

The Lexington Dispatch.

G. M. HARMAN, Editor.

WEDNESDAY, FEBRUARY 22, 1893.

"The State Humiliated."

Able Utterances on the Railroad Cases by an Independent Paper.

We publish below an editorial from the Charleston Sun on the decision of Judges Goff and Simonton in the railroad cases, which meets our approval that we transfer it to our editorial columns:

We are bound to say that we consider as most unfortunate the result of the preliminary skirmish between the State and the United States Courts on the question of the liability and status of insolvent corporations in the hands of receivers as regards their relations to the sovereign power of the State and its hitherto scarcely disputed prerogative of assessing and collecting the taxes it deems necessary for the purposes of government.

For this was the issue which was really passed upon by Judges Goff and Simonton in the United States Court yesterday, no matter upon what side issues the question was branched off through the ramifications of legal technicality and the application of inconclusive precedents.

The Supreme Court had, after due process, declared this court without jurisdiction to enter into the merits of that question. Those of the corporations which were solvent were debarred by its decision of further stay of the State's hand. Not so the insolvent corporations. The very court whose jurisdiction to pass on the question was overruled declared that its instrument and organ—the receiver who held the property of the insolvent corporation which had been committed to its charge—was a competent judge to decide upon the merits of the question which it, the principal, had been denied the right to inquire into, and that in this indirect and scarcely merit worthy way it could and did obtain that jurisdiction over the subject matter which it had been denied the right to come by directly. This may be law, it can scarcely be equity.

One would naturally think that in passing upon a question so far reaching and vast in its results; so utterly reversing all ideas of common justice

whose precepts though not in the books are sometimes little less than divine, to season justice with mercy in the case of the Sheriff's who believed, however mistakenly, that they were performing their duty in carrying out their instructions?

Was it a case and circumstances under which such severe penalties could be wisely imposed on them, considering that their crime was merely constructive at worst?

Is it not enough that the State is enlightened with regard to the erroneousness of its former views, but necessity is also found to impress it on her by such severe and plenary discipline of executive agents and instruments? Has it come to that pass where a State cannot test her sovereign rights by effectual—may, aggressive—action without having before her eyes the unworthy fear and threat of punishment?

As we have said before, we regard the outcome of these cases as very unfortunate, even if it was the only solution. It is unfortunate, we think, for the railroads, inasmuch as it is essential for them to have the good will of the people, and the impolicy of antagonizing them, as they must stand by the State, would seem apparent, as suggested in his speech by the able and judicial minded counsel of the respondents, Mr. Samuel Lord, whose digest of the points presented in behalf of the Sheriff is reproduced elsewhere in this paper today.

It is unfortunate to see some of our people so obviously swayed by prejudice and passion as to forego their traditional training and life long principles of State and national relation—whether correct or incorrect—not as an act of judgment, but through the influence of political and personal pique, and to gloat over and triumph in the discomfort and humiliation of the mother State for any reason. These things we deplore. We deplore the injection of political prejudice, however slightly, into the discussion of questions before the courts. And we wish to be understood that this sentence is only intended generally and is without reference to the esteemed judges of the United States Court. But it all tends to widen, intensify and perpetuate the division among our people and to hand down a feud which should have terminated with the immediate contest which provoked it.

The affidavits submitted to the court in the Kinard case...

Court. Court of General Sessions for Lexington county commenced Monday the 20th instant, Judge I. D. Witherspoon, presiding.

Mr. G. A. Derrick was selected as foreman of the grand jury. The case of George Kinard, indicted for criminal assault upon a white woman at Irmo last year, was called for trial Monday. Mr. Monteith, Kinard's Attorney, made a motion for a change of venue upon the following affidavits:

MORE AFFIDAVITS.

