

LEYSATH-POOL CASE

THREE YOUNG MEN CHARGED WITH HOUSEBURNING.

Prosecution Rested Its Case Yesterday—What the Witnesses Have Testified.

Immediately after the dinner recess Tuesday the case against J. Frank Leysath, principal, and Horace H. Leysath and Robert L. Poole, accessories, charged with houseburning was called.

After the defence had challenged nine jurors and the State two, the following jury was completed: R. R. Ayers, foreman, J. D. Stevenson, G. H. Porter, H. Von Ohlsen, Jr., M. K. Livingston, H. Boles, E. W. Dukes, R. A. Sires, J. J. Riley, L. A. Mettes, J. W. Cain, and J. A. Irick.

Court opened yesterday morning at 9:30, and continued its progress on the Leysath-Poole case. Most of the morning was taken up with the examination of witnesses for the prosecution, but about twelve o'clock the State announced that it rested its case, and immediately the witnesses for the defence began.

A fairly large crowd has been in attendance at the trial, but not as many as at the Chestnut trial. A large number of those attending are from around North, a great number being witnesses in the case. The three defendants sit behind their counsels, and seem little affected by the proceedings going on.

The witness which the State had been making such strenuous effort to have here for this term of court, was in this county about two weeks before the trial, but suddenly disappeared.

The first witness called Tuesday afternoon was Mrs. Lydia E. Harley, who testified that she rented her store to Frank Leysath and that on the morning of March 15th it was burned. Store was insured for \$1,800.

Dempsey Tyler testified that he and some other boys had gone on an expedition to scare some man, and returning saw a wagon loaded with goods. Later saw three persons with goods in their arms, whom he later recognized to be the defendants.

W. A. Baggott, magistrate at North, next testified that he went to the out-house back of Mr. John Leysath's house the morning after the fire and upon opening it found the goods, which he boxed and sent to the Sheriff. (Here the box was opened and clothing marked for various people around North and sent to Frank Leysath was exhibited, also neckties with Frank Leysath's name on them, stamped envelopes and blank books.)

Lon Reed, policeman at North, said he went immediately to the fire when the alarm was sent in. Nothing was saved from the Leysath store after he got there. According to orders from Mr. Whetstone, attendant, he went and watched the out-house where later the goods were found, until morning and is satisfied that the goods were not placed there after the fire.

W. L. Whetstone, was next examined. He said that upon receiving information from L. L. Chartrand he had the out-house where the goods were discovered guarded. He went to the fire and did not remember seeing any goods saved from the building.

Court adjourned until 9:30 Wednesday morning. W. L. Whetstone was the first witness called Wednesday. He declared he had seen a policy on the stock of Frank Leysath for \$2,500. The stock he valued at between \$4,000 and \$5,000. Fire took place at about one o'clock.

John C. Hudson, of Aiken, testified that he was an insurance man traveling over two or three counties. He had written a policy of \$1,250 on Frank Leysath's stock, which had never been claimed so far as he knew.

W. E. Ulmer, now of Woodford, but formerly of North, said: He had stored next door to Frank Leysath's separated by brick wall. Talked with Frank Leysath about insurance cou-

ple of months before the fire and Frank told him that he (Frank Leysath) had none. Judged stock to be about \$3,000. Had about \$500 insurance and about ten days before fire too out \$500 more. Loss about \$500 from the fire. Reached fire soon after the alarm, and flames were coming out doors and windows.

At this point Solicitor Hildebrand asked why he had taken out this additional policy, and while the question was being answered the Judge ordered the jury to retire while the witness answered and then he would decide whether to admit it in evidence. The jury left the room and the witness said he heard Leysath had taken out a lot of insurance and thought he had better get some too. From what he had heard was a little suspicious. Didn't know but that fire would break out at any time.

Upon cross examination witness said he had a stock of \$2,000 and saved a large part from the fire. A part of the time he was saving the goods Frank Leysath held a lamp for him. Dr. T. A. Jones of North was called. Did not see the fire break out, but got there fifteen minutes after the alarm. Saw Frank Leysath around a few minutes after he got there, but did not remember seeing Poole. Also saw Horace Leysath. Saw two parties pass in front of Mr. Jefferson's house going down the street but didn't recognize them. They carried nothing in their hands. Also heard couple of wagons, but didn't see them.

