PARDON OF COL. W. A. NEAL. END OF A PROSECUTION THAT MADE

A GREAT SENSATION Governor McSweeney in an Interview De-

scribes the Great Pressure Brought to Bear on him to Grant the Pardon by People of Prominence in Various Parts of the State, Both by Means of Petitions Numerously Signed and by Personal Letters He States Reasons Ad-'vanced by Col. Neal's Friends in Support of their Plea for Pardon, and also States his Own Reasons for Granting the Pardon.

[Nows and Courier,]

Columbia, August 22.—Governor McSweeney has granted a full pardon to Col. William A. Meal, who was convicted in Richland County on the charge of failure to turn over money to his successor within thirty days. The case of Col. Neal is still fresh in the minds of the reading public and, as the testimony was published at the time of the hearing there is no need for repetition. It is likely the end of the most interesting litigation that there has been in the State in many years and the conduct of the case by Attorney General Bellinger won him much commendation as an attorney.

Judge Gary, upon the conviction, sentenced Col. Neal to four months' imprisonment in the county jail and to pay a fine of \$1,000.

Governor McSweeney, in talking of the pardon and his reasons for taking such action, said:

"In addition to the petitions which were signed by gentlemen of the highest reputation and standing in Richland, Anderson, Greenville, Spartanburg, Pickens, Rock Hill and other counties and cities where W. A. Neal was known. I have received letters from prominent men from all parts of the State urging me to exercise Executive clemency on the ground that the law had been vindicated, and the defendant, on account of the high position he once occupied, had been sufficiently humilated and punished by his conviction, and had made good to the State, prior to his conviction, all the money for which he was officially liable.

"A pardon was urged by the sureties on his official bond, not only by thur." their signatures to the petition, but also by letters and personal interviews. The petition stated that G. H. Greene and a petition signed Neal had paid the full amount for by ten leading citizens. which his official bond was liable, and one of the sureties, in a personal interview assured me that they had paid up all moneys demanded by the State from them, and that they had been reimbursed by Neal a short time after settling with the State, and prior to his trial for breach of trust with fradulent intent, upon which charge he was acquitted.

"The petitions made no question but that Neal's trial and conviction were regular and technically proper, but prayed his pardon upon the ground that the law had been sufficiently vindicated by his conviction and consequent humilation."

"I saw no reason for withholding elemency, inasmuch as his conviction and sentence has shown that the ay of the transgressor is hard, and thest as well as the lowest cit-

ble to the law. it under such eireumadd anything to one who has ocas Neal, but nd pain to

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stantial citizens of the State.

clemency. The more important were: family."

Col. J. H. Wharton, railroad commissioner, writes: "During my stay at Clemson College I did not hear a singlo man express his views in reference to Col. Neal's case that was not decidedly in favor of his being pardoned. I believe you will gratify the majority of the people of the State by granting his pardon."

Mr. John H. Cope, of Bamberg, writes: "I hereby join his many friends in petitioning you to pardon him, allowing him to remain with his I am constrained to believe he does not deserve."

Capt. J. A. Mooney, of Greenville, writes: "I do not believe in vicarious sacrifices, hence for that reason, The people of this section are not satisfied with the result of his trial, but are indignant that he has been sentenced to suffer the mortification and shame of imprisonment. I have never believed that he deliberately stole the State's money, and where today are the men who got the State's property for nothing by reason of poor Neal's great heart and his confidence in men, could a jury be found to convict one of the mighty men in Israel? I do firmly believe that for any irregularity on Neal's office these friends (?) of his and superiors in oflice are morally responsible. To ths sensitive mind the more trial upon such a charge is not only punshment, but it is torture. The poor fellow is broken in spirits and fortune, and I believe the good people of the State would rejoice at his par-

Dr. R. F. Smith, of Easley, writes: "I respectfully submit that the records of the court show that it was only a technical violation of the law The law in his conviction has been vindicated and it would be a travesty of justice to punish Col. Neal fur-

Letters from Rock Hill were received from Dr. T. A. Crawford,

C. B. Free, of Bamberg, writes among other things: "And as he has been so severely criticised and has suffered so much mentally, I think that a pardon from your hands would meet the approval of all good citizens."