Personally comes Walter S. Monteith who, being first duly sworn, says on oath: "That since the last term of this court he has diligently attended to preparing for the defence of this case, and has inquired as to the possibility of the defendant, his client, getting a fair trial in this county. That an affidavit stating the condition of things as they existed at last term of court is on file in this cause, and deponent here says that they have not materially changed. That deponent has been repeatedly notified by persons whose statements are entitled to credit, that it will be impossible for the Sheriff to bring the prisoner from where he now is alone to the court room without a strong guard, and even then it will doubtless be extremely difficult, as violence continues to be freely threatened. That a perfect reign of terror exists, and it is impossible for the counsel of the defendant to secure any considerable number of affidavits in support of a motion to change the place of trial, as the very best citizens to whom said counsel have applied, while willing to admit that the danger exist declare a positive disinclination to make affidavit to that effect. That after the arrest and examination of the prisoner and his commitment, a plan to lynch the prisoner was formed and a large number of persons visited Lexington, C. H. for such purpose, and they were only frustrated in their design by the fact that the Sheriff received warning, and upon consultation with the Governor, removed the prisoner before their arrival. That during yesterday a large number of persons said to be from Lexington county, came to the city of Columbia, and declared it to be their intention to intercept the Sheriff and take the prisoner from him, they believing that he was to be carried over to this point this morning. This fact was brought to deponent's notice yesterday at about 4 p. m., by persons who the possession of the Dispatch...

...to his residence, to give him...

...to his residence, to give him...

larceny and sentenced to six months in penitentiary.

Walter Thibault was convicted of assault and battery and sentenced to four months in penitentiary.

Mack Cooper charged with the murder of Thomas Leaphart was convicted of manslaughter. He was sentenced to 1 1/2 years in penitentiary.

B. H. Earhardt received a sentence of \$50 fine or four months in penitentiary for committing a breach of trust. His attorney, Mr. C. M. Eñrd gave notice of appeal and will take the case to the Supreme Court.

PRESENTMENT OF THE GRAND JURY.

"The grand jury of Lexington county beg leave to make the following presentment: A committee from our body visited the poor house, and we are proud to state that they found only five inmates therein, who are well cared for. The inmates and stewards wife complained of the drinking water, and on examination the well was found in a bad condition. We recommend that the County Commissioners investigate this matter, and take such steps as may be necessary to procure better drinking water for them. We also find that two of the inmates are insane and fit subjects for the lunatic asylum, one of them has to be kept locked up all the time.

We have examined the county jail and find that the cells are not in as clean a condition as they should be. We recommend that the cells be thoroughly scoured out and put in a clean condition at once. We also found the sewerage of the jail imperfect, and recommend that the County Commissioners examine same and see if it cannot be improved without too great an outlay of money. We have not examined the public offices but have appointed the following committee for that purpose, to wit: George A. Derrick, P. I. Rawl and A. L. Hook, and that they have leave to employ an expert if necessary.

Only two Trial Justices have presented their books to us for examination, to wit: Jacob W. Dreher and R. L. Kiser. On examination of Trial Justice Dreher's books we found them well kept, all fines collected by him were paid over to the Treasurer and receipted for. We feel it our duty to compliment Trial Justice Dreher on the business like manner in which his books are kept.

Trial Justice Kiser's books are neatly kept, but he had neglected to enter in his books the receipts of the County Treasurer for the fines paid over to him.

tute legal proceedings against him at once. S. J. Wessinger and T. J. Glaze are material witnesses to prove above charge.

We understand that there are several Trial Justices in the county who have no bonded constables as required by law. We recommend that Trial Justices require their constables to execute the proper bonds according to law.

The Court of General Sessions closed today, and Court of Common Pleas is now in session.

Church Dedication at Leesville.

To the Editor of the Dispatch: Please announce that our new church building at Leesville will be dedicated on the 4th Sunday of this month, 11 a. m. Dedication Sermon will be preached by Rev. J. A. Sligh, Rev. Prof. Fox, of Newberry College, will preach on Saturday previous, at 11 a. m., and on Sunday afternoon. We invite the public to these services. Yours truly, L. E. Busby, Pastor. Leesville, S. C., Feb. 13, 1893.

The State Wins.

Port Royal Railroad Shall be Released, Says Judge Aldrich.

Augusta, Feb. 18.—A special from Beaufort says: Judge Aldrich has rendered a decision in an application for two bills brought by the State of South Carolina and by B. King and other stockholders of the Port Royal road for breaking of the lease held by the Central Railroad, sustaining the complainants and appointing J. H. Averill receiver.

Cemetery Association.

To the Editor of the Dispatch: Please announce through your paper that the members of the St. John's church, (Clark's Road) Cemetery Association is requested to meet on Saturday, the 4th day March next, at 2 o'clock p. m. D. Kyzek.

