

A Fairfield Case Before the Supreme Court of South Carolina (Jno. S. Reynolds in the State.)

Martha A. Robertson, plaintiff, respondent. Jas. B. Curlee, defendant, appellant, and Thos. K. Elliott and Thos. H. Ketchin, also appellants.—Dower. Vouching warrants to defend. Parties. Practices.

On July 27, 1899, the plaintiff filed her petition in the probate court for Fairfield county, praying that her dower be allotted to her in two tracts of land alleged to be in the possession of James B. Curlee, defendant.

On August 18, 1899, said Curlee filed his answer to said petition, in which he alleged, among other things, that one of the tracts of land mentioned in the petition had been conveyed to him by Thos. K. Elliott and Thos. H. Ketchin; and that said grantors warranted the title to him by a covenant of general warranty.

On August 19, 1899, the said Curlee, Elliott and Ketchin appeared before the probate court, and moved the court for an order making the said Elliott and Ketchin parties to the proceeding, and for leave to them to come in and answer the petition of plaintiff. On August 21 the motion was refused.

On September 4, 1899, the probate judge proceeded to hear the petition for dower upon its merits, notwithstanding the objection of the defendants upon jurisdictional grounds.

The said Curlee duly served notice of appeal to the court of common pleas.

The two appeals from the probate court heard by his honor, Judge Aitchison, who affirmed the orders of the probate court. Curlee, Elliott and Ketchin appealed.

Mr. Justice Gary: Sections 57 and 59 of the code must be construed together.

While the order of the probate court, August 21, 1899, refusing the motion to make Elliott and Ketchin parties may be regarded as "final" as to the rights of Elliott and Ketchin it was not "final" as the rights of all parties to the proceeding; and this is what the code contemplates.

or that she had renounced her right. The appellants seem to have proceeded on the mistaken idea that these warrantors could not be held to defend the title which they had conveyed to Curlee until they had been made parties defendant at that answered the petition; and for that reason probably made no attempt to do so.

The order of the circuit judge appealed from should be affirmed. Mr. Justice Pope: I dissent. As stated by Chief Justice McIver in his dissenting opinion, the reasons given by the circuit judge for his judgment may be faulty and yet such judgment may be correct. The circuit judge holds that Elliott and Ketchin were not necessary parties. In this he was correct—as is admitted in the leading opinion.

Mr. Justice Jones: "I think the judgment of the court below should be affirmed, for the reasons stated by the chief justice."

Judgment below affirmed. Opinions filed March 12. Mr. J. E. McDonald for appellants; Mr. Jas. G. McCants for respondent.

CASTORIA For Infants and Children. The Kind You Have Always Bought Bears the Signature of *Charles H. Fletcher*

LESS COTTON Mr. Editor: This is the time of year for planters to fix to plant their crops. At this present time it looks very much like the cotton crop will be large, unless something turns up soon to call a halt—and why should not something turn up? Or has not enough already been done to cause you to stop and think? We all understand that the mills have combined against the planters of cotton and say unless you can make cotton and sell it at prices that will enable us to make a profit of from 25 to 40 per cent we will shut down our night operations, run on short time, and consume but little of your cotton, which has brought cotton down. And still they hope for a less price in cotton and a rise in cotton goods; they kill two birds with one stone. If the gambling part of speculation and the mill powers is against us poor little cotton planters who is for us? It looks like every man for himself and the devil gets the hindmost. With all this in sight would it not be better for the planters to call a halt. Every other class of people can get on except the farmers; they sometimes...

they will not stick one moment. Some times it looks like they would but just at the dawn of success they bolt. If the mill men can afford to disorganize and scatter their operatives—millions of them—in this United States that may and probably will result in bread riots and bloodshed. Does it not look like we the producers of cotton, might abandon a great portion of this cotton crop, plant corn, use lots of those fertilizers you have bought for corn and peas, make everything possible at home you can live on and then while you may have to dress less, drink less, and go to town less, you will find more comfort at home around your firesides. You will have fat horses, fat cows, hogs and poultry. Let the cotton gambler ret with the mill men they can make a living at half work—you try it while. Let the negroes go, let them go west. All we are doing in South Carolina and the principal cotton States is raising negroes and killing mules. During the Confederate war people were forced to abandon cotton, raise grain and hogs and stock. In those sections where Sherman and his thieves did not reach there was plenty and to spare—corn cribs full, smoke houses were full, and the tables were well filled with many comforts we can not have now. Make bread. Let the mill and cotton gamblers rest.

