

BARBER STRIKES BACK

Some Very Plain Talk in the United States Court.

"SLANDEROUS AND FALSE"

The Attorney General So Characterizes Charges of Conspiracy Made Against Himself, the Governor and Other State Officers in the Bluthenthal & Bickart Complaint.

Charleston, S. C., Oct. 7.—Some-what of a sensation was caused to-day in the United States circuit court when Attorney General Barber, in a very eloquent speech, denounced certain charges in the bill of complaint in the case of Bluthenthal & Bickart against Long and others, which case was heard yesterday. Those who heard the attorney general's speech said it was an able effort. Every sentence was delivered with telling effect. The bill charged conspiracy on the part of Governor Ellerbe, Attorney General Barbor, Assistant Attorney General Townsend, S. W. Vance and other officials and constables of the state. The bill was afterwards withdrawn.

The court convened at 10 o'clock. Before the continuation of the hearing of the original package cases, Mr. Barber rose and said:

Mr. Barber's Plain Talk.

May it please your Honor, I ask your Honor, before resuming the case under consideration, to hear a motion in the case of Bluthenthal & Bickart against Long and others. The motion is under the supplemental bill of complaint which was filed at a late hour yesterday afternoon. There have been in the course of these proceedings in this court, from time to time, sworn statements and charges in bills of complaint which I have permitted to go unnoticed; but, if your Honor please, the line has been reached and crossed beyond which I cannot permit these statements to go unchallenged. The occasion, therefore, if your Honor please, necessitates some very plain talk, and, with your Honor's permission, I propose to do it. I hold in my hand a copy of this bill of complaint. If your Honor is not familiar with it, I would invite your attention to the allegation in the bill which is marked "L," page 7. After alleging various things as to some shipments into the state and seizures of these liquors, the complaint alleges that "the seizures above set out, at Union, Elko and Chester, in said state of South Carolina, were made and done by the said parties above named by the authority and under the direction of and pursuant to a conspiracy, agreement and combination of the said defendants, William H. Ellerbe and William A. Barber, C. P. Townsend, S. W. Vance and state constables and other officials of South Carolina, unknown to your orators."

I would invite your Honor's attention further to the allegation in the bill of complaint which is numbered "L," on page 8 thereof, in which it is alleged that "Your orators further show that the said William H. Ellerbe and William A. Barber, C. P. Townsend and S. W. Vance have, notwithstanding the rights of your orators as importers of liquors in original unbroken packages in this state under the constitution and laws

of the United States, caused and directed the agencies of your orators at Union, Elko and Chester, in the state of South Carolina, to be seized and the said goods of your orators to be taken possession of by various parties claiming to act as state constables, and that the said William H. Ellerbe and William A. Barber, C. P. Townsend and S. W. Vance, for the purpose and with the intention of evading the injunctions of this court, have caused such seizures to be made by different state constables, in each instance, claiming that injunctions issued by this court and heretofore obtained by your orators for the protection of their business as aforesaid in the state of South Carolina only affected the parties named in said bill, and that the said William H. Ellerbe and William A. Barber, C. P. Townsend and S. W. Vance, have agreed, combined and conspired together and threaten with parties unknown to your orators further to seize and confiscate all goods of your orators in the state of South Carolina at the various agencies hereinabove set forth, and purpose to seize and confiscate such goods by authorizing different constables or agents in each instance to make such seizure; and that it is manifestly impossible for your orators to make, as parties defendant to this bill, all parties who might possibly be authorized and directed by the said William H. Ellerbe and William A. Barber, C. P. Townsend and S. W. Vance, unlawfully and wrongfully to seize and confiscate the goods of your orators, and that unless relieved by this honorable court by the issuance of an injunction and restraining order protecting the goods of your orators so shipped as aforesaid into the state of South Carolina from such unlawful and wrongful acts of the said William H. Ellerbe and William A. Barber, C. P. Townsend, S. W. Vance and other parties to your orators unknown, and the agents by them appointed to do such wrongful acts, your orators are remediless in the premises."

Serious Reflections.

These allegations, and kindred ones in this bill, reflect seriously, most seriously, upon the respondents to your honor's rule, that I have the honor to represent; they reflect upon the officers of the state; and, may it please your honor, more than that—they reflect seriously upon my assistant and myself as attorneys of this court. If I am guilty of entering into a conspiracy to thwart the decisions of this court, I am unworthy to practice here. If his excellency the governor and the other state officers have entered into a conspiracy in restraint of trade, which is a crime under the statutes of the United States, we should be impeached and removed from office.

