

The BATESBURG ADVOCATE

A TRI-COUNTY PAPER.

Mitchell J W m 217 08

BATESBURG, S. C., FRIDAY, JULY 26, 1907.

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COTTON MARKET.

Batesburg spot 13 1-4

PERSONALS.

Mr. W. B. Glenn spent Sunday at Johnston.

Mr. J. W. Cooner was visiting the home folks last Sunday.

Mr. Lufton, of Florida has returned home.

Col. E. F. Strother spent Monday and Tuesday in Orangeburg.

Mr. John Crouch spent several days in Wards this week.

Mr. Lee G. Gunter, of Knoxville, Tenn., is spending a few days with his father.

The Lexington county Medical Association met with a full attendance at the Sumnerland Hotel on Wednes-

AN HAPPY ASSEMBLAGE

MISS ELVIRA WHITTEN ENTERTAINED HER FRIENDS TUESDAY EVENING.

The lovely home of Mr. and Mrs. J. A. Whitten, on last Tuesday night was a scene of hearty and joy forever. On this occasion Miss Elvira Whitten gave a reception in honor of her young friends, Misses Ruth Kay of Mt. Carmel and Estell Branch of Augusta. The hours were pleasantly spent in games and amusements of various kinds.

For this auspicious occasion the lovely dining room of Mrs. Whitten was exquisitely decorated the color scheme being white and green.

The guests after playing a number of games were ushered into this room where there was spread a magnificent repast consisting of ice cream and cake.

EFFORT TO SECURE CHANGE OF VENUE

ATTORNEYS FOR FALLAWS AND TAYLOR MAKE APPLICATION.

NEW QUESTION IS RAISED

JUDGE DANTZLER, HOWEVER, RESERVES HIS DECISION, DESIRING TO LOOK FURTHER INTO THE MATTER.

Orangeburg, July 23.—A very novel and interesting question was raised before Judge Charles G. Dantzler at chambers here this afternoon, under habeas corpus proceedings brought by E. F. Strother of Batesburg and J. William Thurman of Edgefield in the interest of their clients who are defendants charged with the killing of George W. Mabus, near Batesburg several weeks ago.

It appears that Mabus was wounded in Aiken county and died from the effects therefore in Lexington county. The coroner's inquest was held in Lexington county and as a result two Fallaw brothers were held as principals, and another Fallaw brother and a young man by the name of Taylor as accessories. These defendants were committed to and are now in jail at Lexington and Solicitor Timmerman has been preparing for the prosecution but the attorneys for the defense insisted that the case be tried in Aiken county, where the offense was committed. It appears that the constitution of 1868 made no provision for such cases and in 1885 the legislature passed an act providing that when a person should be wounded in one county

original jurisdiction, upon a proper showing supported by affidavit, that a fair and impartial trial can not be had in the county where such action or prosecution was commenced: The State shall have the same right to move for a change of venue that a defendant has for such offences as the general assembly may prescribe. Unless a change of venue be had under the provisions of this article the defendant shall be tried in the county where the offense was committed: Provided however That no change of venue shall be granted in criminal cases until after a true bill has been found by the grand jury; and provided further, that if a change be ordered it shall be to a county in the same judicial circuit."

OCEAN HORROR TOLD OF BY VICTIMS.

San Francisco, July 23.—The steamer Pomona, from Eureka, believed to have on board some of the survivors of the wrecked Columbia, is entering the harbor and will soon reach her dock.

Number of Dead not Known.
The exact number will not be known until complete accounts are brought in from Bryceland and Shelter Cove. It is known that of 188 passengers reported by the company as sailing on the Columbia, 97 were saved by the Geo. W. Elder, which towed the Pedro into Eureka.

There were sixty in the crew of the Columbia, and of these 38 were on the Elder. Reports from Shelter Cove announce the arrival of one boat with 15 more passengers and crew, leaving the total death roll at 98.

So far only one boat has arrived at Shelter Cove, although four were reported there. It is said that before the steamer sank six of her boats had been launched, together with six life rafts. These have yet to be heard from and is believed that steamers passing up and down the coast will succeed in picking them up, with their living freight.

Explosion Saved Many

That so many escaped is accredited, strange to say, to the fact that the explosion of the boilers when the steamer was sinking counteracted the tremendous suction and saved a lot of people

RACE QUESTION HAS BEEN SETTLED

NOT THE HUMAN RACE BUT THE AUTO CONTEST.

REFERRED TO ARBITRATORS

AFTER HEARING STATEMENTS BY BACKERS OF BOTH CARS, BOARD OF ARBITRATORS DECIDE THAT FORD IS WINNER.

