THE STATE WINS IN THE RAILROAD CASES.

Judge Simonton's Strong Decision Against the Raircads-They Must Pay Their

COLUMBIA, March 15.-The State of for the payment of taxes as assessed by the State Board of Equalization. Judge Simonton, in a decision rendered at Charleston on Tuesday, the most important portions of which are published ordered that the South Carolina Road pay what is due the State and the costs all the roads which have been resisting the payment, and the State government

settle without further fighting. It is not

thought that any appeal will be taken to the Supreme Court of the United States, It is not necessary to review the protracted fight which has been in progress between the State and the rail roads for over two years. It began, however, by the State Board of Equalization taking the position that the railroads were not paying taxes in pro-pertion to the amount paid by the average citizen. The returns which the roads had made were increased to what was adjudged to be about 60 per cent. of the value of the property. It will be remembered that the roads refused to pay except on the returns which they had made and which they claimed were fair and equitable. A long fight in the courts resulted, but the matter has neverther than the courts resulted that the resulted to the returns which they had a resulted that the resulted to the returns the resulted that the resulted to the returns the resulted that the resulted that the returns the resulted that the returns the returns the resulted to the returns the er before come up squarely on its mer-Heretofore all the cases have been on technicalities, and the State has not been wholly successful in these fights. These cases were immaterial to the main issue, on which the administration

was confident of winning.

Judge Simonton's decision is a thorknockout and the roads cannot fail to see it in that light. Governor Tillman was in a good humor when the reporters saw him yesterday and asked him about the decision of Judge Simonton. "I regard the decision," he said, "as the conclusion of all the railroad litigation. The case which has been decided was a test case, and we have won. I have felt confident all the time that we would win."

When asked as to whether he thought there would be an appeal, he said he did not think so, at least in the case of the South Carolina Road. Judge Simonton, he concluded, is the boss of that road and consequently the boss of Receiver Chamberlain, who is a creature of Judge Simonton's court. Whatever Judge Simonton orders must be done. The other roads, which the decision indirectly affects, inasmuch as the decis-ion in regard to them will be the same as the South Carolina Road, may take

an appeal to the Supreme Court. Governor Tillman, however, thinks owe at once, and avoid any proceedings which might be taken to forfeit their charters, the last Legislature having passed an Act authorizing the forfeiture of the charters of the roads which resist the payment of taxes imposed on

them by the State. The total amount due the State by the roads is about \$200,000. This amount is the difference between what the State has all along claimed was due and the amount which the roads have admitted was due. The roads have every year paid the amount they admitted to be due.

to borrow money for sometime to meet the claims against the State. The title of the case decided by Judge Simonton was D. H. Chamberlain, receiver of the South Carolina Railway

State Treasurer Bates will not have

Company, against George H. Walter, County Treasurer of Charleston, and Hugh Ferguson, Sheriff of the same

county.

The complaint sets forth that the road had been returned at \$13,000 per mile and that the State Board raised this to \$16,000 per mile, also raising the returns of the Three C's Road from \$5,000 to \$10,000 per mile. The bill alleges that this assessment is unjust, in asmuch as it is above the assessment made on the average real and personal property throughout the State, and that the State Board of Equalization violated the Constitution of the State, which provides that all property shall be taxed in proportion to its value. The bill further charges that the act of the board in raising the assessment is itself null and void, and the assessment is illegal because this is not within the powers of the board.

The attorneys for the railroad were Smith, and for the State Attorney General Buchanan, Ira B. Jones and Sam-

Judge Simonton's decision is as fol-It is well at the threshold to define the limit of the power of this court over the subject matter of this suit. It cannot review the assessment made by the State officials simply upon the ground that it is excessive. (Starling vs. the Supervisors, 121 U. S., 549. Nor

interfere upon the ground that the tax is illegal. (Williams vs. Albany Co., 122 U.S., 154; Legon vs. Alley, 130 U.S. 177.) Nor can it interfere because the court would prefer and would have adopted a different system. (W. U. Tel. Co. s.s. Massachusetts, 125 U. S., 553; Davenport National Bank vs. Supervisors, 123 U. S., 83.) "So long as a State, by its laws prescribing the mode and subject of taxation, does not in-trench upon the legitimate authority of the Union or violate any right recognized or secured by the Constitucitizen, can afford the latter no relief against State taxation however unjust, ppressive or onerous it may be. Kirkland vs. Hotchkiss, 100 U. S., 491 Memphis Gas Light Co. vs. Shelby Co. .S., 308.) All these are questions for the State alone and are within its police power. But when the overvalnation of property assessed for taxa-

