

GRAND JURY PRESENTMENT DEALS WITH MANY AFFAIRS

Rural Policeman Asbill Scored for Alleged Shooting on Fourth of July—Recom- mend Abolishing Holidays for Convicts.

The grand jury of Lexington county last Thursday brought in its presentment to the court. The presentment touched upon many matters of importance to the county, including the recent lynching of Will Allen near Chapin, the prevailing system of allowing some convicts on the chain-gang week-end holidays, improvement of matters at the county poorhouse and others. The grand jury was particularly severe in its condemnation of Rural Policeman Asbill for his alleged shooting at the automobile of Dr. Rice B. Harmon on the Fourth of July last and asked Judge Sease to publicly reprimand the officer. Judge Sease stated that this was out of his province, but said that if the presentment of the grand jury was correct the officer should be removed from office. He directed the clerk of court to transmit to the legislative delegation a copy of that portion of the presentment dealing with that matter together with his comment thereon.

The presentment in full was as follows:

Presentment
To Hon. Thomas S. Sease, Presiding Judge.

We beg leave to report to this honorable court that we have considered and acted upon all bills of indictment handed us by the solicitor. Our endorsements will be found upon all of said indictments and thus speak for themselves.

As to the lynching that occurred in this county near Chapin, upon which your honor has spoken to us, we beg to report that the solicitor has informed this jury that a detective is now engaged in investigation of this matter, and that this will be followed by proper action by the proper authorities. In this connection, we wish to go on record as strongly condemning mob violence.

Through our committees, we beg to report that we find the chaingang of the county in good condition; but it has been called to our attention that certain "trusties" of the gang have repeatedly been seen riding on the public highway dressed in ordinary civilian clothes, and that these same persons have been seen in Columbia dressed in the same manner. One particular case of this sort is that of Will ("Shine") Meetze, now serving time on the gang. We recommend that the proper officers be required to discontinue such privileges to such convicts.

We find that there are some repairs needed at the county poorhouse. We recommend that these repairs be made at once. We also recommend that the present steward of the poorhouse be removed and that a man of a smaller family be put in his place, so that the expenses may be reduced. We further recommend that the farm at the county poorhouse be so managed that the institution may become self-sustaining, and provide provisions for the county chaingang.

We recommend that all mail route roads be kept in a good state of repair, and that the county supervisor take in all unused tools and machinery and properly house them, or sell them.

We present Jim Jones and Elsie Jones of near Swansea, for living in adultery, and recommend that the solicitor take the necessary steps in this case.

It has been reported to us that Magistrate Senn of Swansea, did, on or about the 12th of September, 1921, settle a case of violation of the prohibition law, for the sum of fifty dollars. We think that this action is beyond his authority, and recommend that the matter be investigated at once.

The flat at Hope's Ferry crossing is in bad condition for use. We recom-

mend that this flat be repaired at once.

Upon investigation, we find that the repairs which we previously recommended to be made on the county jail have not been made. We again recommend that these repairs be made at once by the proper authorities.

We recommend that our officers be more vigilant in the proper enforcement of the prohibition laws; and, also, the law regulating speed of motor cars on the public highways.

We wish to call the attention of this court to an indictment handed us charging Rural Policeman George W. Asbill with assault with intent to kill. We thoroughly investigated this bill of indictment, and for reasons best known to this jury, returned the said indictment with our endorsement of "no bill" thereon. In this case, Policeman Asbill was charged with having fired his pistol into an automobile which was being driven on the public highway of the county by Dr. Rice B. Harmon, on the 4th of July, 1921, when the said Dr. Harmon failed to stop his car at some insignificant signal of the said policeman. This grand jury desires to heartily cooperate with all of the peace officers of the county in maintaining law and order, but all of such peace officers should act with due caution and discretion in the performance of their duties. In this case, we think that Policeman Asbill flagrantly abused his high authority, and acted carelessly and wrecklessly, and needlessly endangered the life of an innocent person who was riding in the car at the time. The rural police system was established in Lexington county during the last session of the general assembly, and such carelessness and indiscretion on the part of the police will "quickly throw the whole system into disrepute and greatly minimize the wholesome effect the system was intended to bring. This jury has not the appointing nor the removal power in connection with the rural police, but we desire to go on record as condemning, in the strongest measures possible, the foolish, wreckless and dangerous act of Policeman Asbill on the occasion above referred to; and we hereby respectfully request this honorable court to administer to Rural Policeman George W. Asbill, a public reprimand for his careless, wreckless and wanton act while in the discharge of his duty.

