







ESTABLISHED 1865.

NEWBERRY, S. C., FRIDAY, JANUARY 16, 1903

TWICE A WEEK, \$1.50 A YEAR

MR. MENDEL L. SMITH ELECTED SPEAKER.

RECEIVED AN ALMOST UNANIMOUS VOTE MONDAY.

Organization of Lower House-There was no Other Business Attended to, the House Adjourning Out of Respect to Judge McIver.

[The State, 14th.]

The house of representatives was called to order at noon yesterday by Col. Tom C. Hamer, clerk of the last house of representatives. Hon. Altamount Moses was chosen temporary chairman of the representatives elect. Mr. Moses was temporary chairman of the organization two years ago and is a very fine presiding officer. He has had a longer and more varied legislative experience than any other member of the house of representatives.

The members elect presented them selves before the speaker's desk and were sworn in. The roll of counties was called and the members elect the house and were duly qualified representatives of the State of South | his second term.

Nominations for speaker being in order, Mr. B. A. Morgan of Greenville, secured the floor and nominated This was seconde to by Mr. Whaley of ber of the speaker's staff. Charleston, Mr. Efird of Lexington, Mr. Laneaster of Spartanburg, Mr. Richards of Kershaw and others.

Mr. Gaston of Chester, put in nomination the name of Hon. T. Yancy Williams of Lancaster. This was seconded by Mr. Haile of York, Dorroh of Greenville, Mr. Moses of Orangeburg and several others. liams 21.

Mr. Smith was escorted to the of speaker, addressed the bouse.

SPEAKER SMITH'S REMARKS.

Gentlemen of the House of Repre sentatives:

I would be unmindful, indeed, o the promptings of a truly thankfu, heart, should I fail to make my first atterance in the position to which you have so kindly elevated me, an expression of deep and lasting grati tude for that most highly distin guished honor.

Human life and conduct have al ways been, and will ever continue to be, influenced and controlled by many motives and ambitions. In an attempt to serve one's State and people, an obligation from which the humblest citizen cannot escape, however rude, imperfect or unsatisfactory the attempt may be, there is no motive or ambition more commendable, more fundamentally right, or more pro ductive of legitimate rights than that which strives to win their respect, esteem and confidence, save that, perhaps, which, in a broad spirit of appreciation, and the unswerving devotion and unselfishness which begets, seeks, by all honorable means to retain them.

If I am justified in entertaining th belief that the kindness of your par tiality which has so signally honored me, is to some extent, at least, an evidence of the former, then before I shall attempt to discharge the important duties which it imposes, the hope must be indulged and will be continually cherished, that by a faithful and consistent effort, I may be permitted to carry with me through life the consciousness of having enjoyed the latter.

Yes, gentlemen of the house o representatives, to preside over the deliberations of this hody-the chosen, trusted, and commissioned representatives of a truly great people-great in character, great in achievement, great in tradition, and far greater yet in history-is no mean honor to seek and the delegation of that right no indifferent trust

When I reflect upon the brilliant attainment and distinguished service in order to vote.

of those who have preceded me here | CHIEF JUSTICE the apprehension which follows, I promise you shall only serve to in tensify the hope that after its duties and responsibilities are laid aside, that of the effort, you may say, it was conscientious, that the conduct was fair, courteous and impartial, and that the mistakes were honest. If that shall be your verdict, then the obligation which you place me under in your selection shall only be increased by your own generous estimate of its wisdom. Let us work to gether, for the prosperity and glory of our State. To this end may a Henry McIver died at fifteen min-Divine Wisdom and Providence guide utes past 4 this afternoon at his and direct us. I desire to again home, aged 76. The funeral serthank you for your distinguished vices have been arranged for halfconsideration.

clerk of the house and was sworn in The Chief Justice leaves two sons by Speaker Smith. Col. Hamer is and one daughter, Mr. Thos. P. Monow entering upon his third term Iver, of Charleston; Senator Edand is personally very popular with ward McIver and Mrs. R. C. Watts, his deputy, performed those duties the members.

