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THE TILLMAN TRIAL AT LEXINGTON.

Contention that Judge Townsend is not Eligible to Preside—Good Deal of a Legal Tangle.

Owing to the sickness of Judge Gage, who according to regular appointment was to be the presiding judge at the full term of the Lexington court, Chief Justice Pope some time since issued an order appointing Judge D. A. Townsend to hold the term of court for Lexington county which convenes on Monday, September 21st. On account of the fact that the case of the State vs. James H. Tillman, charged with murdering N. G. Gonzales, will be tried at this term of court, unless postponed, the appointment of Judge Townsend created a great deal of interest throughout the State.

Judge Townsend's regular appointment for the year would have carried him to Winnsboro on September 21st, to hold the regular term of court for Fairfield county, which convenes on the same day as the court for Lexington. Counsel for the State in Tillman's case thought that the status was questionable. They, therefore, brought a motion before Chief Justice Pope, in Spartanburg, on Monday, submitted by Solicitor Thurmond, objecting on a technical ground, and for no personal reasons, he said, to the appointment of Judge Townsend as judge for the Lexington court. Mr. Thurmond stated that the court at Winnsboro convenes on Sept. 21st, the same date as the court at Lexington, and it appears that Judge Townsend is assigned to hold the Winnsboro court. In addition at the Lexington court there will be some six or seven homicide cases to be disposed of, he said. In the opinion of Solicitor Thurmond, it would require about two weeks to try the Tillman case and this lengthy period of sessions, with Judge Townsend presiding, when it was an irregularity of the schedule of courts and judges, would possibly render questionable any verdict reached in the case. There was no personal objection to Judge Townsend, but a mere technical point as to whether he should sit at the Lexington court, when the regular appointment of his circuit would place him at Winnsboro at the time. The Cherokee court, Mr. Thurmond stated, would also be affected by this irregularity; it convenes on Oct. 5th.

The chief justice stated that he had received telegraphic and other notification to the effect that the Winnsboro court requested a postponement, and that a special term be given; he said that the entire bar had joined in this petition. This removed the possibility of the Lexington court and Winnsboro court coming at the same time. Solicitor Thurmond said that the Cherokee county court would be affected, convening on Oct. 5th, while the Lexington court must dispose of five or six homicide cases, not including the Tillman trial. This objection Chief Justice Pope insisted, might be overcome. The chief justice said that the attorneys for the defense had stated that they wished to make no expression of opinion in the matter, when notified that it would come up today for hearing; and he added that their story was a different one last week, when they had requested to be present at any hearing in order that both sides be represented. At the conclusion of Mr. Thurmond's remarks, the chief justice stated that he would act later in the matter, after fully investigating the state of affairs. There was no intimation as to when he would announce his decision.

THOUGHT IT MIGHT BE BENEF.

In the meantime Chief Justice Pope had wired from Spartanburg to Governor Heyward asking that Judge Benet be appointed to hold the court in Kershaw county, which began on last Monday. Kershaw is in the same circuit as Lexington, and it was thought possibly that Judge Benet would be allowed to continue throughout the circuit, thus holding the Lexington court. But it seems

now that such was not the intention.

WINNSBORO DOES NOT WANT POSTPONEMENT.

Special to The State.

Winnsboro, Sept. 15.—The members of the Winnsboro bar whom I saw this morning—and I saw a majority of the active members of the bar—were all surprised at the statement published from Spartanburg that the Winnsboro bar had petitioned Justice Pope for the postponement of the regular term, and the appointment of a special term. They were all unanimous in the statement that no such petition had been sent, and on the contrary were emphatic in their statement that the majority, if not all of the members of the bar of Winnsboro not only did not want the regular term postponed, but they wished it held, and wished it held by Judge Townsend and no one else.