NERVOUS DEBILITY cured by the use of AYER'S Sarsaparilla. Tones the system, makes the weak strong. Cures Others will cure you.

COLUMBIA, NEWBERRY AND LAURENS RAILROAD. Time Table No. 1, to take effect Sunday, June 5th, at 12:01 a. m. Eastern Standard Time.

Table with 2 columns: Stations, and Times. Includes routes to Columbia, Newberry, and Laurens.

RICHMOND & DANVILLE RAILROAD COMPANY.

F. W. HIDEKOPER and REUBEN FOSTER, RECEIVERS.

SOUTH CAROLINA DIVISION PASSENGER DEPARTMENT.

CONDENSED SCHEDULE. IN EFFECT NOVEMBER 24, 1892. (Trains run by 75th Meridian time.)

VESTIBULE—LIMITED.

Table with 2 columns: S. Bound, N. Bound. Lists routes to New York, Philadelphia, Baltimore, Washington, Richmond, Greensboro, Salisbury, Charlotte, and Savannah.

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W. L. DOUGLAS \$3 SHOE FOR GENTLEMEN. A sewed shoe that will not rip; soft, stylish and durable than any other shoe ever sold at the price. Every style. Equals custom-made shoes costing from \$4 to \$5.

J. W. LONG, LEXINGTON, S. C. SNOW STORMS ARE OVER, NOW GET READY FOR SPRING.

POST OFFICE BLOCK DRY GOODS STORE AT EXTRA LOW PRICES.

C. F. JACKSON, MANAGER. POST OFFICE BLOCK, COLUMBIA, S. C.

SEASONABLE GOODS. Having purchased the largest assortment of Christmas goods ever brought to this city which will arrive during next week, we find we need more room, and in order to have it well closed out about

5,000 PAIRS OF LADIES' SHOES AT 50 CENTS A PAIR.

week. In the meantime the prisoner would be in order from this court.

W. S. MONTETH.

LAWYER BAUSKETT ALSO MAKES A STATEMENT. Mr. John Bauskett, associate counsel with Mr. Monteith in the case, also filed an affidavit corroborating the material points of Mr. Monteith's paper, and states that he had opportunities of judging of the feeling against the prisoner and believes that he cannot get an impartial trial at Lexington C. H.; and also feels confident that upon a fair and impartial trial the prisoner can prove per adventure his complete innocence of said crime; he, therefore, also asks for the change of venue.

Mr. Monteith then presented to the court the following

ADDITIONAL AFFIDAVITS:

Personally comes C. M. Eñrd who, first being duly sworn, says on oath, that he is an attorney and resides at Lexington; that it is his opinion that if George Kinard was brought into court and a jury impanelled to try his case, that he would be fairly tried; but thinks there is danger of interference from outside parties, citizens of the county, if an attempt is made to bring him here for trial from Columbia.

C. M. Eñrd.

Personally comes George S. Drafts who, being duly sworn, says he is the Sheriff of Lexington county; that upon a warning given him of a contemplated attack upon his jail, he removed his prisoner, George Kinard, to the penitentiary at Columbia, by order of the Governor, for safe keeping; that so many threats are made, and so much has been told to this deponent that he here says that without a strong guard to protect him from violence from outsiders this deponent does not believe he can bring the prisoner to court for trial.

GEORGE S. DRAFTS.

Upon the showing made, Judge Witherspoon granted the change of venue, and the case was ordered sent to Columbia for trial at the next term of court for Richland county, which will be the fourth Monday in March.

Six cases were disposed of by jury trial as follows:

Ors Sulton, Sallie Kinard, Mary Metz and Eliza Elzezer who were indicted on the charge of larceny from the field were acquitted. John Bickley was found guilty of

The other Trial Justices of the county have neglected to present their books to us for examination. We insist that they be required to send them to us for examination at the June term of court.

We insist that Trial Justices should thoroughly investigate each case before sending it up to the court of sessions. The practice of Trial Justice in sending up a large number of cases without any evidence to sustain them, and in binding over a large number of immaterial witnesses should be rebuked, and if not discontinued the Solicitor should take some action to speedily remedy the evil so as to save so much unnecessary costs and expenses to the tax payers of the county.