There were three nominees for sergeant at arms, Mr. J. S. Wilson, of of Mr. Alexander McIver and his Lancaster, Mr. W. K. Grant, of presented themselves by counties Greenville, and Mr. Geo. W. Asbill, and laying their hands upon the of Leesville. Mr. Wilson received house Bible took the oath of office. 84 votes, Mr. Grant 21, and Mr. They then subscribed to the roll of Asbill 14. Mr. Wilson was declared elected and was sworn in. This is

Mr. John S. Withers, of Chester. had no opposition of reading clerk, an office which he has filled with great acceptability for twelve years. Hon. M. L. Smith of Kershaw county. Mr. Withers is a very useful mem

The house adopted a resolution presented by Mr. John P. Thomas Jr., granting the use of the hall to the State Bar association for its an nual meeting Thursday night, Friday afternoon and Friday night.

On motion of Mr. Morgan a com mittee of three waited on the governor to inform him that the house was There were 118 votes cast, of which organized and ready for business. A Mr. Smith received 97 and Mr. Wil- similar message was sent to the senate. The governor submitted 14 messages-his annual message, 12 chair by Messrs. Morgan, Patterson messages submitting reports of State and Efird and after taking the oath officers, etc., and one announcing the death of Hon. Henry McIver, chie justice.

The house concurred in the senate resolution to appoint a committee to attend the funeral of Judge McIver. The speaker appointed Messrs. T. Y Williams, of Lancaster, John P. Thomas, Jr., of Richland, J. O. Patterson, of Barnwell, Wm. L. Mauldin, of Greenville and R. S. Whaley, of Charleston, Mr. Williams was excused on account of physical disability and Mr. Alamont Moses sub stituted.

The house, on motion of Mr. John P. Thomas, Jr., then adjourned until today at noon in honor of the de ceased chief justice.

WAS DROWNED IN THE CONGAREE.

A Negro Boatman Loses His Life Ferry ing a Hog-The Latter Swam to Safety.

[The State, 12th.] News reached the city yesterday of the drowning of a negro in the Congaree just below the Southern railway bridge not far from Forte Motte. The negro was the assistant to the bridge keeper and had started across the river in a small boat carry ng a good size hog. The hog was in one end of the boat and he in the other. When the boat got about midstream where the water wa swift he was seen to go to the other end of the boat. An instant later the boat "kickedup," and turne I over spilling man and hog into the stream. The negro held to the boat a few moments, and then released it and began to swim. He had gone only a short distance when he sank. The hog, however, began to swim from the first and got to the shore saving his bacon. The body of the drowned negro had not been recovered at last

Negro Voters Must Go.

accounts.

Mansas City, Mo, January 12 .- A bill, aimed to disfranchise the negro, has been introduced in Missouri Legislature. It provides that persons must be able to read and write

M'IVER DEAD.

AN HONORED SON AND FAITHFUL SER-VANT OF THE STATE.

The Justice Passed Away Monday After noon at His Home, in Cheraw, at a Ripe Old Age, Having Reached His Three Score and Ten Six Years Ago.

[News and Courier.]

Cheraw, Jan. 12-After a long and tedious illness Chief Justice past 3 o'clock tomorrow afternoon at Col. Tom. C. Hamer was reelected | St. David's Episcopal Church here. of Cheraw:

Chief Justice Henry McIver, son wife, who was Miss Mary Hanford, was born at Society Hill, September 25, 1826. He moved to Cheraw when quite a lad and married Carrie Harrington Powe, daughter of Dr Thomas E. Powe, a large ante-bellum planter and prominent man in this section, on June 7, 1849. She died January 9, 1902. The Chief Justice graduated at the South Carolina College. On the death of his father, Solicitor Alexander McIver, in 1850, he was appointed by Governor Manning to fill his unexpired term. Again, when Gen. Hanns died, he was elected solicitor, and was re elected for several successive terms, until the war began. He en tered the Southern army and was captain of a cavalry company in Hampton's Legion. He was wound ed at Hawe's Shop.

He was elected Associate Justice on May 19, 1877, and Chief Justice in December, 1879, but declined, when Governor Simpson was elected Chief Justice. He was again elect ed Associate Justice in 1883 and Chief Justice in 1897, and never missed a day from ourt until last year, when he was at the bedside of his faithful wife, who died on January 9, 1902. J. H. G.

of Chief Justice McIver's life was published in the Anderson Journal in 1865 he as again chosen to repof March 19, 1897:

