

The News and Herald.

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WINNSBORO, S. C., TUESDAY, FEBRUARY 19, 1901.

DAVID R. EVANS—RICHARD R. WINN

(From Ederington's History.)

David R. Evans was the first lawyer in Winnsboro. He came to Winnsboro in 1784. He said that there were only three or four houses in the settlement; one, Gen. Winn's, near where George McMaster's house now stands, the other a log college on Mount Zion Hill, Baker's tavern, and perhaps one or two others. He was then 14 years of age. His father came to this country from England probably one or two years before they moved to this place. They lived in a house behind the one Jas. R. Aiken recently lived in. He joined the M. Z. on Society, and was secretary and treasurer for several years. His son, D. R. Evans, succeeded him in that office.

Mrs. Evans had her old English ideas as to manners and was unpopular on that account. She was known to order a visitor to clean his shoes before entering her house. I knew very little of the early life of D. R. Evans, Jr. He married first a daughter of Gen. Winn. She died in 1806, and was buried behind the house in the garden. The tomb is still there as well as the grave of two of Dr. Bratton's children, he having also married a daughter of Gen. Winn.

D. R. Evans' second wife was a daughter of Parson T. W. Young. There were no children by either marriage. His second wife is buried at Jackson Creek. He died about 1845 and was buried behind the Aiken house, where his mother and father were buried. He had only one brother and one sister. Joseph, the father of a large family, of whom only Mrs. R. A. Heron, survives, John Evans having recently died. Joseph's wife was a sister of Col. Jesse Harris.

An incident worth mentioning, is as follows: About the latter part of the last century, a man named Baker had several wagons running, probably to Camden, which was then a considerable town. Baker got into a lawsuit and employed D. R. Evans. The other party employed a lawyer of Camden named Brown. Baker lost the case and was ordered to pay something Brown said, and on his passing out of the Court House ordered Brown for "a meddling lawyer." Brown being a small man could not fight Baker, but on going to his tavern he wrote Baker a challenge, which was referred by him to Evans for advice. Evans told him he would have to retreat or give Brown the satisfaction he demanded. Baker would have preferred a "fist fight," but finally accepted the challenge. The duel took place at Rock Creek Springs. Both were killed at the first fire. Baker was brought up and buried on his farm, two miles from Winnsboro. Brown was buried in Camden.

David R. Evans was a member of Congress in 1813-14. Capt. Hugh Milling took charge of his affairs and phrased his negroes when sick. The old Captain was severe on Generals Hampton and Wilkinson and others in regard to their conduct of the war with the British, saying that they could speculate in tobacco better than command armies. D. R. Evans was a venerable, gray-haired man. I think he was about 75 years old, as I remember him, when he died. His only sister married Minor Winn, who was a son of Col. John Winn. He was an unprincipled man and Mr. Evans induced his sister to separate from him. Mrs. Winn and her daughter taught school for some years on the Gen. Winn lot, then owned by Mr. Evans. He at that time lived on his plantation where Mrs. Dr. Furman now lives.

Winnsboro was named for Col. John and Gen. Richard Winn. Col. John Winn was a high-toned, honorable man. Col. John Winn owned most of the land around Winnsboro and lived at the south end of the town where Dr. Hanahan now lives. Gen. Winn moved to Ducktown, Tenn., and Col. Winn and family, I think moved to Georgia. Gen. Winn's family were not considered smart. Mr. Winn's maiden name was Blocker, an Edgefield family. One of their daughters caused some merriment among her young lady acquaintances who asked her where she got a fine shell comb she was wearing, by replying that "her father bought it in Congress."

Gen. Richard Winn held the rank as colonel in the Revolution. Mills in his statistics of South Carolina, in writing of eminent men of Fairfield, says: "Gen. Richard Winn was also a native of Virginia. At the beginning of the Revolutionary struggle, he entered into the regular service of the State. Having acquired glory in the battle of Fort Mifflin, he was sent to the Georgia frontier, and commanded a company at Fort St. Mikes. The service was a most perilous one and he was selected for it on account of his superior merit as an officer. Shortly after his arrival at the fort he was attacked by a strong body of Indians and Tories. These he beat off for two succeeding days; on the third he surrendered with honorable terms to Major General P. Overt, at the head of a considerable regular force, supported by his allies. Gen. Winn returned to Fairfield after his defeat, if it can be properly called one, and to the command of a regiment of refugee militia. He was in several battles, and the success of the Hanger Rock in Lancaster, greatly depended on his heroic exertions. At the latter pace, as d

the great and good General Davis, who commanded a regiment of cavalry, when the firing became pretty warm, Winn turned and said, "Is not that glorious?" He was wounded here, and borne off the field about the time the enemy effected his retreat. On his recovery, Gen. Winn continued to afford Gen. Sumter his able support and ceased not to serve his country whilst a red-coat could be found in Carolina. He was a true patriot, and perhaps fought as many battles in the Revolutionary war, and with as firm a heart as any man living or dead. He filed a seat in the Congress of the United States for many years. He was a perfectly honorable and honest man. He removed to Tennessee in 1812, and died a short time after.