Mr. G. R. Hays, of Bamberg, also

wrote a letter urging the pardon. Mr. J. J. Gentry, of Spartanburg, says: "I have come to the conclusion that inasmuch as the State and the sureties of Neal did not lose anything by him and that it was only a technical violation of the law, that he ought to be pardoned."

N. H. Stewart, of Rock Hill, writes: "I have signed a petition here asking his intention to appeal to the Suyour clemency in the case of W. A. Neal. I do not believe and never have believed that he was guilty of stealing anything from the State intentionally, but simply was negli gent, caused from whiskey, etc. I think he has suffered sufficiently and trust you will exercise your pardon-

ing power, etc." Mr. John S. Bird, of Charleston, wrote asking that the pardon be granted, especially because of Col. eal's family.

> T. Larry Gantt writes Gov. "I write you this letter t you grant him o the wishes

and included many of the most sub- that you will lend your power to lumbia that neglect to send me every In addition to the numerously ernor, I ask that you grant Col. Neal the births and deaths of the respectsigned petitions Gov. McSweeney a pardon, based on such grounds as ive towns." received personal letters asking for will not reflect upon his integrity or

Letters were also written from the following gentlemen from Rock Hill: W. B. Wilson, J. W. Marshall, J. J. Hull, A. Friedheim & Brothers, A. R. Banks, J. J. Waters, W. H. Stewart, A. B. Fink, G. H. Greene.

Columbia, S. C., Aug. 9, 1901. petition to pardon ex-Superintendent W. A. Neal most favorably.

The conviction of Col. Neal in this was settled he did so.

duty to pardon this citizen. Very espectfully. J. C. Wilborn.

Pendleton, S. C., Aug. 15, 1901. To his Excellency, M. B. McSweeney, Governor of South Carolina-Dear Sir: I notice in the papers hat the subject of a pardon for Col. Wm. A. Neal is being agitated. I write to join in the other requests that you take such action. The State has not lost one cent by him; he paid the amount he has ascertained to be owing in full, and his conviction of most was a mere technicality, because he did not pay in thirty days. If every one guilty of that offence is to be imprisoned we must build new jails and import extra population for jailers. I carnestrecommend his pardon. Yours

Augustine T. Smythe. Greenville, S. C., August 7, 1901.

His Excellency, Governor M. B. McSweeney-Sir: I would respectfully ask the pardon of W. A Neal, upon the ground that there was not one scintilla of testimony showing any criminal intent to defraud the State, and I do not believe that such intent ever existed. I think the ends of justice have been achieved and the majesty of the law vindicated, and that he should be pardoned. Yours distribution. respectfully, Jas. L. Orr.

Mr. Lewis W. Parker, of Greenville, also urges the pardon.

The appeal in the Neal case was abandoned to-day as the following Supreme proceedings show:

"To G. Duncan Bellinger. Attorney General, and J. T. Thurmond. Solicitor: You will please take notice that Wm. A. Neal, defendant in the above stated case, has abandoned preme Court, notice of which was served on the first day of July, 1901. "P. H. Nelson, Julius E. Boggs,

attorneys for Wm. A. Neal." The appeal was abandoned before

he pardon was granted. HEALTH LAWS OF THE STATE.

It appears that certain cities in the State pay no attention to the health laws of the State or to the State board of health. The Attorney General's office finds that there is ample law to make city officials give heed to the State board of health, and that Col. Wm. A. Neal, office has offered and will push any violations of the law or refusal to attend to the requests of the State artanburg | board of health, made in accordance

> as you with the law. Some city officials who use the waste basket for inquiries from the State board of health will perhaps nd trouble in store for them.

