

The Newberry Herald and News.

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TWICE A WEEK, \$1.50 A YEAR

MAY ASK FOR AN ORDER.

Validity of Crum's Appointment May Be Tested.—Question Referred to Corporation Counsel.

News and Courier, 31st.

If it can be shown that President Roosevelt's appointment of Dr. Crum to collector of customs at Charleston was in violation of the provision of the Constitution which requires that such appointment shall be made by and with the advice and consent of the Senate, Mayor J. Adger Smyth, in behalf of the community, will apply to the United States Court for an order "restraining Dr. Crum from entering upon the discharge of the duties of collector until he can establish his right to do so under the Constitution and laws of the country." The Mayor, who believes in Davy Crockett's rule of conduct, "Be sure you are right and then go ahead," has referred the matter to Corporation Counsel Moffett, who will investigate the legal status of the contention. The action of the Mayor will be governed, of course, by the report of the corporation counsel.

The following editorial, which appeared in The News and Courier yesterday opened the door of hope to those who have earnestly striven to prevent the appointment of the colored physician:

"Some very good lawyers hold that President Roosevelt's appointment of Crum to be collector of customs at Charleston was in clear and open violation of the provision of the Constitution which requires that such appointments shall be made by and with the advice and consent of the Senate, and confers upon the President the power only to 'fill all vacancies that may happen during the recess of the Senate. The vacancy which Crum has been appointed to fill did not 'happen' during the recess of the Senate, or, rather, he was not appointed during the recess, and when he was appointed he was not confirmed by the Senate. The provision in the Constitution was evidently made to guard against precisely such an abuse of authority as that of which the President is guilty in this case."

"The question ought to be tested in the Courts, and we wish that Mayor Smyth, acting in behalf of the community, which can hope for relief in no other way, would apply to the United States Court here for an order restraining Dr. Crum from entering upon the discharge of the duties of collector until he can establish his right to do so under the Constitution and laws of the country."

PLACED IN ASYLUM.

Mormon Elder Who Attempted Rape in Williamsburg Brought to Columbia.

The State, 31st.

In Lake City on Thursday last considerable excitement was caused by two Mormon elders.

One entered the home of Mr. A. C. Stewart, a farmer, and talked insultingly to a young lady of the household, causing her mother and herself to jump out of the window and run to a neighbor's for help. The Mormon followed, but a gentleman who happened to be near caught him. Other men came up and the elder was securely tied.

When carried into another house he fought so, at the same time insulting another young lady, that he had to be knocked into a deep pool of mud and water. When dragged out he renewed his combat and was conquered with great difficulty.

The other man was chased with dogs as he was thought to have been implicated in the trouble, but he was not caught.

Elder No 1 was brought to the asylum last night. He is evidently out of his mind. The curiosity of many persons was aroused at the depot by the sight of the man with his head swathed in bandages. He is still suffering from the wounds produced by his fight when he was captured.

SOUTH CAROLINA NEWS.

Items of More or Less Interest Condensed in the State.

Perry C. Yoe, who was shot and killed in Allata, Ala., last Friday night, was buried at Greenwood Monday. He had been away for twenty years. Was shot by a policeman with whom he was fighting.

The necessary stock has been subscribed for the erection of an oil mill near Due West, and it is expected that it will be in operation soon.

The Postal Telegraph Company has entered Gaffney, giving that city the best telegraphic advantages.

Two negroes in a crap game at Laurens Saturday night became engaged in a dispute over 45 cents, when one shot the other in the back, seriously wounding him.

A negro lawyer named Twine has been ordered by Judge Watts, in Charleston, to show cause why he should not be debarred from practice. It is said he tried to get negroes charged with stealing terrapins to swear before the grand jury that the overseer of the terrapin farm had stolen the terrapins.

Polo is all the rage at Camden just at present and some interesting matches are being pulled off.

Mr. Henry Pannill, of Wilmington N. C., and who has been in Newberry for some time, says that in the very near future he with other gentlemen will start one of the largest paint plants in the country at Columbia and that between \$200,000 and \$300,000 will be expended in construction.

Rev. W. H. Greever, of Columbia, will deliver the baccalaureate sermon at the approaching commencement of Elizabeth College, Charlotte.