"Winnsboro is remarkable for having been the headquarters of Lord Cornwallis in the Revolutionary war, after the defeat of Ferguson at Kings Mountain, where he retreated from Charlotte." I was shown that part of the house in which Cornwallis was quartered by Mr. John McMaster, who was then the owner of it. I was told by my friend, Dr. G. B. Pearson, many years since, that some of the most eminent men of South Carolina, graduated at Mount Zion College.

RHEUMATISM, ROUGH ROADS, AND RAILROADS.

Oakland, S. C., Feb. 9, 1901.

My Dear Herald: We are having some miserably gloomy weather, all nature seems to be in the clutches of a wintry spell. My old enemy (rheumatism) has a firm grip on me, I am all twisted up with pain, fit for nothing—feel more like gnawing a file than anything else. My friend, Major Woodward, met one of my boys sometime ago, and asked him how the old man was getting on? My son replied: "Father has rheumatism." The Major says, well, you tell your "daddy" that "I am glad he has got it, for then he will know how to sympathize with me;" in that my old friend is mistaken, for a man, firmly in the grasp of that hydra-headed monster, is in no condition to sympathize with anything or anybody; fit for nothing unless probably to brood over his youth. I was some time ago, and

who told me, "Just as did not believe there was any cure for it, except to wear it out, or let it wear you out." I know that it is a wearing-out process, but altogether a one-sided affair. However, it is not my intention to give you a dissertation on rheumatism. After leaving your town a few evenings ago, floundering along in the mud trying to make my way homeward, I began to raminate over the different modes of traveling and of railroads, particularly; and I want to ask you something about the proposed Winnsboro and Camden road. You have "sorter" gotten that enterprise hung up for the present, haven't you? It occurs to me that I heard my old lawyer friend, Alex. Douglass, had been pitching some cunks in the way. Well, he ought not to have done that, he is too late; he should have commenced about sixty years ago, with his technicalities, and gotten an injunction against building any railroad at all, and then I would have subscribed liberally towards a shaft to his memory as high, well, as high as the "Tower of Babel," but he is too late.

"The saddest word of tongue or pen, is not what we are, but what we might have been!"

The country has already gone to ruin with its railroads, and a few more, or less, will not make any material difference. Though I am anxious to see the Winnsboro and Camden road built, I want to see a whole string of towns all along the Dutchman Creek valley, for, if there is anything a railroad is fit for, it is to build towns.

My Dear Herald, there is something I would like to whisper in your ear, and I do so with a diffidence almost to tear and trembling. It is this: I am morally, essentially and constitutionally opposed to railroads. Now, my diffidence in telling you this, is, that in your town there is a friend, an old and valued friend, in fact, one of my very best friends, a man whom I love, one whom I revere, a man whom I would to the core on every subject; you can mention except one thing, and that is railroads, and just as soon as you touch on that, there is a little row in his headgear that gets loose, (a railroad screw), and then every drop of warm "Scotch" blood in his body gets to pulsing at a terrible rate. I did not want to antagonize this friend, but the cat is out of the bag now, and I will have to make the best of it.

Yes, I am opposed to railroads (tooth and nail, and I will assert, beyond the shadow of a doubt, or the fear of contradiction, (unless by my old friend), and I can prove it, that railroads have been and are still, the greatest curse, our country has ever known; the very tap-root of all our difficulties. Now, you hear a great hue and cry from our "quill drivers" about the general prosperity of our country. Has anyone seen it, or felt it outside of the railroad towns? It is among the country people, the farmers, who are the bed-rock of all prosperity, especially in an agricultural country like ours? I say no, I have traveled all over this country, have made it my business to inquire. There is one particular section that has the reputation of being in a prosperous condition, and so it would seem to a superficial

observer, but the fact is, that nearly every farmer in that community is in debt, and there is scarcely a man there that is able to lend his neighbor a hundred dollars for twelve months without having to borrow himself, and it is worse in other sections. Now what is true of this county, would be true of the whole State; what is true of this State would be applicable to the whole South.

