## E-TABLISHED 1865.

# THE INVESTIGATION OF COL. W. A. NEAL

HIS DISPOSITION OF THE STATE'S BRICK INQUIRED INTO

Tillman Got a Carload of Them-Whothe He Intended to pay for them or Not au Op a Question-Spley Developments in the Proceedings.

#### [The State, 14th.]

Interest was added to the Neal in vestigation, esterday by finding an unpaid and uncharged claim for 12,000 furnished to Senator Tillman in 1895. This added a new phase to the ques

spent in inquiry into it. In July of that year Senator Tillman was in need of some brick. In an offhand way he said to Col. Neal, who, with Col. Lipscomb, was opera ting a brickyard for which the State furnished convict labor, the two parties to the contract sharing brick alike, that he wished he would ship him a carload to Trenton. In the conversation about brick and his need for 12,000 of them, according to Col. Lipscomb's recollection of the story as narrated by Col. Neal, Secator Tillman's mind seemed to have dwelt upon the ingratitude of republics for not much sooner had he ordered the shipment taan he said: "I have been going to Clemson and Winthrop colleges as trustee and now I am going to ask the legislature for remuneration." The brick were shipped to the senior at the request of Col. Neal and Col. Lips-

They were so charged; the penitentiary paid for them, but has never collected from Senator Tillman. From the testimony no effort has made to do so and the item was not

comb took the privilege of sending a

bill along with them. Col. Lips-

comb then mentioned the matter to

Col. Nea, who said just charge the

brick to the penitentiary account.

books as an asset. What the committee is seeking to find out in connection with the brick matter is this:

even carried on the penitentiary

In the penitentiary report of 1897 there are reported on hand 225,000 brick as an asset and are valued at \$5 per thousand. In the report of 1898 only 25,000 of these brick are reported on hand, while only \$9.05 were realized on the sales. The committee wants to know what beer me of the other 200,000. In the testimony that followed about 100,-000 were accounted for, though the committee has not yet finished its inquiry into this particular matter.

#### PROCEEDINGS IN DETAIL.

When the pententiary investigation committee met yesterday morning over an hour or more was spent in private conference determining upon the line to be pursued. The meeting was then made pub-

lic and Mr. J. E. Boggs of Pickens presented himself and said that he was there at the request of Col. W. A. Neal as his representative. He said further: "I am in this matter not to frusirate but to aid the committee in getting at the bottom of the matter. I am here to urge the the committee to probe every wound and to search for the truth, and after this is done I may advisedly state that we are ready to comply with any conditions which the committee may impose."

Mr. Boggs then went on to say that Col. Neal was not the defendant in this matter and that he would request that he be subjected to such questions as were only necessary to explain any transactions of the penitentiary with which he might have had to do in an official way.

Chairman Stevenson briefly replied that each time Col. Neal had taken the witness stand at his own request and there had been nothing compulsory in the investigation.

#### ANOTHER NEAL NOTE.

The examination then proceeded with Col. Neal on the witness stand | vision of the brick?" at his own request. The first matter made by Col. Neal as superintendent with notes of the Columbia Street Railway, Light and Power company

come due in April. Mr. Stevenson

"Colonel, the books of the bank show that there is one note for yourself as superintendant for \$1,498.46 with the Columbia Street Railway, Light and Power company as collateral. How about that?"

"The penitentiary has leased the watter power down there to the Co lumbia Street Railway, Light and Power company. That has been done for 20 and 30 years. That was brick which the penitontiary had done before I was superintendent. They have been behind and we took their notes and used them as collattion and the afternoon session was eral to get the money and gave our notes."

"With regard to this particular loan I will ask you if it was not reported to the directors that instead of the penitentiary negotiating the loan that it was the directors of the Columbia Water and Power company and the note had been used without the penitentiary incurring liability. Wasn't that the report when that money was gotton?"

Col. Neal replied that he "didn't remember fully about the matter, but he thought the directors were informed about the transactions."

"But hadu't the directors prior to that time instructed you not to endorse any papers?"

"I don't remember, Mr. Patton but I don't think they had. I think possibly such a resolution was passed

"Did you ever have occasion to bring it to the attention of the board that you had endorsed this note?"

"No, I don't think I did, but I might have."

