

The Watchman and Southron.

THE SUMTER WATCHMAN, Established April, 1850.

"Be Just and Fear not—Let all the Ends thou Aims't at, be thy Country's, thy God's and Truth's."

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GENERAL GOMEZ'S

ESTIMATE REDUCED.

Our Commanders Give
Census of Cuban Troops.

Habana, March 21.—The Cuban army has 13,219 men, all told. This number includes corporals and sergeants but excludes commissioned officers. The figures are the result of the official inquiry instituted under the direction of the department commanders for the use of the military administration.

The reports of the governors of provinces are as follows:

Santiago, 0; Puerto Principe, 300; Santa Clara, 4,769; Matanzas, 2,200; Habana province, 2,450, which includes 375 in the city of Habana; in Pinar del Rio, 3,500.

Gen. Gomez originally reported that there were over 42,000 privates and non-commissioned officers. Gen. Roloff, inspector general of the Cuban army was to have presented an accurate muster roll to Gov. Gen. Brooke, but he has not done so. As a creature of the Cuban military assembly, he had joined with it against Gomez. His muster rolls, in whatever form they may be, have been given to Senor Rafael Portuondo, president of the executive committee of the assembly, but the governor general has assurances that they will soon be turned over to him.

Brig. Gen. Ernest will assist the military administration in distributing the \$3,000,000. It has not yet been decided whether the whole amount is to be distributed pro rata or \$1.00 given to each man, and the balance retained by the United States government.

The statement that there are no Cuban soldiers in the province of Santiago, has caused considerable surprise here, as it was supposed that there were many Cubans still in arms there. Nevertheless, this is the report of Maj. Gen. Wood, military governor.

At to-day's session of the Cuban assembly a motion was made in favor of disbanding the Cuban army and dissolving the assembly, with permission to the Cuban soldiers to accept gifts of money from the United States if they so desired. After considerable argument, the gist of which was that the assembly could not discuss matters of such importance without previous consideration on the part of individual members, it was decided to postpone the public discussion of the motion until Friday.

Another motion was introduced in favor of changes and improvements in the organization of the Cuban army, but the discussion of this was postponed until to-morrow. As a matter of fact, to-day's session was devoted almost entirely to questions of order arising out of the various motions made.

Senor Federico Mora, civil governor of Habana, has issued a document in which he summarizes the laws regulating public gatherings and parades and attempts to show that he acted within the law in the course he took regarding the parade of March 12th in honor of Gen. Gomez, a course which was primarily responsible for the ill feeling between the police and people that culminated in the bloody affrays of last Sunday and yesterday.

Senor Mora says that if the law is bad, it should be repealed, but that so long as it is in force, it should be observed.

Maj. F. Martinez, of the Cuban forces, who was shot last evening at the Hotel Inglaterra by Police Lieutenant Emil Cassin, the former trumpeter of the Rough Riders, is not expected to live. Cassin has been placed in jail. His action is generally condemned as unwarranted and as due to his excitable temperament.

Ex-Senator Edmunds in a letter to the New York World says that "a republic can have no subjects. Its people must be either citizens, slaves or aliens."

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The Penitentiary Investigating Committee

Finds an Apparent Discrepancy of About \$4,000 on Account of Oats.

Columbia, March 22.—The Neal investigating committee resumed its work to-day. Colonel Neal was not present, it being stated that he was unwell. Mr. Boggs, his counsel, was, however, on hand. All members of the committee were present. Chairman Stevenson announced that President Clark, of the Carolina bank, had furnished a list of all notes endorsed by Colonel Neal with the bank since he became superintendent. These papers were put in as evidence.

Mr. Garris, a director, was the first witness. He referred to some correspondence and an editorial in the State newspaper. He stated that in 1896 the penitentiary and Colonel Lipscomb made "brick. During that year the directors visited the brick yard in looking around he saw quite an accumulation of brick which seemed to have been rejected. He asked Colonel Neal what was done with them, and he replied that they were worth nothing. Witness said to him he would like to get about 3,000 of them if the State did not want them. Neal said he could get them if he would pay the freight. He said to Neal if they cost more than \$1.60 a thousand he didn't want them. If not he remarked that he would take 5,000. Witness went to Branchville, but he didn't see the railroad agent to ask him about the freight rates. At the next meeting of the board he asked Captain Westfield to see what it would cost and if it was not more than \$1.60 to ship 5,000. The brick were not shipped up to the time of the next meeting. In March he received notice from the agent at Branchville that there was a carload of brick at the depot for him, and that the freight was \$18.50. This was more than he expected to pay, but he paid the freight and took the brick. He never got any other brick from the penitentiary and he would not have received them had they been worth anything to the State.

