

The News.

TRI-WEEKLY.

VOL. III.] WINNSBORO, S. C., SATURDAY, OCTOBER 13, 1866. 110

ADVERTISING RATES.
Ordinary advertisements, occupying not more than ten lines, (one square,) will be inserted in THE NEWS, at \$1.00 for the first insertion and 75 cents for each subsequent insertion.
Larger advertisements, when no contract is made, will be charged in exact proportion.
For announcing a candidate to any office of profit, honor or trust, \$10.00.
Marriage, Obituary Notices, &c., will be charged the same as advertisements, when over ten lines, and must be paid for when handed in, or they will not appear.

Charge of Judge Aldrich.

GENTLEMEN OF THE JURY.—I admonish you to bear in mind the circumstances by which you are surrounded. I call upon you to recollect that the law of South Carolina is now what it always has been, namely, that the negro shall be protected from violence offered against his person. It has been a law of our State for many years, that if a negro is assaulted, the party committing the assault be punished; and if the life of a negro be taken with malice aforethought, the law has always regarded that act as murder. It is therefore no new thing that a man should be indicted for the killing of a negro.

While informing you that such has always been the law of South Carolina, I admonish you to avoid another extreme. Do not allow yourselves to be influenced by any excitement, because of the peculiar condition of the society which now exists. Let us mete out justice to these people as we have always done. Let us not be unduly prejudiced for or against them. In the present instance, let us view the case according to the facts that have been detailed, and the law as it shall be announced.

There can be no doubt at all, that the prisoners at the bar killed the negro, John Counts alias John Dawkins. It is very probable that this man Counts was one of a party who committed the most brutal and atrocious murder of an inoffensive man by the name of Lemuel Lane, in Newberry, and robbed him of a large amount of gold and silver. I have no doubt the prisoners knew that this crime had been committed. They heard accidentally, through a little yellow boy that the deceased was in the road near the Asylum; that he had asked the boy to show him and his companion the way to the Charlotte Depot, and had given him a quarter of a dollar; and that he had in his possession a large bag of coin. This little boy had informed one of the witnesses of these facts, he immediately went to Starling and Pope, and gave them notice of the occurrence. These two men for a perfectly legal purpose, prepared for the arrest of the negro.

The only difficulty in the case, gentlemen, is whether they had any right to arrest this negro in the way they did. That they had a right to arrest him, I have no doubt. They had every reason to believe that he was one of a party, if not the identical man, who had slain and robbed this old man Lane in Newberry. They pursued, and came upon him and killed him. The question is, whether that was an excusable homicide.

I think that the law was properly stated to you, when you were informed that an officer armed with a warrant for the arrest of a person accused of felony, has no right to take the life of the accused, unless there is such resistance to his authority, that the act becomes absolutely necessary. But every citizen has a right, where a felony has been committed, to arrest the felon. The only difference between him and the officer is this, that if he attempts to arrest a party accused with felony, not being armed with authority, what ever he does is at his own peril. If it be proved that the person arrested is no felon, then is the citizen guilty of a breach of the peace, and if in the process of the arrest the accused be killed, the citizen becomes guilty of murder. If on the other hand, it should appear that the party to be arrested was himself a murderer, and was killed in the act of arrest, then the question comes up, what degree of guilt shall attach to the citizen.

The law has been read by the learned counsel, who had so ably and zealously defended these unfortunate men. You will perceive that in one of the authorities upon which great reliance is placed, it is stated that private persons may arrest. In the language there used, "an indictment found, is good cause of arrest, by private persons, if it may be made without the death of the felon," but it is said that if the felon be killed, their justification must depend upon the fact of the parties guilt, which it will be incumbent upon them to make out; otherwise, they will be guilty of manslaughter.