#### тие \$10,000 снеск.

"When the \$10,000 was paid into the st to treasury in 1898 for the profit of 1897, how did the penitentiary realize than profit?"

"From all kinds of sources. We sold the cotton from the State farm and got in money from supplies furnished the chaingangs, from United State prisoners and all kinds of

"On the day that that check was aid did you discount notes at the Carolina National bank for \$8,468.

"Well, I don't remember."

"Woll, I will refresh your memory," said Mr. Stevenson, and he then read from the testimony of Mr. Clark on Saturday giving a list of notes which had been discounted on that day, aggregrating \$8,468.04

Those notes were given for convict hire for 1898, were they not?" Mr.Stevenson then asked.

"Yes, sir."

"Well, then, instead of the peni tentiary paying from its profits of 1897 the \$10,000, it anticipated its income for convict hire for 1898 discounting these notes, did it not?"

Col. Neal answered "that those alcase; that was in part the way the \$10,000 were realized."

THE BRICK TRANSACTION.

"Can you tell us anything about the brick transaction, can you tell us when it was entered into?"

"I think it was in the spring of

"You ran it two years?"

"Yes, two years."

"When did you have a settlement; when you had to have an arbitration with Lipscomb?"

"Some time last year, I think, in the spring or summer."

"How many bricks did the State get by the division?" "Something over a million were

turned over to the asylum." "How many brick were turned over

to the penitentiary?" "Well, I don't remember the num ber, a considerable number, though." "How many brick did the penitentiary got in that arbitration with

Lipscomb?" "I can't remember."

"Who was your arbitrator; who represented the penitentiary in the di-

"Mr. J. B. Mendenhall who was in touched on was a note for \$1,498.46 | the employ of the penitentiary acted for us and Mr. Burroughs was Mr. Lapscomb's representative."

# NEWBERRY, S. C., FRIDAY, MARCH 17, 1899.

arbitration?"

"They were hauled to the yard and some were sold around the city for building chimneys."

"Some were sold last year, 1898?"

"Do you remember any parties to whom you sold ?"

"We sold a few to the State 1'air nd other parties in the city." "Have a large majority of them

peen disposed of?" "Yes, I think so."

"Did you sell any out of the city efore the division?"

"I don't remember."

"Any since?" "I can't say."

"Well, Colonel, what has become of the money derived from the sale of these brick?"

"The penitentiary has gotten every cent of it."

"I see in your report last year that you put down only \$9.05 for brick

"Well, the bookkeeper is the best man to put on the stand in regard to that. The records will show that."

"Have any brick been shipped away from Columbia since the arbitrat on?"

"I don't remember; the records ought to show that."

"I suppose a number were used on the State farm?" "Yes."

"How many?"

"I don't know, but a great many." "In other words, whatever brick you received under the arbitration are fully accounted for by the records?"

"Yes sir."

By Mr. Boggs, Col. Neal's attorney: "Are you sure the records will show the number of brick used by the penitentiary?"

"No, some of the brick were used in fixing drains and things around the yard there."

"But the record will not show how many of these brick were so used?"

"No, but I think I could make a close estimate of those used in the yard."

"About the convicts used on that farm (the Neal farm,) to whom did

the profits inure?" "To Mr. Watson and more, too." "And that contract for labor is his

centract?" "Yes."

By Mr. Stevenson-"Did you ever have Col. Lipscomb to ship any brick for you to parties to be charged to the penitentiary's half of the brick ?"

"Not that I remember."

About the price for the brick the witness could give no definite fig

#### 200,000 виск.

"In the report for 1897 the direc tors have down the number of brick on hand as 225,000, while in the re together were not the facts in the port of 1898 only 25,000 are put down as on hand. They are valued at \$5 per thousand and yet for these 200,000 brick disposed of during that year your report only shown \$9.05 realized. How do you reconcile this difference?"

"That's all the cash we got for them. Most of the brick were use I at the State farm and around the penitentiary yard. The records will show what became of them."

#### WHAT THE BOOKS SHOW.

This ended the work of the committee up till dinner and when it met in the afternoon, Mr. R. E. Burriss was called to the witness stand to explain the books of the brick transaction. He read from his books the following statement of the brick made and disposed of during 1895:

Brick furnised the asylum, 1,008, 854; State Penitentiary, 68,600; State House, 3,750; B. R. Tillman, 12,000; total, 1,111,204.