Mr. Stevenson then questioned him about the sale of 5,120 bushels of oats. Mr. Garris said the board got its information from superintendent's reports as to sale of products and prices brought. That with the books, shipping receipts, etc., was the only source from which the directors got their information. So far as the board is concerned the oats were sold.

Mr. Stevenson called his attention to the fact that about \$5,495.70 worth of oats were sold. But the superintendent's report shows only \$1,499.65 as cash received from the sale of oats, showing a discrepancy of nearly \$3,900.

Mr. Garris said that the bookkeeper and the superintendent could best testify as to that. The board got its information from them.

Mr. Patton asked him whether the cash from this sale of oats has been placed as assets, and the witness replied that it ought to have been. He said as a director he never made an examination into the matter. He said that the board examined the books. He never had discovered or suspected the difference before. Mr. Patton asked him whether he did not conceive it his duty as a director to be so posted as to be able to know such things?

Mr. Boggs at first objected to the question, but it was put.

Mr. Garris said he had never been educated as a bookkeeper, and depended upon reports made to the board. The board had perfect confidence in the superintendent, and he never made a close investigation of these matters.

In reply to Mr. Stevenson he said that on the DeSaussure farm he would put in from 2 to 3½ bushels per acre for seed. He thought about the same would answer for the Reed and Lexington farms. He said he didn't know how many acres were sown on the farms, and he didn't know whether there are any records as to it. But he supposed it would be easy to get at by consulting the farm superintendent. He said that oats were fed to stock, he supposed, as it was required. But he didn't know whether any record was kept. Mr. Stevenson asked him a number of questions as to how much grain, oats and corn should be fed to a mule in a month.

Referring to the cotton crop report, Mr. Stevenson showed that 675 bales, worth \$11,315.25, had been returned in the directors report. But the superintendent's report shows that 739 bales had been sold, a difference of 64 bales. The explanation given was that it was old cotton from the year before. The superintendent reported for the sale of cotton \$11,690.13, leaving as the amount for 64 bales \$374.90. Witness said that ordinarily sixty-four bales ought to bring more than that. The cotton may have been bad, but

there was evidently some mistake. Mr. Burriss thought it the result of a typographical error, and a recount showed it was.

The committee then took a recess.

Before dispersing Mr. Boggs stated that Colonel Neal was sick and could not be present, but he would like to have him present. He also stated that Col. P. H. Nelson had been employed by Colonel Neal as assistant counsel.

Mr. Burriss was called, and said the assets of the penitentiary, so far as oats are concerned, for 1898 amounted to \$962.99, which represented open accounts.

After deducting this \$962.27 from the apparent shortage of \$2,695.05 there is left \$2,032.76 from the sale of oats yet unaccounted for.

Capt. Westfield of the penitentiary guards was called to the stand at the afternoon session to testify about the brickbats shipped Mr. Garris. He said that Mr. Garris' statement was correct, and added that he perhaps sent him more than 5,000 brickbats, as it was easier to get rid of them by loading into a car than to haul off from the yard and throw away as would otherwise had to have been done.

As an employe of the penitentiary for the past 10 years and captain of the guard for the last four years, Mr. Westfield was in a position to know much of the internal workings of that institution. Hence he was closely interrogated on many questions of domestic economy, so to speak. His answers were to the point.

He testified that Supt. Neal was supplied with coal, wood, lard, kerosene, milk, vegetables and hands by the penitentiary, and had the clothes of himself and family laundered at the penitentiary. He had numerous articles of furniture made for himself and friends at the penitentiary.

Mr. Cunningham and Mr. Garris of the board of directors, had furniture made there also, as did Secretary of State Tompkins and others. Mr. Garris says he paid for the furniture he obtained, but there is no record that any of the others paid a cent to the penitentiary.

Gov. Ellerbe received coal and wood, kerosene, hams, etc., from the penitentiary and had all his laundry done there. No charge was made of the laundry, and Capt. Westfield could go no further than to state that the Governor was "expected" to pay for the supplies he obtained.

