

THE DOWNFALL OF SMALLS.

CRUSHING EVIDENCE OF HIS ACCEPTANCE OF A \$5,000 BRIBE.

Woodruff's Fatal Testimony Against Smalls and Maxwell—The Cat Let Out of the Bag—Ransier and W. H. Jones Likewise Among the Bribees—The Effort to Prevent Untimely Disclosures—Maxwell Resigns His Senatorship to Qualify Himself for the Penitentiary.

[From the Special to the News and Courier.]

COLUMBIA, Monday, October 8.—The preliminary examination of Congressman Smalls was resumed this morning at 11 o'clock, the principal witness, Woodruff, having arrived from Charleston since Saturday. But few spectators—perhaps not more than a dozen men and boys—were present in the Court room, as the public in Columbia have ceased to manifest any interest in these oft-recurring trials, for the reason that all the cases are very much alike. All are for stealing in some shape, and the only break in the monotony of the proceedings is that afforded by changes of name as to the culprits, and as to the amount each received.

Senator Nash, however, was present on this occasion, and seemed to take a lively interest in what was passing. The Court being called to order, Mr. Youmans read from General Statutes, page 463, the joint resolution appropriating \$525,000 for the public printing of the sessions of 1870-71 and 1871-72, and also parts of the journals of the House and Senate, wherein he traced the course of the resolution from its introduction to its final passage. It appears from the Senate journal that the resolution was called up for a third reading on the motion of Smalls, and among those voting in the affirmative were Smalls, Nash, Owens and Whittemore. Mr. Woodruff was then sworn, and testified first, in substance, that he was Clerk of the Senate at the time of the passage of the joint resolution. A. O. Jones was the Clerk of the House. Q. (By Mr. Youmans.) Who was Senator from Beaufort at that time? A. Witness: Robert Smalls. Q. Had he been for some time previous? A. Yes, sir. Q. Did you ever have any conversation with him in reference to the passage of this joint resolution before the Senate? A. I did. Q. Where was that conversation had? A. To the best of my recollection it was held at my office in the State House. Q. Did you ever give him any gift or gratuity with a view to influence his vote on that question? A. I gave him a check for five thousand dollars. Q. (By Mr. Melton, counsel for prisoner.) Do I understand you to say that you gave it to him for the purpose of securing his vote? A. Yes, sir. Q. (By Mr. Youmans.) Was that given before or after Mr. Smalls had voted for it? A. After. Q. Did you make any promise to him before he voted for it? A. I did. Q. What was the amount you promised to give him? A. \$5,000. Q. That was to influence his action on the resolution? A. Yes, sir. Q. And after he voted for it you gave him this \$5,000 in accordance with the agreement? A. Yes, sir. Q. How did you pay him this \$5,000? A. I gave him a check for \$5,000, payable to cash or bearer, at the South Carolina Banking and Trust Company. Q. Was that check charged up to you? A. Yes, sir. Q. Did you make any memorandum of these transactions at the time? A. Yes, sir. (Witness produced a little book, and continued): I have it here in my diary (reading): Thursday, January 16, 1873. After enumerating others who had drawn checks, there is one for Robert Smalls for \$5,000.—Q. Did you date the memorandum at that time or after? A. I don't remember; I frequently dated checks in advance. Mr. Melton here interrupted, and desired the witness to read what was written preceding the entry in question, and preceding all the names in the same connection. Witness began to read *sotto voce*, as he looked for the place: "—drew check for Ransier for five thousand dollars." Court and counsel on both sides: No, no, not that. Witness moved his finger a little higher up the page, and read again: "Paid W. H. Jones five hundred dollars." Court and counsel together: Never mind, never mind about that. Q. (By Mr. Youmans.) You and Jones (Clerk of the House) were interested in the passage of the bill? A. Yes, sir. Q. In the partition of labor, making arrangements with the Senators, devolved upon you? A. Yes, sir.

Cross Examination.

Q. (By Mr. Melton.) That book of yours, Mr. Woodruff, will you let me see it. The witness handed the little book to the counsel, who stared at it with an air of admiration and mystification, which was explained by the fact that it was written in short-hand, the general appearance of the pages being that of a nest of snakes which had been struck by lightning—which comparison may, or may not, be accepted as ominously appropriate to the situation of all involved in its disclosures. Q. What is that?—(pointing to a character which might have been copied from a tea-box.) Does that mean Mr. Robert Smalls? A. No, sir. Q. What do you call that kind of character? Greek? A. No, sir. Short-hand. Q. Can any one read that beside yourself? A. Yes, sir. Mr. Shaffer, of Charleston. Q. This is a combination character? A. Yes, sir; Pitman's, Graham's and Morrison's. Q. (By the Court.) It is a combination you made yourself? A. Yes, sir.