The real status of the situation given as nearly as possible in the composite language of several members of the bar, is that the bar was put into a state of uncertainty by the announcement last week that Judge Townsend had been appointed to hold court in Lexington instead of Judge Gage. They knew that Judge Townsend was scheduled in accordance with the provisions of the constitution and statute law to hold court in Winnsboro, at the same time that court was to be held in Lexington. They were aware of the constitutional objections to any other than the present judge of their circuit holding court in Winnsboro, when the judge of that circuit, Judge Townsend, was able to act. They were aware that neither Justice Pope nor any other authority could postpone, or call off a regular term of court, that the court would have to be opened each day by the clerk and adjourned from day to day for two weeks even in the absence of the judge of the circuit, or that the judge of the circuit would have to open court himself and adjourn sine die. Hence at a meeting of the bar held some days ago, with this knowledge and with the matter of Judge Townsend's appointment to Lexington not yet absolutely settled, the bar simply decided to await developments, and took no action. But as stated above by Senator Ragsdale, and by others to me personally, there was the evident desire on the part of the majority of the members of the bar that the regular term be held, and that it be held by no one else than Judge Townsend to make it legal and proper.

The members of the bar with whom I talked were at a loss to understand how the impression had been conveyed to Justice Pope that they desired a postponement of the regular term, as the only communication any of them had with him was a personal letter of inquiry from Mr. J. E. McDonald. Mr. McDonald did not have a copy of his letter, which he said, however, he would be glad to have published. He had inquired of Justice Pope as to the assignment of Judge Townsend to Lexington, and had stated that if Judge Townsend was not to come to Winnsboro for the regular term, that no one else be sent, but a special term be held the third Monday in October. McMaster.

Baby Carriages as Baggage.

Solicitor J. M. Johnson has written to Attorney General Gunter in reference to a bill that was introduced in the General Assembly at its last session requiring railroads to carry baby carriages as baggage. Mr. Johnston states that he has received several complaints from parties asking why the law was not enforced.

Attorney General Gunter has looked up the bill referred to and found that it passed the House of Representatives, but was continued by the Senate until its next session. The Attorney General some time ago ruled, however, that baby carriages should be regarded as baggage when they are carried by a passenger for the use or comfort of a member of his family on their journey. In such cases the railroads are required to check them.

THE FLORIDA HURRICANE.

Much Damage to Crops and Fruits—Wrecks Along the Coast—A Number of Lives Lost.

Jacksonville, Fla., September 16. A terrific hurricane swept over middle and south-west Florida the latter part of last week, its greatest strength being felt on Friday and Saturday. Owing to the fact that it was for several days impossible to get trains through on account of wash outs and all the telegraph and telephone wires were blown down, news from the storm-swept district came in very slowly.

Probably half of the orange crop was cut off around Tampa and one-fourth on the east coast. Great damage was done to growing cotton and the turpentine industry was seriously injured.

Two lives were lost in Tampa. Louis Baron, a cigar-maker, was struck by falling timber, and T. Y. Hunnicut, a motorman, was fatally shocked by a live wire. Buildings were blown down, the total property loss at Tampa being estimated at \$50,000.

At Palm Beach serious property loss was suffered, the opera house and a number of other buildings being blown down.

Three negroes were killed by falling timber at Gainesville.

The phosphate plants at Mulberry were greatly damaged; Bartow and Phosphoria suffered serious property loss.

The loss to the orange crop around Zolfa is between 25 and 40 per cent.; the property loss about \$10,000; one life was lost.

Great numbers of vessels were wrecked along the coast, with little loss of life.

THE HURRICANE IN ALABAMA.

Specials from Opelika, Eufaula, Ozark, and other points, tell of great damage in Alabama. Houses were unroofed, trees uprooted, and great damage done the cotton crop.

A TORNADO IN GEORGIA.

A dispatch from Moultrie, Ga., says a cyclone from the south-west struck the northern part of the town at 2 o'clock Tuesday morning, and caused damage to the amount of about \$30,000. No loss of life.

SOUTH CAROLINA NEWS.

Items of More or Less Interest Condensed In the State.

The body of Private John R. Keith, with three hundred and two other dead soldiers from the Philippines, was brought to New York and shipped to his home in Oconee county this week.

