

NO DECISION REACHED

SO FAR JURORS DISAGREE IN CHESTNUT CASE.

NO Further News Will Be Heard From Jur. Until Today. Evidently a Mistrial.

Jury Still Out. The jury in the Chestnut case went out at 4:10 yesterday afternoon. Up to twelve o'clock last night—eight hours after leaving the court room—they had not agreed upon a verdict. According to the instructions of the Court if a verdict is reached before morning it will be announced in Court this morning.

The fate of R. Chestnut, who has now been on trial three days for the murder of W. R. Sabin, is now with the jury. Beginning last Wednesday morning the trial has moved swiftly to its culmination, and before another day passes the result will be known. Throughout the entire ordeal Chestnut has sat passive, not showing at any time the emotions which must have been passing through him. Fanning himself with a large palm-leaf fan, the prisoner took the stand Thursday and told his story, not fast or slow, but moderately in even voice and his voice never faltered him through the examination. On the second day during the hot midday hours he appeared somewhat fatigued and drooping, but outside of that no appearance of unrest was noticeable.

Throughout the trial it was apprehended that Mrs. Chestnut would be placed on the stand, but neither side called her. At different times it appeared that both sides wanted her on the stand, but neither wished to risk it. The prosecution when objecting to allowing Chestnut to state what his wife told declared that she was in jail and the defence could get her if it wanted. Towards the closing hour of the testimony Thursday afternoon the defence in reply to something being said about an affidavit of Mrs. Chestnut, dared the prosecution to call her.

Standing near the prisoner was his sixteen year old son, Artie on the three days of the trial. The first day two of his younger children were with him for a brief time, and on the second day his daughter was present for a time just preceding her testimony. Around the table of the prosecution were the two brothers of the deceased, Messrs. Roy and A. S. Sabin. A little back was the uncle, the only eye witness of the shooting besides the two principals, Mr. C. E. Cunningham.

Throughout the entire trial the court-room was crowded. No trial in some time has attracted such a crowd and held them. At times the witnesses spoke low, and it was difficult for even those inside the bar to hear what they were saying. The presiding judge, J. W. DeVore, of Edgefield, kept things moving and ruled promptly on several questions which fell to his lot to decide.

In our last issue we gave a full synopsis of the witnesses who were examined Wednesday, and today further in this article we give a synopsis of the testimony of the witnesses examined since then. The two versions of the difficulty given by the dying declaration of Sabin and the testimony of Cunningham differs from that given by Chestnut. Below we present the case made out by each side relating to the shooting:

The State.

After having established the preliminary steps, such as tracing Chestnut going to the Dixie Lumber Co., and leaving it after the killing, the prosecution brought forward the only near-eye-witness of the tragedy outside of the principals concerned, C. E. Cunningham who was working that morning near the office. He said he heard a shot and upon entering the office saw Chestnut standing at one end of the desk a pistol in his hand, and that Sabin was getting up from his desk when he entered. He (Cunningham) remonstrated with him while Sabin asked for an explanation, but Chestnut threatened the old man, and shot the second time at Sabin. At this time Sabin rushed Chestnut and pushed him over some lumber. While they fell with Sabin on top of Chestnut the fatal shot was fired.

A. S. Sabin brother of the dead man, testified that he was with his brother at the time just preceding his death, and told his brother when they saw he was dying that they ought to have had his statement. His dying brother repeated the statement in which he declared that he greeted Chestnut when he came in and then the defendant without explaining shot at him. Still asking for an explanation Chestnut fired at him the second time and the dying man declared he rushed him. When read a clipping from a paper charging intimacy with Chestnut's wife the wounded man declared "there's no truth in that story." This was the prosecution's case in brief.

The Defence.

The defence's version of the affair is this: Having introduced several witnesses stating that Sabin was seen with the defendant's wife on several occasions (the whole of which can be seen in the more detailed account of the testimony further in this article) Chestnut was warned by a friend to watch his home. Now from the testimony of the defendant himself, whose testimony differs very materially from that of the dying man and Cunningham's, it would seem that having found proof of his wife's infidelity, he went to the office of Sabin to warn him about coming to his home any more. But Sabin, declares Chestnut, cursed him and then shot once, and after more talk the epithet was again used and Chestnut fired the second shot. Their while

endeavoring to show Sabin the letters, Chestnut declared that Sabin rushed him and his head butted the wall when they fell over. It was then that the fatal shot was fired.