Now compare this condition with the days when we had no railroad or when they were few and far between. I remember the time in my section when it took our farmers a whole week to take a load of cotton off and get back, and those were happy times too. Some half dozen neighbors would get together with fifteen or twenty wagons with good covers on them, a good tent, and a plenty of provisions, a fiddle or two, and they would make a regular frolic of it. They would bring back all of the price of their cotton, except that they paid out for salt, sugar, coffee and iron. These men lived a hard, but boarded at the same place, and four men would be doing the same thing today if it were not for the railroads. When a farmer wanted money he didn't have to go to town and mortgage every thing he had to get it; he simply saddled his horse, and rode over to a neighbor's house and got it, generally by giving a plain note of hand. He could do the same today, if it were not for the railroad. When the merchant wanted money he hired a horse and went to the farmer for it; he would be doing the same today if it were not for the railroads. The merchant in that day was a small potato, but thanks to the railroad the bottom rail has gotten on top. Had it not been for the railroads we would have worn ourselves out whipping the Yankees, and the negroes would have been niggers today. Just think what we would have been.

It is said that there is some good, along with every evil. Now railroads are good things to build up corporations, encourage monopolies, foster trusts, and to breed tramps. I do not believe I would have ever had rheumatism had it not been for the railroads, and I heartily wish I did not have within a thousand miles of me, at least on "ad libitum," but I am going to say, I have made up my mind to have my own railroad.

N. B.—The trend of this age is towards centralization. A few are becoming multi-millionaires, the masses are growing poorer; the railroad is one of its greatest factors. O. F.

The most soothing, healing and antiseptic application ever devised is Dr. Witt's Witch Hazel Salve. It relieves at once and cures piles, sores, eczema and skin diseases. Beware of imitations. McMaster Co.

SUPREME COURT REVERGES BENET

Decision in the Neal Case Was Filed Yesterday

The State supreme court yesterday rendered a decision in one of the important Neal cases, and the attorney general has won a noteworthy victory. There is another case pending, however, just as interesting. The opinion is a unanimous one, being written by Associate Justice Gary.

In October, 1899, W. A. Neal, who had been superintendent of the State penitentiary from November, 1892, until March, 1899, was indicted, as such superintendent, for collecting by virtue of his office, and failing to turn over to his successor, D. J. Griffith, \$1,544. The case came up before the Hon. W. C. Benet, presiding judge during the April term of 1900 for Richland county, and a motion was made by P. H. Nelson, Esq., defendant's counsel, to quash the indictment upon the ground that the sum so received was for convict hire, which the superintendent was not charged with receiving or disbursing by virtue of his office. The motion was strenuously opposed by Attorney General G. Danes Bollinger, but was granted by his Honor upon the grounds stated in the motion. Thereupon the attorney general appealed to the supreme court and the case was heard during the November term, and the following opinion has just been filed:

"The defendant was indicted under section 304 of the Criminal Code which contains the following provision: 'It shall be the duty of every sheriff, judge of probate, clerk of the court of common pleas, county treasurer, or any other State or county officer entrusted with funds by virtue of his office, upon retiring from office, to turn over to his successor all moneys received by him as such officer, and remaining in his hands, as such officer, within thirty days from the time when his successor shall have entered upon the duties of his office, etc.'

"The fifth exception was abandoned. 'It will not be necessary to consider the exceptions seriatim as the appellant's attorneys correct, state that the practical question presented by them is: 'Was Neal, at the said date, as superintendent of the State penitentiary, and by virtue of his office, as such, charged by law with the receipt of and entrusted with moneys arising from convict labor?'

"The office of superintendent of the penitentiary does not exist at common law. We must, therefore, look to the laws of our State to ascertain his powers, duties and liabilities.

"By section 551 of the criminal code it is made the duty of the superintendent

of the penitentiary to receive and pay out all moneys granted by the general assembly, or in any other way accruing for the support of the prison and carrying on the work.

"Section 3 of the act of 1899, page 154, to which reference is made in the order of his honor the presiding judge, contains the following provision, to wit: 'That the board of directors of the State penitentiary are hereby directed to pay the treasury of the State at the end of each three months or within five days thereafter all amounts received by them from the hire of convicts and from other sources, after paying the necessary expenses of the said institution and all other disbursements allowed by law, the said amounts to be paid into the treasury to be held subject to the warrants of the comptroller general, to pay the amounts appropriated by the general assembly in the same manner as other funds in the treasury.'

