

The Cincinnati Enquirer

THE STATE DISPENSARY.

THE RECENT SCANDAL INVESTIGATED BY THE STATE BOARD.

Governor Evans, Commissioner Mixson and Others Testify—No New Facts Brought Out—Interesting Reading—No Action Taken by the Board.

COLUMBIA, Sept. 17.—The State Board of Control was engaged all day yesterday investigating the dispensary scandal. The examination began in the office of the board at 9:30 and with two hours' intermission was kept up continuously until 8 p. m. All members were present as well as all of the legislative committee. The witnesses examined were Governor Evans, Mr. S. W. Scruggs, Colonel Mixson, J. W. and W. T. Mixson and Col. D. H. Tompkins.

Chairman Jones called the board to order, whereupon Attorney General Barber, addressing the board, said that he was present in obedience to the resolution of the board and was ready to perform any duty the board might call upon him to perform as he was legally their counsel. Chairman Jones stated that the board wished him to examine the witnesses and suggested that in order that he might be familiar with the purpose of the examination that the published cards of Governor Evans and Colonel Mixson be read.

Mr. Barber thought that unnecessary, but asked that the stenographer be sworn, remarking at the same time that the board had no authority to administer an oath. Chairman Jones being a notary public administered the oath and the board was ready for business.

Mr. Barber: What witness do you want to examine? Governor Evans, Colonel Tompkins and Colonel Mixson are here.

Governor Evans: Wouldn't it be well to have the board indicate the scope of the examination and determine what it intends to do?

Chairman Jones: It is our intention to go as far as possible. We agreed last night that it was beyond our power to investigate beyond our employees.

Mr. Williams said that was a decision. The board would have no right or power to go outside.

Mr. Barber said undoubtedly the board would not have that right.

Mr. Abney arose and stated that he had been requested by Mr. Mixson to appear in his behalf. In doing so he believed he was not transgressing the proprieties when he called to the attention of the board the word "unofficial" in their resolution. There is no such word in the resolution. He understood that the board came into office April 1. If you are going to confine yourself to such that time it could be understood. But the scope of the examination as intimated is not in keeping with the resolution.

Chairman Jones stated that what prompted him to call the board together was the open letters of Governor Evans and Commissioner Mixson. He thought it necessary that the matter be looked into after that. If they had not appeared he would have seen no cause for calling the board together. That's why they are here to consider the matters charged in those letters.

Mr. Douthett. We are to consider the matters charged in those letters.

Mr. Nicholson: In other words we want a searching investigation of all matters pertaining to the management of the dispensary.

Mr. Williams: Our understanding was that these charges are to be investigated. If anything further comes up, we will investigate that unless some objection is made.

The scope of the examination having thus been definitely determined, the lawyers had a little consultation and after while Attorney General Barber asked that the Governor be sworn, which Chairman Jones proceeded to do. General Barber then asked him to state what he knew.

Governor Evans testified: I don't know anything further than what is contained in my letter. Most of the evidence I have is hearsay. The only thing in the way of positive evidence are Mixson's statements and his boy's confession, which are in my letter, which, I believe, are not based on any investigation of the material part is covered so far as the material part is concerned. The only thing I have to state is just what is in my letter.

Mr. Nicholson: In order to refresh the minds of the board would it not be better to read the letter?

There was no second and Governor Evans continued: I'll just state that the facts stated in my letter were brought to my attention by circumstances and assignments of the clerk of the board. I don't know how to believe that the Commissioner or parties connected with him were getting money from whiskey men.

At this point General Barber interrupted and said that Mr. Abney had been consulting him about cross-examination of witnesses and he suggested that the board grant Mr. Abney that privilege, which was cheerfully done.