This as will be seen differs from the story of the dying man and Cunningham. The prosecution offered in rebuttal of the testimony telling of alleged relations of Sabin and Mrs. Chestnut witnesses impeaching the truthfulness of those who testified about it.

As it is the result of the trial hinges upon two or three facts which the jury must consider and return a verdict according. First, did or did not Sabin ruin Chestnut's home. Second, did or did not Sabin write the note found behind Chestnut's gate the morning of the shooting. Third, which is the correct story of the killing: that of Sabin as corroborated by Cunningham, or that of Chestnut. Then also the fact that the defence claims that two letters implicating Sabin were found in Mrs. Chestnut's trunk and which two letters Miss Adine Chestnut declared her step-mother burnt must also be taken into consideration in deciding whether or not Chestnut had sufficient provocation for the act he did. Another fact which the jury will also have to consider is that Sabin was unarmed and that Chestnut fired two shots at him before he took any part in his own self-defence. The fact that the third shot was fired while Sabin was on top of Chestnut does not give Chestnut a case of self-defence, for he had already shown that his intentions were to kill Sabin, and had twice tried to carry out that intention.

Testimony of Defence.

In our last issue we gave the testimony in detailed form of the witnesses examined Wednesday. Today we present the testimony of the witnesses examined Thursday. Following is the testimony:

The first witness Thursday morning was Luther J. Smith of Bowman. He testified that he passed Chestnut's house one Saturday afternoon about ten days before the shooting and saw (while he was walking his horse on account of a sand bed) Sabin come in Chestnut's yard, speak to Chestnut's daughter, and then walking up to the door rapped. Mrs. Chestnut came to the door, and he did not see any more. Did not tell Chestnut about this before the shooting.

W. F. Rast, sworn, said he married Chestnut's wife sister. He said he had seen Sabin at Chestnut's house several times. On the 23rd of March while in front yard saw Sabin and Mrs. Chestnut sitting on sofa in parlor, and Sabin's arms were around Mrs. Chestnut. Although a brother-in-law he did not think it his duty to tell Chestnut about this before the shooting. Told his wife however.

P. M. Rickenbaker, next called, declared that he saw Sabin step inside Chestnut's gate about dark the evening preceding the killing and apparently hide something. Spoke to Sabin and greeting was returned. Two weeks before had been going to Sprinkler's mill and saw Mrs. Chestnut on Palmetto street walking towards Railroad avenue. Later upon returning from the mill he saw Sabin and Mrs. Chestnut standing talking on the corner of Palmetto and Railroad avenue. Witness was on Mr. Saul's piazza and could see the two talking. Chestnut, the defendant, then came from the direction of the depot and Mrs. Chestnut ran towards her home and Sabin down the railroad track. Witness did not tell Chestnut anything about what he saw.

Benj. C. Rast, sworn, said he also saw Mrs. Chestnut on the corner of Railroad avenue and Palmetto street. Corroborated Rickenbaker's statement in that particular. Told how one afternoon just before sundown he heard noises in a barn in Chestnut's yard and upon opening the door saw Mrs. Chestnut and Sabin standing in there. Said that next day Sabin offered him \$5 to keep his mouth shut, which he refused but told Sabin he had better be careful. Didn't tell Chestnut anything about what he had seen.

Mrs. Willie G. (Ada) Smith testified that she knew both Sabin and Mrs. Chestnut well. Had often seen the former with Mrs. Chestnut. Asked to relate specific times related how once she had run in the Chestnut yard for water and Mrs. Chestnut opened the door into Adine Chestnut's room, in which witness declared Sabin and Mrs. Chestnut was. Another time saw the two talking together on the back steps of Chestnut's home.