he following letter on the subplains the situation:

mes Evans, Secretary State Health, Florence, S. C .--

carry out this act of injustice. Gov. | month the vital statistics, including

Presuming that the localities complained of have duly appointed local Former Senator T. J. Kirkland, of | boards of health for such neglect is Kershaw, asked for the pardon, say- amply provided for. by Section 969, ing that he believed it would meet | Volume 1, R. S. 1893, it is made the the approval of the people of that duty of the State board of health to organize a system of registration of vital statistics. This power is likewise authorized under the general duties imposed upon the State board of health. By Sections 5 and 10, (A. 1894, page 819,) of an Act creating the local boards of health power is given to the local boards -except in Gov. M. B. McSweeney, Columbia, | the City of Charleston-to maintain family and friends without the stain S. C.—Dear Sir:—I desire to earn-\a complete and accurate system of of his being a 'jail bird,' which name estly request you to consider the registration of births and deaths which may occur in the town or city and under a penalty of not less than one dollar, nor more than fifty dol matter was entirely upon a techni. lars for noncompliance can compel cality, in the matter of not having obedience to the same on the part of as well as others, patent ones, I write turned over within thirty days funds all physicians or other medical practo join my views in the prayer of in his hands to his successor. He titioners, clergymen, magistrates, thousands of my fellow-citizens ask- has paid to the State all that the mid-wives, undertakers, sextons, and ing for the pardon of Col. Neal. legislative committee said he was all other persons from whom in due. Col. Neal did not turn over formation for such purposes may this money while the matter was still properly be required. The duties, in the hands of the investigating power and authority of the State and committee, but as soon as the case local boards are, in the particular, manifest. By an Act to be found at I truly hope you can feel that it is page 733, Acts 1901, the State board onsistent with your sense of high of health is inverted with authority to direct and supervise the actions of local boards of health in incorporated cities and towns in all matters pertaining to said local I pard, and upon a refusal or neglect to execute the orders of the State bard the offending members may be removed by the State board after on day's notice under the procedure therein outlined. This removal is in addition to the penalty heretofore imposed. It is likewise made the duty of the secretary of the lacal board to report to the State board of health all such facts and statistics as may be required. A failure to show cause for the failure or refusal to make such re-

> It should be noted that any member of a local board who after accept ing and being duly appointed shall refuse to qualify and serve on the board shall be subject to a fine of twenty-five dollars to be imposed and collected by the town council. (Acts 1897, p. 456.)

turns subjects that officer to removal.

This is the law covering the question propounded. If you need further information please advise this

As requested I have collated the laws governing the State and local boards of health for publication and

Very respectfully, U. X. Gunter,

Assistant Attorney General. There is a statute, passed at a recent session of the General Assembly, which requires that all burial cases should be plainly marked, giving the name of the deceased and the cause of death before accepted for shipment. Dr. Simons, of the State board health, writes that certain railroads are not requiring this certificate, and that bodies are being shipped in plain violation of the law. It is a case where an ounce of prevention is worth a pound of afterthought, as persons dying of contagious diseases may be shipped if this neglect of law is allowed to drag along. Attorney General Bellinger and Mr. Gunter

to them as violating this statute. Reflections of a Bachelor.

will make it their business to prose-

cute any railroad company reported

The Lord made fish cold-blooded so they wouldn't blush fiery red at some of the humans that go in swim-

For every ounce of rum that runs out of a bottle into a man's mouth that you advise me what further steps an ounce of brains runs into the bottle out of his head.

You can teach the stupidest dunce how to make love, but it is beyond the power of any mortal soul to teach another how to love.

ou request to be advised in the world he can put on his tone wing questions: "What of voice to disguise the love he has h the towns like Co. lost for her.—New York Press.

OFFICIAL FAMILY ROW.

ATTORNEY GINERAL SCORES THE COVERNOR ABOUT NEAL,

He Gives a Long Reply to the Governor Reasons for the Pardon-The Mass of the People Endorse the

The State, 24th.]

In regard to the Neal case, now that the pardon has been granted by the governor. Attorney General Bel linger has issued a statement, which

speaks for itself and is as follows: While the case of the State vs. W A. Neal was still within the control of the courts, I felt that propriety, if not justice, distatcd that the prosecuting officer should remain silent as to certain statements made in behalf of the defendant through the public prints, criticising the motives of the prosecution, is pugning the imparlality of the presiding judge and ading to mislead the uninformed public as to the facts of the case; but but inasmuch as the governor has ganted a full anconditional pardon to the desendant, justice to the peoele of the State, whose servants publie officials are, to the cause of truth, and to the integrity and ability of one of the purest men ever honored with the ermine, impels me to speak, while the propriety of my course the future must decide.