"Cotton Planter and Worker."

THE PUERTO RICANS OVERTAXED Washington, March 11.—The president this morning granted a special audience to Messrs. Wencesla Brndt, Jr., and Vince Buba, members of the Puerto Rican commission, which was appointed at a mass meeting of the citizens of the island at San Juan on February 2 to protest against the law enacted by the legislature known as the Hollander bill. This measure provides for the raising of revenue by property and excise taxes.

The commissioners presented a formal protest which enumerated a series of 18 objections to the law. It is contended that there exists to-day in Puerto Rico three taxes levied and collected for the same purpose—"from the impoverished pockets of the people," the new excise taxes under the Hollander law, the old insular and municipal taxes, and the customs duties under the Puerto Rican civil government act. Any of these, it is held, is sufficient to cover the budget. Under the bill \$500,000 or more will be collected semi-annually in advance, thereby, the protest says, lessening the money in circulation (of which there is less than \$2,000,000) and producing a state of impoverishment and business stagnation, as the taxes are collected by summary process. It is asserted that the measure is both an income and property tax law, that two of the principal industries of the island (rum and tobacco) are taxed to heavily under it but their production under present conditions is practically prohibited, that the only standard of valuation of property will be the personal opinion of the assessors, and as they may be appointed by political favor there is a danger of injustice to a large section

of the community from excessive valuation. The commissioners ask the president that Gov. Allen be directed to call a special session of the legislature to amend the law in a manner which will relieve the people of the burdens complained of and that the governor be directed to exercise care in the appointment of the assessors.

The president gave the committee nearly an hour and listened with interest to their statements. He said he did not feel like exercising his authority for calling an extra session of the house of delegates, but would recommend that the executive council make the utmost leniency in enforcing the provisions of the tax law. The members of the commission hope to meet the president again in the near future.

THE WORLD'S VISIBLE SUPPLY New Orleans, La., March 8.—Secretary Hester's statement, issued to-day, shows a decrease in the movement into sight of this date last year seven days ending March 8, 1900, in round figures of bales of March the totals show an increase of 1,400,000. The amount brought in last year during the past week has been 161,900 bales, against 169,789 for the same week ending this date last year, and for the eight days of March it has been 184,859 bales, against 160,565 for the same period last year.

The movement since September shows receipts at all United States ports 6,021,593 bales, against 5,733,101 last year; overland, across the Mississippi, Ohio and Potomac rivers, Northern mills and Canada, 924,400 bales, against 1,061,719 last year. Inferior stocks in excess of those held at the close of the commercial year, 57,814 bales, against 175,206 last year. Southern mill takings: 910,975 bales, against 929,812 last year.

The total takings of American mills, North and South and Canada, thus far for the season have been 2,505,385 bales, against 2,928,202 last year. These include 1,574,829 bales by Northern spinners, against 1,976,702. Stocks at the seaboard and inland centres have decreased during the week 13,440 bales, against a decrease during the corresponding period of 78,475. Including stocks left over at the close of the year and interior towns from the last year and the number of bales brought in, sight thus far for the new crop would supply to date is 8,557,815 bales, against 8,518,760 for the same period last year.

THE WORLD'S VISIBLE SUPPLY New Orleans, La., March 8.—Secretary Hester's statement of the visible supply of cotton in the world, including Egypt, Brazil, India, etc., 999,000 bales, against 731,000 last year. The total world's visible supply of cotton shows an increase compared with last year of 181,867 bales. Of the world's visible supply of cotton there is now about 2,500,000 bales in Great Britain and Continental Europe, 1,867,000 bales, against 1,995,000 last year; in Egypt 178,000 bales, against 191,000 last year; in India 494,000 bales, against 325,000 last year, and in the United States 1,320,000 bales, against 1,361,000 last year.