It will be very dangerous, gentlemen of

the jury, to allow every man, who hears that felony has been committed, to judge whether there is a necessity for him to arrest the supposed felon, or to take his life. If this were allowed, there would be a great number of cases of murder which could not be reached at all. Such a privilege might be made an excuse for a crime unparalleled in civilized society. When an officer of the law is sent forth to arrest a felon who has shocked humanity by the enormity of his offence, he is compelled, by the law, to be cautious how he takes human life. He is not authorized to do so simply because the felon flees. But, when private citizens undertake to arrest an accused party, although the motives may be perfectly praiseworthy and is to be encouraged, they must be extremely cautious how they shed human blood, because they take upon themselves a very high responsibility. They take all the risks and all the consequences.

Now, I have no doubt that the prisoners at the bar, acted with perfect conscientiousness in this matter. I do not think they pursued that negro with the hope of reward. They were simply informed, that a horrible murder had been perpetrated, and a whole family thrown into distress; and under the generous impulse of youth, they went forward to arrest the murderer. It is for you to say, whether they exercised in that arrest, a degree of violence which was not warranted by the law. It is for you to say, by your verdict, whether these young men, in attempting to make this arrest, were authorized to judge, whether they could take life, in order to stop the man who was running.

I do not find fault with the learned counsel, who, so forcibly and eloquently has urged that a jury have the right to judge of the law and the fact. I think it likely that the old barons of England, intended in their *Magna Charta*, that the jury—the peers of a man should possess the right to judge of the law and the evidence; and that when they wrested that charter from the tyrannous King, they invested the jury with this privilege. But, this is not the question. The question is, what is the law now? It has been decided again and again by our Courts, that juries are not the judges of the law. Juries are judges of the fact, and they must take the law as it is expounded by the judge. That is the rule in South Carolina, which has prevailed for many years.

Now gentlemen of the jury, this case is in a very narrow compass. Was there any necessity for this young man to kill that negro? If there was a necessity, did they have any authority simply as volunteers, to shoot him down in the road? I think it my duty to say that this case cannot possibly be murder; and hence, the point you are to decide is, whether these citizens committed an excusable homicide. If you choose to render such a verdict, you have the right to do so. But, if you do not come to that conclusion under the law which has been expounded by the Court, you will bring in a verdict accordingly. I say to you, however, in conclusion, that you have a right under all the circumstances to bring in a verdict of not guilty, if such should be your decision, and with these remarks I leave the case in your hands.

The jury then retired, and as was stated in a former issue, after a consultation of three fourths of an hour, rendered a verdict of "not guilty."

Messrs. Starling and Pope, then retired amid the congratulations of their friends and of the large audience who filled the court room.—*Carolinian*.

THE FLOW OF GOLD TO THE UNITED STATES.

The London *Review* has the following:
"The efflux of gold to the United States has continued on a somewhat larger scale than had been looked for, although, in fact, amounting to no great sum. After the enormous receipts from that country, a month or two back, it is not too much to return some £200,000 or £300,000 in two or three consecutive weeks. The most satisfactory feature in the movement is the confidence that it shows in the permanence of peace in America, and that as far as investors are

concerned, the renewal of the civil war is considered in the highest degree remote. As we have already had occasion to observe, this belief is not only felt by Englishmen and Germans, but has latterly been shared by Frenchmen. The five-twenty bonds, which these shipments are made to pay for, are as eagerly if not more eagerly, bought in Paris as in London and Frankfort. Not very many years ago, scarcely any foreign securities were quoted on the French Bourse, and it is significant to notice how great an alteration has taken place in this respect. Except on our own stock exchange, it may be doubted whether, in any other capital of Europe—not even in Frankfort or Amsterdam—foreign investments are now so largely held as in Paris. Formerly, native capitalists would take nothing but the rentes; now, they are ready to invest in Italian, Spanish, Mexican (unfortunately and many other similar securities. Except, however, in rare instances, United States bonds have been in little favor, and hence the significance of the present demand."

AN EPISODE OF THE GERMAN WAR.

