets and should account for them. There is another matter which deserves attention in our general remarks. The management, it seems, has been receiving favors and granting them in return. It should pay for all assistance it gets and then charge for all matters rendered. The case of the Hon. J. W. Ashley is in point. He furnished transportation for the officials, making no charge; in return his horse was boarded at the Penitentiary during the session of 1898 of the Legislature. While this may be very convenient, it is not business. If Mr. Ashley's favors were worth receiving they should be worth paying for, and likewise the board of the horse is worth paying for. This free and easy method of balancing one against the other will render it impossible to ascertain at any given time the liabilities of the penitentiary. No one will be able to ascertain what the unreturned favors received at the hands of the friends of the superintendent are worth, nor when the institution will be called upon to board man or horse in return. It amounts to a reciprocity treaty between the superintendent and his friends, which may involve the institution in endless liability and expense. It should be stopped.

Another unbusinesslike feature of the management is the contract of the institution with the knitting mill company in the Penitentiary. They give the mill a 25-horse power motor and pay the electrical company for 25-horse power, and to charge the mill only what power it uses. They have not settled in five years and haven't even put in a meter to be able to tell how much power has been used. Now, the mill company wants to settle at 10-horse power. The directors don't know what was used and have paid for 25-horse power. This is unbusinesslike and negligent, in our opinion.

Now as to Mr. Neal's financial transactions and his moral obliquity in the matter: In the first place, in the face of the plain spirit of the law, he arranged as soon as he became superintendent to have his kinsman and creditor, J. Belton Watson, take charge of his plantation in Anderson County, and procured for him convicts to work it, and agreed that the net proceeds, after paying for the convict labor and the farm expenses, should be applied to his debt to Watson, and he was thus to get the advantage of

all profits made by the convict labor, indirectly hiring them to himself. The law enjoins upon him the duty of watching those who hire convicts, preventing oppression and enforcing the rule that they shall be humanely treated, carefully attended by physicians and not required to labor more than ten hours a day, nor on Sundays and holidays. Sections 566 and 569, Vol. 2, Rev. Stats. of 1893.

The plain intent of the law is that he shall not hire them himself, directly or indirectly, or be personally interested in the amount of work done. The net proceeds being his the tendency would be to give Watson the best labor, work it over time and report as much lost time as possible. Having run under this contract for the years 1893, 1894, 1895, he had his debt reduced as a result from \$17,000 to \$14,000. (See Exhibit H.) Then he took a contract from Watson (Ex. H) whereby exclusive control was returned to him, but the convicts were hired to Mr. Watson, (see Ex. G), and no bond was taken from Watson. This was plainly done to mislead the board of directors, as he frankly admits that they would not have hired them to him. Thus he became the master, the contractor, in fact, with Watson as a stalking horse. All the profits inured to his benefit.

Instead of paying the State for the convict hire for 1896 he took a worthless note of his foreman, one Ragsdale, and endorsed it as superintendent of the penitentiary, borrowed the money on it and returned it as cash received. The note has never been paid, and the bank threatens the penitentiary with suit for it. The same thing occurred in 1897, with another Ragsdale note, and in 1898 no pretence of payment has been made. The net proceeds of the farming operations for 1896 and 1897 were paid to Mr. Watson on Mr. Neal's debt to him, except \$1,465.85, for which Mr. Neal gave Watson a receipt as superintendent, and which was not turned in to the treasury, but which is covered by one of the Ragsdale notes. The State has been left out for the entire three years, and in 1898 neither Watson nor the State has been paid anything.

In November, 1895, Mr. Neal collected of W. Q. Hammond \$500 on convict hire, which he kept and used. In December, 1895, he collected from Cooley & Fowler \$500 convict hire, which he also used. In February, 1897, he collected from those two firms over \$1,300, and deposited to his own credit and used \$539.95 of the same. He collected from J. J. Fretwell \$387.17 for oats (Ex. M) and failed to pay it in. He gave a check to the bookkeeper for \$172 to balance his account for cash in hand, and there was nothing in bank to pay it, and it has not been paid. He took a note of W. W. Russell for \$600 for his own accommodation, and endorsed it as superintendent of the penitentiary, and placed it in bank, and it has never been paid. The bank is after the penitentiary for the money, and Mr. Neal admits that he is liable therefor. He collected \$740 stable rent, which was unauthorized, but which, he claims, was allowed by the board of directors, which they deny, and which appears to have been approved in the prison pay roll. He has gotten supplies from the penitentiary, for which he has not paid, amounting to \$638.29. His family washing has not been paid for and he got a carload of cotton seed to plant, which he should pay for.

All these matters, taken with his presents of State property to his friends, and his having his superintendent, Ragsdale, to furnish the cows to the penitentiary at a big profit, which profits Mr. Neal got, his keeping open house for his friends at the penitentiary at the State's expense, stamp him as being utterly deficient in the faculty of distinguishing between what is his and what is the State's, accompanied with a remarkable faculty of being generous with the State's assets and especially to himself.

We hold that both W. A. Neal and J. B. Watson are liable for the convict hire for convicts to be worked on Neal's plantation for the years 1896, 1897 and 1898, for the reason that Watson contracted to pay for them and Neal got the benefit of the labor, and violated his duty in procuring them to be worked for his benefit and deceiving the board of directors. Their labor was an asset of the penitentiary as much as the products of the labor on the State farm, and he cannot take either and refuse to pay for it. A conversion of one is the same as a conversion of the other.