F. D. Kendall, 400,200; J. J. Reeder, 24,000; J. C. Witt, 5,000; L. B. Smith, 10,496; total, 439,696. This last amount sold and the pro-

ceeds used to buy wood and pay other running expenses. Brick to T. J. Lipscomb, 768, 186; bricks put in kiln, 70,000; total,

Summary-Amount charged to "What has become of the brick penitentiary, 1,111,204; brick to T.

838,186.

as collateral. This note will be that the penitentiary received in that J. Lipscomb, 838,186; balance due T. J. Lipscomb, 273,018.

The above is certified to as being an exact settlement for the year 1895 and was made March 6, 1896.

1896 SEETLEMENT.

Brick furnished asylum ...... 500,100 Brick furnished S. C. P. ...... 59,500 Brick furn shed T. J. Lipscomb 480,550

By this settlement the penitentiary received 39,525 more than its share, while Col. Lipscomb lacked that number of brick of getting his half of the entire output.

#### THE TILLMAN BRICK.

The committee asked about the 12,000 brick furnished Senator Tillman and wanted to know if they had ever been paid for.

Mr. Burriss answered: "The 12, 000 brick to B. R. Tillman is an open acco: at, and if they have ever been paid for I don't know of it."

"Do I understand from you," asked Mr Patton, "that the item of 12,000 brick is not charged to R. R. Tillman ?"

"No, it is not charged."

"Have you ever been instructed to render any bill to him for that amount?"

"In making up the statement for the penitentiary report did you include this item under the head of assets?"

"We understand that that amount of brick has never been paid for so

"No, sir."

far as you know?" "No." "Were those other items for Ken-

dall, Witt and others ever reported "Yes, they were reported paid." "If these brick had not been ship-

pod to B. R. Tillman the penitentiary would have 12,000 more brick than now?" "Yes, they would have gone to

some one. They might have been given to Col. Lipscomb as he had not received his full share of brick."

"Did those 12,000 brick appear properly as a penitentiary charge or to Col. Lipscomb?"

"As a penitentiary charge."

"Would you say that those brick before they were shipped belonged to the penttentiary or to Col. Lipscomb?"

"I don't know."

"In making up the final charge to whose a-count are they charged?" "To the penitentiary."

In the report of 1897 the superindent reported 225,000 brick on hand. In his report of 1898 only 25,000 were reported and the committee sought to find out what had become of the 200,000 brick, as only sales amounting to \$9.05 were reported. Mr. Burriss was requested to read from his books showing what shipments of brick were made during all of 1897 and up to the 1st of January, 1898. He read the following

On January 14, 1898, to W. T. Magill, manager State farm, 12,000; January 17, 8,000, same person; Jan uary 18, 12,000; to same person March 7, to same person, 12,000; March 14, to J. J. Cooley, manager State farm, 12,000; March 22, same person, 12,000; April 7, 12,000 to record kept of them. same person; total number shipped to State farm, 82,500.

The books further showed that only one sale was made during that year and that on May 18, to Rev. L.

D. Carroll of Columbia, 4,500 brick. "The Carroll matter has never been paid. There might have been a few small sales, but I know noth-

ing of it," added Mr. Burriss. "When brick have been sold who did the selling?"

"Possibly Col. Neal or Capt. Westfield." "All you had to do was to credit

the account when the cash was turned in ?" "Yes."

"Are you prepared to say that all the accounts you have read out are either paid or charged up as assets except the account of B. R. Tillman ?"

"Yes, sir so far as I know." By Mr. Boggs-"Didn't Mr. Lips- been paid for?"

comb sell the brick to Senator Till-

man ?" "I don't know, sir."

"Were you present when that account of Senator Tillman was turned

ever to the penitentiary?" "I don't think I was." "About that Tillman account you

had no instructions?" "No, sir. I heard that Col. Lipscomb had sent a bill to Senator Till. I

"What were your instructions about the Kendall and other ac-

counts ?" "With Col. Lipscomb I collected the accounts to pay for running ex

"So the account against Tillman was property of the Congaree Brick Company owned jointly by Lipscomb and the State?"