Mr. Chief Justice McIver was born about sixty five years ago near munity of many social advantages, chosen without desire on his part. in the State of South Carolina. He | He was not prominent in the public grandfather, Rodrick, having immi. a member of their committees he office of Chief Justice, in August, grated to this State shortly after the performed his share of the delicate Mary Ann Williams, the sister of from the Act of Secession was be-David R. Williams, for some time a gun, though having neither taste nor member of Congress and governor turn for military life, he thought it of the State. His father, Alexan. his duty to defend the principles for der McIver, married Mary Hanford, the daughter of Enoch Hanford, of der a conscientious conviction of Connecticut, the first professor of their rightfulness he entered the languages in South Carolina College, and was afterward a practicing lawyer of repute, in partnership with his brother in law, the late osiah J. Evans, for many years one of the Judges of the Law Court of Appeals of the State, and a United States Senator, as the colleague of Mr. Calhoun. It will be noted that Mr. Chief Justice McIver came from a worthy and distinguished stock, and is none the worse for having a strain of the colder Puritan blood of New England mingled with the warmer temperament of Southern latitudes. Evidence of this happy connection is seen in the cool judgment, warm manners and hearty companionship of their distinguished lescendant.

In 1836 the father of Mr. Chief Justice McIver, himself a distinguised lawyer, removed to the old town of Cheraw, where the son has ever since resided, seeking no political preferment, but devoting all the energies of his fine mind and su perior attainments to his profession.

during his college vacations, thus but at the Bar he was truly the mascollege course, and to that extent as- his bearing, his industry in the sisting his father, who had a large preparation and the logical presenfamily depending upon him. After tation of his cases, and his easy elograduating he commenced the study of law in his father's office, and in December of the same year, by reason of his superior endowments and great diligence, was admitted to practice in the law courts of the where, under any system of good State, and in the following year was enrolled as a solicitor in the Courts McIver came to his own. On the In private life he unites the advantof Equity. As soon as he was called 19th of May, 1877, he was elected ages of an imposing person, remarkto the Bar he entered into a copartnership with his father, who was then the State solicitor or prosecut. ing officer on the Eastern circuit. Shortly after the young practi-

tioner commenced his career at the Bar the health of his father became so much impaired that he was unfitted to discharge the arduous duties of his office, and the son, as with satisfaction to the public and credit to himself until his father died, and the son was now appointed solicitor by the governor to fill the vacancy until the close of the next session of the legislature, the solicitor then being elected by the legislature, and not by the people as now. At the election Mr. McIver did not become a candidate for the office, yielding to one who, by reason of his larger experience at the Bar, he modestly supposed was better fitted for the position. Within a short time the new incumbent died, leaving again vacant an unexpired term, and Mr. McIver, still a very young man, was the second time appointed by Governor Manning to perform the duties of the office until the succeeding session of the legislature, at which time he was duly elected at the expiration of the sec ond term in 1857, 1861 and 1865, holding the lucrative office until 1868, when, under the reconstruction Act of Congress, the entire Government was reorganized.

As we have said, the subject of this sketch has always devoted himself exclusively to his profession. has never been a candidate for, or a member of, any legislative body. He was chosen to represent his fel-The following admirable sketch his part, in the Secession Convenunder what is now known as the reconstruction policy of President Anwhich his State contended, and un army and continued in military service until the close of the war, a reminder of which he today carries upon his person, having been severely wounded in battle twice in the same day.

After the close of this protracted and frightful conflict he found himself without high titles as a soldier, without means, with a country im poverished, with business at a stand still, with the courts, the forum of his ambition and success, closed; the future dark, uncertain and well nigh hopeless. But he did not despair. He wisely concluded that the only course was to submit, hopefully and cheerfully, to the inevitable. He accordingly devoted the summer and autumn of 1865 to a careful review of the law (his practice having been interrupted for four years,) and when the courts were reopened in the spring of 1866 he found himself squipped at all points and fully prepared for the large and lucrative to him in the counties of Chester. Young McIver graduated with dis field, Marlboro, Darlington and Martinction in a large class. To his ion. It may be that he was out of Chief Justice and the late Chief Jus-

front rank of the profession. Hence, when the State Government, in 1876, passed once more into the hands of the intelligent elements of society, government it rightfully belongs, Mr. Associate Justice of the Supreme Court of South Carolina, to fill out the unexpired term of Mr. Associate Justice Willard, who had just been term of Chief Justice Willard as Associate Justice would have ex accordingly at the regular session of fact. No matter how full the print-Mr. Justice McIver was unanimously elected Associate Justice for the full cept when necessary for an authorterm of six years, beginning on the ity,) but keeps his attention fixed up would have expired on the 20th of argument (as is often done) by sugin December 1870, an election was of six years and Judge Mclver was

unanimously elected.