IT IS A GREAT VICTORY. tions the courts can give redress to the although the boards all assessed real TELLER SKINS SHERMAN. rill, Palmer, Proctor, Quay, Smith and personal property below its real TELLER SKINS SHERMAN. Stockbridge, Vilas. Washburn, Wilsonparty aggrieved thereby. (Stanley vs. and personal property below its real Supervisors, 121 U. S. 551.) It is put value in money the course of the sevdearly and tersely in Cummings vs. eral boards was capricious, without National Bank, 101 U. S., 187: "When a rule or system of valuation is adopta rule or system of valuation is adoptthe average of valuation was belowed by those whose duty it is to make the value in money in all the counties the assessment which is designed to operate unequally and to violate a fundamental principle of the Constitution land were assessed some above and Taxes and the Cost—Gov. Tillman Thinks and when this rule is applied not solely to one individual, but to a large class of individuals or corporations." some below their true value in money, notably in Richland County. But is this coincidence of action and result on the part of tax district and county

We see that there is an essential in-South Carolina and the present administration have gained a big and decisive make the assessment must adopt a rule victory in the fight with the railroads or system of valuation with the design that it shall operate equally and vio-late some fundamental principle of the

Constitution.

What is the rule or system of taxation adopted by the Board of Equalization for railroads? The General Astron pay what is due the State and the costs of the proceedings. It is conceded that this decision is practically one against such regulations as will secure a just valuation for taxation of all property under a uniform and equal rate of as sessment and taxation. (Article 9, now looks for the railroads to begin to Section 1.) The Act passed pursuant thereto provides that "All property shall be valued for taxation at its true value in money, which in all cases not otherwise especially provided for by law shall be as follows, to wit: For personal property, the usual selling price on the usual terms of similar property at administrator's or execuor's sales at the place where the return is made, and for real property the sic value so much as on the circum-usual selling price on the usual terms stances under which it is sold. Taxes of similar property at sales for parti-tion under the order of court at the sons or crops. Hence the average valplace where the return is made. If there be no selling price then what is there be no selling price then what is five years. If there be no preponder-honestly believed could be obtained for the same at a fair sale under the control of the part of the tax district and country that have the horse on the part of the par ditions before mentioned?" (General Statutes of South Carolina, Section 219.) Apart from the consideration that even if the assessment fixed by this beard on the property of complaints. Statutes of South Caroning.

219.) Apart from the consideration that even if the assessment fixed by this board on the property of complainant is excessive this court cannot interfere. (Stanley vs. the Supervisors, is no reason to think in an or case to think in an or case to think in an or case to the supervisors is no reason to think in an or case to the Legislature in the supervisors. terfere. (Stanley vs. the Supervisors, supra.) There is no reason to think that the board do not in the language of the Act "honestly believe that the value fixed by them on this property is its selling price at a fair sale." Indeed the low rate of assessment of much of its selling price at a fair sale." Indeed this last conclusion is not denied. The complainant avers that the property in the State and urges complainant avers that the property when we consider the independent cent. of its real value in his estimation. And we can presume that when it was the statute. The ground for complaint is that by uniform and notorious practice other real and personal property is assessed for taxation at about 50 to 60 per cent. of the real value, \$13,000 per per cent. of its value notwithstanding per cent. of its value notwithstanding the Act of Assembly, and that this action of the Board of Equalization for railroads, departing from this practice in the case of railroad property was with the design, intent and purpose of putting the burden of tax alone on railroads and not in order to carry out the provision of the Act of Assembly. Evidence of this design is deduced from the course pursued with regard from the course pursued with regard to other property in the State, and the practice prevailing of assessing such