The charges, therefore, may it please your honor, are of the most serious character, and I take it that the records of this court are not to be trifled with. In addition, these allegations not only reflect upon us as officers and attorneys of this court, but there are charges in this bill that are damaging to us as individuals. The charge contained in the allegation marked "Q." "And your orators further show that protection of your orators in the premises at law involves a multiplicity of suits against all defendants, and that all of said defendants are financially irresponsible, totally insolvent and unable to respond to any damages whatsoever

against them, or either of them, or any of them." &c.

May it please your honor, that bill of complaint stands sworn to by Mr. Bickart, who swears to facts of his own knowledge. Can we stand it? You have issued a rule returnable on the 12th day of this month. I cannot permit, and I will not permit allegations of this character to stand unchallenged against my colleagues and myself for a single day. The allegations of conspiracy is

Slandering and False

and the allegation as to financial irresponsibility is, as to some of us at least, as false as can be, and it is as damaging as it is false.

What I ask, may it please your honor, is that we shall not stand for days before this court with a record like this charging us with an offense, with which if be guilty I should not be heard to open my mouth in this court and if my colleagues be guilty they should not administer the offices in the state of South Carolina which they hold.

When I read the bill of complaint yesterday, feeling the outrage that had been perpetrated upon us, feeling it as keenly as I can express to your honor, I sent a telegram to his excellency the governor and the state commissioner for authority to denounce the charges as false and untrue, and I speak for my colleagues as well as myself, that the charges of conspiracy between the officers of the state of South Carolina are absolutely and unqualifiedly false.

I state to your honor now, as I have always stated, that the officers of the state have endeavored in every every instance in these proceedings to obey every order issued by this honorable court, and if this man who makes the charge against us of conspiracy and financial irresponsibility, to which he swears, if he has in his possession any proof, I ask your honor to force him to produce it at once in open court, or hereafter stand the consequences of false swearing.

On behalf of myself and the other gentlemen who stand before this court, I ask permission to make

An Immediate Return.

at the earliest possible moment, and that your honor will at once grant to us a right to clear ourselves of the charges that reflect against all of us as officers and as individual citizens of the state.

Now I have naught to say which I trust the facts would not entirely sustain, nor would I state anything upon mere suspicion; but there is now pending a proceeding in the United States court of Georgia, instituted by the same complainants as in this case, in which it is sworn that there is a conspiracy between the governor of the state of South Carolina and the Southern railway to suppress what they say is their legal business. I think they magnify their importance when they suppose that the state of South Carolina is aiming all its guns at their rum business in Atlanta. This bill cannot with my consent stand upon this record, and together with the rule issued thereon possibly be used in the hearing before Judge Newman, the district judge in Atlanta, upon a hearing there fixed for the 9th instant. I earnestly ask your honor to hear our testimony in open court, and I am ready to testify, and my assistant on my left and the two gentlemen on my right, who are parties to this bill, to be insulting and absolutely untrue, and

the oath thereto is false. We ask you honor not to have us forced to submit to these things.

The Charges Withdrawn.

Upon the conclusion of the remarks of the attorney general, Mr. Gadsden, of the firm of Mordecai & Gadsden, stated that upon the filing of the amended and supplemental bill of Bluthenthal & Bickart against J. G. Long and others on yesterday afternoon, that he arranged for a conference between himself and the attorney general late on yesterday afternoon at the Charleston hotel. That at that conference the question of the charges of conspiracy made in the bill was fully discussed, and that the attorney general had stated fully to him the facts and circumstances connected with the matter. That he had convinced Mr. Gadsden that there had been, as a matter of fact, no preconsidered arrangement or combination or agreement between the state officials to seize the goods of Bluthenthal & Bickart, and that owing to the close personal relations which existed between Mr. Gadsden and the attorney general he was satisfied that such statement made by the attorney general was in every particular correct; and that in interview last night he stated to the attorney general that upon his statement of the facts he was satisfied that the charges made in said bill were incorrect and unfounded, and that he would this morning move the court to strike from the bill the names of himself, the governor, the assistant attorney general and Mr. Vance; and that he now begged to say that, having been thoroughly satisfied by the assurances of the attorney general that the charges in said bill were incorrect, the complainant asked leave to withdraw said bill from the files of this court.

The Bamberg Case.