We have examined the various county offices as required by law, and we beg to report that we have found all of them in good condition, with the exception of some contention between the present county superintendent of education and his predecessor in office as to the filing of the annual report of that office. We are not sure as to the law governing this matter, but suggest that it be done promptly and by the proper person.

We desire to thank the presiding judge, the court officials, and the various county officers for the many courtesies extended us in our work.

Respectfully submitted,
J. H. ROBERTS,
Foreman of the Grand Jury,
September 15, 1921.

SON OF MR. AND MRS. H. A. ROBERTS CHOKED TO DEATH

Marion O'Neil Roberts, little son of Mr. and Mrs. Harry A. Roberts, was choked to death by a pindar Saturday last, September 16. The little fellow was playing with his little brother and sister at home. The little girl gave him a pindar, which in some way lodged in his throat. When his critical condition was known he was rushed to the office of Dr. G. F. Roberts, but died before reaching the doctor's office. Little Marion was a bright, winsome boy, just six years, two months and 15 days old at the time of his death. He had endeared himself to all with whom he came in contact. He had just entered school this session for the first time. Funeral services were held Sunday afternoon at St. Stephen's Lutheran church, conducted by the pastor, Rev. Arthur B. Obenschain. One of the largest congregations ever attending the funeral of one so young was present. Mr. and Mrs. Roberts have the sympathy of the entire community.

LEXINGTON HAS RESOURCES

The Dispatch-News has received from a valued subscriber in Washington City the communication below which should prove of some encouragement to our folks. The writer of the letter is a native of Lexington who still retains her interest in the old home. The letter is as follows:

1472 Monroe St., N. W.,
Washington, D. C.,
September 6, 1921.

The Lexington Dispatch-News;
Gentlemen:

Please find enclosed check for renewal of my subscription to your paper.

I was much interested to read that the truckers are organizing. I remember very well when the peach industry began in Georgia. An old lady, a native of Connecticut, suggested to her grandson, a nursery man, that peaches might be grown for Northern markets, and see what an enormous industry has resulted. I believe that Lexington has all the resources that other sections of the country have, and only needs a little push and pluck to go forward. Not long ago I saw figs in the market here at 50c per quart, shipped from California, and I was wondering if California figs were different from our Lexington figs, which seemed to me the finest I ever ate, or if the people of California were only a little more progressive. Asparagus brings fancy prices here all the year round it seems to me. Grapes are now 20c and 25c per pound.

Truly yours,
ANNIE S. HOLLAND.

HISTORIC COURT TERM CAME TO CLOSE SATURDAY

With the conclusion of the Rawl case Saturday, one of the most historic terms of court ever held in Lexington came to an end.

It has been a very trying week on officials and attendants. The extreme heat added materially to the discomfort. Interest in most cases has been and the court house was packed practically every day.

As a result of this term of court three white men were sentenced to the electric chair, two white women and three white men were sentenced to life imprisonment, while various other sentences of smaller penalties were imposed upon white and black. Both the chaingang and penitentiary will have their populations swelled, while the county jail has been temporarily almost depopulated.

Every important case on the docket except that against Kelly and Goff and the Swygert case was disposed of. Owing to the death of Mr. Swygert's brother on Wednesday the case against him was deferred, while the Kelly case was postponed on account of a technicality.

Judge Sease was on the job all the week and dispatched the business of the court as rapidly as possible. Judge Sease is a firm judge, a man of positive convictions and fearless expression of them, but he is also just and fair. During his stay in Lexington he spent the time at the home of Dr. P. H. Shealy, who is connected to him by marriage.

As a result of this term of court \$800 in fines were paid over. There remains \$600 which other persons hope to raise.

KELLY CASE POSTPONED TILL JANUARY TERM.

Upon the motion of Cole L. Bleas, attorney for the defense, the case against "Newt" Kelly and Frank Goff, charged with the murder of David Shull, was postponed until the February term of court. The grounds for continuance were that the clerk of court had affixed his seal at the wrong place on the paper summoning the grand jury which handed out the indictment against the defendants and further that the minutes of the clerk of the court did not show that the grand jury had ever been sworn. As the case would have been appealed in any event it was continued until the next term of court, which might possibly save two trials. When the next term of court meets in January there will be a new grand jury. It is presumed that at that time the de-

fects claimed by the attorneys will be remedied and a new indictment will be handed out. It is said that no case bearing on this point has ever been decided by the supreme court.