> ing the properly of railroads.
> In South Carolina the general mode of assessing property for taxation is as follows: Each country to taxation is as follows: Each country to taxation is as fourteenth amendment. The Constitufollows: Each county in the State is divided into tax districts, small territorial sub-divisions, for the sake of convenience. The County Auditor appoints for each tax district three freeholders resident therein as a board of assessors. They meet, organize, elect a chairman and proceed to assess for taxation all the real and personal property in their tax district. This assess ment is sent to the County Auditor, by whom it is submitted to the County Board of Equalization, which consists of all the chairmen of the tax district boards. This county board meets at the office of the Auditor and examines the returns of all the tax district boards. If any property, real or per-sonal, has been returned below its true value they raise the assessment. If above such value they decrease it. They cannot reduce the aggregate below the aggregate of all the returns of the tax district boards. The chairmen of the county boards constitute the State Board of Equalization. It in turn reviews the action of all the couny boards. It has the same power as to increasing or diminishing values that the county boards have. The Auditors of the counties act as clerks of the county boards, and the Compt-

roller General attends upon the State With regard to railroad property an entirely different method prevails. The president and secretary of each company is required annually to make returns to the Comptroller General of the railroad property and its value. These returns are submitted by the Comptroller General for consideration Brawley & Barnwell and Mitchell & and action to a board consisting of Smith, and for the State Attorney Gen-State officers, the Attorney General, the Comptroller General, the Secretary of State and the State Treasurer. Their duties are to "equalize the value of the property of railroad companies by increasing the value of the roads property of such company as shall in their judgment have been returned at too low a valuation and diminishing the value of such as may have been re-turned at too high a valuation." Gencan it make a new assessment or direct here used is "equalize." But as there another to be made. (State Railroad Tax Cases, 92 U. S., 615.) Nor can it the case of county taxes, this word eral Statutes, Section 186. The term must be used with reference to the language of the Constitution and must be construed to mean to secure equality.
This board is entirely distinct in personnel and otherwise from the other

boards above referred to. A mass of testimony has been taken and has been filed with the record with respect to the mode and practice of as-sessment by the tax district and county boards. It would consume too much time to go into this detail. The result shows that for a long period of time, up to recent date, and perhaps up tion of the United States the Federal to this time, the provisions of the Act Courts, as between the State and the of Assembly have not been regarded and real and personal property have been assessed for taxation below the real value in money. But nowhere does it appear in the testimony that this is crushing her head. Leaving his bleedthe result of preconcert, connivance or conspiracy between and among the boards, such as appears in Cummings vs. National Bank, supra. There is evdence of concidence in opinion and action of concurrance in opinion and action opinion action opinion and action opinion action opinion action opinion and action opinion action opi dence of coincidence in opinion and ac-tion of concurrence in methods and in general result but none whatever that

THE OHIO SENATOR ACCUSED OF fixed method or percentage. Although TELLING UNTRUTHS. concerning which testimony was offer-

ed, in some of the counties parcels of

boards conclusive evidence of design to

put the burden of taxation on rall-road companies? Is it susceptible of other explanation? It would seem that

it is the result of a vice in the system of assessment. The tax district boards

tive charged.

or taxation. A railroad is a unit, every

part contributing to its purposes as

whole. If it be a corporation its cor-

porate purpose is the maintaining a railroad and all and every part of this

property must contribute to this pur-

limited to this purpose. This unit is made up of lands, personal property,

ent upon and inseparable from each other, deviding their value from this

nseparability, from the fact that they

contribute to this unit. They differ from every other species of property, and the discrimination made as be-

tween them and other corporations and individuals in the mothods and instru-

mentality by which the value of their

roperty is ascertained is not invalid.

Kentucky Railroad Tax Cases, 115 U.

U.S., 611.) The mode prescribed by the Legislature of this State is to get

at the value of the plant, that is of all

these elements going to make up the

railroad, and to ascartain what their

combined contributions making up

this unit are worth. If they separated

the component parts and attempted to fix separate values upon them they

would enter into an impossible task

The value of the lands of a railroad de-

pend much on the character and 'com-pleteness of its rolling stock. The util-

ty and consequent value of the rolling

stock depend largely upon the facilities

at stations and at termini, the amount

therefor.

March 13, 1894.

location and character of the land used

After careful consideration there ap-

ears no evidence of such a design 'as

CAHRLES H. SIMONTON, Circuit Judge.

will alone give this court jurisdiction.

Turred Flond.