The London *Mornings Herald's* military correspondent gives the following story:

A farmer, living in a hamlet near Possnitz, had a wife and two children, and such was the woman's terror of the Prussians, when she heard they were coming, that her husband, to satisfy her, placed her in an underground cellar, with her two little ones, and built up the doorway, leaving some food inside. The Prussians entered the place, and, among others, obliged this poor man to accompany them, with his horse and cart, for a day's journey, as they said. But the man was brought on from place to place, and at last, when he was suffered to return and reached his own house, several days had elapsed. On the way back he began to calculate how little food had been left with the wife and children; and horror-stricken at the dreadful thought that their cries might not be heard, his hair is said to have turned white on his homeward journey. His fears were but too real. He tore down the masonry, searched for those so dear to him, but only found three lifeless bodies, half devoured by rats. Reason left him by the dreadful sight, and he is now in a hospital, a lunatic.

FEMALE COMPOSERS.

The *Field and Fireside*, published at Raleigh, N. C., has all its types set by female compositors. Speaking of the subject, the *Field and Fireside* says:
The ladies employed in this office are some of the many in the South upon whom the disasters of the war fell with a heavy hand. They are all well educated and accomplished and belong to as good families as any in the city. At four o'clock their day's duties end, they then go home to dinner, are ready for an afternoon walk or call; and we doubt not that many a young gentleman, who, desiring an evening among bright eyes, pretty faces, good music, etc., is often astonished (if not made to feel small, by his own lack of posting) at the thorough familiarity which these ladies evince in all matters pertaining to current literature. He does not trouble himself to ascertain where and how they read so much; it is enough for him that they can lend him in conversation upon almost any topic.

If these ladies deign to touch, with their rosy finger tips, the hands of any of their gallants, which we very much doubt, we are inclined to the opinion that many a time the mental ejaculation has suggested itself, "what pure white hands she has!" It is not generally known that there is a strong bleaching quality in types and printing offices; and that there is no business by which one's hands can be made whiter than in a composing room.

Nine hundred and forty applications have been received from negroes in Georgia, Tennessee, and Virginia, by the American Colonization Society, for transportation to Liberia. They will depart November 1.

AN EXHIBITION OF PERIODICAL LITERATURE.—One of the interesting features of the Paris Exhibition will be the collection of periodical literature now in course of formation in England. Newspapers, magazines and pamphlets of all kinds are to be classified and exhibited; the issues of the year 1866 only to be included. A similar collection from the United States would be useful, if for no other purpose than that of comparison and suggestion. There is greater room for the improvement of periodical literature here than in England.

At the London Exhibition of 1862 the royal commissioners showed a disposition to exclude literary productions, but the French plan contemplates representations of modern society in all its forms, and expressly invites contributions of each newspaper, review, literary, artistic or scientific journal, magazine, tract, pamphlet, or the like, published in Great Britain or the colonies during the past year. Even street ballads are to be included in the collection.

GREENBACKS NOT A LEGAL TENDER.

In the Circuit Court of Baltimore on Saturday, Judge Alexander decided the act of Congress making greenbacks a legal tender unconstitutional and void, an assumption of power not granted by the States to their agent, the General Government, and the court in argument puts the important query—can Congress convert paper into gold and silver? An appeal from the decision will be taken.

EXEMPTIONS.

The following is published for the information of the public:
Articles exempt from execution for debt, viz: To each family, two beds with necessary bedding, two bedsteads, one spinning wheel and two pair cards, one loom, and one cow and calf; if a farmer, the necessary farming tools; if a mechanic, the tools of his trade; the ordinary cooking utensils, and ten dollars worth of provisions.
[Statutes of S. C., Vol. 6, Page 214.]

SCENE AT A RADICAL MEETING.

The *National Intelligencer* has the following:
General Cameron, in speaking at the late Harrisburg mass meeting, seeing General Knipe in the crowd, said "There's your postmaster, Joe Knipe. I made him general," and no sooner had he uttered the words than there rung out, in a clear silvery voice, from the audience, "You are a liar! I was made a general while fighting the battles of my country, while you were at home speculating in mule contracts." It was the voice of the gallant General Knipe, and of course there was a commotion. A rush was made by the roughs at Knipe, but he defied them and kept them off.