L. L. Chartrand was called. Here the defence objected to the competency of the witness saying he had been convicted of larceny. Solicitor Hildebrand had the pardon of the Governor and this the Judge decided made him a competent witness. The witness wanted to explain how it happened he was convicted by the Mayor but wasn't allowed at that time. The witness testified that he was sleeping when some one awoke him. Seeing the fire he said: "its kerosene" and fired his gun as an alarm. Met Chief of Police and told him to tell Mayor that he could give him some information concerning the fire. When Chartrand arrived at the store he said kerosene was dripping from the shelves and counters. Nothing was saved from the building as far as he knew. Called the kerosene and empty condition of the store to the attention of the Chief of Police. Dempsey Livingston and Dempsey Tyler were the persons who woke him up.

Lon Reed testified that he arrested Robert Poole about 11 o'clock on the morning after the fire and that Horace Leysath said he would kill anyone that talked against him.

William Livingston, Chief of Police, said he didn't know of fire until he was awakened. No one was around the store when he got there. Entire store was on fire and nothing was saved, although Ulmer saved some from his store next door. Smelt plenty of kerosene. Kerosene inside of the building as it was not smelled until after the glass broke. On one tier of shelves he saw there were no goods. Horace Leysath said "If any man puts it on me, I'll shoot him."

J. D. (Dempsey) Livingston was called. He met wagon about E. M. Livingston, didn't recognize wagon. Looked as if loaded with boxes and barrels. Good load on it. About 10:30 went to Chartrand's, and from there came to the depot. Saw three men come out of Frank Leysath's store with goods under their arms. Couldn't swear who they were. Dempsey Tyler was with him. The three came out and went away, he stayed there and waited. He heard loud explosion and saw two men come out of the store about the same time. Solicitor Hildebrand tried to get the witness to say that he recognized them but witness stuck to his statement that he could not recognize them.

Took the wagon he saw to be the same one he saw in Frank Leysath's yard that afternoon. Said Frank Leysath told him to tell Aleck Poole to get rid of the shoes he had saved. Here Livingston read a page of an affidavit he made before Commissioner Wharton in which he stated who the men were, and he said that the affidavit was incorrect. While witness and Tyler were watching store heard a noise like loading; a wagon behind Leysath's store.

Thomas L. Robinson was called. His mother being sick he went into North for some medicine and to meet a train. He got the medicine and had gone to some house when he heard the train blow. He ran out, and upon reaching the depot found it was a freight, and not his train. While looking up the track for the passenger he heard an awful explosion. Saw black smoke over building. Recognized Frank Leysath coming out of the door and a little behind him Horace Leysath. Horace shut the door, and witness said he thought Frank saw him standing on the track, and consequently witness drove away for about a block in his buggy. Put his horse up at a Mr. Boles, and went to the fire. At the fire Frank and Horace Leysath were sitting on the railroad. He said the building was blazing and that smoke was over the building when Frank came out.

On cross examination witness said curtains to the store were down and he didn't see any light until Frank Leysath opened the door. He denied a conversation with Otto Livingston in which he said that the Leysath boys jumped out of the window. Admitted forging his uncle's name to a note; also of signing his mother-in-law's name with her consent. Also admitted being up before Magistrate Brunson charged with taking off property under lien.

WINS BY ONE VOTE.

Alderman Sain Elected Mayor Over Alderman Wannamaker.

The municipal campaign came to a close Tuesday by the election of Alderman William Sain Mayor by a plurality of one vote over Alderman W. W. Wannamaker, the vote for the two gentlemen named being 219 and 218, respectively. Mr. O. K. Wilson the third candidate received 22 votes. Mr. Sain received 21 votes less than a majority of the voters cast. It is claimed by some that had Mr. Wilson not been in the race that Mr. Wannamaker would have been elected, as most of those who voted for Mr. Wilson would have voted for Mr. Wannamaker had Mr. Wilson been out of the race.