NASHVILLE, Tenn., March 9.-George

A. Smith, a farmer, about 35 years of

age, in the edge of Pickett county, sev-

eral miles above Celina, went home drunk Wednesday night, and brutally

murdered his youngest child, after which he beat his wife in a horrible

manner, cutting her thorat and then

337; State Railroad Tax, Cases, 92

Its right of eminent domain is

nake the first assessment. By law they

the Colorado Senator Pitches Into the Leader of the Goldbugs and Dresses Him Down Neat'y and Thoroughly --- Bland Bill Will be Passed To-day. WASHINGTON, March 14 -After the

outine morning business, the Senate at 12:30 resumed consideration of the Bland bill. Dolph (Rep.) of Oregon stated that as

bjection had been withdrawn to the printing of the extracts which he had referred to in his speech yesterday, he would consider that speech as ended.

must be freeholders resident in the tax district. They have a direct personal inerest in a low assessment, and their en-Then Teller (Rep.) of Colorado advironment induces them to make it. When men deal with the interest of dressed the Senate in support of the bill. He denied the assumption of Sherman he government and of the citizen all doubts are solved in rayor of the citizen. This must be said, however, in explanation and perhaps in justification of the action of these boards. In and of other Senators who had argued against the bill, that the Act of 1890 left the coinage of silver to the discretion of the Secretary of the Treasury, and he declared that the Act was mandaan agricultural community, and in one dependent upon the well being of tory and that under it the Secretary the agriculturists, it is impossible to fix the value of lands. A succession of bad crops will make land unsalable. One good crop will create a demand and a selling price. So what land may bring if sold depends not on its intrinshould coin as many silver dollars as he had issued Treasury notes. If \$155,-000,000 of Treasury notes had been issued, then 155,000,000 of silver dollars should be comed for the redemption of the Treasury notes. He claimed that the difference between the purchase price of the silver bullion and its mint value should be put into money and used for current expenses-because the Act declared that the seigniorage should be turned into the Treasury, and be also argued that the proper execution of the law required that there should be for every dollar of Treasury notes a silver dollar lying in the Treasury ready to be paid out to the wan who demanded it in exchange for Treasury notes.

There were one or two other points in Sherman's speech which he desired to contradict. Une of them was the statement that there was a board of 364,000, 000 of silver dollars lying idle in the Treasury. "There is no heard of that kind in the Treasury," Teller asserted

with empahsis. when we consider the independent action of this board under a statute imperatively requiring them in mak "The statement is an untruth. Shermau spoke of it as an idle hoard. There is no idle money in the Treasury of the United States. There has been no idle silver money in the Treasury, except that which lies behind the Treasury notes, to the extent of \$35,000,000. The per cent. of the real value, \$13,000 per mile, and that the increase to \$16,000 statement made here by a member of making it about 80 per cent., we can-not hold that this increase in assess the Committee on Finance (Mr. Sherment is so excessive and unjust as nec essarily to indicate the design and mo-Another objection to the action of the board of equalization for railroads is that notwithstanding the fact that a large part of the property of railroad companies is land, they are assessed annually. The State Constitution directs that lands shall be assessed and the industries of the country, but are every five years and this practice is on. property below its real value in money, a practice well known to this board and departed from by them in assess those of railroad companies. This in a bill infamous in its character, and by a bill infamous in its character, and by misrepresenting the facts to the people dicates design to oppress railroad comof the world. This debate has been most untair, as debate has always been tion of South Carolina (Article 9, Secon the part of the men who advocate the tion 1,) directs the General Assembly gold standard. It has been unfair in to "provide by law for a uniform and many respects. It is unfair, or else it qual rate of assesment and taxation.' It gives the General Assembly full dislacks in intelligence; and frequently it is cretion "to prescribe such regulations unfair and lacks in intelligence also. as shall secure a just valuation for tax-Every dollar of silver money that has ation of all property." The General been coined is doing money duty and is Assembly obeyed the direction by redoing it with infinitely more potency quireing all properity to be assessed at and power than any gold money that is s true value in money. Exercising in circulation in the United States. A ts discretion it prescibe a set of regulamore untair and untruthful statement tions, which, in its judgement, secured could not have been made." just valuation of railread property

