

says an eminent English doctor, "will carry enough poison to infect a house-hold." In summer-time, more especially, disease germs fill the air, multitudes are infected, fall ill, die ; multitudes escape. These messengers of mischief do not exist for millions. Why not? Because they are healthy and strong -protected as a crocodile is against gunshot. It is the weak, the wasted, the thin-blooded who tall; those who have no resistive power so that a sudden cough or cold develops into graver disease. We hear of catching disease! Why not catch health ? We can do it by always maintaining our healthy weight.

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AGRICULTURAL HALL CASE. DISCUSSED BY SENATOR TILLMAN.

Maintains That the State Must Hold on to the Property in Order to Keep the Blue **Ridge Script out of** Court.

Now, in regard to the Agricultural Hall matter. I presume to offer advice because I am solely responsible for the State's attitude in the case, and felt, at the time I took action and feel still, that it was the only proper course to pursue. I have seen the full text of the decision of the Supreme Court, and speak in full knowledge of its import. The situation is this : Mr. Tindall cannot deliver the property if he wanted to. I cannot believe that Simonton or any other judicial tyrant will undertake to take the building by force from the present State officers. If they do, then the act of disposessing the State will in the minds of fair minded persons show the falsity of the decree that it is not a suit against the State. The whole fight hinges on the possession of the building, and so long as the State can hold that, it must retain the advantage. Once Wesley and his attorney get possession, with or without the consent of the Stute, the situation will become very grave. If the State surrenders the property, then it must either sue on the mortgage for the payment of the purchase money, or by failing to do so, confess that it has received full payment and thereby validate by its own act the Blue Ridge bond script. If it sues, then the question of the vitality of the tender of that script must be determined by the United States Supreme Court and the legality of the Blue Ridge bonds be settled by that tribunal. Judge Harlan goes into this phase of the question very fully. Attorney Lyles in his testimony before the court and in his statement now in the newspapers clearly sets forth the conspiracy

because it is in no sense an anal- danger of having the highest ogous case to that of General court in the United States pass Lee's suit for Arlington, he de- upon the repudiated radical bonds clares that it is not a suit against held oy Mr. Wesley, the taxpaythe State, although the whole ers of the State may well congratquestion at issue is one affecting ulate themselves. There is an old the legality of the repudiated legal maxim that possession is bonds, and not the title to the nine points of the law, and in this Agricultural Hall at all. His pur- case it is ten points, because as pose is to have the State herself long as we retain possession we declare the bonds valid by not retain everything, while the sursuing on the mortgage or force render of the property carries her into court on a suit which with it loss of everything, or a will almost inevitably determine serious risk of losing it, for I firmtheir validity. He would thus ac- ly believe that these Judges, who complish by indirection what have been so uniform in sustain cannot be done directly, for Wes- ing Judge Simonton's interfer ley has already had one suit on ence with the State government these bonds thrown out on the will take pleasure in putting one ground that it was a suit against more stigma upon South Caroli the State. With bitter irony he na, and give one more blow to concludes his opinion in these her sovereighty. Then if this words : "It is said that the judg- script is validated our State, debt ment in this case may conclude will be increased to that amount the State." Not so. It is a judg- as the script would be good in ment to the effect only that, as buying the Agricultural Hall.

between the plaintiff and de-

open to the State to bring any action that way be appropriate to establish and protect whatever claim it has to the premises in dispute. Its claim, if it means to assert one, will thus be brought to the test of the law as administered by tribunals ordained to determine controverted rights of property; and the record in this case will not be evidence against it for any purpose touching the merits of the claim.

If this were only a suit for the possession of the Agriculture Hall, there would be no controversy. for the State would never have held the property and refused to deliver it but for the conspiracy and fraud which was divulged by the tender of the bond script. If the State takes that course, then it voluntarily enters the Federal courts ultimately and asks for the validity of the bonds to be passed upon. The situation leaves the State but one course ; force them to dispossess its officers who are not parties to the suit, to put Wesley in possession or hold the property and thus protect litigation until Wesley and his specu lating attorney (1 suppose Lyles is working on a contingent fee) shall be tired out. If the State is dispossessed by force, then the sophistry and falsity as to its being no suit against the State is proven, and we will occupy a better position after this judicial tyranny is practiced upon us than to be dragged into the court in this underhanded and unconstitutional way.

In view of these facts (and fendants, the former is entitled to anybody is at liberty to pick flaws possession of the property in in the argument if they can), I question, the latter having shown leave to the people of the State no valid authority to withhold the to judge between my enemies and possession from the plaintiff ; that me. "The I told you so" crowd, the assertion by the defendants who have "kuown all along that of a right to remain in possession the State would lose and the tax is without legal foundation. The payers would suffer for Tillman's State not being a party to the desire to advertise himself," may suit, the judgment will not con-explain if they can how else the clude it. Not having submitted question of the validity of the its rights to the determination of Blue Ridge script by the United the court in this case, it will be States Supreme Court could have been prevented. B. R. TILLMAN.



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The latest reports from Nashville show that Professor Barnard has accomplished the remarkable feat of calling a hot-air balloon an airship.-N. Y. Journal.



Unless the court was to go to the extreme of dispossessing the present State officers, who are no way connected with Mr. Tindal and do not hold from or under by which the Blue Ridge bond him, the only thing that need script is to be brought before give us any concern is the settlethe court for judicial derermina- ment of Mr. Tindal's bond. This. tion. The Judge declares that of course, the State is in honor Wesley has a right to do this." bound to pay. But if it can hold Then, with a lot of legal jargon possession of the property and which only confuses the ouestion, thus get around the odium and

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The Sultan is proceeding like a man who proposes to coin his terms of peace without the assistance or consest of other nations .- N. Y. Journal.



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IN ACCORDANCE WITH THE Act of 1896 providing for the reg-istration of electors, the books of the Supervisors of Registration will be open at the Court House on the first Monday in each month for the registration of electors entitled to registra-tion and kept open for three successive days in each month until the gen-eral election of 1898,

W. G. A. PORTER,) Board of R. M. KIRK, R. J. FLYNN, Registration. Nov. 18, 1896,

tf.

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