The following the vote received for Mayor and Aldermen:

For Mayor.	
W. M. Sain	219
Wm. W. Wannamaker	218
O. K. Wilson	22

For Aldermen.	
A. A. Fairley	340
R. F. Bryant	295
W. W. Crum	284
W. G. Smith	280
R. H. Jennings	263
J. A. Sallee	256
J. W. Josey	224
Abial Lathrop	199
J. X. Weeks	195
Lawrence E. Riley	177
D. H. Marchant	175

The first six aldermen named were elected. Only two of them, Messrs. K. F. Bryant and R. H. Jennings are members of the present board of aldermen. Messrs. Abial Lathrop and J. X. Weeks are also members of the present board of Aldermen. They were defeated for re-election. Messrs. T. A. Fairley, W. G. Smith, and J. A. Sallee have served as Aldermen before. Mr. W. W. Crum is the only man who has never served as Alderman before on the new board.

The issues in the campaign were measures and not men. Mr. Wannamaker advocated the establishment of a recorder's court for the city, which lost him a good many votes. Mr. Sain took the other side and the fact that he was elected shows that the people agreed with him. When the issue was drawn, many of those who would have voted for Mr. Wilson went over to either Sain or Wannamaker and in this way his vote was considerably cut down. The vote Mr. Wilson received is no test of his popularity.

Alderman Sain has served the city in that capacity for a great many years, and has always been true and faithful to his trust. In his hands as Mayor we hope the city will continue to grow and prosper. He has a good board of Aldermen who will do all they can to help make his administration a success. Some think that there will be many changes in the personnel of the city officials, while others think that things will go along in pretty much the same old rut. We will all have to wait and see.

Here the State rested.

The defence began their testimony with several witnesses discrediting the truth and veracity of Thos. Livingston, J. H. Zeigler, G. B. Gardner, J. X. Weeks, stated that they would not believe Thomas Robinson on oath. Henry Gleaton and Joseph J. Douglass said they would not believe Lon Reed on oath.

Otto Livingston said that Robinson did tell him that the Leysath boys jumped out of the window. J. C. Price, A. A. Glover, and Miles O'Reilly all made some tests as to whether a person standing on the railroad could recognize a person in front of Frank Leysath's store and came to the conclusion that it could not be done, to which they testified. Solicitor Hildebrand called attention to the fact that no building was being burnt up at the time of the test.

Lewis G. Gibson testified that he saw the store the afternoon after the fire and that the debris was composed of buckets, tin cans, typewriters, etc. Frank Leysath appeared to be doing a good business. Ernest Tindal, clerk for Frank Leysath, testified that he and Frank closed up the evening before the fire about 8:30. He left Frank and went to barber shop. Poole had been sick for several days but had been in the store once or twice the day preceding the fire. Had tank of oil from which they sold near the back of the store. Had fire in stove during the day. Stock between \$4,000 and \$5,000, which had not been tampered with. Aleck Poole kept a country store and bought from Frank Leysath. Witness said nothing had been done to arouse any suspicions.

J. A. Livingston testified that Leysath appeared to be doing a good business. Was present day after the fire when the safe was opened and blank books, checks amounting to about \$100 on various people, and about \$20 in silver was taken out. Turned them over to Frank Leysath. Carl G. Shoenburg, cashier, said he and Robert Poole boarded at same house and was awakened by boys at boarding house. Knew Poole was aroused by the same boy. On cross examination said he didn't know when Poole got in that night.

This is all the testimony given up to the dinner recess yesterday. The rest of the testimony will be published in Saturday's issue.

Culhoun Crops Ruined.

The St. Matthews correspondent of The News and Courier says: "After one of the most protracted droughts ever known by the oldest citizens, this county last week was flooded with constant and excessive rains. The corn crop was lost for the want of rain—particularly that planted on the Williamson plan. In spite of the drought, the cotton held up remarkably well in the making, but has now been seriously injured by the rains and storms. Rust is invading much of the sandy land crop and the cotton is rotting in many places. This has greatly injured the price of the staple. A bale sold on this market for seven cents and the most of it is one cent below the standard price."

NEWS FROM COPE.

General News of Interest From That Progressive Town.