Now began a chapter in the life of

Judge McIver which must ever re-

flect credit upon him as a man and

to hold the election at that time was strongly disputed by the then Chief Justice, (Willa J,) who claimed that by virtue of his election as Chief Justice, in May, 1877, he was entitled to hold the office for the full term of six years; to wit, until May, 1883 and that his tenure was not limited to the unexpired term of his predecessor. The Legislature, however, took a different view, as the words of the Constitution clearly warranted, to wit, that Willard was elected and could only hold office for the unex-Having no taste for political life, he pired term, and therefore the General assembly proceeded to hold the election in December, 1879, to fill the vacancy that would occur in the oflow citizens, without solicitation on fice of Chief Justice on the 29th of July, 1880. The election of Judge tion, called by the State in 1860, and McIver as Chief Justice would, of course, leave the office of Associate resent them in the Convention called Justice vacant at that date; and, upon mature deliberation, the conclu sion was reached that the Legislature the village of Society Hill, a com- drew Johnson: and to both he was had no power to fill the vacancy at that time-in advance-which would occur in the office of Associate Justice was of Scotch ancestry, his great deliberations of these bodies, but as when he (McIver) should accept the 1880, which would then become vabattle of Culloden. His grand, and important work entrusted to cant under the theory upon which father, John E. McIver, married them. When the war that resulted the Legislature had acted; and that, therefore the title to the office of one who should then be elected As sociate Justice to fill the vacancy occasioned by Judge MdIver's accept ance of the office of Chief Justice, in August, 1880, might well be questioned. The valadity of the election as Chief Justice was beyond question, but the title of the person who should be elected in the place of Associate Justice McIver would not only be questioned, but would, in the opinion of the Attorney General, be questionable. This, of course, would have embarrassed very much, if it had not thrown an insuperable obstacle in the way of the proper decision of the question which it was then Chief Justice Willard's intention to make as to his own tenure, and which he afterward did make, unsuccessfully. The practical question to Judge Mc-Iver was, whether he should, merely for the additional honor and emolument incident to the office of Chief Justice, expose the State to the hazard of having its most conservative element—the judiciary—at a most momentous crisis, disorganized, and its authority called in question.

To such a predicament there could be but one answer from any rightminded, patriotic man and Judge practice that immediately flowed in McIver was such a man. Accordingly he addressed a letter to the Legislature declining to accept the office of credit be it said he taught school place in political and military life, ticeSimpson was elected in his stead. Macon.

1882, Judge McIver has again been re elected unanimously to the office of Associate Justice for the term of six years from the 1st of August, 1884 quence, at once placed him in the and on the 1st day of December, 1901 Judge McIver was elected to succeed Chief Justice Simpson.

Such is a brief outline of the life, character and public services of Mr Chief Justice McIver, who has in every way adorned the profession. able colloquial powers and genial manners. At the Bar he pressed home his causes with earnestness, eloquence and ability. On the bench elected Chief Justice to fill out the he is at once dignified, courteous and unexpired term of Chief Justice patient. Mr Chief Justice McI er Moses then lately deceased. The may be said literally to hear a cause. He never interrupts counsel in argument except brifly, and occasionally pired on the 31st of July, 1878, and to fix his own understanding of a the legislature, in December, 1877, ed notes of the argument may be, he rarely follows the printed page, (ex-1st of August, 1878. The term of on the counsel engaged in presenting Chief Justice Moses, deceased, the case. He never anticipates the July, 1880, and accordingly at the gesting difficulties, for he takes it for preceding session of the legislature granted that these will be met and elected without opposition. overcome at the proper time and in held for Chief Justice for the term the proper place. He gives the same chaplain: Revs. Dr. O. A. Darby, earnest attention to the diffident Walter I. Herbert, M. M. Kinard, young debutante that he does to the and A. J. Harrison of Hampton. A venerable senior. To the younger vote was taken and resulted as folmembers of the profession everywhere lows: Rev. Dr. Darby 27; itev. Her-Mr Chief Justice McIver teaches bert 4; Rev. M. M. Kinard 7; Rev. as an unselfish patriot. The right that declamatory haranges to the A. J. Harrison 1. Dr. Darby was populace are not necessary to suc cess; that political life to a lawyer is often a snare and a pitfall; that high character, with careful attention to business, will lead more surely, step by step, to the highest rewards of the profession.

KILLED BY A WOMAN IN MACON.