Miss Adine Chestnut was then called. She is fourteen years old and a daughter of defendant and his first wife, being born in Horry county. Lived with her grandmother after mother's death until coming to Orangeburg to live with father and step mother. Knew Sabin three or four months before killing. Had seen him at her home. He was there the Saturday night before the killing and asked for her step-mother. Told him she had gone down street. She declared that on the morning of the shooting she heard conversation going on between father and step-mother. He had left without eating breakfast. Came back home after the shooting and changed his blood-stained coat for a clean one. Saw several letters fall out of Chestnut's pocket, which her step-mother picked up and burned.

What Chestnut Says.

Robbie Chestnut, the defence's being placed upon the stand said: He was thirty-eight years old, had been married twice. First time in Horry county and had two children, Artie, a boy now 16, and Adine, a girl now 14. Married present wife in September, 1903, one year after his first wife's death. He had had business transactions with Sabin which had always been pleasant. Some time before shooting was told by a friend to watch his house; that Sabin was going there too often. Told friend to say nothing and he would

try and catch up with it. Had seen his wife talking with Sabin at the corner and noticed her when she ran. She pretended to have been home some time, but witness saw her go in the house after leaving Sabin. About three or four days later upon coming home one afternoon his wife told him that someone wanted to see him in the back yard, and he started around the house. Hearing a noise in the house he returned to the front to see Sabin leave through the front. On the morning of the 25th, he went in the yard to feed his horses, and after doing so walked around and came in through the front gate. Saw a note in an envelope, sealed, and addressed to his wife. The envelope was half buried in the sand. Went to the closet and read it.

The Letter Found.

Following is a copy of the alleged letter:

Dearest Girl Your Received the other day and was very glad to hear from you Dear why did you wait so long to answer my letter but I hope you is feeling better than you was the other night when I left you. did you get Home all O. K. Dear girl will you write and let me know when Mr. Chestnut will be off from what that fellow was telling me you treat Him some better than you are me.

Oh how did you enjoy that box of candy I give you the other night. Dear I will not send this by mail I just send it by my yard boy so you will be sure to get it. I am thinking of for a few weeks but will be with you before I go. You no my Trouble don't you. Well I can't tell you all but you come down this week I will be at the same place. I remain your as ever. You no who.

Chestnut then went on with his testimony and said that he went to his wife's bedroom and showed her the note and had a conversation with her in reference to the note. Here there was quite a discussion as to whether or not Chestnut could introduce what he said with her in reference to the note and what she told him as testimony to show provocation in the case, but the Judge decided that as Mrs. Chestnut could be called by the defence, it would not be legitimate testimony for Chestnut to give. Chestnut then went on to say that he was kind of worried and ate no breakfast. Left his house and met his father-in-law at his gate. Together they walked to a house on Sellers avenue where Chestnut was engaged. He gave the note to his father-in-law, Mr. Biewer, who did not read it at the time.

Chestnut then said that he put his hands to work and went to Ayers & Williams where he gave some directions about some material he was ordering. Then he went back to the house on Sellers avenue; from there to Biewer's house to deliver a message to Mrs. Biewer. Said that his wife came in two or three minutes later and he talked with her. Did not stay long but went on to his home, and getting the key, searched his wife's trunk. Found two letters in the bottom, wrapped in a shirt-waist. These two letters, the witness testified were signed: "W. R. Sabin, your dear," and "Will Sabin, your darling." Both were addressed to Mrs. Adie Chestnut and began "my dear darling."

Describes the Killing.

The contents of the letters Chestnut said was about like this: "I don't care to meet you at the barn any more. You know we came near being caught. Have to meet elsewhere. Have best time with you of any sweet girl. Why didn't you go with me on my trip." His wife came in a little while after his finding of the letters and he said, "here's two more of Sabin's letters to you." A conversation with his wife followed (the contents of which he was not allowed to testify to) but as a result of which he got his gun and went to Sabin's office. Witness declared that he did not intend to kill Sabin but only to warn him away from his home. Walked up to Sabin's office and said: "Sabin, how about my wife? You ruined her and wrecked my home and disgraced my children." And Sabin replied: "Get out of this office you d— lying ———— and then I shot once and stepped aside. After some talk witness said: "I have two letter in my pocket signed by your name." Sabin repeated the epithet and about this time the second shot was fired. Then "Sabin rushed me" and "my head butted the wall." Then the witness said Cunningham came and grabbed at his gun and he told him to leave his gun alone or he'd shoot him. Told Cunningham to get Sabin off of him, which he did. After the shooting witness went home and changed his bloody coat for another, leaving letters there, and went up street to Blackmon's store where he waited upstairs for the sheriff. After Sheriff came he and Sheriff went home to get the two letters but they could not be found. Had been in jail since. Seen his wife once or twice but not on good terms with her. The note found in front of gate had been in possession of Mr. U. G. Bryant and he did not see it again until the trial.