The winter season at Aiken is about over and the Northern tourists are leaving for their homes. Whitney has already expressed his fine tastes.

Wm. C. King, of Florence, who killed two men in a dispute over a dog, and was convicted of murder of one, has abandoned his appeal and will serve a life sentence in the Penitentiary.

The plant of a new ice factory in Columbia, with a capital of \$34,000, is well under construction, and will be in operation by summer. It is located in old Sidney Park, near the S. A. L. depot.

Three members of the Columbia Bar had an engagement in the U. S. Court at Charleston last week which they were unable to fill because of the train being delayed to carry H. B. Spencer to Summerville. Spencer is the son of President Spencer and himself a prominent railroad man. Complaints are bitter over the affair.

Mr. J. W. Thurston and Mrs. Elizabeth Tins, both inmates of the county poor house and both above the age of 70, were married in Anderson on Sunday.

Saturday morning there was an attempt at highway robbery upon the person of B. W. Woodward, a citizen of Greers, in the city of Greenville. Woodward asked three negroes for directions to a house he was seeking. The negroes plotted him part of the way and then attempted to rob him. One has been arrested.

Henry Dorr and Will Child, both white citizens of Rock Hill, engaged in a difficulty Monday afternoon. Dorr fired at Child six times, missing him, when Child picked up a rock and with it badly bruised Dorr. Rock vs. Pistol, with Rock winner.

The negro Crum assumed the duties of collector of the port of Charleston on Tuesday. It is said he was restrained by steps for an injunction restraining him from taking the office.

Columbia has extended an invitation to Confederate Veterans to hold their annual reunion this year in that city.

A negro shot and killed his brother

near Bowman in Orangeburg county, Tuesday morning.

An inquest over the body of the negro killed by a white man, Frank S. Payne, near Johnston on Sunday, reveals that Payne had insulted a daughter of the negro he killed and became engaged in a fuss with the entire negro family, when he shot the negro. He has not yet been caught.

GENERAL NEWS NOTES.

Items of More or Less Interest Condensed Outside the State.

Gen. Booth, commander in chief of the Salvation Army, was accorded a grand reception in London Monday night. Albert Hall, seating nearly ten thousand, was crowded to its capacity.

Wm. J. Peppler, finding his wife entertaining another man, W. E. Dodson, in New York, on Monday night threw Dodson out of the window. Dodson shot and killed Peppler. Dodson is said to be from North Carolina.

On account of acts of violence resulting from the strike of motormen in Waterbury, Conn., eighteen men have been arrested charged with assault with intent to kill. The arrests were made in one day.

A literary society in Paris this week elected a man at whom a woman had just been shooting because of alleged infidelity. The shooting occurred just before the election and in the same hall.

Vanderbilt's observatory on his Biltmore estate near Asheville was demolished by the storm the first part of the week.

The Southern Pacific Railroad has discovered that passenger tickets over its lines have been forged in New Orleans, and it is thought has unearthed a huge swindle.

The German Government has expressed itself satisfied with Admiral Dewey's explanation of his caustic remark in regard to Germany's navy. It will be remembered when brought to task by the President he said he did not know he was talking for publication.

A young girl of Pottsville, Pa., Mabel Brown, was bitten by a copperhead snake ten years ago, and has just gone into convulsions. The doctors say the poison lay dormant in her system all these years.

It is reported that the Cotton Duck Co., of Manchester, N. H., is considering the advisability of moving its mills South. The company has a plant of 15,000 horse power.

The verdict in the Burdick inquest, at Buffalo, handed down Tuesday, while stating that the identity of the murderer of Edward L. Burdick has not been proven, practically charges Arthur R. Pennell, the dead lawyer, with the crime.

President Roosevelt left Wednesday for his western hunting trip. His train consisted of six magnificent cars, furnished especially for the trip. The trip will last until June.

One woman was burned to death and another almost to death in a boarding house fire in New York on Tuesday.

Twenty men at the Carnegie Steel Plant, at Brandon, Pa., were knocked into a huge cauldron of melted lead on Tuesday. Six were quickly cooked to death, ten were sent to hospital terribly burned, while four escaped serious injury.