The sheriff of Saluda county who was placed in jail charged with murdering a negro on the streets of his town recently, has been granted bail in the sum of \$1,000 by Judge Townsend.

A negro at North, near Columbia, has invented a gate which can be used to prevent stock from getting out of pastures when open, and which permits them to go from one pasture to another across the road when the gate is shut.

Charleston's latest dispensary muss is due to the election of W. H. Wholers to be beer dispenser. It is charged that he has been convicted of violating the dispensary law, and the law forbids any one convicted of its violation ever after to serve as dispenser.

A young negro named Stence Wise was killed on the Mt. Willing road in Saluda county on Saturday night. No clue has been found to the man who committed the deed. It appears to have been a brutal and unprovoked shooting of an inoffensive negro boy.

Acting Postmaster General Britton has promised Senator Clay of Georgia that none of the free rural mail delivery routes now in operation in the South shall be discontinued. There has been a feeling of alarm in some sections owing to the threatened curtailment of the service.

GENERAL NEWS NOTES.

Items of More or Less Interest Condensed Outside the State.

Two Alabama farmers convicted of peonage and sentenced to terms of imprisonment have been pardoned by President Roosevelt.

Mrs. Louise Tideman, at Gull Point, near Pensacola, Fla., on Wednesday, while shooting at a hog, shot and killed the little daughter of her neighbor.

C. H. Wegner, a Prussian piano tuner 70 years old, committed suicide in his apartments at Richmond on Tuesday by hanging himself. He was in bad health on account of indigestion.

Secretary of the Treasury this week designated about fifty national banks in various parts of the country as depositories of public funds and ordered about \$4,000,000 deposited with them.

Two men were killed and many others injured by an explosion of dynamite in a freight car at Bay City, Mich., on Sunday. The explosion was caused by the engine backing against the car to couple.

There was a pretty exhibition of mimic warfare off Newport, R. I., on Tuesday, which demonstrated the importance and the effectiveness of the navy's submarine boats. The submarine torpedo boat succeeded in torpedoing the torpedo boat Craven.

William Williams, a negro labor leader, was lynched on Main street in Centerville, Miss., on Tuesday, for killing a white man who had remonstrated with him about his conduct in employing negroes for contractors in other parts of the State and enticing employes to leave.

The dead body of a young white man was found this week in a freight car in Charleston, W. Va., loaded with watermelons. The car had been shipped from Richmond. The young man had evidently been dead several days. His skull was fractured and the pockets of his clothing were turned inside out.

A number of scandals have been unearthed in the management of the Eastern State penitentiary at Philadelphia. The latest disclosure is that the prisoners have been illegally coining many minor silver pieces of money. The molds, it is said, were made of plaster of paris, scraped from the walls of the cells.

The report of the engineer officers of the army concerning the proposition for an inland water route between Norfolk, Va., and Beaufort Inlet, N. C., recommends that the route be constructed, the cost being estimated at about \$10,000,000. The proposed construction of this route is a matter of vital concern to all Atlantic Coast States.

It is reported from St. Paul, Minn., that there have been heavy storms in the North-west this week. The losses amounted to \$250,000 a day for several days, and there were several fatal railroad wrecks, numerous derailments, wash-outs, telegraph wires broken down, a soaking rain in progress over several States, and snow-plows working on the western railways. It has been years since there was a situation so serious.

The steamer New Orleans, Baltimore to Savannah, was disabled off Hunting Island, S. C., Sunday night during the great Florida storm with 25 passengers on board. The Dutch steamship Voorberg, passing, was hailed, but refused to stop. When the New Orleans finally reached Savannah the Voorberg was passed in the harbor and was hissed by the passengers of the New Orleans.

Three men—the sheriff and his deputy and a man known as McVagle, who had just been arrested on a charge of swindling—were shot and killed at the jail at Elma, Tex. The officers were just about to search the prisoner before incarcerating him when he opened fire, mortally wounding both officers. The sheriff, while falling, drew his pistol and shot at the prisoner point blank, killing him instantly.

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LITTLE MOUNTAIN, S. C.