On cross-examination Chestnut declared he was familiar with Sabin's handwriting and that he recognized the writing of the note to be Sabin's and would swear to it. He denied having gone to Padgett's store near the Atlantic Coast Line depot and telling him that he had a h— of a time at home, that he was going to shoot a negro for stealing some boards. He declared that Sabin did not speak to him when he entered his office. He owed the Dixie Lumber Co. about \$55 which he had ordered about three weeks before. Declared that he heard Sabin curse and also once heard him threaten a negro and pick up a stick to hit him.

After the testimony of Chestnut himself the defence announced that it rested the case.

Testimony in Rebuttal.

Mr. A. S. Sabin was called by the prosecution in rebuttal. He identified the letter found at his brother's

desk the morning of the shooting deceased was engaged in writing when interrupted by Chestnut. He declared he was familiar with his brother's handwriting and that he recognized the letter as his handwriting. When shown the note which the defence claims was written by Sabin (which was given in Chestnut's testimony) and left half-buried in the sand the evening preceding the shooting, Mr. Sabin swore that his brother did not write that note. Witness testified that his brother was not a profane man, and that he had known him to be engaged in church work.

Roy Sabin, another brother of the deceased went on the stand. Identified letter his brother was writing at the time of his death. Also denied the note found behind Chestnut's gate to be in the handwriting of his brother. Never heard his brother swear.

Rev. J. L. McLees, pastor of the local Presbyterian Church, of which the late Mr. Sabin was connected, testified that the deceased had always impressed him as a very pious young man. The witness was shown an article he wrote, which was printed in these columns some weeks ago, and confirmed the statement that he wrote it.

Witness Impeached.

Lewis J. O' Cain went on the stand. Lived one door from Chestnut's house. Knew Ben Rast, whose reputation for truth and veracity was very bad. Had seen a good deal of Mrs. Smith, whose reputation for truth witness stated was bad. Would not believe either on their oath. On cross-examination witness failed to call names of persons who had ever told him that the two persons named were untruthful.

C. B. Bull, merchant, of Cameron, testified that he knew Ben Rast about four years and considers his reputation for truth and veracity bad. Would not believe him on oath.

J. W. Padgett testified that Chestnut did come to his store the morning of the shooting, told him that he had had an h— of a time at home, and that he was going to shoot some negro. Witness said he advised him against such proceedings.

A. S. Sabin was recalled and testified that Saturday was the regular collection day of the Dixie Lumber Co., and that his brother was the regular collector.

Here an adjournment was taken until three o'clock.

Not Sabin's Writing.

Upon resuming Court at 3:30 Messrs. W. L. Glover, H. C. Wannamaker and J. W. Culler, who have all been engaged in the banking business for sometime and seen various hand-writings, testified that in their belief it was impossible for the same man to write the two different letters shown, i. e., the note found behind Chestnut's gate and the letter Sabin was writing on the morning he was shot. On cross examination all declared they were not experts. The defence gave some tests for them to say whether one or two or how many wrote them.

Henry Jenkins, who married the defendant's wife's sister was called. Lives near Chestnut. If anybody had placed a note behind gate he would have seen him. Did not see anyone—not even Rast and Rickenbaker. Saw Sabin two or three months before killing at Chestnut's house. Never saw him there at night. Here some reference was made to the affidavit of Mrs. Chestnut and the defence dared the prosecution to put her on the stand.

This was the last testimony offered. It was then about four o'clock. It was decided that each side should be given three speeches and Hon. Thos. F. Brantley opened for the prosecution. He was followed by Adam H. Moss, Esq., for the defence. At the conclusion of Mr. Moss's speech Court adjourned until Friday morning 9:30 o'clock.