The hearing of the Bamberg case of Forst's Sons & Co., against, J. G. Strobel and others was then resumed and arguments were made by Mr. Bostick of Walterboro, Assistant Attorney General Townsend, and Mr. Gruber of Walterboro.

The state claims that the agents of Forst's Sons & Co., at Bamberg, sold liquor to a drunken man, which is contrary to law, hence the seizure was made. The question as to what an original package is, was also brought up. Mr. Townsend said the packages of liquor sold were not original packages. The case consumed the entire day's sitting of the court and was concluded at 3 o'clock.

Condition Report on Cotton.

The bureau report given to the public by the agricultural department at Washington Monday, indicates an average condition of 70, on Oct. 1, as compared with 78.3 on Sept. 1st. The average condition on Oct. 1, 1896, was 60.7, and the average on Oct. 1st for the last 10 years is 74.5.

The averages by States are as follows: Virginia, 70; North Carolina, 78; South Carolina, 74; Georgia, 70; Florida, 76; Alabama, 73; Mississippi, 74; Louisiana, 72; Texas, 64; Arkansas, 67; Tennessee, 65; Missouri, 75; Oklahoma, 90; Indian Territory, 85.

—There was 49 new cases and 5 deaths from yellow fever reported on Friday last in New Orleans.

What It Cost

The expenses of the recent term of court, although of only one week's duration, foot up as follows:

Grand Jurors.....	\$ 98.00
Petit Jurors.....	271.90
State Witnesses.....	395.25
Constables and Bailiffs.....	74.10
Total.....	\$838.35

BEMOLD

ANOTHER GOOD TIME!

I WILL RUN AN

Excursion

OVER THE

O. R. & C. RAILWAY

From LANCASTER TO GAFFNEY, S.C.

THURSDAY, October, 21, 1897.

Special Cars for White People, Divided by a Refreshment Car.

Don't fail to take advantage of this opportunity to visit this wide awake and bustling city of the Piedmont Belt. The people of this young city are warm hearted and courteous to a fault and will spare no efforts to make the trip a pleasant one. For further information see hand bills.

Respectfully,
F. R. Massey.

Governor Ellerbe Asks Ministers for Their Opinion.

Gov. Ellerbe is sending out to all the ministers the following circular letter, in which he asks their opinion in regard to the liquor problem:

Columbia, S. C., Oct. 1, 1897.
Dear Sir: The following questions are submitted to ministers throughout the State, for the purpose of ascertaining the sentiment and opinion of Christian citizens with reference to the dispensary law.
Please answer each question in the space following it, and after signing and stating to what denomination you belong and your postoffice address, return this in the enclosed envelope to the undersigned. Your prompt attention will be appreciated. Very respectfully yours,
W. H. ELLERBE, Governor.

1. Has the dispensary system increased or decreased drunkenness or drinking in your community; and to what extent, indicating your opinion by percentage of increase or decrease?
 2. What is the preference of your people as between (1) prohibition, (2) dispensary law, and (3) high license, under the restrictions in the State Constitution, and which is most practicable as a temperance measure, under existing conditions?
- Remarks.....
Name.....
Denomination.....
Postoffice.....
County.....

STATE NEWS.

A fire occurred on Mr. Drayton Brown's place near Prosperity last Monday night in which a large barn containing a quantity of hay, fodder, etc., together with three horses, three mules and three cows were destroyed. The place is rented by Mr. L. S. Darby. There was no insurance and the origin of the fire is unknown.—Columbia Register, Oct. 8.

Converse College began its eighth year with an enrollment of 102 students.

The tobacco crop of Darlington is reported as being very good and bringing a good price.

The remains of the late Dr. W. D. Bratton, Passed Assistant Surgeon of the United States Marine hospital service, arrived at Wimsboro on the 2:40 train, Oct. 8, and were laid to rest in the Episcopal cemetery at 4 o'clock.

Lieut. Hagood, U. S. A. a former Columbian, has been detailed for duty at Sullivan's Island.

If suitable rates can be obtained the cadets of Clemson College will visit the State Fair.

—Sally Washington, colored, died suddenly Sunday morning last of heart disease. She lived on Mr. A. W. Heath's place just over the state line. She ate a hearty supper Saturday night and went to bed apparently well. She died early next morning.

—Under the new Tariff Law the duty on horse shoe nails, hob nails and all other wrought iron or steel nails, is two and one-fourth cents per pound.