Fate of a Student in a Business College who Said what he Thought About

a Woman in Another College. Effie L. Carson, wife of a railroad machinist, fornerly the wife of Ernest Thompson, a printer, shot and instantly killed Robert A. Rigsby, a student in a business college here to day. The tragedy took place in the law office of Marmaduke G. Rayne, an attorney to whom she had gone for advice. She shot the man twice in the head and once through the heart. She emptied her revolver, the other shots going wild. She at once delivered herself to the sheriff, going across the street with the smoking weapon in her hand. She was promptly placed in jail, but was subsequently released on a bond of \$1,000. The coroner's jury found a verdict of voluntary manslaughter.

Mrs. Carson was a teacher of tele graphy in another business college. She charged that Rigsby had circu lated stories damaging to her char acter. She had gone to the lawyer with a paper for Rigsby to sign, ex onerating her. The lawyer took the paper to the college and submitted it to Rigsby, who declined to sign, but asked a personal interview. He went to the lawyer's office and immediately asked the lawyer and his stenographer to step into the hall. The door was at once closed and locked. In a few moments the shots rang out and Mrs. Carson appeared, unnouncing that she had killed the

Rigsby was found on the floor dead, with his own revolver near his right hand. What occurred between them is not known, except an admission by Mrs. Carson that he applied an opprobrious epithet to her.

Rigsby was originally from Bowling Green, Ky., or a village near by, and is said to have been a mem ber of a family prominent there. He had conducted a business college in Tampa, Fla., but had come to Macon to complete his education, intending to open another college in June. He was about 25 years of age. He had previous to the killing been threatend by members of Mrs. Carson's family. Her maiden name was Fletcher and she was born near

READY FOR BUSINESS.

ALL FORMER OFFICERS ELECTED WITH-OUT OPPOSITION.

The Appointment of Committees-The Governor's Message Read-No Bills Introduced-A Tribute to The Late Chief Justice.

[The State, 14th.]

Promptly at noon vesterday Lieut. Gov. Tillman called the senate to

Every senator was present except Hon. Edward McIver of Chesterfield. With this exception all the new members were sworn in and assigned to their respective seats.

The roll of counties was called. After prayer by the chaplain, the election of officers was immediately entered into and resulted as follows: President Pro Tem-Senator John

. Sheppard. Clerk-Gen. Robert R. Hemphill. Reading Clerk-Mr. H. W. Stew-

Sergeant at Arms-Mr. J. Fred. Schumpert. All of these were unanimously

There were four nominations for

Senator Sheppard arose and returned his sincere thanks for the renewed mark of confidence and esteem and for the honor conferred upon him by his selection as president pro

NEW APPOINTMENTS.

The following appointments made by Lieut. Gov. elect Sloan were then announced

Assistant Clerk-R. M. McCown. Journal Clerk-Tillman Bunch.

Bill Clerk—Henry D. Butler Doorkeepers-J. R Boulware, Jasper E. Watson, J. F. Gooding.

Keeping of Committee Rooms-Jamas P. McGorty and J. A. White. Keeper of President's Room-E. B. Jenkins.

Pages-G. Duncan Bellinger, Jr., and Henry Jefferson Fetner.

Porter -- Robert Adams. Servants-Jack Pressley and Albert Nance.

Mail Carrier-N. O. Pyles

THE PRESIDENT'S ADDRESS.

After the new members and officers had been sworn in Lieut. Gov. Tillman called the president pro tem. to the chair and left the senate cham-

Before leaving he announced to the senate the sad information of the death of Chief Justice McIver, and paid a glowing tribute to the departed chief of the State's judiciary.

He congratulated the State of South Carolina on the great progress that she made in recent years and spoke of the benefits we were now reaping from the recent Charleston exposition. He referred to Capt. F. W. Wagener of Charleston, as "the one who had done more than any one else to advance the commercial interests of the State. He thought the \$50,000 appropriated to the exposition the wisest investment the State had made in recent years.

He congratulated the senators that none of their number had been called into the "great unknown realm" since the last session and accounted for the absent faces as due to the hard fate of politics.

On motion of Senator Sharpe a committee of three, consisting Messrs. Sharpe, Sheppard and Brown was appointed to notify the governor that the senate was in session and ready for business.

THE GOVERNOR'S MESSAGE.

A special messenger conveyed to the senate the governor's annual message, which was read, many senators following the reading clerk from the printed message which had previously been distributed on the

Concluded on fourth page.