Governor Evans resumed: These reports went on from time to time and in conversation with Mr. Scruggs he said he could get the evidence for me if he wanted to. I told him he had my permission to leave and he said he would go to Cincinnati. He did so and returned with evidence against Mixson's son. Then Tompkins and Mixson called at the mansion and it was agreed that they should get a confession from the boy. The next morning on a slip of paper, which he handed me saying the boy had confessed. Later in the day Mixson brought me the letter of confession, but protested that he had no knowledge of the transaction and stated that his son had been overreached by the whiskey men. I suggested that he see the boy and not let him leave the city as had threatened to do. The matter went on this way and it was suggested that Mixson resign. On the advice of his friends he refused to do so. There was no way to remove him except for cause and I had no direct evidence against him. All I knew his boy had been overreached, Tompkins and myself discussed his resignation and we knew we were going to have a confession matter. I never received any evidence that Mixson got rebates. The rest was suspicion, such as a letter from Francis Skelly in reference to rebates and another from Peebles, in which he stated that the price of whiskey must be raised or some other commission would stop. These were

shown me by Scruggs.

Mr. Scruggs: No that was a conversation I reported to you as having had with White (Peebles' representative). There was no letter.

Attorney General Barber: Do you know positively that Colonel Mixson or any other one connected with the dispensary received rebates?

Governor Evans: All I know is hearsay. I had no direct evidence. If I had I would have acted at once.

Mr. Scruggs: You didn't have sufficient evidence; that was your final conclusion?

Governor Evans: Scruggs is more familiar with it than I am.

CROSS EXAMINED.

Mr. Abney: In reference to the letter shown you by Scruggs, when was that?

Governor Evans: It was previous to his going to Cincinnati—about a month.

Mr. Scruggs: It was in the fall, before Christmas.

Mr. Abney: What has become of the Skelly letter?

Governor Evans: Scruggs has it on file. I suppose.

Mr. Abney: Let's have it and let the board draw its own conclusion.

Mr. Scruggs promised to hunt up the letter and Governor Evans continued: Something was said about Peebles raising the price of his liquor a little. I told Mixson about it and he said he wouldn't let them raise on him. It was then that Peebles said White's commissions must stop.

Mr. Abney: Was Scruggs' evidence written?

Governor Evans: I never saw it. Tompkins and Mixson reported it to me and after Mixson's son confessed. I never asked for it.

Mr. Abney: Didn't you find from your investigation that there was no cause against Mixson—that he was innocent?

Governor Evans: Well, everybody had suspicion. Mixson had received overtures from whiskey men, among them White, about which he told me. I told him he ought to have kicked White out. Later during the Constitutional Convention he sent me a note asking for a card of admission to the floor for White. I told him afterwards that he ought not to be asking favors for White in view of what had occurred.

Mr. Abney: Having gotten all the information you could and finding no cause for punishing Mixson you passed the matter over?

Governor Evans: Oh, yes, I told Mixson I had no desire to punish an innocent man and if he could convince me that he knew nothing of his son's transactions I would do nothing.

Mr. Abney: Didn't you afterwards send in Mixson's nomination to the Senate and he was confirmed?

Governor Evans: No, it was a matter of form and not a direct question against him. The Legislature was in session when these things were brought out. In view of them I determined to recommend a law so as to put these things at rest and take away the purchasing power from the Commissioner.

Mr. Abney: Subsequent to this you heard no charges?

Governor Evans: Charges were made every day. I told my informants to give me no facts unless they could produce the evidence. I have been trying to get the evidence, but haven't been able to substantiate them. I have never made any charges but have only acted in my capacity as Governor.

Mr. Abney: In your letter you state that Mixson received a desk. Is that not being used now?

Governor Evans: I don't know. Other reports were made and I told Mixson—

Mr. Abney: I only want to show that Mixson had not been delinquent in your duty and had no cause to remove him.

Governor Evans: Well, there have been many reports, but no one ever brought me positive proof.

Attorney General Barber—Anything else, Governor.

Governor Evans: All I know is about employees which I have stated. If any other case is brought out I will have something to say.

BY THE MEMBERS.

Mr. Williams: You speak in your letter about "Mixson" dealing with whiskey men. What Mixson?

Governor Evans: Commissioner Mixson.

Mr. Williams: You say Scruggs proceeded and had evidence against "Mixson." Was that the Commissioner?

Governor Evans: No, the boys.

Mr. Williams: You also say that all could see the reason of the opposition to you. What did you mean by that?

