

# The Herald and News.

ESTABLISHED 1865

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## CLEVELAND WILL NOT RUN.

Cannot Conceive Of Any Circumstance In Which He Should Again Be a Candidate For The Presidency.

Grover Cleveland has sent the following letter to the editor of the Brooklyn Eagle:

Princeton, N. J., Nov. 25, 1903.

My Dear Mr. McKelway: I have wanted for a long time to say something which I think should be said to you before others.

You can never know how grateful I am for the manifestation of kindly feeling toward me on the part of my countrymen which your initiative has brought out. Your advocacy in The Eagle of my nomination for the presidency came to me as a great surprise and it has been seconded in such manner by Democratic sentiment that conflicting thoughts of gratitude and duty have caused me to hesitate as to the time and manner of a declaration on my part concerning the subject—if such a declaration should seem necessary or proper.

In the midst of it all and in full view of every consideration presented, I have not for a moment been able nor am I now able, to open my mind to the thought that in any circumstances or upon any consideration I should ever again become the nominee of my party for the presidency.

My determination not to do so is unalterable and conclusive.

This you at least ought to know from me, and I should be glad if The Eagle were made the medium of its conveyance to the public.

Very sincerely yours,

Grover Cleveland.

St. Clair McKelway, L.L.D., Brooklyn, N. Y.

The Brooklyn Eagle, to the editor of which Mr. Cleveland's letter was addressed, announced today that the support it had given Mr. Cleveland for the Democratic presidential nomination would now be given to Alton B. Parker, at present chief justice of the court of appeals of New York.

## FIRST LYNCHING IN DORCHESTER.

A Negro Pays the Penalty of the Usual Crime at Rosses, Twelve Miles From St. George's.

News and Courier.

St. George, Nov. 28.—The first lynching in Dorchester county took place at Rosses, a small town about twelve miles from here, reports of which have just been received.

From what your correspondent can gather from the meagre reports, it seems that a young lady living three miles from Rosses was assaulted by one John Fogle, a colored man of about 30 years of age, who was frightened away before he could accomplish his purpose, leaving his victim in a bad condition from the effects of his brutal fingers on her throat.

Bloodhounds from Charleston being to Mr. Burton were sent and arrived on the midnight train. The trail was immediately taken and the fiend speedily caught, after identification by his name, he was strung to a tree and riddled with bullets. Such scenes are awful, and the only remedy is that taken by this crowd of determined men. W. S. U.

## GENERAL NEWS NOTES.

Items of More or Less Interest Condensed Outside the State.

It is understood that Lord Roberts, commander in chief of the English army, has determined to resign on account of ill health.

Oberlin M. Carter, ex-captain of engineers, has completed his sentence in the Federal prison at Fort Leavenworth and walked out early Saturday morning a free man.

Emperor William of Germany has withdrawn his offer of a cup for a trans-Atlantic yacht race in 1904, on account of his health, and has substituted for it the offer of a cup to be raced for in 1905.

The Cuban senate has passed a bill establishing a lottery as the most popular method of raising additional revenue.

Alfred Dreyfus has been successful in his efforts to secure a judicial examination of his famous case, and a commission will pass upon the question of a revision of sentence.

The investigation of the official conduct of General Wood during his administration of Cuban affairs still goes on in the senate committee on military affairs. Some ugly charges have been developed.

A mother and two sons have been convicted at Staunton, Va., of train wrecking. One son was sentenced to hang and the mother and other son were sentenced to serve long terms of imprisonment in the penitentiary.

W. J. Bryan was the guest of honor on Thanksgiving night in London at a banquet given by the American Society in London. He and Ambassador Choate made speeches and engaged in a sharp tilt.

Robert J. Hale, a compositor in the government printing office at Washington, committed suicide on Thursday after killing his wife. The deed was the result of the man's connection with another woman.

Secretary Hester's weekly cotton statement, issued on Friday, showed for the eighty-eight days of the season that had elapsed, that the aggregate was behind the same days last year 130,000 bales and ahead of the same days year before last 155,000.