The hams that were so freely distributed were brought from the State farms or from the hogs raised at the penitentiary, and were supposed to be used as food at the penitentiary.

Capt. Westfield stated also that the directors were always entertained at the penitentiary and that there have been many more visitors since Col. Neal has been superintendent than ever before.

Convicts have been sent to the superintendent's residence and the governor's mansion to do work for them quite frequently.

In reference to the brick he stated that he was confident that the account was correct as far as it went and that the brick unaccounted for were either used at the penitentiary or sent to the State farms.

When cross examined by Mr. Patton, Capt. Westfield stated that some of the things that the various parties mentioned got were charged and some of these were paid for, but some of them were not paid for, and it was pretty well understood when they went out that they were not to be paid for. There were some things that I didn't much think would be paid for."

How Many Penitentiary Beneficiaries Have We?

Columbia, March 23.—Captain Westfield was again on the stand this morning. In reply to a question by Mr. McDow he said that Senator Tillman had got a book case about two years ago. He didn't know whether it had been paid for or not, but he didn't think so. Congressman Latimer also got a book case. Several crokinole boards had been made at the penitentiary, but he could not tell how many were made or who got all of them. Col. Neal got one or two.

The witness had the commissary book with him. He said he took charge of the book in 1894. Referring to the account of the governor's mansion, he said he did not think any such account was kept before. Tillman was governor in 1894 and according to the books the account against the mansion for that year was \$57.60. It was mostly for wood and coal. Some of the other items were for hay, lime, paint and some nails. He could not say that it had been paid. If it had been it ought to show on the bookkeeper's book. Mr. Stevenson remarked as a matter of fact there was no record of its payment.

In 1895 Evans was governor. Westfield's books had charged against the mansion for that year \$206.44. For 1896 the total was \$96.50. Witness thinks the 1895 account was paid in part at least. It was mostly for lumber to rebuild fences. The other items

for these years were coal and wood and horse feed and they were the largest accounts. In 1897 Ellerbe was governor. There is charged up against the mansion for that year \$268.71. There ought to be a credit of \$36.65, which would make the balance \$232.06. For 1897-1898 the total is \$458.52, with a credit of \$337.54, leaving a balance of \$120.98. There has been \$33.13 worth of stuff gotten since then. The present governor then owes \$154.11.

When Governor Ellerbe first came to Columbia he had his meat shipped from home. He had no way to keep it at the mansion and he made arrangements to store it at the penitentiary. He sent for it as he needed it. He sent up some more from his farm in 1898. After what he had there had been used up he got meat from the penitentiary, which was charged against him. The penitentiary also bought meat from the governor. In justice to the governor the witness said that reports that he had been getting meat from the penitentiary originated from the governor sending for his own meat. He said that he did not mean in his testimony that hams had been furnished the governor's mansion for six years. He knew nothing about it previous to his keeping the books.

From 1896 to the present, Col. Neal is properly charged for supplies amounting to \$577.29. This was for general family supplies. They were charged up generally at cost price.

In reply to Mr. Boggs, said that a prisoner kept the commissary department under his direct supervision. He saw the book every day. Col. Neal instructed him to keep the books.

Mr. W. D. Evans testified as to some Jersey cattle he got from the state farm. Governor Evans had told him that he had a Jersey cow and calf of the state farm. Governor Evans was at his house, and looking at witness' cow said witness ought to have a better cow than that. The governor said he would make the witness a present of the cow. Later the witness saw the cow at the farm, and still later asked the governor whether he meant for the witness to take the cow. The reply was "yes," and the cow and two calves belonging to Gov. Evans were shipped to him at Kollock's station. The cow had been given to Gov. Evans by Senator Tillman. The whole transaction was a purely personal one between him and Gov. Evans.

Mr. J. J. Cooley, superintendent of the Reed farm, was next witness. He stated that in 98 4,608 bushels of oats were shipped and sold from the farm to various parties through out the state. One hundred bushels were sold at the farm, the price being 45 cents a bushel, the proceeds being paid to Col. Neal on October 5. The other shipments were made on order from the penitentiary. Witness' statement as to the number of bushels shipped did not agree with the amount in the penitentiary report. He explained that he had found last night that he had made a mistake in his addition of over 500 bushels.