The overturning of a heavy piece of artillery in the drill at Fort Meyer, Va., on Tuesday caused the death of a corporal and the injury of three soldiers.

In an eleven round bout at San Francisco on Tuesday night young Corbett badly whipped Toddy McGovern. The odds were placed 10 to 8 on McGovern.

CRIMINAL'S LOVE LETTER.

How Sheriff Buford Succeeded in Making a Capture at Goldville Monday. Good Work.

It frequently happens that love letters brew trouble for those who write them, and it has been said on occasions more than once that in matters where love is concerned it is cheaper to ride half way across a continent to say what you have to say than it is to write it and pay a two cents stamp for the carriage. However that may be, love letters have ever been written, and will continue to be written so long as the world lasts.

It is not the intention of this article, however, to discuss the advisability of writing love letters. It is desired simply to show what trouble was caused by one love letter. Be it said in favor of love letters, however, that this one love letter may not have caused any trouble had it not come into the hands of so notable and successful a criminal tracer and catcher as is Newberry's Sheriff, Mr. M. M. Buford.

On the 13th of March Sheriff Buford received the following letter from the Sheriff of Union County: M. M. Buford, Esq., Sheriff, Newberry, S. C.:

Dear Sir:—Enclosed herewith please find an arrest warrant for a negro by name of Willie Brown.

This negro lives with Mr. J. S. Blalock, at Goldville, in Laurens County, but will be in Newberry tomorrow, the 14th. He will be there to meet a negro woman from this county to move her to Blalock's. I have seen a letter that he wrote to the woman stating that he would be there with Blalock's wagon to move her. If you will look up Blalock's wagon I don't think you will have any trouble in getting this negro, for I am quite positive he will be there. You will see from the warrant that he is wanted for assault with intent to rape, and I am trying very hard to get him. I will pay all your cost to get him, no matter what it is. Below I give you a description as best I can: Willie Brown, very black, round bumpy face, short heavy set, little moustache, parts his hair in the middle, moves about slow, heavy eye brows, red eyes and looks downward, when last seen had on black pants with stripes, black hat. Get him tomorrow if possible, if not you can return the warrant to me. Hoping you are getting along nicely, I am,

Yours very truly,
J. W. Sanders,
Sheriff Union County.

Sheriff Buford next day, on the 14th, answered as follows: Dear Sheriff:—Yours enclosing warrant for one Willie Brown duly received this a. m. I was on look out for Mr. Blalock's wagon, but it was not here today. It is a rare thing for Mr. Blalock's wagon to come to town from the fact that he (Blalock) lives on the railroad and there is no necessity for his wagon to come to Newberry. Why did you not send me the woman's name and letter, the one that Brown was to meet here on the 14th? It perhaps would give me a clue to work on that might have led to Brown's capture. However, I will do my best to get him. With best wishes and kind regards, I am,

Yours very truly,
M. M. Buford,
Sheriff.

Then came the following from the Sheriff of Union addressed to the Sheriff of Newberry, and enclosing the ill starred love letter:

The name of the woman that was to meet the negro Willie Brown in Newberry on the 14th is Minnie Lyles. I would have given you her name, but you see it is this way: He wrote for her to meet him in Newberry on the 14th but by chance I got hold of the letter before she did, so you see she knew nothing about meeting him in Newberry. The woman lives at or near Herbert, in Union County. Her mother got the letter and gave it to a constable, who sent it to me. The negro Willie Brown was arrested in Fishdam township, near Carlisle, in this county. He has only been at Blalock's since the date of the warrant. The mother of the woman is trying to help catch Brown so that her daughter will stay at home.

THE LOVE LETTER

The love letter which was enclosed is as follows:

Laurens County, Goldville, S. C., March 8, 1903.