"KILL" RAWL EXONERATED BY JURY SATURDAY

L. Killian Rawl of Batesburg was Saturday cleared of a serious charge, when the jury in his case brought in a verdict of "not guilty" on a charge of assault with intent to ravish and assault and battery of a high and aggravated nature. The jury remained out only about an hour. The case attracted considerable attention. The trial consumed all of Friday and until the dinner recess Saturday, the greater part of the Saturday session being devoted to arguments of counsel. The defense was represented by George Bell Timmerman, G. T. Graham and E. L. Asbill, while J. Wm. Thurmond, former solicitor of this circuit and until recently United States district attorney, assisted Solicitor Callison in the prosecution. This was the last case tried and the only one at this term of court in which an acquittal was secured.

SHERIFF ROOF POURS OUT 80 GALLONS OF LIQUOR

Sheriff E. Austin Roof Monday dumped 80 gallons of alleged corn whiskey into the garden adjoining the jail. The booze was captured from various persons at different times until the sheriff thought a sufficient stock had been accumulated, so on Monday morning he called to the mourners' bench some sad-eyed and solemn-visaged "tussickites" and proceeded to give them an ocular and olfactory demonstration that the drought which had settled over the land was purely a weather drought. An interested crowd of spectators watched the performance. The odor of the liquor was plainly to be detected for some distance.

NEGRO WOMAN SENTENCED FOR VIOLATING LIQUOR LAW

Annie Workman, a negro woman of Cayce, pleaded guilty in court last week to a charge of violating the prohibition law and was sentenced by Judge Sease to 10 months in the county jail and payment of \$500. Sentence was suspended during good behavior upon payment of \$200.

BON HEUR CLUB

The Bon Heur Club will meet Friday afternoon at 4:30 o'clock with Mrs. E. G. and Miss Ethel Dreher.

THE FARMERS' CALL

Come to Batesburg, Saturday, September 24, at 2 o'clock at the band stand. The First National Bank Official has an important announcement for you. The County Farm Agents will address you. There is money in this for you farmers so be on time.

E. C. RIDGELL,
M. E. RUTLAND,
D. E. ETHEREDGE.

LIFE TERMS FOR COOKS AND BARFIELDS

James Barfield, Sr., Mrs. Julia Cook, her son, Ira Cook, her daughter, Minnie Cook, and Henry Wheeler were Thursday sentenced by Judge Sease to life imprisonment for the murder of Marcellus Cook near Steadman several weeks ago. By direction of Judge Sease the jury rendered a verdict of "Guilty with recommendation to the mercy of the court."

Attorneys appointed by the court last Monday to defend the prisoners stated Thursday that the defendants admitted their guilt, but inasmuch as experts agreed that they were of such low mental calibre that they were not as responsible as persons of a higher order of mentality, they should be entitled to some consideration. Evidence as to their mental development was the only evidence introduced.

G. Croft Williams, secretary of the State Board of Public Welfare, was the first witness, and he stated that he had examined all of the defendants and had found Ira Cook and Minnie Cook to be very low in mentality, with minds of a normal child of seven years. The other three, Mrs. Julia Cook, Henry Wheeler and James Barfield, Sr., of a little higher mentality, but considerably below normal. Mr. Williams also read report of Dr. Arabella Feldkamp of New York, representing the national committee of mental hygiene, who had examined all of the defendants and found them to be mentally deficient.

Miss Louise Bishop, field agent for the State Board of Public Welfare, was next placed on the stand and testified that she had examined all of the defendants and found them to be considerably below the average mentality. Mrs. Julia Cook, 48 years of age, had a mind of a normal child 9 years old; Ira C. Cook, 19 years old, a mind of 7 years; Henry Wheeler, 20 years old, a mind of 9 years; James Barfield, 63 years old, had a mind of 8 years; Sarah Minnie Cook, 16 years old, a mind of 7. She explained the difference between the physical age and the mental age, and said the defendants were normal physically but their minds had been retarded, caused no doubt by the surroundings under which they had been brought up.

The State did not introduce any witnesses, and at the conclusion of the defense testimony Solicitor Callison asked the jury to find a verdict of guilty with recommendation to mercy. He said he did not feel that the State of South Carolina should ask for a more severe sentence under the circumstances. The attorneys for the defense also asked for life sentences.