In 1867 a carload was shipped to W. A. Neal. None were shipped in 1898 to the penitentiary. In 1896 there was a small crop and no record was kept. What was left after feeding and planting was put in a car and shipped to Columbia. As to cotton seed, four cars were shipped to Darlington in 1897. He didn't remember whether any more were shipped or not. In January, 1898, he shipped 700 bushels of seed to Col. Neal's farm in Anderson. He thinks they were worth about 45 cents a hundred, or 15 cents a bushel.

Mr. Stevenson directed a number of questions to the witness as to how much corn was necessary to feed a hog, in order to show that it cost more than the meat product was worth. He said much of the cotton was of a low grade owing to the weather. He gave convicts a task to pick from 100 to 150 or 175 pounds. If they didn't come up to it, he gave them a "little brush." This was done with a leather thong. The usual number of lashes was about fifteen. Their hands were tied and he usually whipped them himself. They were whipped on the bare back. He gave one 100 lashes, once, for running away. No convict was whipped for complaining of bad treatment. He couldn't say how many he had whipped during the week, but there were some weeks when none were lashed. The strap is three inches wide and fifteen inches long.

Mr. Stevenson asked him whether he could hit a spirited horse like he hit convicts did he suppose he could hold him. Witness said he didn't think he could. The man he gave 100 licks to could work next day. His name is Wallace Williams, but he has been out two years. He said it was false that a convict had been whipped until he was bruised from head to foot. He had unintentionally, in a few instances, broken the skin of convicts when whipping them.

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Witness said that ordinarily he had

from fifty to sixty convicts on the farm. They would average about forty-five throughout the year. There were six guards. Besides them he and his family consisting of three persons boarded at the farm. He denied the report that during hog killing time the neighbor fared sumptuously on spare ribs, sausages, etc. As to his son-in-law getting a cow he said he swapped one with him, but his son-in-law's cow died just about the time the penitentiary cow was taken away.

Mr. F. H. Weston was the next witness. As to an account against him for \$60.87 he said it was for 150 bushels of oats and some hams, which he paid for. He produced his checks as receipts. As to coal he said Dr. Weston had attended some convicts on the absence of Dr. Pope. He bought coal for about \$4 a ton from the penitentiary. Through his brother he bought five tons, which he paid for. He bought the hams from Captain Westfield. The oats were bought from Col. Neal. Dr. Weston stated that he bought some coal from the penitentiary and paid for it. Col. Neal said they had more than they needed.

Most of the day was spent trying to account for the oats, brick and meat, about which the published reports give such unsatisfactory conclusions. The committee is trying to have explained the apparent discrepancy in the pork account, the apparent loss of oats of the 1898 crop and the wide difference in brick accounts. The directors seem to have accepted the reports of the superintendents of the farms and these reports were misleading and incorrect, this specially as to the oats, and by publishing the incorrect reports the summaries would not work out.

It appears that Governors Tillman, Evans and Ellerbe have been running accounts with the commissary department of the Penitentiary. The accounts have not been settled up and seem not to have been reported to the Penitentiary as assets, nor has anyone seemed to worry about their collection. The bills are uncollected, in fact have not been asked for. Governor Tillman's unpaid account is \$57.06; Gov. Evans' unpaid balance is \$181.14, and Gov. Ellerbe's balance is \$216.56, of which amount \$117.92 is charged for oats. With the exception of the oats none of these items have been reported to the bookkeeper for charging or collection. The charges are mostly for horse food, and it Tillman's time molasses, grist and other articles are charged.

Capt. Westfield testified that Tillman rented about a seven or eight acre plot on which he raised cow and horse food. It was cultivated by convict labor and ploughed with penitentiary animals. No charge was made; no bill was rendered so far as he knew. Gov. Evans, he said, did the same thing, as far as he knew. Gov. Ellerbe, it seems, has had a larger tract. He had the place worked by convict labor and ploughed by penitentiary mules. Capt. Westfield said he had never heard of any charge being made or expected for the labor or ploughing. It was stated that Gov. Ellerbe had from this Columbia place sold the penitentiary eight thousand pounds of peavine hay at \$8.50 per thousand. The oats account of Gov. Ellerbe was expected to be settled with a horse which the penitentiary thought of buying. Gov. Ellerbe had asked for his bill and paid most of it, and wished to pay the remainder.