The examination of the witness was here concluded, and the books of the South Carolina Banking and Trust Company were next offered in evidence, from which it appeared, Journal A, page 457, January 18, 1873, that Woodruff is charged on that date with a check for \$5,000. Journal B shows that Smalls is credited, same date, with a deposit of \$5,000 on the Individual Ledger "A," page 875. The check was produced in Court, and was found to be paid to cash or bearer, but was dated June 19, 1873. Mr. L. N. Zealy, the book-keeper of the bank, was next sworn, and testified that they frequently paid checks in that way for the accommodation of patrons. Q. (By the Court.) That is not the ordinary way of doing business? A. No, sir. Q. (By Mr. Melton.) You would not anticipate a check for a longer period than one day, would you. A. No, sir. Mr. Melton then stated that he would offer no evidence in reply. His object had only been to ascertain what was the specific charge against the prisoner. He then asked what amount of bail would be required, which, after a short discussion, was fixed at \$5,000. The present bail will be allowed to remain in force until Wednesday, when a new bond will be given for Smalls' appearance at the next term of the Court of General Sessions.

The Colored Senator from Marlboro in the Same Box.

Immediately after the conclusion of the proceedings in the case of Smalls, Senator H. J. Maxwell, colored, was brought into Court from jail in custody of a constable. The same preliminaries were gone through as in the other case, and the same books offered in evidence, the charge being the same in each case, except as to the amount.

Woodruff's testimony was as follows: Maxwell was in my office in the State House, according to my recollection, and I told him as I had told others, a certain measure was coming up, mainly this printing resolution, and if he would help me I would be able to help him, after its passage, to a certain amount. Don't remember the precise amount. After the passage of the bill I gave him a check for \$1,000, of which I made a note at the time. Q. (By Mr. Youmans.) This promise was made to secure his vote in favor of the bill? A. Yes, sir. Q. And this check was in accordance with that agreement? A. Yes, sir. Q. Is this (producing it) the check you gave him? A. I think it is. Q. Is it endorsed? A. Yes, sir. Q. Whose handwriting? A. I think it is Mr. Maxwell's. Q. It appears to be his, does it? A. Yes, sir. Q. That check was charged to you, in your settlement, by the Bank and Trust Company? Yes, sir.

Maxwell, who had been picking his teeth and sucking at the stem of an empty meerschaum pipe all this time, here got up and examined the check attentively, as if he had never seen one before. He then sat down and made a note of it with very much the air of the Artful Dodger under somewhat similar circumstances—an air, in short, which was intended to convey to the Court and bystanders an idea of the rashness of the proceedings against him, and also an intimation of certain unexpressed but dire consequences which might be expected to flow therefrom. He then, this cunning completed, leaned back in his chair and stuck his hands in his pockets and his pipe in his mouth, and expressed his sense of conscious innocence in other equally ingenious and forcible ways.

The same "Individual Ledger," above referred to, shows on page 584 a deposit in Maxwell's favor of \$1,000 on the 17th of January, 1873.

Mr. Melton said he would let this case take the same course as the other, for the reason already given, and the amount of bail being fixed at \$5,000, the case closed.

A newsboy, who had worked his way into the court room at this point, sold several copies of the *News and Courier* to the by-standers, and then offered one to Maxwell, who openly repelled it with all the scorn and virtuous indignation of a man who had no cause to love it. He then left the Court in charge of a constable, on his way back to jail, as he could not give bail, and your correspondent, who followed him at a little distance, saw him slyly purchase a copy of the same *News and Courier* before he had gone a hundred yards. May it comfort him in that barred solitude to which it has been so instrumental in consigning him. Immediately after his recommitment to jail this afternoon, Maxwell sent in his resignation as Senator. This is one report. Another is that the resignation was sent in on Friday. At all events, he has resigned, and the fact was first announced to-day. Clinton, the colored Senator from Laurens, now in Columbia, is said to have come here with the intention of resigning his seat, but has been dissuaded from doing so by his Radical friends. Mr. Tillman Watson, of Edgefield, has been appointed Aide-de-Camp to the Governor.

C. McK.