At the conclusion of the arguments Judge Sease said that since all parties had asked for the same verdict the only thing for him to do was to direct a verdict, which he did, and sentenced them to life imprisonment in the state penitentiary. None of the prisoners at bar seemed to care what happened to them, and Wheeler smiled after sentence was passed.

The five defendants were represented by E. L. Asbill, John D. Carroll, Cyrus L. Shealy and G. T. Graham, being appointed by the court.

The crime for which the five defendants was sentenced was a particularly shocking one. It occurred near Steadman. According to the confessions of Ira Cook and Wheeler, which were substantiated by the two women, the plot was hatched by Mrs. Cook and her alleged paramour, Barfield. A previous attempt had been made to poison the old man with calcium arsenate, but on the day in question Mrs. Cook, summoning to her aid her son and daughter and Wheeler, a wages hand, instructed her son to cut his father's throat with a razor. This was done by the boy, his mother holding one arm, Wheeler one arm and the daughter the old man's legs. The old man's head was nearly severed from his body. The guilty people then placed the razor which was the instrument by which the aged paralytic came to his death in the hands of the dead man, holding it until the rigor of death firmly fastened it there. They prepared dinner and later went to the field to work, according to their confession. Some time in the afternoon they phoned Sheriff Roof that the old man had committed suicide. But, murder will out. They had overplayed their hand when the ghastly wound was inflicted, and Dr. J. J.

COUNTY FAIR LESS THAN MONTH FROM TODAY

The Lexington County fair is now less than a month off and Secretary Leaphart is busy with active preparations for what promises to be a good fair. The dates on which the fair will be held this year are October 18, 19 and 20, a little less than a month away now. Mr. Leaphart believes that from the interest already manifested prospects for a fine showing of exhibits are good for this year. Every effort will be made to make the fair as good if not better than any ever held. Attractive premiums are offered for displays of all kinds of farm products and household stuff, fancy work, etc.

Plans are being developed to lay stress at the county fair upon better farming methods and closer cooperation in the marketing of farm products and it is hoped that at an early date an important announcement along this line can be made.

There will be plenty of good music, several free shows and plenty of amusements of all kinds to while away dull care, and the fair authorities are anticipating a good crowd on all three days of the fair.

LORICK-BATEMAN

Married at the Methodist parsonage in Lexington, Thursday, September 15th, at 9 a. m., Miss Marguerite Lorick to Mr. Courtney Bateman.

The bride is the eldest daughter of Mr. and Mrs. W. A. Lorick. For the past two years she has been the efficient bookkeeper in the office of county treasurer. She was one of the most popular of the younger social set of Lexington and numbered her friends by her acquaintances.

Mr. Bateman is a native of Columbia and for the past year has held the responsible position of pay-master for the Lexington and Red Bank cotton mills. He is a popular young man with a bright business future.

They left immediately after the ceremony amid showers of rice, for Asheville, N. C., and other points in "The Land of the Sky".

The young couple will make their home in Columbia.

NEGRO ARRESTED ON CHARGE OF VIOLATING LIQUOR LAW

Special to The Dispatch-News.

Irmo, Sept. 17.—Early last night as P. G. Freshley, rural policeman, was coming into Irmo, he passed on the road Henry Eichelberger, negro. The policeman noticed that the negro carried a bundle in his arms. He passed the negro, and when the negro got to Irmo, he did not have the bundle. The policeman was suspicious, having been apprised of the fact that this negro was handling whiskey. He called Magistrate Hook, who went with him to search for the liquor, which was soon found hidden under the end of The Lorick Co's seed house. Magistrate Hook then sent for his constable, W. C. Koon, and the rural policeman retired. Constable Koon, armed with shot gun and pistol, stood watch over the liquor. In less than thirty minutes he had Henry Eichelberger arrested, having arrested him when he was in the act of removing the liquor from its hiding place. The negro was placed in the guardhouse for the night. This morning he was brought before the magistrate, waived preliminary and was sent to Lexington jail to await trial.

After a considerable sag in the cotton market, which carried the price down several cents per pound there has been considerable recovery. A price of 19 3-4c. was offered on the local market for good cotton today. The crop will be very light in this county owing to boll weevil damage and unfavorable weather.

COTTON MARKET GOES UP AFTER CONSIDERABLE SAG

Wingard who examined the body found from the nature of the wound that it would have been impossible for it to have been self-inflicted. Soon after the coroner's inquest Barfield was arrested. He had not been in jail long until he implicated the boys, Cook and Wheeler, who in a confession soon after being locked up implicated the two women and Barfield.