The Chicago grand jury has returned indictments against four men, charging one with complicity in five murders, another in connection with four murders and two others in connection with four murders each. Of the four men indicted three are mere boys who were captured in Indiana on Friday at the close of a very spectacular hunt.

While President Roosevelt was in New York on Friday to attend the funeral of his uncle, Mr. Gracie, although he was surrounded by several hundred policemen and secret service men, A. B. Deming, a crank, managed to get close enough to him to hand him a letter in which Deming claimed he had a cure for cancer and said he wanted to try it on Emperor William.

It is reported from Belcher, La., where Robert Adger, a prominent planter and business man, was shot down by negroes Saturday night,

that three of the negroes have been caught and identified and lynched, and that three other negroes will probably be lynched.

Safe blowers in Savannah on Sunday morning robbed the department store of Foye & Ekstein of \$1,700.

A restaurant proprietor in Chicago shot and killed a man because he was short five cents in paying for his breakfast.

## SOUTH CAROLINA NEWS.

Items of More or Less Interest Condensed In the State.

An inch of snow covered the ground in Aiken Friday morning.

DeWet Blackwell, a little boy at Donalds, was kicked in the head by a horse last week and perhaps fatally wounded.

Henry Patrick, charged with killing his wife, has been convicted in Marlboro, but was recommended to mercy.

According to the report of the superintendent of education, almost 20,000 more colored than white children are enrolled in the public schools of the State.

A big Confederate rally was held in Chester last week to raise funds to put headstones at the graves of Confederates in Evergreen cemetery. More than the required amount was raised.

W. H. Tutt, a former printer and well-known character in Columbia, who at one time in his life drove to his work in a carriage, was found dead at his home in Columbia Saturday morning, frozen to death.

Miss Addie Pettigrew, daughter of Hon. J. E. Pettigrew, of Florence, was seriously burned on Friday morning. She was standing in front of the fire when her dress caught. The young lady's recovery is doubtful.

The suit of Samuel W. Mitchell, of York county, against the local lodge Woodmen of the World, for damages for injuries alleged to have been inflicted during Mitchell's initiation, resulted in a verdict of \$1,000 for the plaintiff. It was the third trial of the case.

W. W. Burroughs, traveling representative in this State for a clothing house in Lynchburg, Va., with headquarters at Greenwood, has left his family there and has departed for parts unknown. Burroughs came from Charlotte several months ago. It is said he has written his wife to sell their belongings and pay his debts, which amount to about \$200, and then go to her father's until spring, when he will make other arrangements. Burroughs was well liked in Greenwood.

Mr. Charles Abernethy, of Chester county, committed suicide on Wednesday night while returning with a lady in a buggy from a social function. He said to the young lady with whom he was riding that he intended shooting himself, where upon he drew a revolver from his pocket, placed it to his temple and fired. Before others of the party could reach him he fell from the buggy dead. He was about twenty years old and well thought of. Disappointment in a love affair is believed to have prompted the deed.

## CONSTABLES NOT OMNIPOTENT.

An Important Decision of the Supreme Court On the Right of Constables to Seize Liquor.

Columbia Cor. News and Courier.

There was an opinion of more than general importance filed on Friday in the Supreme Court. Some years ago it would have meant very much more than at present. Today there is but little importance attached to the right of importing liquors into the State. The opinion, however, establishes several points. First, that liquor, whether consigned to notorious "blind tigers" or not, cannot be seized while in transit, and that the right to bring liquor into the State "for personal use" must be protected.

The next important, and perhaps the most important, phase of the decision is that constables can be sued not only on their bond for \$500, but as individuals, for punitive damages.

The case which brought about the decision was heard in Greenville, where Gavin Smith brought an action against former Chief Constable Lafar. The case was there thrown out of Court by sustaining the demurrer, but the Supreme Court reverses the decision of the Circuit Court and holds that the case is all right and that a suit could be brought against Constable Lafar as an individual, and need not be brought against his official bond, as damages greater than the bond of \$500 might be recovered, as it was a matter for the jury to decide and that the facts are to be presented to a jury.