For the past few days numerous statements and predictions have been made in the daily press, as to the prime responsibility for which it is not necessary to inquire. It has been said: "The attorney general, it is said, gave Col. Neal's bondsmen a receipt for the amount due by him to the State." No such receipt ever was given, for the reason that it has been hel all along by this office that the bondsmen were liable for only a part of what Neal was due the State, and only for this part was any rocoipt given or any money paid. Communication was begun with Neal, immediately upon the receipt of the report of the committee, early in August, 1899, and continued from time time unprofitably until August 29th, when warrants were swern out against him, and his arrest followed.

Demand was made on his bondsmen on September 4th, 1899, and the sum of \$2, 812.41 finally paid by them on the 29th day of the same month, after complaints were prepared ready to be served in the suit against the bondsmen. The receipt given, distinctly states the items of the shortage included in the sum.

It was also said in Wednesday's 'State," by one apparently "speaking with knowledge," "During the hearing" (on petition for pardon), "the governor asked Mr. Nelson some questions as to what amount Col. Neal still owed the State, or whether by his acts the State stood in danger of losing anything. * * * * Off hand replies were given to the questions asked by the governor, but later on written explanations will probably be filed;" and "The governor will first refer the petition to the trial judge and the solicitor before going further in the matter." I am justified in saying no reference to the matter was so made, and consequently the prosecution now has the first opportunity to be heard; and did no one now speak in behalf of the State it might reasonably be inferred that the statements of fact contained in the petition remain unchallenged.

Inasiauch as the governor, on the 12th of August, 1899, in transmitting the report to the investigating committee, said in his official letter to the attorney general: "I ask that you take such action as the law requires, to protect the interests of the State, and to secure the administration of justice. I would ask, also, are necessary to be taken by me to carry out the findings of the committee, as contained in the report," (report p. 4), and as he further said to the legislature: "The whole matter was then placed in the hands of clude that the reasons for granting A man put cloves on his breath the adorney general, with full power the pardon are fully set out in the and disguise the smell of whiskey to act, and protect as far as possible statement above analyzed. I shall from his wife, but there is nothing the interests of the State," (report look to the allegations of the peti p. 6) it is reasonable to suppose that | tion and the statements contained in that officer knew better to what ex- the letters handed out by the gov-

honored mo with a request for in- pertinent. formation. I should have shown him, from the copy of the report which his office had printed and sent to the general assembly, that the tion of the law." In addition to joint investigating committee (report page 16) reported to him officially that in addition to the items for which the bondsmen subsequently paid the State, Norl was liable for convict hire for three years, amount ing to \$7,400 and that the attorney general reported in addition to the amount for which the bondsmen were chargeable that "on the account of the lease of convicts for three years, the State has lost \$2,600" (report p. 7) and I should have shown him, by the testimony printed in said report, that at pages 68-107 Neal acknowledged that the notes which he had taken from the Ragedales were discounted at the bank in order to raise money to pay his personal debts due the penitestrary on account of convict hire; that the Ragsdales were not even morally responsible for the amount; that he received the benefits arising from the lease of the convicts and that the penitentiary authorities now held one of these notes amounting to \$2,600 for the hire of convicts for the year 1897. And I should have reminded him

that in his report to the general ussembly he used this language: "IT will not be improper for me in this connection to command the thorough ness and efficacy with which this committee has discharged the difficult duties they had in hand, as you will see from the report herewith submitted," "The attorney general has discharged his duties in this matter faithfully and I commend his

diligence." Having been confined, as a source

of information, to common rumors of the articles published in the news papers as to the facts presented on behalf of the defendant. I am not informed of any evidence laid before his excellency to make him change his conclusions as to the facts established by the committed's report, and I reiterate that after taking advantage of the law to save the loss of \$2,600, which the bank now sustains, and after collecting from J. B. Wat son for the benefit of the bank the

amount due for convict hire for another year, the State has lost on account of the official misconduct of W. A. Neal at least \$2,600, as form-

orly reported.