My dear loving woman, Minnie Lyles, I received your letter and was glad to hear from you but I would be still gladder if I could only get to see you, you said in your letter that you had got no money to move your things if I don't take no money to move them if you due like I tell you to due you want due like I tell you to due for hell, I tell you to bring them to Knawberry in a wagon and I will meet you there with a wagon and bring you to Goldville, if I don't some one else will, if you go in to mine again say so and if you aint rite and let me know at once, I show is been a good boy ever since I been ever since I been gone, hope that you is been a good girl if you is rite and let me no, Rite and let me no what about that trouble I was in, I want you to due like I tell you to due rite and let me no what due may I ment you and your things in Knawberry, I never got your letter till Sunday, you must rite your name in side so I will no who it is from put my name in side so I no who it is for, don't back it to my name back it to J. S. Blalock, Laurens Co. Goldville, S. C. I show want you to come you show must come I am I am needing you very very bad and I will give you anything you want, I am getting good wages I am getting 85 dollars for 10 months please Minnie don't tel no boddy where I am, you mine paying tention to sunn other dam nigger, I believe that you is glad that I am gone, Meet me in Knawberry Satday 14 you truly Willie Brown

My der sweetheart
Minnie Lyles
Willie Brown.

Sheriff Buford went up to Goldville on the noon train Monday and caught the negro at Goldville, where he was working for Mr. Blalock, bringing him to Newberry on the three o'clock train Monday. The correspondence above is given to show how the capture of criminals is sometimes brought about and the means always at the use of ready sheriffs. Brown was taken to Union Wednesday.

WILL RETURN TO SOUTH CAROLINA

Ex-United States Senator McLaurin is Likely to Settle in Greenville to Practice Law.

Special to The State.

Washington, March 31.—John L. McLaurin, ex-senator from South Carolina, has decided to return to the State and resume the practice of law. McLaurin has been in New York for some time past in the hope of establishing himself there, but his schemes have failed and he will go south again. It is not known whether Mr. McLaurin will reside in Bennettsville, his former home, or not, but his friends here are inclined to think that he may establish himself in the upper part of the State, probably in Greenville.

The idea that he may again enter politics is not considered improbable.

A Barkey's Experience at the North.

Here is a story from Thomasville, Ga., where a brother of Hark Hanna lives and gives his experience with a Georgian barkey:

"Some years ago, Mr. Hanna took back with him to his summer home in Cleveland an old negro of the community named Ebenezer, commonly known as 'Uncle Eb.' The old man was given a room above the kitchen in the millionair's house and lived on the fat of the land. But he didn't seem to be happy, and finally he went to Mr. Hanna and said:

"'Marse Mal, I wants ter go back home.'

"'What's the matter, Eb? Don't we treat ya rite?'

"'Yes, oh yes! But I wainter go back! That was all that could be got out of him, so his boss put him on a train bound South.

"When Mr. Hanna came next to Thomasville he looked up his former protege and this is what he heard:

"'Yassir, boss, yassir, yo' treated me mighty fine and toat me home in Puhman cyar. I didn't know whar I was a gwine, but the white folks along with me called me mister and I felt mighty big. Then, bimoby, one day a conductor I ain't never seen before cum erlong and sez, sez he 'Whar you dein' in here you kinky-headed eon; git back in the jim crow cyar.' Den, bress God, I knowed I's back in old Gawgy!'"

A HIGH ESTIMATE OF TILLMAN.

His Speech at the University of Wisconsin Heard by 1800 People at Fifty Cents a Head.

Charlotte Observer.

University of Wisconsin, Madison, Wis.—Senator Tillman spoke here on the negro problem. The weather was bad, being cold and rainy. I walked in the auditorium a little late, expecting to find not more than 100 people present. Much to my surprise I saw an audience of 1,800 people, each member of which had paid fifty cents for admission.

There is something remarkable about this fact. Was this large audience due to the deep interest felt in the negro problem? If so, is it not remarkable that Wisconsin people should wish to hear a man on that subject who is known to represent views the most opposite from those now held, or formerly held, by the majority of the people?

Did these people come out to hear him simply because he is sensational; a man with a pitchfork, a sort of a wild man from Borneo? After hearing the speech I answered this question in the negative. I saw Senator Tillman in a new light. A few years ago I heard him in a South Carolina campaign. The subjects discussed were local and personal, and I came away unfavorably impressed. His speech here showed me that he had developed a good deal since that time. His style was better, his language better and his grasp of ideas and his store of information respecting history and literature were more those of the scholar and statesman.