Cope, S. C. Sept. 12. Special.—With bright sunshine Sunday and yesterday until late in the afternoon, when a light rain fell, the cotton situation has undergone a decided change for the better and large quantities of the fleecy staple was harvested yesterday. Today is another good day on the crop, and everybody is showing their appreciation of the same by gathering every pound they possibly can. The gins keep up a constant hum, and as a consequence business is much better and brighter.

Miss Anna May, who is studying to be a trained nurse, in a hospital in Florence is here spending the week with her brothers and sisters.

The young folks had a box party at the school house a night or two ago, and all present had a very pleasant time. The proceeds of the same was handed over to the Woman's Home Mission Society of this place.

The Union church Sunday School, of which Dr. V. W. Braham is superintendent is going to have a rally day service in the near future and the school was divided up into two squads Sunday a week ago. Miss Vera Thomas is Captain of the Blues and Miss St. Clair Cope is captain of the Reds. The members of each squad did some good work last week soliciting new recruits and the membership was swelled from 80 to 124, there being one hundred scholars and sixteen visitors present on Sundays.

Union Sunday school is live and up-to-date and is not only the largest on the circuit but is one of the best in the county, and I might say, correctly, in the State.

HIGH SCHOOL OPENS.

Elloree Boasts of Largest Enrollment School Has Ever Had.

The opening of the Elloree High School fully met the expectation of all concerned. The beginning enrollment being the largest in the history of the school. Quite a crowd of the patrons and the representative citizens attended the opening exercises, and the interest and enthusiasm displayed was an inspiration. This community is coming to the front in educational matters and everything points to one of the very best school years in its history. The High School was up to the State requirement, containing young men and ladies from this and other sections who are preparing themselves for life and for college.

After an opening prayer by the Rev. J. E. Strickland, he was introduced and delivered an address of welcome to the newly elected teachers, laying stress upon the bright prospects of the school. Prof. Walker S. Whitaker, responded on behalf of the teachers. The Rev. J. W. Barrett, then addressed the school, in his usual logical way of reasoning, pointing out the great need and blessing derived from educating the youth of the community.

The board of trustees of this excellent school consist of: Dr. A. C. Baxter, Chairman; Dr. P. L. Felder, Clerk; J. C. Parler; G. W. Shumaker; A. B. Bookhardt; S. C. Rickenbaker; and Joe S. Weeks. All of whom have labored hard to the upbuilding of the school. Among the audience were noticed quite a number of young men and ladies who attended this school during their preparatory days and are now making good at college. They were Messrs Arthur Shoemaker of Woford, Robert Hipp of Newberry, and Miss Emily Ethridge of Elizabeth.

SPRINGFIELD SCHOOL.

Impressive Exercises Mark Opening of Coming Term.

Springfield, Sept. 11.—Special: With impressive exercises, the public schools of our town were opened this morning with the largest enrollment of its existence. John I. Koon will again be at the head of the school, and his past success will materially assist in the achievements of the coming season. Professor Koon will be assisted by Misses Isabelle Free, Beslie Reid, Ella Grant, Reba Albergott, and Mattie Tarrant. Miss Grant comes from Williston and Miss Albergott from Orangeburg. All the teachers have had experience, and all are known to be well fitted for their respective places.

The school sang the opening song, "Stand Up For Jesus," after which Rev. O. M. Abney read a section from the bible and Rev. J. C. Colium lead in prayer. Short talks were made by Rev. R. B. Tarrant, Rev. J. C. Colium, Rev. O. M. Abney, J. B. Smith, E. J. Boland, Prof. J. I. Koon and James H. Fanning. The schools of Springfield are the pride of the town, and any event touching and concerning the same is of vital interest to the entire population.

The Last One Gone.

In the death of Mr. Earnest Jackson, of Bowman, the last son of Mr. J. F. Jackson, has passed to the Great Beyond. One by one, his sons, all good and true men, have left the old gentleman still lingering on the shores of time. He still has two daughters to comfort him in his old age, Mrs. E. M. Middle, of Bowman, and Mrs. Sue Meyer, of Summerville. Mr. Ernest Jackson left a widow and one child to mourn his death.

Cotton Report.