(From the State, July, 23.)
Last night the Ford automobile was declared the winner in the race between that machine and the Reo between Columbia and Augusta Saturday. Mr. C. M. Lide, stakeholder, will this morning deliver to Mr. A. W. Bollin, the backer of the Ford machine, the purse of \$300.

On account of a dispute between the contestants in the race the purse was held up and yesterday a committee of arbitration was selected to adjust the matter. Messrs. J. W. Bauer, Walter T. Green and Dr. E. C. McGregor were selected as arbiters. Last night a meeting was held at McGregor's drug store, at which the gentleman selected to settle the dispute heard statements from parties to the controversy.

According to Mr. William Watson, there was a violation of the articles of agreement orally made between the contestants, in that Mr. S. B. McMaster drove the Ford machine a part of the way, relieving the strain upon the driver agreed upon, Mr. John F. Jacobs. Mr. Watson declared that there was a well understood agreement between the parties who were conducting the race that only one man should drive each machine from Columbia to Augusta. He stated that Mr. Jenkins kept the agreement and, although fatigued by the long run, held the steering gear from one city

that time and as we see it the following rules must govern the wager.

When no other is named the stakeholder becomes the referee. The referee or stakeholder must be informed of all the conditions of the bet and must make the award according to the conditions. When conditions have been changed and he is informed by one party he must be informed by the other party also.

From this it follows that a condition to binding must be acquiesced in by both parties to the wager and the referee or stakeholder must be informed of its terms.

The condition claimed by Mr. Watson and Mr. Jenkins that one driver should complete the race was not acceded to by Bollin and was not communicated to the stakeholder; the agreement by Mr. McMaster who drove Mr. Bollin's car was not binding on Mr. Bollin and can not be considered by us.

While Mr. Watson and Mr. Jenkins under their agreement with Mr. McMaster, are justified in their position yet as Mr. McMaster only occupied the position of driver of Mr. Bollin's car and had no authority either expressed or implied to make condition governing the race we are of opinion that their position is not sustained.

It being agreed that the Ford car reached the goal before the Reo without violating any of the conditions expressed to the referee, then in our opinion the wager under its terms must be turned over to Mr. Bollin.

Yours truly,

J. W. Bauer,
Walter F. Green,
E. C. McGregor.

INDIANS RAID MEXICAN CAMP.

BUT AMERICAN MINERS ESCAPED PERSONAL INJURY.

San Antonio Tex., July 22.—A special from Hermosillo, Mexico, says: Yaqui Indians raided the camp of the Richfield Copper Mining company just north of Quiro babi Thursday late and stripped it clean of everything from murder.

A body of 200 mountain troops have been sent from here to scour the

HARTLEY-PINCKNEY

A BEAUTIFUL, BUT QUIET WEDDING AT SUMMERVILLE S. C.

The marriage of Mr. Eugene Lodwick Hartley one of our popular fellow townsman, and Miss Sarah Myrant Pinckney who is well remembered here as a teacher in our public school last year, was beautifully solemnized at high noon on July 18th in the First Baptist Church of Sleepy Hollow, Summerville.

At the appointed hour, strains from Lohengrin announced the coming of the bridal party. Down the middle aisle came the two ushers, Messrs. Edwin J. Thornhill and J. Rossiter Fizer of Summerville, followed by the maid of honor, Miss Annie Reese of Sumter, who in turn was followed by the lovely bride leaning on the arm of her brother Mr. William Pinckney of Charlotte, North Carolina. The bride and her brother were met in front of a large embankment of potted ferns, palms and oleanders by the groom and his best man, Dr. Ralph L. Hartley of Haris Lithia Springs, who entered by the right side door, and by the Rev. John R. Fizer, formerly of Williamsport, Pennsylvania who performed the ceremony with the ring, and immediately afterwards the bridal party left for Charleston as the guests of Mr. B. Lloyd Hartley, a kinsman of the Groom and the well known Commercial Agent of the Seacoast Air Line in Charleston.

A delightful course Luncheon with wines was given in honor of the bride and Groom at the Charleston Hotel, during which the hosts' happiness, and good wishes for the young couple, well as absent friends, were the causes of many witty and well pointed toasts. Mr. and Mrs. Eugene L. Hartley left over the Seacoast Air Line Railway for Norfolk, where they will visit the Exposition for a few days, and from there they will go on to Washington, New York, Buffalo, Niagara and other Northern Points for a stay of two weeks.

The color scheme of the decorations of the Auditorium was green and white, wrought out most attractively with large potted ferns and other tropical plants, which was in keeping