We have received an anonymous petition signed "Citizen of Fork Township," setting forth a supposed grievance of obstructing Broad river by the canal dam, preventing the passage of fish up said river. We cannot consider such petition unless the signature of some person is attached to it. The citizens of any community, having any grievances, and presenting them in proper form, this body, as their servants, will give them due consideration.

The attention of the grand jury has been called to the fact that at two incorporated towns in the Fork, to wit, Chapin and Peak, there are unlicensed bar rooms, known as literary or social clubs, in which intoxicating liquors have been and is now being sold. We recommend that the Solicitor take such steps at once as may be necessary to suppress this growing evil.

Messrs. Smith and Caughman, County Commissioners, appeared before our body and made it known that the town councils of some of the incorporated towns of this county are not keeping their roads in proper condition, notably, "Three Dog road," in the corporate limits of Spring Hill, is in almost an impassable condition.

The public roads of the county we find have been generally worked, but are in a bad condition in consequence of the wet weather.

Complaints having been made to us that Trial Justice J. G. Maxey had collected fines and failed to pay over the same to the County Treasurer, and had also collected the salary of his constables and failed to pay the same over to them, upon examination of the matter and the taking of testimony of witnesses, and the examination of the books of the County Treasurer and County Commissioners, we found that the complaint is well founded, we, therefore, recommend that the Solicitor insti-

lution against the defendant.

W. H. FITZGIBBON, Agent, COLUMBIA, S. C.

Has reopened at the old stand, with a full stock of LIQUORS, WINES, BEER, CIGARS, ETC. Free Lunch every day. Feb. 15-17.

FOR SALE, LESS THAN COST. That large horse and two acre lot with out buildings in Lexington, lately owned by W. J. A. S. Assmann. Terms easy. Apply at BRYAN'S BOOK STORE, Feb. 6, 1893. Columbia, S. C. 4w15

P. W. HITE, M. D., PHYSICIAN AND SURGEON. Summit, S. C.

The State of South Carolina, COUNTY OF LEXINGTON. IN COMMON PLEAS.

William J. Assmann, Clerk of the Court for Lexington County, plaintiff, against T. E. Rawls, and others defendants.

PURSUANT TO THE ORDER OF THE Court made in the above case, and on the public of the Clerk of Court, I will sell to the highest bidder before the court house door of said county, on the first Monday in March next, to wit, March 6th, 1893, during the legal hours of sale, the lands mentioned in the complaint in the case and described in the judgment for foreclosure therein as follows:

One containing five hundred and seventy-one acres, more or less, originally granted to Cornelius Clark on the 13th of January, 1810.

One containing nine hundred and seventy-one acres, more or less, originally granted to Gabriel Friday, and one other tract containing one thousand acres, more or less, originally granted to William Kinsler.

On the following terms, to wit: one-third cash, and the balance in two equal semi-annual installments from the date of sale, with interest from said day of sale at the rate of 7 per cent. per annum, payable semi-annually; the credit portion to be secured by bond or bonds of the purchaser or purchasers and mortgage of the premises sold. The purchaser to pay all taxes falling due and payable on and after the day of sale, and the Sheriff for papers, and to have the privilege of buying the same.

GEORGE S. DRAFTS, Sheriff Lexington County.

Lexington, C. H., February 7, 1893. 4w15

LIFE FOR THE LIVER AND KIDNEYS. KIDNEY TROUBLES when all else fails. -50c, 50c, \$1.00.-LIFE MEDICINE COMPANY, Spartanburg, S. C.

At New York, N. Y. On trains 37 and 38 Pullman Sleeper between New York and Montgomery. For detailed information as to local and through time tables, rates and Pullman Sleeping Car reservation, confer with local agents, or address

W. A. TUCK, Gen. Pass. Agt. S. H. Handwick, Gen'l Mgr. Wash., D. C. As Gen. P. A., V. I. McBee, General Superintendent, Columbia, S. C.

W. H. GREEN, Traffic Manager Washington, D. C. WASHINGTON, D. C.

"OLD RELIABLE" SOUTH CAROLINA RAILWAY. TIME CARD. COLLECTED NOVEMBER 20, 1892.

Through Trains between Charleston and Wallhalla, via S. C. Rwy and R. & D. R. R.