Teller said that he would not consider a very great disaster if the country were on a silver basis. It was on a gold basis now and the condition of the country was not a happy one and it was a notorious fact that countries which used silver as standard money only were in better condition than the United States was in. This was the only country in hoses in action, easements, all dependthe world. Teller said, whose legislators depreciated its money. Why was it that France could doat eight or nine hundred millions of silver money? It was because no Frenchman ever dared to stand up in a legislative body in that country and declare that the money of country was not good money. It was left for this country alonge to have its legislative members to repudiate the government money. Since 1878 there had been a continued attempt by the Treasury Department to depreciate the silver money of the country. All the great commercial and banking agencies of the country, led or supported by the great metropolitan press, had been endeavoring to make the people believe that silver was unfit tor money and it Senators from Ohio, Wisconsin and Oregon (Sherman, Vilas and Dolph) had told the Senate that the American silver dollar was a forty-five cent. dollar. But." ailed to buy one hundred cents worth of anything which anybody has to seli? It is true that measured in gold it will only bring 45 cents, but measured in commodities it will buy sixty per cent. more of wheat, of corn and of cotton than it did in 1872. It is a dollar which is as good as gold."

Let an order be taken authorizing and instructing the receiver of South Carolina Railway Company to pay from the funds in his hands as such George (Dem.) of Mississippi argued n support of the bill, although he admitted that it was "artificially drawn, received the remainder of the tax unpaid and the costs of these proceedings inapt in expression and with some am-

It was not, he said, a free coinage measure. He wished that it were, if there was any chance of its becoming law. The bill proposed only to require in specific terms the coinage of silver already pu chased, already owned by the covernment, and already by the covernment, and already by the covernment, and already by the covernment and all already by aw to be coined.

While Geo ge was still speaking, the our of 2 o'clock arrived, and then Harris (Dem) of Tennessea rose and demanded in accordance with the terms of manimous consent, that the vote be taken on Mr. Allison's motion to reconsider the vote ordering the bill to third reading. The vote was taken and the motion was disagreed to-yeas 28, nays

Smith.

Nays-Allen, Bate, Berry, Black-burn, Blanchard, Butler, Call, Camden, Cockrell, Coke, Colquitt, Daniel, Duoois, Faulkner, Gibson, Gordon, Hansbrough, Harris, Hill; Irby, Jones of Arkansas, Kyle, Lindsay, Martin, Mills, Mitchell of Oregon, Morgan, Murphy, Pasco, Peffer, Perkins, Pettigrew, Pow er, Pugh, Ransom, Roach, Shoup, Squire, Stewart Teller, Turpie, Vest, Voorhees,

White, Wolcott-45 The Democratic Senators who voted in the affirmative were: Brice, Caffery, AcPherson, Palmer, Smith, and Vilas. The Republicans who voted in the negative were: Dubois. Hausbrough. Mitchell of Oregon, Pettigrew Power. Shoup, Squire, Stewart, Teller and Wolcott. The three Populist Senators, Allen,

Kyle and Peffry, voted no.

Manderson (Rep.) of Nebraska then
moved to refer the bill to the Committee on Finance with instructions to amend t so as to provide that the silver certificates shallby increased only in anticipa ion or in lieu of the seigniorage. He said that the bill had been characterized even by its friends as crude, rough and ungramatical, and that the debate had shown that those who understood the English language were at sea as to what the bill meant. Manderson's motion

was rejected, yeas 27, nays 44. Then it was proposed by Harris to abrogate the agreement that the remainder of the discussion be under the five minute rule. He proposed that the debate be general, a vote to be taken at 2 o'clock tomorrow on the passage of the bill. Unanimous consent was given and George resumed his argument in support of the bill.

George was followed by Carey (Rep.) of Wyoming, who argued against the bill and then at 5.25, after a short executive session, the Senate adjourned.

The Murderers Seen.