Governor Evans: Well, Mixson fell out with me because I was trying to secure evidence which I have stated. Because of the fact that Scruggs went out of the State without his knowledge, Scruggs was appointed by him. Weren't you?

Mr. Scruggs: Yes, but you know you said I was to be your personal representative and see that things were kept straight.

General Barber: There was never any report of the matter made to the Attorney General's office?

Governor Evans: No, because I didn't have the evidence and the State had nothing to do with the Mixson boys.

SENATIONAL STATEMENT.

Mr. Williams: You speak in your letter about "these men." To whom do you refer?

Governor Evans: Well, Scruggs said Tompkins was as deep in it as Mixson.

Mr. Williams: You have never seen his evidence?

Governor Evans: No.

Mr. Barber: What positive evidence have you against Col. Tompkins?

I made Scruggs make out a price list and sent it to Hubbell, who sent his price list to me. The price list that Mixson said Hubbell had offered him a bribe. I never asked Mixson to purchase from him after that. Then the correspondence between the two appeared in the papers. Hubbell again told me that Mixson was getting commissions, and I told him to go and state his case to the board, which he did.

Mr. Williams: You never saw those telegrams and letters until they were published?

Governor Evans: No, but Hubbell told me something about the R. M. Mixson letter.

Mr. Williams: He never told you over a year ago that all the evidence had been submitted to Senator Tillman?

Governor Evans: He never said anything about it to me. Tillman never told me. We did speak to your board about it, and Tillman wrote you a letter, saying it would be an act of gratitude to buy from Hubbell in view of what the Mill Creek Company had done to help the Dispensary at the start.

Mr. Williams: You never knew anything about R. M. Mixson's letter of introduction to Hubbell?

Governor Evans: No, not until it was published. Hubbell told me he was satisfied something was wrong, and he said he had seen R. M. Mixson's letter in reply to a question by Mr. Weston, that Scruggs furnished him with assurance that he had gotten testimony some time in February. He reported after the confession of the boy and said to me that was the way it was done and had evidence to the same effect.

COLONEL TOMPKINS.

Mr. Barber: Colonel Tompkins has been brought in and I suggest that he be heard.

Governor Evans: No, not until it was published. Hubbell told me he was satisfied something was wrong, and he said he had seen R. M. Mixson's letter in reply to a question by Mr. Weston, that Scruggs furnished him with assurance that he had gotten testimony some time in February. He reported after the confession of the boy and said to me that was the way it was done and had evidence to the same effect.

Colonel Jones said he certainly would be given an opportunity and he asked Mr. Tompkins if he would like to make a statement, to which he received a negative answer.

THERE WERE OTHERS.

Governor Evans had completed his testimony, remarking that all he had said was in his letter when Mr. Abney asked: Were the rumors you speak of confined to one man?

Governor Evans: No, there were several of them. It was rumored that I was in it. I couldn't act, though some of the rumors came in such a way that I had to notice them.

Mr. Nicholson: You say there were rumors afloat concerning yourself. Have you in any shape or form ever received or been offered any rebates?

Governor Evans: No, sir. Nobody has ever offered me any. Mixson had the exclusive privilege of purchasing, and I only asked him to buy from Cranston—to give him a small order. He was an old friend of my family and represented Baker's whiskey, for which there was a demand. Beyond that I never had anything to do with purchases, and drummers rarely came to me. I have dared any man to even insinuate that I got one cent. I told Mixson to divide his orders, else people would say he was getting rebates. I had, I suppose, 100 conversations with Mixson on the subject, warning him against it.

The Governor concluded by saying that his services were at the disposition of the board, and he would be glad to answer any questions at any time.

Mr. Barber said that a great deal of importance attached to those letters referred to in the testimony and he would like to proceed with the examination. On account of my illness I had been unable to attend the trial, but I must do my best to detect the guilty parties; that I was his personal representative and he looked to me to keep everything straight, and for me to consider that I had his authority to go anywhere at any time in the prosecution of this investigation. It was my intention to proceed to Cincinnati and make a report on the work which I had done that year in straightening out the terrible condition in which the books of the State and county dispensaries had gotten proved so great a strain on me that I was laid up with a severe case of sickness and was threatened with nervous prostration. 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