South Bound. No. 12. No. 20.

arrive Charleston 10:30 p m 12:40 p m leave Summerville 9:47 p m 10:30 a m leave Branchville 8:25 p m 10:30 a m leave Orangeburg 7:43 p m 9:42 a m arrive Seneca 6:10 p m 8:05 a m arrive Columbia 6:05 p m 8:00 a m leave Newberry 4:25 p m 6:20 a m leave Greenwood 2:53 p m 4:48 a m leave Anderson 1:15 p m 3:10 a m leave Seneca 12:16 p m 4:11 a m arrive Wallhalla 11:40 a m 3:40 a m leave Greenville 12:00 p m 4:00 a m "Supper."

North Bound. No. 31. No. 11.

leave Charleston 5:45 p m 6:50 a m arrive Summerville 7:28 p m 8:25 a m arrive Branchville 8:30 p m 9:45 a m arrive Orangeburg 9:00 p m 9:15 a m arrive Columbia 10:20 p m 11:40 a m arrive Newberry 11:20 p m 12:40 a m arrive Greenwood 3:37 p m 4:45 a m arrive Anderson 4:35 p m 5:45 a m leave Seneca 6:52 p m 8:00 a m leave Wallhalla 7:00 p m 8:10 a m arrive Greenville 5:00 p m 6:10 a m

FAST EXPRESS BETWEEN CHARLESTON AND ASHEVILLE CARRYING SLEEPER.

12:01 p m leave Charleston arrive 1:30 p m 6:50 p m arrive Spartanburg arrive 10:20 a m 10:10 p m arrive Asheville leave 7:00 a m

AUGUSTA DIVISION. South Bound. No. 1. No. 37.

leave Charleston 6:50 a m 5:45 p m leave Summerville 7:28 a m 6:32 p m leave Branchville 9:00 a m 8:07 p m leave Denmark 9:45 a m 8:45 p m leave Blackville 10:00 a m 9:17 p m leave Aiken 11:02 a m 10:22 p m arrive Augusta 11:50 a m 11:15 p m

North Bound. No. 26. No. 44.

leave Charleston 12:40 p m 10:20 p m leave Summerville 11:52 a m 9:47 p m leave Branchville 10:30 a m 8:25 p m leave Denmark 9:45 a m 7:45 p m leave Blackville 9:38 a m 6:48 p m leave Aiken 8:32 a m 5:40 p m arrive Augusta 7:45 a m 4:50 p m

CAMDEN DIVISION. 6:50 a m leave Charleston arrive 10:20 p m 9:00 a m leave Columbia arrive 7:45 p m 6:50 p m arrive Spartanburg arrive 10:20 a m 11:30 a m arrive Camden leave 5:10 p m

2,750 Yards Dress Goods, in Remnants, regardless of cost. The remaining amount of Cloaks and Jackets at a reduction of 25 per cent. To those who are in need of Tassels, Bells, Fringes, Ribbons and Corals for Fancy Work we are satisfied we have what they want. We also call attention to our

Stamped Linen Department. Where you can find Doilies, Bibs, Tray Covers, Splashes, Sideboard and Table Scarfs, Mats, Tidies, Head Rests, Cuff and Collar Bags and many other articles useful and suitable for Christmas presents.

McCREERY'S IMPROVED RACKET, COLUMBIA, S. C. November 2-ly.

To the Citizens of Lexington. As I am determined to close out all my Vehicles regardless of cost. I will sell you anything in this line at a much lower figure than you can obtain anywhere else.

Will also sell at bottom prices, Harness, Saddles, Brides, Whips, Laprobes, Flow Gears, Saddle Blankets, and everything else in this line. Call and you will be convinced that it is to your interest to buy of me.

J. S. DUNN, 136 MAIN ST., COLUMBIA, S. C. jan. 21, 1891-ly

EDMUND'S BARGAIN HOUSE. THIS SPACE IS RESERVED FOR R. H. EDMUNDS, JR., BOOTS, SHOES AND HATS.

DRY GOODS, CLOTHING, TO ANNOUNCE THE UNPRECEDENTED BARGAINS WHICH HE IS OFFERING IN DRY GOODS, CLOTHING, Boots, Shoes, Hats and Caps, TO THE PEOPLE OF LEXINGTON COUNTY. Keep an Eye on this Space. EDMUND'S BARGAIN HOUSE.