COLUMBIA, S. C., March 12.—The thread of circumstances woven around Andrews, Weeks and McCloud as the murderers of Mr.Gayden grow thicker. Two gentlemen who arrived from Eastover this afternoon report that the three men were seen at the mouth of the Wateree river this morning paddleing down it in a boat. They were pulling for all they were worth. A gov-ernment snag boat is at the mouth of the river, and the people employed on it had not yet heard of the murder. They met one of a party searching for the murderers, who asked hadthey seen the Committee on Finance (Mr. Sherman) and sent broadcast to the world that we have a hoard of \$364,000,000 of idle silver money in the Treasury is unworthy! a place in this Senate. It is absolutely untrue, and is known to be sible word was sent to Eastover, and untrue have the sevent possible. the searching parties mapped out a line of procedure. Mr. Frank Weston, Mr. Crousee and three or four others immediately went to Sumter, where

should thus be seen together seems to be almost positive proof that they are the parties wanted. The chances for their capture appeared good, as it is hardly possible that they can escape the posse on both sides of the river and that at the bridge. Unless something unforeseen happens, John Gayden's murderers will be captured today or this week, at the outside. When they are, it is a question whether they will be brought back to Wedgefield. It is believed that whatever caught they will be hung or shot on the spot. The character of the crowd precludes such action. They will weigh the testimony and act accordingly.

Hits Them Hard. For sometime past the Lancaster Review and some of its subscribers have been having a controversy about certain utterances of the Review. Last week communications were published in the Review from Messrs. J. F. Nisbett and James Cullins pitching into the paper. The editor replies in a two column article and among other things says: "Brothers Nisbet and Cullins seem to be nursing a grievance of some kind, but why do they come to the Review with their jeremaide? If they don't like the Review why do they read it? Suppose that the Review is not run as they think it should be run, what right have they to complain of its management? One of these brothers is not even a subscriber to the Review and the other, though he has been taking the paper for two or three years has never paid us a red cent for it, And yet they have the cheek to tell us, would not discharge money duty. The through our columns, that the pasenators from Ohio, Wisconsin and per is not being run to suit them—that it hasn't done this and it hasn't done that, which in their stupendous judgment it ought to have done. We are Teller asked, "has it anywhere always glad to receive suggestions buy one hundred cents worth made in good faith by paying subscri bers, in regard to the management and editorial conduct of the Review, but it makes 'that tired feeling' come over us to have persons who do not contribute anything whatever to the paper's sup-port rear up on their hind legs, jerboa-like, and patronizingly tell us how to attend to our own business.

A Woman's Body, NIAGARA FALLS, March 9.—A big cake of ice floating down the river toward the Horseshoe falls, whirling in the rushing current and on it lay the body of a woman, her head hanging half over the edge of the cake. As it was swept past Loretto convent the nuns were notified by a sister who disgovernment and already required by nuns prayed for the dead and dying. For an instant only the ice paused at the brink of the falls and then it was swept over into the seething mass of water below. The body must have been frozen to the ice, for several hours later it was seen in the rapids near the American shorey by a number of people. The only way it would have gotten

SUICIDE IN ATLANTA.

denly Brought to a Tragic Close,

smuel Check's Checkered Carear Sad

ATLANTA, March 9 .- Samuel Cheek contractor, well known in the city and surrounding country died at the Grady hospital from the effects of two bullet wounds in the left breast; and those wounds were inflicted by his own hand. For a number of years Cheek has maintained relations of the most amicable nature with his wife and children not a jar of discord ever marring the domestic felicity of wife and husband each appearing to have perfect confidence in the other, while the sequel shows that, during all these years, in another part of the city, there has lived another woman known as Mrs. Sam Cheek. And this woman has borne him

two children. How much longer this dual existence of Sam Cheek would have gone on can only be conjectured, but for the fact that Cheek became involved in litigation which resulted in a warrant being issued for his arrest; his having to hide out from the officers, and finally in a fit

of desperation, admitting all to his wife and taking his own life.

The woman with whom Cheek had been living was, when a girl of 16—some 10 years ago—taken to the home of Cheek and cared for a long time, she having no home, and later a permanent was then in a village about 20 miles from Atlanta.

After a stay of nearly a year, the girl who had given her name as Bertha Cross, but whose real name was Blanch layton left her new home and after visiting the Cheek family, where she spent a few days, left them, declaring her intention of returning to her home somewhere in South Carolina.

and set up a second nome. And, not-withstanding his family afterward moved to this city, for years Sam Cheek has managed to keep up his relations with this woman without ever exciting breath of suspicion, either in the creast of his wife, or among those with whom he came in business contact. Remorse and reverses, however final-yso wrought him up, that he confessed

self inflicted wounds.