The Philadelphia papers come to us with this paragraph:

A DYING CHILD MURDERED.—James Williams, sixty six years old, living at Fifth and Bedford streets, on Tuesday night, it is alleged, took a little child, five years old, from its bed, and though the innocent babe was dying, kicked it brutally about the room, so that it speedily expired.

Now if this had occurred down South, and the child had been black, what a howl would have gone up throughout radicaldom.

It transpires that Butler gets \$250 per diem from the Central Committee during his stumping tour. This sum, in addition to trifles that fall in his way and are easily secreted, keeps the Doctor quite cheerful and comfortable.—*N. Y. World*.

The Springfield (Mass.) *Union* says that "sensationalism, in all its most beastly and disgusting forms of licentiousness and profligacy, is on a rapid increase in all our New England cities and towns, nobody can blink it out of light without doing violence to his knowledge of sin-city."

INFORMATION WANTED.—In 1859, the then Governor of Ohio, Salmon P. Chase, in the midst of a great excitement growing out of an effort to enforce the fugitive slave law, taking the form of the arrest, by the process of the United States courts, of certain persons who had released the fugitive slave, for whom writs of *habeas corpus* had been sued out in the State courts, thus threatening a conflict of jurisdiction between the United States courts and the State courts of Ohio, laid down the doctrine of nullification. Governor Chase said:

"I will only say, what I have frequently said before, that as long as the State of Ohio remains a sovereignty, and as long as I am her Chief Executive, the process of her courts shall be executed. * * * * *
When I am called on to act, I will act." [Immense applause.]

Now, we wish to know if this Salmon P. Chase is our Chief Justice Chase. If this be verily so, and Governor Chase and Chief Justice Chase are one and the same person, we cannot but think that the trial of Mr. Davis before Chief Justice Chase will be a very awkward affair. How will a nullifier try a secessionist? We can readily imagine, when the council of the accused justifies the ground of the sovereignty of the States, that the Chief Justice will feel that his position of presiding Judge is slightly embarrassing. We are curious to learn what weight Chief Justice Chase will give to the opinions of Governor Chase on the question of State sovereignty.—*National Intelligencer*.

INFORMATION.—The subjoined paragraph may be interesting information to a Welshman, but we can't translate it:

"Crdwgmpes Ap Thomas, the Welsh bard, is coming to this country. He will be received by the Llwglwmstrath of Philadelphia, and his performance on Q-hmdatrrgwstlyn, or Welsh harp, will be the most interesting musical event of the season. He is a native of Moeigwstnwbstwith, and his father was the inventor of the Brnwyr Cymstggellwust."

MOVEMENTS OF TROOPS.—The recent arrival of two or three additional regiments of United States regulars at Washington city, has created apparent alarm among the radicals. They affect to believe that the President contemplates a *coup d'etat* on the reassembling of Congress.

GENERAL EARLY.—General Jubal A. Early will spend the winter in Toronto, Canada West. He has completed his history of his valley campaign, and has it now in press. It will be issued in a short time. It is said to be written in good style.

Considerable feeling is exhibited throughout Georgia just now on the subject of repudiation. It is thought that an effort will be made at the meeting of the Legislature, in November, to relieve the people from payment of certain debts contracted during and prior to the late war. The pleas urged for repudiation are the loss of slaves and the failure of the crops. The amount of property returned in the State for 1866 is \$209,000,000; in 1860, \$620,322,777; loss to State over \$465,000,000.

The Paris *Charivari* has a picture of the Atlantic Telegraph Company. The telegraph; "What in the duce is the meaning of this? Dog? a despatch dated Dog?" "Why, you see, I did not want to say Newfoundland, because that would be \$15, so I wrote Dog to save \$10."

A class of young girls being examined in political economy were asked, "How is Congress divided?"

With an air of confidence a sweet sixteen replied: "Civilized, half-civilized and savage."

Gen Grant's pay is \$13,678 a year, and Lieut. Gen. Sherman's \$13,518. Each is allowed fifty horses. A major-general gets \$5,000 a year, and is allowed five horses. The pay of a brigadier is \$3,940.50