"The amounts received from the hire of convicts were not to be paid into the treasury until the necessary expenses of the said institution and all other disbursements allowed by law were deducted therefrom.

"The moneys received from the hire of convicts were primarily applicable to said expenses and disbursements and it was only the balance remaining after the payment of said expenses and disbursements that was to be paid into the treasury.

"Section 3, act of 1899, must, therefore, be construed as intending that moneys received from the hire of convicts are to be regarded as accruing for the support of the prison and carrying on the work.

"Under the provision of the statute making it the duty of the superintendent of the penitentiary to receive all moneys accruing for the support of the prison and carrying on the work he had the right, by virtue of his office, as superintendent, and it was his duty to receive moneys arising from the hire of convicts. His honor the circuit judge was, therefore, in error in ruling that he did not receive the funds from the hire of convicts by virtue of his office as superintendent.

"Several other statutory provisions mentioned in the argument some discussion over the proposition to allow the magistrate as Calhoun, in the case of the purpose of

the interest and importance of the reason that in the suit of The Carolina National Bank vs. W. A. Neal the State of South Carolina, upon notes discounted by Neal at the bank while he was superintendent. Judge Klugh ruled exactly the reverse of the ruling of the judge in the Neal case.

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THE LEGISLATURE THURSDAY

Third Reading Bills in the House

To amend an Act relating to landlord and tenant.

To provide for the establishment of chain gangs in incorporated cities, towns and villages situated in counties that have no county chain gangs.

To regulate the issuance of preferred stock by corporations.

To exempt a certain portion of Dorchester county from the general stock law during certain months.

To provide for the erection of a jail for Oconee, and for the repair and remodeling of the county court house for Oconee county.

FRIDAY.

The senate met at 11 o'clock and in two hours had cleared the calendar. There were only third reading house bills to be acted on and most of them went through without discussion.

Some had amendments and these were sent to the house for concurrence, and those without amendments were ordered enrolled for ratification.

Mr. McMaster's bill to extend the rights and remedies of railroad corporations, as provided under the constitution, to employees of street railway and textile mill corporations, and telegraph companies, was the special order and was given its final reading without discussion.

These also passed third reading: The bill to increase pensions to \$150,000 was taken up and given third reading without debate.

Mr. Cosgrove's bill relating to county chain gangs.

Mr. C. E. Robinson's bill to incorporate Clemson College for the purpose of police regulation. There was

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having some debate on the question of concurrence in the house amendment to Senator Dean's bill in relation to home insurance companies. A good

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bate ran into a rediscussion of the whole bill. The yeas and noes were demanded on the motion that the senate concur in the house amendment. The vote was 20 to 11, and the senate concurred in the amendments, and the bill was ordered enrolled for ratification.

\$150,000 FOR PENSIONS.

The house bill to increase the amount of the appropriation for Confederate pensions to \$209,000 was reached and taken up for its second reading.

Senator Mower moved to strike out the enacting words of the bill, and, as chairman of the finance committee, made a statement of the State's finances. The appropriation bill now carries about \$1,000,000—an excess of some \$5,000 of \$50,000 over last year. If this increase in pensions is allowed it will simply require an increase in the tax levy at least one-half mill, and he did not think it would be wise to do this at this time. Again, he doubted if the needy pensioners would be materially benefited, as our experience would show that the more money we have the more pensioners there would be, and the real needy ones would not be materially benefited.

Senator Henderson hoped the appropriation would not be killed, but that the extra sum of \$50,000 be given, as Capt. Brooks intended it when he introduced it in the house. The comptroller general says this will not increase the tax levy this year, but whether it did or not he would vote for it. If the State is to help the old soldiers it should do so in proper shape.

Senator Sharpe said he wanted to see if the senate, in view of having voted extravagant appropriations for the exposition and the colleges, would not vote to help the needy soldiers. He favored Senator Henderson's proposition to give \$30,000 extra instead of \$100,000, because he felt this ought to be done. He always had opposed extravagant appropriations, but he thought this ought to be given.

Senator Henderson then offered his amendment to make the appropriation \$115,900, which was adopted and the bill was ordered engrossed for its third reading.

W. B. Jackson, Contractor and Builder.

Will give prompt attention to all work.

SATISFACTION GUARANTEED.

1-18th Feb 15