The boy had his father removed to the hospital where he died without regaining consciousness

Double-Dealing Daniel. WASHINGTON, March 14.-I have Mr. Crousee and three of immediately went to Sumter, where immediately went to take the Charleston, Sumter and Northern for Vance's near the Santee bridge, for the purpose of overtaking them. Another party composed of twelve or fifteen men went on posed of twelve or fifteen men went on the river, at home in Laurnes a report was published in the News and Courier that I had telegraphed for Mr. Sullivan to I had That these three suspected men me to say that I have had no talk or for some time ago. Mr. Stokes was nominated for Congress at Summerville, him he ran and forgot to take it away.

While Mr. Sullivan was bere and upon learning it, the latter announced to me and others that ne would not be a candidate. He left me fully impressed with that idea, and no man was more surprised than I was, when he announced his intention to run, which he followed up by frequent visits to, and conferences in, Columbia, with which the public must be familiar. In reference to the Laurens incident. I will say that there is not a word of truth in that report. He came to my

house after having telegraphed from say, and I hope that every honest newspaper that has published these reports will do me the jussice to publish this letter, that I never promised Mr. Sullivan or any one else to keep Mr. livan to run for Congress in that Congressional District.

J. I. M. IRBY.

Fell Dead in Court. UNION, March 10 .- Mr, Charles C. Culp, one of the most prominent and able lawyers of the Union Bar, died very suddenly to night. While sitting in the bar listening to judge Melten's speech in the Sims case he fainted man or men short work will be made of Doctors were summoned and he was taken in one of the jury rooms, where popular man and was prominent citizen he died in ten minutes. Mr. Culp was just in the prime of life and apparently enjoying the best of health. He was one of the plaintiff's attorneys in the Sims Jones case, which is now on trial here. He had about an hour before completed his argument before the jury, and it has been commented upon by many porsons as one of the ablest efforts of his life. He was an impressive speaker and was a born orator. He was about 38 year old and has been practicing at the Union Bar since his graduation. He leaves several brothers and a host of friends to mourn his of the neck. The bullet was a 38-calibre untimely end. Court proceedings were and went clear through. It was picked immediately suspended and loving up on the embarkment this morning hands conveyed the remains to his covered with blood. John Cloud, the home. The sympathy of the entire suspected man, is about five feet six incommunity is with the family in their ches tall and is rather heavy set. He is and bereavement .- News and Courier.

Victory for the State.

CHARLESTON, March 13.—The State gained a decisive victory over the rail-roads in the United States Circuit Court today, when Judge Simonton filed a decree in the much litigated railroad tax cases. Last year the assessment on all the railroad property was arbitrarily raised by the board of equalization. The railroads refused to pay the taxes on the increased assess nent and carried the case into the United States courts. They, however, tendered the amount of taxes on the old assessment. The case decided today was brought by D. H. Chamberdown there was by passing under the lain, receiver of the South Carolina big ice bridge which has formed. No Railway, to test the constitutionality tion has arisen from the adoption of a rule of appraisement which conflicts with a constitutional or statutory direction, and operates unequally, not merely on a single individual, but on a large class of individuals or corporations. It will not large class of individuals or corporation and operates unequally, but the evidence shows that the result, but the evidence shows that the neighborhood, who soon discovered shows that the neighborhood and his whereabouts are not known. He will very likely be lake somewhere. It was the lake somewhere in a lengthy opinion, decided that the assessment become the rescued before the ice melts. It is possibly be inferred from similarity in the lake somewhere. It was the neighborhood and his whereabouts are not known. He will very likely be lake somewhere. It was the lake somewhere in a lengthy opinion, decided that the assessment because the neighborhood and his whereabouts are not known. He will very likely be are not known. He will very likely b

MURDER AT EASTOVER.

MR. J. F. GAYDEN KILLED BY THE THIEVES HE PURSUED.

Richland and Sumter Aroused by a Foul Murder-The Interesting Story of Gayden's Fatal Chase atter the Robbers-Ready for a Lynching Bee.

WEDGEFIELD, Sumter County, March

0.-Mr. J. E. Gayden, a well-known and most copular citizen of Richland County, who lives at Eastover, was murdered late last night near this place.