We also condemn the practice of the superintendent's endorsing paper as superintendent, and thereby pledging the credit of the penitentiary without express authority from the board of directors in each instance. We especially condemn Mr. Neal's action for endorsing an \$850 note for J. B. Watson and thus making the penitentiary borrow that amount of money merely for Watson's accommodation. We also condemn its use in the Ragsdale notes and W. W. Russell note.

The following are the amounts now admitted by Mr. Neal to be due from

him to the penitentiary, it being acknowledged that there is a shortage to that extent.

Amount collected of J. S. Fowler, Dec., 1895,	\$ 500 00
Amount collected of W. Q. Hammond, Nov., 1895,	500 00
Amount collected, Fowler & Hammond & Kept, Feb., 1897,	539 95
W. W. Russell note,	600 00
Amount collected of W. T. McGill, brick sold at DeSaussure Farm,	40 00
Five bookcases at \$12 each,	60 00
One hat rack,	10 00
Six small tables at \$2 each,	12 00
One bedstead,	10 00
Painting furniture at house,	10 00
Seven hundred bushels cotton seed at 15 cents per bushel,	105 00
Commissary account for six years,	638 29
Check unpaid and carried by Burriss,	172 00
Collected of J. J. Fretwell for oats, April, 1898,	387 17

Total admitted,

Total,

There appears to be due the penitentiary the following items, which have not been properly charged on the books or collected, being found on an old brick yard book and commissary book, and which the parties are no doubt ready to settle on presentation of bills: The Hon. W. H. Ellerbe, commissary account, \$154.11; the Hon. John Gary Evans, commissary account, \$181.14; the Hon. B. R. Tillman, commissary account, \$57.06; the Hon. B. R. Tillman, carload of brick, \$72; the Hon. B. R. Tillman, oats, no amount given; he simply informs us that he owes for them and we do not find any record of it.

We append as Exhibit A a statement of the property purchased, improvements made and labor furnished to public institutions by the penitentiary during Mr. Neal's administration, aggregating, in all, \$175,845.16, being the value placed upon the same in the reports of the board for the six years.

The evidence taken is herewith submitted. The proper steps to be taken as a result of this report and the evidence will be determined no doubt by yourself and the Attorney General.

Respectfully submitted: W. F. Stevenson, H. C. Patton, T. P. McDow, J. F. Hay, Knox Livingston.

Rare presence of mind probably saved the life Mrs. Flora Jennison, Clear Creek, Idaho. She was out in a huckleberry patch, when she ran across a bear with cubs. The mother bear, with a vicious snarl, made for her. Like a flash Mrs. Jennison tore off her skirt and slung it over the bear's head. While the enraged bear was tearing the garment to pieces in an effort to extricate itself the woman fled down the hill to the camp. Some of the men, hearing her screams, started out with their guns and met her. They killed the bear and captured the cubs, which Mrs. Jennison is now raising on a bottle.

The Mennonites, a religious colony in Pennsylvania, whose religious conference recently interdicted the use of tobacco, in any form, do not propose to let this prohibition interfere with their worldly affairs. The farmers of the colony keep right on planting tobacco, getting around it by saying that if their industry is so displeasing to the Lord the tobacco will not grow. The outlook at present is for a bountiful crop.

A GREAT TRUTH.

All organized living things, whether belonging to the animal or vegetable kingdom contain within themselves the germs of death and decay. Germs of disease are often generated within the human system through imperfect digestion of food, producing various poisons which scientists have denominated plagues. A stomach weakened by abuse, gorged with over eating or over burdened with hot bread, too rich or greasy foods or those too highly seasoned, becomes weak, and fails to thoroughly digest the food. A heavy, sodden mass is accumulated in the stomach to ferment as the first step in its decay, giving off foul gases to distend the stomach, and poison the blood, and becomes thin, weak, and lacking in the red corpuscles so necessary to perfect health.

The over distended stomach presses upon the heart, and the latter organ is also disturbed through sympathy, the same system of nerves being distributed to both organs. This palpitation and irregular action of the heart with its attendant shortness of breath, result, and in time, disease of the heart itself is established. The gases and other poisons generated from undigested, fermenting and decaying food in the stomach becloud the brain, causing headaches, and pain in the eyes.

Being absorbed into the blood these poisons reach every part and organ of the system. The kidneys are thereby poisoned, causing Bright's disease and diabetes. Fil-ling through the skin, troublesome skin diseases often show themselves. Every organ and every nerve, depending as they do for their nourishment and renewal upon the stomach, weak digestion, indigestion of food, produces weakness and flesh, but also in nervousness, debility, bad complexion and many other derangements. Dr. Pierce's Golden Medical Discovery tones and regulates the stomach; stimulates the digestive juices; invigorates the torpid liver; promotes intestinal strength; clears bilious poisons and diseased germs from the circulation; gives the blood its natural color and assimilative power, and furnishes Nature with the fresh, abundant nutrition out of which she manufactures firm flesh, strong muscles, clear skin, healthy lung tissue and nerve-fiber, and gives sound, enduring, active energy to the whole system.

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