I notice in The State of today a statement of what, by way of cuphemism, we may call his excellency's reasons for granting the petition of pardon. These appear, generally speaking, to be three:

1st. That the petitions were numerously signed "by gentlemen of the highest reputation and standing." This reason is forceful possibly because 'the voice of the people is the voice of God" to the auditor whose worship is directed in a certain direction.

2nd. The sureties of the official bond of Neal urged the pardon upon the ground that the defendant had repaid them what they were compelled to pay the State on account of his defalcation. This reason would itself be conclusion if the proscentions had been brought by the State for the benefit of these bondmen.

3rd. It seems to be taken for granted that humiliation and repentance for the deeds done in the body are satisfaction before the law for the violation of criminal statutes of

the State. Were the governor, under the constitution, clothed with the preistly power of absolution on account of a change of heart and a promise of a better life, this reason would perhaps have weight, but one can scarce. ly throw off the conviction that had this penitent been friendless and weak he would have been left to the chainging to "bring forth fruits

to meet the repentance." As it would be an injustice to content the State was to be affected orner for publication, and make such

than defendants afformeys. Und be running comment as appears to me

The petition states that:

(a) "The offence of which Neal was convicted was a technical violag saying that all crimes under statutes are technical violations of the law, I call attention to the tert mony of the defendant before the joint investigating committee and upon his trial in court in which he confessed that at the time of the collection of the funds in question he made false statements to the book keeper as to the amounts collected, stated that he had expended the funds for his personal use and finally, in contradiction of these confessions, swore on the stand the t he had properly accounted for then: and this is referred to in the petition as a "full and frank statement."

(b) "At a former term of court, he was tried and acquitted of breach of trust with fraudulent intent as to the same funds for which he was indieted and convicted for not turning over to his successor," I have be fore me all of these indictments in the cases. The indictments upon which he was acquitted, charged the fraudulent conversion of only \$211. The indictment under which he was convicted, charged the fraudulent conversion of only \$211. The indietment under which he was convieted charged the failure to turn over sums aggregating \$1,544. So that for three separate sums, he has nover been acquitted or even tried. There is still undisposed of against him in the court of general sessions an indictment for breach of trust for the conversion of \$300, but inasmuch as his humiliation and repentance is expected "to redeem his life and reinstate himself in the good opinion

f his fellow citizens." It would probably be as unjustifiable experditure of public funds to press this prosecution at the next term of

(e) "This sum of money was paid, as hereinbefore stated, prior to trial and with no idea of compromise." As before stated, the money was part only after the defendant had been arrested and had given bail and then by the bondsmen against whom suit was threatened.

(d) "As the law has been vindicated and the amount found due on his bond paid* * ** If this state ment is not intended to imply that the State has been held harmless in full by this payment, then it does mean that the reimbursement of the bondsmen should be considered full satisfaction before the law for Neal's

(e) "Such being the statute and the facts showing that he had not turned it over within the thirty days, the court could not charge otherwise than it did and the jury could not but find a verdict of guilty." Surely his excellency could not se soon forget that on the motion for a new trial before Judge Gary on July 1st, his honor was subjected to the painful ordeal of having stated before him as grounds for a new trial: "Because the court refused to charge the jury in regard to the authority of the superintendent of the penitentiary."

"Because the court failed and refused to charge the law as set forth in section 551."

"Because your honor's ruling during the progress of the trial were not a fair and impartial exposition of the law and were prejudical to the con-

stitutional rights of the defendant." At last the amondo honorable has been made to his honor, Judge Gary, and the petition bears evidence to the impartiality of the judge and to the performance of duty by the jury. Alas, justice has come on leaden wings, and reparation's generosity is tinctured with a suspicion of expadi mey.

Among the letters, which his excelloney has been considerate enough to give to the papers for publication along with his reasons, and presumably as meeting with his approval in sentiment, are some charging that the people believe that the prosecution against Col. Neal was actuated by political prejudice and was simply

Concluded on fourth page.