Open-Close.	
January	11.35-11.38-40
March	11.47-11.50-51
May	11.56-11.60-62
October	11.26-11.31-32
December	11.33-11.40-41
Bales sold—Tuesday 109; Wednesday 140. Price 11 1-4. Tone—Steady.	

The Graded Schools will open on Monday.

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.

Some of the city officials are on the anxious bench, fearing a shake up. Who hit Billy Patterson is now the question. Evidently a good many people did not vote Tuesday like they talked.

Miss Rosalie Barton has returned from New York and has resumed charge of the Kohn Millinery Department.

Judge DeVore declared it was his custom to find a blind tiger enough to eat up his profits. He ought to give them even more than that.

The Times and Democrat has no political axe to grind. For that reason it can view the result of Tuesday's election with best wishes for all.

It comes to us on pretty good authority that a position awaits City Engineer Hawes in another State with a better salary attachment than he gets here.

The Times and Democrat extends its condolences and congratulations to all defeated candidates. They have had escaped the hard work and criticism.

Miss Emma Stabler will not resume her position with the Kohn Store until the 15th or 20th of this month. This is due to a severe illness of her sister.

The big vote received by Mr. T. A. Fairley Tuesday indicates his popularity. Some of these days in the not distant future he may be entered by his friends in the race for Mayor.

Miss Carrie Dukes, of Vance, will leave for a Business College on the 11th. We hope she will make a success and be back now soon. She will be missed by old and young and we regret to see her go.

Whatever may be said about City Engineer Hawes, no one can deny his professional ability. He certainly knows his official connection with Orangeburg he has done much valuable and lasting service here.

Don't forget the ice cream festival Saturday afternoon at four o'clock for the benefit of the St. George Church. Will be given on the lawn in front of Mr. H. R. Jamison's house. The public is invited.

They say seeing is believing. Judging by the number of ladies who are selecting their coat suits now at the Kohn Store it is more than belief—it is positively convincing that they are showing the best in the State.

There are one or two more cases dealing with those breaking the liquor law, and it is to be hoped that they will be dealt with in a like manner as the one who was promptly fined Monday morning and told that the next time meant imprisonment.

Mr. W. W. Wannamaker, who was defeated for Mayor by W. M. Sain by one vote, asked his successful opponent for a recount at a special meeting of the present City Council yesterday, for a recount of the votes, which was refused. Thereupon Mr. Wannamaker announced he would make no legal protest.

HURT BY EXPLOSION.

While Dynamiting Fish One of Party Severely Injured.

Springfield, Sept. 11.—Special: As a result of a premature explosion of a charge of dynamite or dynamite caps, Dock Gunter lies badly wounded and bleeding in the office of Dr. H. A. Odum. It appears that early this morning Willie Johnson, Earnest Porter, Norris Tyler and Dock Gunter came down from the neighborhood of Sally in their automobile, for a days sport with guns and dynamite. It is stated by Messrs. Johnson and Porter that they were to hunt squirrels and it appears from the results that Messrs Gunter and Tyler were to shoot dynamite for fish in the South Edisto River. As a result of the accident, three of the fingers of the right hand of Mr. Gunter have been blown off, and he is severely wounded in the side. Mr. Tyler received a wound on his ear or face. These people are all prominent and prosperous white citizens, and are no worse than dozens of others who persist in trying to destroy the fish of our rivers unlawfully. The game and fish laws have never been enforced in this section, and the passage of same have been resented by many people who claim the right to use dynamite for that purpose. The extent of the wounds of Mr. Gunter are as yet unknown, except that he has been very painfully wounded, and will be deprived of the use of three of his fingers for the remainder of life. Dock Gunter is known as a jolly, good natured man, and it is to be regretted that he attempted to use explosives for fishing.

A Card of Thanks.

I wish to publicly thank the friends who voted for me in the municipal election. I fully realize the compliment they extended to me, and will state that I am not disgruntled, but will continue to take the same active interest in the welfare of Orangeburg that I have always done. Yours truly, O. K. Wilson.

Shot Negro Man.

Sam Berry, a white man, living near Rowesville, was placed in the county jail here yesterday afternoon, charged with shooting a negro named John Preston. The cause of the shooting was not learned. The negro was shot all in the back, and his condition is serious.

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