"Yes." "Did you have any specific instructions from the superintendent not to enter the account against B.

R. Tillman as assets ?" "I don't know that I did." "It would not have been proper to enter it as an asset of the penitenti-

ary if it was an account of the Congaree Brick Co., would it?" "No, sir." "So that entry does not mean that

the penitentiary has assumed the account of B. R. Tillman?"

"I do not so understand it." By Mr. Livingston-"Upon that book does it not appear that Col. Lipscomb is credited with those 12,000 brick sold to B. R. Tillman and the penitentiary charged with them?"

"Yes sir, that is the way it ap pears."

Mr. Patton-"Would you have charged that item of 12,000 brick against the penitentiary account without instructions to do so?"

"I don't know that I would."

THE PENITENTIARY THE LOSER. Mr. Stevenson-"As the thing has turned out who has lost those brick, Col. Lipscomb or the peniten-

"According to the way it stands here the penitentiary is the loser." Mr. Patton-"Suppose those

brick were paid for tomorrow who would get the money?" "It would be credited to the Con-

garee Brick Co. and by them turned over to the penitentiary." "If it is never paid the peniten tiary will be the loser?"

"Yes, sir." "Col. Lipscomb hasn't one cent of interest in it, has he?"

"No, sir." "It has never been returned as an sset of the ponitentiary?"

"No, it has never so appeared." "I see by this book that the account of B. R. Tillman is put with those of the asylum, penitentiary and state house, thus showing they were not sold to pay for running expenses as were the brick sold to Kendall, Witt and others. Is that cor-

correct?" "Yos, sir," In answer to questions, Mr. Burriss told of the number of brick being used for improvements in the penitentiary. He would not attempt to give an estimate of the number so used and added that there was no

### NEAL ON TILLMAN BRICK.

Col. Neal was asked to make a statement about the Till.nan brick. He said:

'I suppose Senator Tillman ordered 12,000 brick from us and they were shipped to him at Trenton." "It was assumed by the peniten-

tiary. Why was that?" "I supposed the order came through us."

penitentiary?" "Well, when Col. Lipscomb filled an order made through him he became responsible for its payment and so with the penitentiary."

"Why haven't they been co!-

"Why were they charged to the

lected?" "I don't know. Don't know why they had been transferred to the penitentiary books."

"Didn't you know they had never

# TWICE A WEEK, \$1.50 A YEAR

Tillman."

"No, the bookkeeper didn't report it to me."

"Have you ever made any effort to collect that account?" "No, it is like any other account

for which the bookkeeper sends out bills," "Wasn't it your business to see

hat this account was collected?" "Yes." "Well, why didn't you instruct the

bookkeeper to collers the account?" "I didn't instruct him not to collect, so supposed he would collect it."

"Why wasn't this account transferred to the penitentrary books as assets ?" "It was my understanding that

all these accounts at final settlement were to be transferred to the penitentiary books." "Is that a devoliction of years or

he bookkeeper?" "I suppose it was partly the fault of both."

Mr. Patton-"Have you ever made

in effort to collect this account?" "Well, I have never written a private letter to Senator Tillman asking him to pay it."

"This account has been outstand-

ing for four years and we want to know whose negligence it wasyours, Mr. Burriss' or the board of directors ?" "Perhaps I ought to have instruct-

ed Mr. Burriss to send Senator Till-

man a bill with request to pay. 1 don't know whether I did this or did not do this." Mr. Patton pressed the point of why the account had not been charged on the penitentiary books as assets and so continued until paid

until finally Col. Neal said it was the fault of the bookkeeper. "As a matter of fact have those

"Not to my knowledge." MR. STEVENSON'S FINE SARCASM. "Well, colonel, I suppose Senator Tillman is good for them?" drawled

brick not been paid for?"

Mr. Stevenson, intimating that the committee would see that they were paid for.

"Yes."