Mr. Gayden, had taken a young lady home from the 9 o'clock train on the Atlantic Coast Line, and was on his way back to hir residence when he saw a light in the depot at E.stover. He called to the person in the depot thinking that it was the night watchman. The man in the depot ran and Mr. Gay-den pursued him, but could not catch him. He aroused the whole town, but for various reasons no one would go with him to pursue the thief on account of the lateness of the hour. Mr. Gayden, is a very courageous man and determined to pursue him himself. He said he was going and he caught the next train. He got cff at the Wateree junction and nothhome was secured for the girl with mg more was heard of him until this Mrs. Cheek's sister living a few miles away from the Cheek homestead, which lying along the railroad side a little dislying along the railroad side a little distance above this place. He had a bullet in his neck and had been struck on the forehead by a heavy justru uent. The people here were mystified, but they knew Mr. Gayden and telegraphed back to Eastover. They suspected at once that he had caught up with the thieves and had been murdered. There was great excitement about Eastover And here begins the dual life of Sam and a special coach was attached to a Cheek. He had become infatuated with the girl; brought her to Atlanta crowd armed with shotguns and pistols to the place this afternoon for the pur-pose of searching for the murderer. Nothing was known as to who or where the murderers were, but there was a determination pictured on every face to bring the murderer to justice swift and sure, without the formality of a legal

trial. How Mr. Gayden came to be shot is all and wandered away in the night, a hunted criminal, and was afterward found by his son in an old house in the outskirts of the city dying from the shot him. The murderer fired five shots at him and then jumped out of the rail-and went some distance in an adjoining field. He came back to where his victim lay, probably to see what damage his bullets had done. All this is from tracks which were carefully traced from where Mr. Gayden fell. At a certain point in the field the murderer Just seen a card publisued in the News and courier, from the Hon. D. A. J. Sullivan, Jannouncing his withdrawal from the race in the First Congressional District. The publication of this card, as well as reports that have been circulated in South Carolina, to the effect that I promised him to keen Dr.

When the robber was in the depot communication with Mr. Sullivan upon he was trying to break open the safe. this subject since he left Washington He had pulled off his coat and laid it on the floor, and when Mr. Gayden called to Sullivan was here It was found there last night, and the negro pump hand at Eastover positivey identified it as a coat that he had seen Cloud wearing about sundown that afternoon. He had talked to Cloud and had no doubts as to the identity of the coat. Cloud is from Sumter, but has been living near Eastover lately. He has suddenly disappeared, and this in itself is a suspicious circumstance. Some gentlemen at this place are inclined to believe that two white men were connected with the killing. Two tramps Charleston, my permission to see me and a negro were seen at the junction at my home in Laurens, to which I yesterday and they said they were go-consented. In conclusion I wish to ing to Eastover, but would be back that night. The tracks leading from the place where the murder occurred show that the man had about a number 7 shoe and had a high instep. The coro-Stokes from running at any time, or ner has been holding an inquest here to-asked, encouraged or advised Mr. Suluer has been holding an inquest here to-

facts as developed. Mr. Gayden's body was brought to this place and was prepared for burnal. It now lies in a box car on a side track. but will be taken back to Eastover to night. The crowd from Eastover that came down are the best citizen of the community. They are quiet but deter-mined, and should they catch the right of the vicinity. He was at one time county commissoner, and was postmaster at Eastover when killed. He leaves a wife and a large family. It should have been mentioned before that Mr. Gayden knew the direction the robber took, and that is why he took the train to overtake him. He carried a lantern, and this probably gave the robber the best opportunity to shoot with fatal effect. The lantern was found a short distance from Mr. Gayden and it was still burning, only one shot hit him on the left side of a dark ginger cake color, and has one tooth out on the right side. Telegrams have been sent to Sumter and other points asking that a close watch be kept

for such a man .-- News and Courier. Tested.

SHREVEPORT, La., March 10 .- United States Circuit Judge Boardman presiding on a jury trial, gave judgment to the heairs of J. Leman vs. Knights of Pythias, for the amount of the policy in that order. The payment of the policy was contested on the sui-cidal clause. The amount was \$3,000. This was a test case.

MADRID, March 10 .-- A dynamite cartridge was exploded today in Funte-Reboll, province of Segovia, old castle. killing the alcade, or local judge, and also killing the sacristan of the local church, The explosion is believed to be the work of the Avarcesist.