Prevented a Tragedy. Timely information given Mrs. Geo. Long, of New Straitsville, Ohio, prevented a dreadful tragedy and saved two lives. A frightful cough had long kept her awake every night. She had tried many remedies, and doctors, but steadily grew worse until urged to try Dr. King's New Discovery. One bottle wholly cured her, and she writes this marvelous medicine also cured Mr. Long of a severe attack of Pneumonia. Such cures are positive proof of the matchless merit of this grand remedy for curing all throat, chest and lung troubles. Only 50c and \$1.00. Every bottle guaranteed. Trial bottles free at McMaster Co.'s drug store.

SURPRISING INEQUITY. Figures of Particular Interest to Least Sixteen Counties. The State. As Comptroller General Darham is soon to distribute the \$100,000 to the credit of the schools from the dispensary profits, County Superintendent of Education E. B. Wallace of this county, yesterday called on Mr. Darham and called his attention to the great disparity in the enrollment of children in the schools of the several counties, leading to a manifestly unjust distribution of the money, the enrollment being the basis. The figures show that something is radically wrong somewhere in the method of making reports as to enrollment. Indeed it looks as if considerable ground were being done in some counties. Certainly there can be no uniformity in the method of securing the figures. There are 269,875 scholars enrolled in the schools of the State. This in relation to the recent census population of South Carolina shows that 20 per cent of the population is enrolled in the schools.

New, in Richland county, according to the last report—a county with the extensive Columbia city schools and the large number of schools in the county the per cent. of population enrolled is only 15, while in Saluda county, with only a few town schools, the official figures show 26.1-2 per cent. Then there is Charleston county, with its large public school system; the figures show the per cent. there to be only 11.2 per cent, against, for instance, Edgefield's 24, Horry's 23.1-2,

Lexington's 23, Newberry's 25, Pickens' 23.1-2, etc. An examination of the whole list shows that Richland and Charleston, almost beyond question having a greater proportion of population enrolled, by the official figures have smaller proportions than any other two counties in the State. There are 24 counties that have a percentage over the average for the State and 16 under that average.

Superintendent Wallace is taking a deep interest in the matter and Comptroller Darham himself was much surprised when he examined the figures. What the cure will be is simply a matter of conjecture. Superintendent Wallace intends to get accurate returns in this county this year. He intends to withhold the payment of every teacher's salary until he presents his actual enrollment report.

Story of a Slave. To be bound hand and foot for years by the chains of disease is the worst form of slavery. George D. Williams, of Manchester, Miss., tells how such a slave was made to help for five years that she could not turn over in bed alone. After using two bottles of Electric Balm, she is wonderfully improved, and able to do her own work. This supreme remedy for female diseases quickly cures nervousness, sleeplessness, melancholy, headache, backache, fainting and dizzy spells. This miracle working medicine is a godsend to weak, sickly, rundown people. Every bottle guaranteed. Only 50 cents. Sold by McMaster Co., druggists.

BOB TAYLOR'S LECTURE. Special Rates Secured from Towns Nearest Rock Hill. The State. Ex-Gov. Bob Taylor of Tennessee is to give one of his famous lectures at Rock Hill on the evening of the 19th inst., under the auspices of the S. D. Barron chapter of Danzlers of Confederacy for the purpose of raising funds to erect a monument to the Confederate dead.

Special rates have been secured for this occasion, tickets being on sale on March 19th, good to return on the 20th. The rates for the round trip are as follows: Charlotte, \$1; Pineville, 60c.; Fort Mill, 40c.; Smith, 40c.; Lewis, 50c.; Chester, 80c.; Cornwell, \$1.20; Back-Stock, \$1.40; Woodward, \$1.40; White O.K., \$1.60; Winnsboro, \$2.00. The lecture begins at 8:30 on the 19th. Passengers from the Southern will arrive at Rock Hill at 8:05 p. m. and return at 10:30 p. m. A special coach will leave Charlotte, stopping at all intermediate stations, arriving at Rock Hill at 7:30 p. m.