Friday morning the entire session of the Court was taken up with the speeches of R. A. Brown, Esq., for the prosecution, Hon. Thos. Raysor and W. C. Wolfe for the defence and Solicitor Hildebrand in the order named. At about 1:30 the Court adjourned for dinner. His Honor, Judge DeVore delivered, immediately after dinner his charge to the jury, telling that a verdict of murder, murder with recommendation to mercy, manslaughter and justifiable homicide could be delivered. The jury retired at 4:10 yesterday afternoon.

Thank You Brother.

The Horry Herald says: "Mr. J. L. Sims, editor and proprietor of the Orangeburg Times and Democrat, recently spent a week at Myrtle Beach and expressed himself as being delighted with the charms of Horry's popular seaside resort. Mr. Sims is one of the best and most successful newspaper men in the State. Commencing his newspaper career at the lowest rung he has by his own endeavors steadily climbed upward until he is the owner of the best equipped country printing office in the State at a cost of \$12,000 all of which is paid for. The Times and Democrat is now issued thrice a week but Mr. Sims says he intends making a daily of it as soon as practicable."

Planning Camp Meeting.

The Cattle Creek Camp ground is being put in order by the trustees for the annual camp meeting, which will begin on Wednesday the 20th instant, and continue for five days. This is one of the oldest camp grounds in the State and one of the few where meetings are still held. Last year all the tents were occupied, and it is expected that the same will be the case this year. In the older days camp meetings were great events in the Methodist church and were attended by Bishops of the church and other distinguished preachers. We hope the brethren will have a great meeting at old Cattle Creek this year. The meetings have done great good in the past, why not now?

The flyless city is an iridescent dream.

LOCAL NEWS ITEMS

PICKED UP ALL OVER TOWN BY OUR REPORTERS.

What Is Happening Here and There. Local Items of Personal Interest to Our Readers.

20,000 by 1920. Other locals are published on page two, on account of the fall report of the Chestnut murder trial being on this page.

Rev. George W. Davis will preach Sunday night on the subject: "Electing a Mayor and Alderman for Orangeburg."

After spending the summer at Hendersonville, N. C., Union and Laurens Miss Alma Wannamaker returned home Wednesday afternoon.

Thirteen young men from this city will attend Wofford College this year. About as many more will attend the same institution from the county.

Mr. F. D. Bates offers for a sale a plantation whose annual rentage is 25,000 pounds of lint cotton. He will sell for \$30,000. If you are looking for such a place see him.

Get ready for the Southern Railway's Good Roads Train which will be at Orangeburg on Wednesday morning, September 20. It should be greeted by a large crowd.

The college boys and girls all over the county are getting ready to take up their work again. We wish each one of them will send us their names and the college they expect to attend.

A young man of good habits, etc., and one who has been on a farm all his life, wants a position on a large or small farm. Any one needing such help write "Farmer" care The Times and Democrat.

The Times and Democrat has a great many subscribers in Calhoun County and the people of that county will be invited to participate in our voting contest on equal terms with the people of Orangeburg county.

The Greenwood Index says complimentary to Miss Virginia Felder, of Holly Hill, S. C., the Misses Hughey entertained a number of their friends Monday evening at a Hearts Dice party. After the games ice cream and cake were served.

In its contest The Times and Democrat will not offer any jewelry or watches. All the prizes will be things that are absolutely necessities in every well regulated home, and will no doubt be sought after when the contest opens, about the first of November.

Mr. Bruce Brickle, of Bamberg, and Miss Jessie, daughter of Mr. and Mrs. J. E. Berry, of Branchville, were married in that town Sunday week. Mr. Brickle is a prosperous young farmer of the McAlhany section. Their many friends wish them a long and happy life.

The Court of General sessions will continue through next week. The Chestnut case took up three days and Monday was a legal holiday, no court was held. During the other two days of the week a few small cases were tried, which left much business for the court next week.