There is no discounting the fact that Senator Tillman is a man of extraordinary power. The demagogue who rides into office upon the popular current may attract attention for awhile, but he soon collapses, as he has nothing solid to rest upon. Senator Tillman has been to the front too long to be classed as a demagogue. He is an honest man, an earnest man, a courageous man and fundamentally actuated by the highest feelings and sentiments. When he told this audience that all the political honors that could be heaped upon him were nothing compared to his love for his home and family he was loudly applauded. The people believed what he said. In this particular he is a genuine representative of the best that there is in the Southern men. However people may have differed from his reasoning and felt themselves opposing his ideas, they could not but realize that there was in the restless figure pacing up and down the platform a type of man too rare not to be admired. He suggests something of the rugged characteristics of Andrew Jackson, and in one sense he represents the best that there is, or ever has been, in Southern statesmanship. He has profound convictions, an overwhelming passion for the cause which he espouses, a frankness and an aggressiveness, together with the ability to hit the mark that he aims at, which are indispensable requisites of effective oratory. Attachment for some great cause and deep sincerity of purpose count for more than erudition, rhetoric, or grace of style. First of all, the orator or writer must have some irresistible devotion to a principle before he can hope to win and retain the ear of the public.

In the case of Tillman his passion is for Democracy, in the sense of maintaining the rights and manhood of the individual as against any political or economical or social domination. All of his feelings side with the commonality and oppose any power which may take an unfair advantage of the people. Of course he cannot appeal to the people of the opposite sentiments, although such people open their ears to him and dread him. It is his intense personality and burning love for Democracy which explain the secret of his power in South Carolina and explain why 1,800 people in this city pay \$500 to hear him speak.

Jerome Dowd.

FRAUD ON CONSTITUTION

Roosevelt's Act in Appointing Crum Violation of Constitution of United States.

The provisions of the Constitution bearing directly on the action of President Roosevelt in making Dr. Crum Collector of the port of Charleston are as follows:

1. "Before he (the President) enters on the execution of his office he shall take the following oath: 'I do solemnly swear that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect and defend the Constitution of the United States.'"

2. "He shall have power, by and with the advice and consent of the Senate, to make treaties; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for."

3. "The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of the next session."

4. "He shall take care that the laws be faithfully executed."

Mr. Roosevelt, as is known, has complied with the first of these provisions. The question is whether he has obeyed the second and third; whether he has "taken care" that the "laws" which they prescribe for the government of his conduct, be "faithfully executed"—or has taken care, rather, to misconstrue their plain terms; to evade their one right application; to execute them unfaithfully; to disregard his oath; and so to perpetrate a fraud on the Constitution. The third provision presents no difficulty or problem. Its obvious meaning is that, when the Senate has adjourned and is in recess, so that its advice and consent cannot be obtained, if an office happens to become vacant the President may fill it until the Senate has convened again and has had time to consider and act upon it. The commission so granted by the President is expressly made of temporary effect by the provision which authorizes him to grant it. Its tenure is not left to his discretion, or that of the Senate, or that of any other person or body, but is strictly limited and ordered.

The President and the Senate are thoughtfully allowed all the time of the "next" session of the Senate after the vacancy has happened and has been so filled temporarily, to advise and consult together regarding the fitness of the commissioned man. If the Senate consents to his "nomination" before the end of its session he is "appointed." If it do not, his temporary commission expires with the session. He has no further standing as an officer, under the Constitution, and the President cannot lawfully give him such standing. There is no provision of any law that authorizes or warrants in any degree the President to re-commission him anew, or to continue him in office for an hour. If he holds on to his office and acts in it, he does so solely on the President's personal authority, not on his official and lawful authority. All this is the obvious meaning of the provision. It is the only meaning which can be attached to it by any power or person who is "taking care" to construe it honestly and strictly according to the interest of its framers, and the "faithful execution" of the law it expresses must be in the line of such construction. There is no lawful alternative course. President Roosevelt has not so construed it; he has taken care to find and carry into effect another construction. He has adopted an alternative course. He has not faithfully executed the law, but has unfaithfully ignored it.

"There are precedents for his action," it may be said. Possibly there are. He did not "solemnly swear," however, to follow wrong precedents

(Concluded on fourth page.)