The excellent opinion in the case was prepared by Associate Justice Woods and is concurred in by the entire Supreme Court.

It is not necessary to give the entire opinion, but a few disconnected extracts from the opinion, which do not do justice to the paper, are given.

The opinion rules, inter alia, that it is the duty of dispensary constables to seize contraband liquor as directed by the statute laws of the State. If, however, they seize liquor not contraband they go beyond the law and violate individual right. If this is done wilfully and maliciously they are liable for punitive damages. Liquor purchased in another State and shipped to the purchaser in this State is not contraband, being protected as an article of Inter-State commerce until it is delivered to the purchaser. Rhodes vs Iowa; State vs Holleyman.

EVEN BLIND TIGERS HAVE SOME RIGHTS.

The fact that the purchaser to whom it is consigned is engaged in the illicit sale of liquor and purchases it for the purpose of resale can make no difference. The liquor is none the less an article of Inter-State commerce and cannot be legally seized until it is delivered to the consignee. For these reasons, taking this language of the answer alone, without connecting it with what had been already said in the answer, it would not be a defence, for it would amount to nothing more than saying, although the liquor might have been in transit from the seller in North Carolina to the purchaser in South Carolina, and therefore exempt from seizure,

and yet as it was in transit to one who had the reputation of dealing in contraband liquor, and who was actually engaged in that unlawful pursuit, its seizure was lawful. Under the authorities cited above it is manifest this would be no defence if the defendant seized the liquor, knowing it was exempt by reason of being in transit from the seller in North Carolina. We find, however, the defendant had before in the answer denied the liquor was in transit or that he had received any notice from plaintiff to that effect. This is not an action to recover the value of the whiskey, but for punitive damages for seizing liquor not contraband wilfully and maliciously. The issue therefore is whether there was a wilful or malicious violation of the plaintiff's rights, an intentional abuse of official power and malicious purpose to oppress. Even if the liquor was exempt, the material inquiry in a case of this kind is, whether the constable knew, or ought to have known, it was exempt, or was he endeavoring with due caution to honestly exercise the duties of his office in making the seizure. In meeting this issue the fact that the plaintiff had the reputation of being a liquor dealer, and had been convicted of selling liquor contrary to law, and that he habitually kept liquor for sale in violation of the law the constable was required to enforce would be a very cogent defence?

Those who habitually engage in the illicit sale of liquor are professional criminals, and it would be indeed singular that a constable charged with unlawfully, wilfully and maliciously seizing the kind of property with which they ply their trade should not be allowed, after denying the notice of the exemption imputed to him by the plaintiff, to allege and prove the reputation of the defendant as an illicit liquor dealer, and the fact that he was actually engaged in selling contraband liquor in rebuttal of the charge of wilful and malicious seizure of exempt liquor.

The first exception is overruled. The Circuit Judge sustained the demurrer interposed by defendant to the complaint, on the ground that it did not state facts sufficient to constitute a cause of action, in that suit could not be brought against the defendant individually, but must be brought upon his official bond.

HOW CONSTABLES MAY BE SUED. The Court gives the law upon this right to sue a constable and holds that the bond the constables give does not make the right to sue on that bond an "exclusive" remedy, but that a constable, like any other officer, may be sued for more than the amount of his bond, and it is left to a jury to decide upon the facts involved, and render a verdict, if warranted. It will be appreciated of what importance this decision is in view of certain recent events.

Thanksgiving in Grace Pastorate. Thanksgiving services in Grace pastorate, the Rev. W. A. Lutz, were largely attended and the orphans at Salem, Va., were well remembered. Grace church contributed \$27 in cash and \$54.75 in dry goods, etc. Mt. Tabor gave \$6.16 in cash and \$1 in produce.