Superintendent Cooley, of the Reed plantation, testified that he had under instructions given away three sets of Berkshire pigs, one set to Director Garris. Mr. Garris stated that he had asked a month ago to settle for the pigs, but had been unable to do so. Mr. Cooley stated that he had shipped, under instructions, a carload of twenty thousand pounds of cotton seed to Easley, for Col. Neal's farm. No bill was ever made for the cotton seed, and he did not expect it to be made.

Mr. Cooley seems to have taken care of lame horses on the Reed plantation. Among the horses cared for was one of Miss Ellerbe. He charged \$13, which was for his personal service, he treating the horse, but no charge was ever made for feed of horse while on the State farm.

More furniture from the penitentiary workshop was accounted for to-day. Senator Tillman, Col. D. H. Tompkins and Congressman Latimer, it was stated, got furniture of which there is no record of payments.

The penitentiary has paid \$250 for granite curbing ordered by Gov. Tillman to be put around the Mansion, but the penitentiary has never been paid for the curbing, for which it paid by a credit on the labor account of the Stewart Contracting Company. Th

granite curbing has never been used nor hauled from the quarry, where it has been for years. The penitentiary has paid out other money which has never been returned.

Governor Ellerbe Expected to Pay for Washing.

Gov. Ellerbe yesterday gave out the following statement in regard to his name being into the penitentiary scandal.

"In the testimony of Capt. Westfield the public would think I have been getting my laundering done free at the penitentiary.

"Some time ago our washwoman left the city and we could not get one to do our work satisfactorily. I told Col. Neal about the matter and he told me he had a good laundry at the penitentiary and that he could do my laundering for me. I sent a part of it only, and am to pay \$3 per month.

"About a month ago I succeeded in getting a washwoman and have not had any laundering done at the penitentiary since."—The State.

Extravagance as Well as Rascality.

Chairman Cunningham Tells What he Knows About Penitentiary Affairs.

Columbia, March 24.—The investigation was continued to-day, and, while no startling disclosures were made, all the evidence tends to confirm and strengthen the proof that the penitentiary was managed in a very slipshod and extravagant manner, that Col. Neal, Governors Tillman, Evans, Ellerbe and numerous other men in touch with them were free with penitentiary supplies and no effort was made to collect from them. Chairman Cunningham, of the Board of Directors was the most important witness of the day, and as he occupied a responsible position in relation to the institution and should know more about its affairs than others, his testimony is given in full.

The other witnesses were penitentiary guards, who testified in reference to the treatment of convicts, the cultivation of the gubernatorial farm, the entertainment of people at the penitentiary and other minor irregularities.

Chairman Cunningham's testimony was as follows:

Chairman T. J. Cunningham was put on the stand and his attention called to the form of contract used, which is contrary to a legislature enactment of 1882 in that it only provides that a penalty of \$50 shall be paid by a contractor when a convict escapes, whereas the law declares that a penalty of \$50 for each year of the unexpired term of such escaped convict shall be paid. For instance, if a convict with five years to serve should escape the contractor would be liable for \$250.

Mr. Cunningham stated that the form of contract in use was furnished by the attorney general's office. He was not sure, but he thought Justice Pope was then attorney general and drew up this form of contract. His attention had never before been directed to this law.

The chairman briefly reviewed the things done for the betterment of the penitentiary. The hosiery mill had been built, sewerage put in, an electric light plant established, quarters for convicts overhauled, new barns put up, new machinery bought and a number of other improvements made since Col. Neal had come superintendent.

About the brick, he said as a practical man he was sure every brick had been satisfactorily accounted for by the improvements made on the State farms and at the penitentiary.

The treatment of the convicts was humane, the chairman stated. In 1899 it was reported to him that the manager of the Reed farm as treating the convicts cruelly. He went there and had the convicts lined up and asked about the mistreatment. There were no complaints from them and he told them that if they were ever badly used they could complain without fear of punishment.

Mr. Boggs asked about the oats, Chairman Cunningham answered that he was sure the oats had properly been accounted for. The figures in the directors reports were furnished by the superintendents of the two farms. There was considerable rivalry between them and he thought when he saw the oats that they had been over-estimated.

CONTINUED ON NEXT PAGE.

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