Twenty Years Proof. Tutt's Liver Pills keep the bowels in natural motion and cleanse the system of all impurities. An absolute cure for sick headache, dyspepsia, sour stomach, constipation and kindred diseases. "Can't do without them" R. P. Smith, Chilesburg, Va. writes I don't know how I could do without them. I have had Liver disease for over twenty years. Am now entirely cured. Tutt's Liver Pills TOO MANY ON HAND. JUST ARRIVED, A CARLOAD OF YOUNG MULES. I have over 50 Head of Mules on hand, and they must go. If you want to buy a mule come to see me and I will sell you cheaper than you can buy anywhere else. I have any price mule or horse you want from \$20 up. Also 10 Head of Horses, all good workers and some good saddle horses. Come to see me before you buy. I want to buy your cattle. Let me see them before you sell.

A. Williford, Winnsboro, S. C. UNDERTAKING IN ALL ITS DEPARTMENTS, with a full stock of Caskets, Burial Cases and Coffins, constantly on hand, and use of hearse when requested. Thankful for past patronage and solicitation for a share in the future, in the old stand. Gals attended to at all hours. THE ELLIOTT GIN SHOP, J. M. ELLIOTT & CO. 4-17-1y

CLERK'S SALE. STATE OF SOUTH CAROLINA, COUNTY OF FAIRFIELD, COURT OF COMMON PLEAS. The Peoples Bank of Winnsboro, S. C., Plaintiff, vs. Sol. Wolfe, H. C. Wolfe, deceased, C. B. Wolfe, Sara W. DesPortes, Rebecca C. Brannon, Etta L. Natson, D. J. Kanfman, Isabelle Baruch and Rose E. Lytton, Defendants. In pursuance of an order of the Court of Common Pleas made in the above stated case, I will offer for sale before the Court House door in Winnsboro, S. C., on the FIRST MONDAY IN APRIL next, within the legal hours of sale, at public entry, to the highest bidder, the following described property, to wit: All the two lots or parcels of land lying, being and situate in the town of Winnsboro, in the County of Fairfield and State of South Carolina aforesaid, known and designated on the plan of said town as lots numbered one hundred and forty-four (144) and fifty-nine (59), containing together three-fourths of an acre, and bounded northwardly by lots numbered one hundred and forty-three (143) and sixty (60), formerly occupied by Dr. T. T. Robertson, deceased; eastwardly by lot numbered eighty-six (86); southwardly by lots numbered one hundred and forty-five (145) and fifty-eight (58), formerly owned by L. W. Duval, and now owned by M. H. Mober; and westwardly by Congress street; to the right of way sold by David E. McDowell to the Charlotte and South Carolina Railroad Company. Also all those premises lying, being and situate in the same town, County and State aforesaid, known and designated on the plan of said town as lots numbered eighty-seven (87) and part of lot numbered fifty-eight (58), containing three-fourths of an acre, more or less, and bounded on the south by lots number fifty-nine (59) and eighty-six (86); on the east by Congress street; on the north by lot numbered fifty-seven (57) and eighty-eight (88); and on the west by land of the Charlotte, Columbia and Augusta Railroad Company (now the Southern Railway Company) through which their railroad track is constructed.

TERMS OF SALE. One-third of the purchase money to be paid in cash, the balance on a credit of one and two years, (in two equal annual instalments from the day of sale), with interest from the day of sale, to be secured by the bond of the purchaser and a mortgage of the premises sold, with the privilege to the purchaser to pay the credit portion of the purchase money or any part thereof in cash at his option. Interest to be at the rate of eight per cent per annum. The purchaser to pay for all necessary papers. JOHN W. LYLES, C. C. P. F. C. March 9, 1901. 3-12-1d

The One Day Cold Cure. For colds and sore throat use Kermott's Choice-Laxative Quinine. Easily taken as candy and quickly cure. Obear Drug Co. TO WHOM IT MAY CONCERN ALL PARTIES INDEBTED TO the estate of Q. D. Williford, deceased, will please call and settle their accounts with A. W. Brown at the old stand. J. L. MINNAUGH, Administrator. 183m

CASTORIA

The Kind You Have Always Bought, and which has been in use for over 30 years, has borne the signature of *Charles H. Fletcher* and has been made under his personal supervision since its infancy. Allow no one to deceive you in this. All Counterfeits, Imitations and "Just-as-good" are but Experiments that trifle with and endanger the health of Infants and Children—Experience against Experiment.