The chief prize in the voting contest of The Times and Democrat, which will be pulled off this winter will be a three hundred dollar piano, which can be seen at the Marohant Music Company's store. Some young lady of Orangeburg and Calhoun county will win this handsome instrument.

It is said that Beulah Binford, the "woman in the Beattie trial" at Richmond, Va., has gone to New York to pose for motion picture films. We hope the gentlemen who manage the motion picture shows in this city will not allow any of the pictures of the courtesan to be exhibited in their places.

As was announced some time ago The Times and Democrat intends to put on a voting contest this winter in which about thirty-five valuable prizes will be given away. This contest will be conducted in such a way that the prizes will be distributed all over Orangeburg and Calhoun counties. A full announcement will be issued shortly.

The report of the Chestnut case published in The Times and Democrat was gotten up by Mr. Henry R. Sims, who with his twin brother Hugo S., has had no little to do with making the Times and Democrat the excellent newspaper it has been for the last three months. We shall miss their valuable assistance when they return to their studies at Wofford College on the 19th instant.

The Branchville Journal says the following young folks will leave that town for the different colleges of the State: Miss Lizzie Heape, Wintrop; Miss Alma Barrs, Orangeburg; Messrs. Ross Fizer, John Varn, Gordon Heaton and Spencer Connor, Clemson; Grover Edwards, Augustus Hayden, and Wilbur Steedly, Carolina; Wallace Bethea and Robert Fairry, Wofford; Benjamin Bellinger, Charleston Medical college.

St. Paul's M. E. Church, South.

Services as follows on Sunday, September 10: Preaching at 11 a. m. by Dr. Bays the pastor. Subject: "God's Call to the Church for Service"—Isaiah 6th Chapter. Read and study this chapter. 8 p. m.: preaching by Rev. B. Nurooka, of Japan. The public is cordially invited to attend these services. Seats free and strangers are welcome. Come.

North High School Opens.

The North High School will open Monday, Sept. 11 at 9 o'clock. The trustees, Messrs. J. L. Reeves, W. C. Culler and H. S. Fickling have requested that all patrons and friends of the school be present at the opening. Rev. J. H. Edwards, Rev. T. L. Delton and Superintendent Livingston are also expected to be present.

Theodore Kohin's Attractions Are Quality And Moderate Price. Kohn's Russell Street, Orangeburg, S. C.

PURE LINEN WAIST SENT PREPAID \$1.00. Hand Embroidered. TEST OUR VALUES. We Offer This Pure Linen Hand Embroidered Waist. \$1.00. Send For Our New Fashion Book It is FREE. ORDER NO. 242B. This Decidedly New Waist is a great Value at this Price. The lace insert is of one piece Filet in a handsome Daisy Pattern. The high neck and deep cuffs are outlined with beading, and collar and wrists are finished with a fancy embroidery edge. Attractive long lines make it becoming to every figure. You will be delighted with the style and workmanship. This waist is only one of many shown in Our New Fall and Winter Beautifully Illustrated Style Catalog. MAILED FREE.

Have You An Idea of buying a piano any time soon? Do you expect to buy one within the next few months? If so, we present you NOW the best opportunity you will have in a long time. Call to see us or write us for full details. We have on hand now in our warerooms in Orangeburg the largest stock of strictly HIGH GRADE PIANOS in South Carolina. We bought in large quantities and we are prepared to sell at figures and upon terms which will astonish you. Don't pay tremendous profits to dealers away from home, when you can buy better instruments for less money right here from a home dealer, who is near at hand to fulfill every guarantee we make. WE claim to know something about pianos. Come to see us and let us TALK PIANO WITH YOU before you buy. A personal visit to our warerooms will surprise you with the number, beauty and tonal qualities of our high grade instruments.

Marchant Music Co., ESTABLISHED 1882. 58 E. Russell Street, Orangeburg, S. C.

Jellies. Dear Friend: We were away from home in jelly-making time, but Mama says she is not going to worry over a hot stove any more to make jelly and jam. She says she can buy it cheaper than she can make it and just as good. Your Friend, JACOB. P. S.—It would surprise you to see how many different kinds of jams and jellies and things put up in glasses and bottles you can get at CRAIG'S PURE FOOD STORE.