MR. BURRISS

wanted to clear himself of the charge of negligence by Col. Neal, so he said: "I have had absolute instructions to collect the accounts of the asylum, but as for this Tillman account or any others I have never had any instructions. My recoilection is that this account was to stand open until Col Neal could see Senator Tillman n togard to it. Col. Lipscomb had sent a bill for it and he had never

#### been able to collect it, so this was my understanding of it."

COL. LIPSCOMB, who operated the brickyard with the cenitentiary, told of the agreement etween the contracting parties. H

said: "The State gave the asylum so nany hands (convicts) and I understood through Col. Noal they did not wish to bry brick machinery and had asked him to make a contract with me. I was to furnish the plant, one haif the wood and the burner. The penitentiary was to furnish the labor and one half the wood. We made brick the first year and everything went very well. The asylum got their brick. The second year Col. Neal took the hands away before the contract was finished. He said the asylum did not want any more brick. "This was peremptory action on his

"I brought suit and it ended in arbitration. Col. Neal selected one man and I the other and they divided the brick."

"How many brick did the penitentiary get by this division?" "Four hundred thousand or 430,

000 orick, but they got 40,000 of mine through mistake, for which they afterwards paid." "How much were these brick worth ?"

quality, as they had first pick. I got from \$3.50 to \$5.50 per thousand for mine." In answer for an explanation of

"The penitentiary had a better

plied: "On July 3, 1895, Col. Neal asked pany, of New York,

me if I would ship a car load of brick to Senator Tillman. I shipped the brick and they were charged at \$6 per thousand and the hill amounted to \$72. I sent Senator Tillman a bill made out in the name of the Congareo Brick Company. Sometime after I met C I Neal and said to him that Senator Tillman Lad not even answered my letter containing the bill for Lrick. Neal answered and said Sonator Tillman had said he had been going as trustee to Clemson and Winthrop colleges and he was going to ask the legislature for some remuneration; and for me just to transfer that brick account to the penitentiary's account. The same way with the state house brick. I was to take 12.000 brick to offset this 12,000 brick which I shipped to

#### NEAL'S BAD MEMORY.

Col, Neal couldn't remember anythin; about the conversation with Col. Lipscomb anent the Tillman

statement. This ended the testimouy for the day. As the spring term of court is approaching in the different circuits the members of the committee decided they would take a week off and resume the investigation Wednesday the 22nd.

### PENTIUENTIARY AFFAIRS.

Capt Griffith Announces Ills Staff for the

Coming two Years

[The State, 15th.] Capt. D. J. Griffith returned from he State farm yesterday. He was quite tired last night and did not care to talk of his prospects, but said that he proposed to institute an entirely new system of bookkeeping. He will not take charge until Friday, probably, as he wants the in-

stitution transferred in a businesslike way. He announced his appointments for the principal places under his administration. Mr. W. D. Black, of Ellenton, Barnwell county, is to be captain of the guard. Mr. Black is a member of the house from that county and has been associated in

business with Capt. Griffith before. Dr. L. K. Sturkie, of Gleaton's, Orangeburg county, is to be the penitentiary physician. Dr. Sturkie has for several years been a member of the house of representatives.

Roy. J. C. Abney, of this city,

will be appointed chaplain. Mr.

Abney was one of the chaplains of

the constitutional convention and is now chaptain of the house of rerresentatives. A happy selection is that of W. W. Adams as ser count of the guard. Mr. Adams has hold this position for a score of years and has many

friends in Columbia who will be glad of his good fortune. The other positions will be filled later. Mr. John Taylor has already

# been appointed bookkeeper.]]

Literary Notes.

IAN MACLAREN'S NEW YORK. Ian Maclaren, who is now on a lecturing tour in this country, b. gins in an early issue of The Ladies' Home Journal his latest piece of literary work. It is a series of popular articles in which he defines the relation that a monster holds to his congregation; how a preacher is helped by his people; how a co: gregation can make the most of a minister, and other phases of the most satisfactory attitude of a con gregation to a pastor.

VIOLA ALLEN'S LITERARY ASPIRATION . Miss Viola Allen, the "star" of Hall Caine's dramatization of his popular novel, "The Christian" has always aspired to be an author, She has said that there are two things which she would rather do than act; write a book, or be a trained nurse. Sae will now make her literary debut in an article which she has written for The Ladies' Home Journal, reciting and explaining fully "What the Life of an Actress Means."

MISS WILKINS' EEW BOOY. In April Miss Mary E. Wilkins'

latest story, "The Jamesons in the Country," which is now running sorially in The Ladies Home Jourthe Tillman brick, Col. Lipscomb renal, will be published in book 'orm by the Doubleday & McClure Com-