What is CASTORIA Castoria is a harmless substitute for Castor Oil, Paregoric, Drops and Soothing Syrups. It is Pleasant. It contains neither Opium, Morphine nor other Narcotic substance. Its age is its guarantee. It destroys Worms and allays Feverishness. It cures Diarrhoea and Wind Colic. It relieves Teething Troubles, cures Constipation and Flatulency. It assimilates the Food, regulates the Stomach and Bowels, giving healthy and natural sleep. The Children's Panacea—The Mother's Friend.

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Notice to Voters. The Books of Registration for registering voters for the next municipal election to be held on Monday, April 1st, 1901, for Intendant and Wardens for the town of Winnsboro, S. C., will be opened at Mr. Jno M. Smith's store January 1st, 1901, and closed March 31st, 1901. All voters for this election must register within this time. Each applicant for registration must produce his county registration certificate and town tax receipt for all town taxes due before he can register for town election.

Air-tight Heaters.

We have trade-winners, high-grade, and low-price HEATERS—the most economical ever invented. They will burn knots, chips, shavings, and anything else that is combustible, and will give greater heat with less fuel than any other stove in existence and heat more quickly. They will keep the room warm all night—any night and every night. You can keep your room at any temperature. They are as cheap as coal—cheaper than a coal stove. They are both former and latter.

J. E. COAN, Intendant, Isabelle Baruch, Supervisor of Registration.

CLERK'S SALE.

STATE OF SOUTH CAROLINA, COUNTY OF FAIRFIELD, COURT OF COMMON PLEAS. The Peoples Bank of Winnsboro, S. C., Plaintiff, vs. Sol. Wolfe, H. C. Wolfe, deceased, C. B. Wolfe, Sara W. DesPortes, Rebecca C. Brannon, Etta L. Natson, D. J. Kanfman, Isabelle Baruch and Rose E. Lytton, Defendants. In pursuance of an order of the Court of Common Pleas made in the above stated case, I will offer for sale before the Court House door in Winnsboro, S. C., on the FIRST MONDAY IN APRIL next, within the legal hours of sale, at public entry, to the highest bidder, the following described property, to wit: All the two lots or parcels of land lying, being and situate in the town of Winnsboro, in the County of Fairfield and State of South Carolina aforesaid, known and designated on the plan of said town as lots numbered one hundred and forty-four (144) and fifty-nine (59), containing together three-fourths of an acre, and bounded northwardly by lots numbered one hundred and forty-three (143) and sixty (60), formerly occupied by Dr. T. T. Robertson, deceased; eastwardly by lot numbered eighty-six (86); southwardly by lots numbered one hundred and forty-five (145) and fifty-eight (58), formerly owned by L. W. Duval, and now owned by M. H. Mober; and westwardly by Congress street; to the right of way sold by David E. McDowell to the Charlotte and South Carolina Railroad Company. Also all those premises lying, being and situate in the same town, County and State aforesaid, known and designated on the plan of said town as lots numbered eighty-seven (87) and part of lot numbered fifty-eight (58), containing three-fourths of an acre, more or less, and bounded on the south by lots number fifty-nine (59) and eighty-six (86); on the east by Congress street; on the north by lot numbered fifty-seven (57) and eighty-eight (88); and on the west by land of the Charlotte, Columbia and Augusta Railroad Company (now the Southern Railway Company) through which their railroad track is constructed.

COOKING STOVES.

NONE BETTER MADE. Why pay sixty eight dollars for a range from an agent when you can buy as good one at half price from your home dealers, who have a reputation to sustain and who will treat you more fairly. The money left at home with them is circulated at home as much as possible—that sent away does no good locally.

R. W. Phillips,

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TO WHOM IT MAY CONCERN ALL PARTIES INDEBTED TO the estate of Q. D. Williford, deceased, will please call and settle their accounts with A. W. Brown at the old stand. J. L. MINNAUGH, Administrator. 183m