THE VOICE OF COMMON SENSE

Patriotic Utterances of Sober Minded Writers.

The Tillman Trial.

Carolina Spartan.

When twelve honest jurors have heard the evidence and declared on oath the innocence of a citizen, it lies not in the mouth of any man to question that verdict. All men are honest until the contrary is shown. The Lexington jury was probably not materially different from the average jury. There is no evidence of undue advantage by the defense in the Tillman trial and for newspapers to go behind the verdict of a jury obtained in a fair trial, is anarchy.

That Tillman shot Gonzales is undenied. That he shot him down deliberately, as he would a dog, is equally plain. The jury has once more as it has many times before, appealed to that higher law, which decrees that the frailties and weaknesses of human nature must be taken into account when under persistent persecution, the worm turns.

A brave man, honest, able, clean, and forceful in every sense, Mr. Gonzales was, nevertheless, a stirrer of strife and was fast becoming a political power capable of "puffing and crushing" at will. Like his prototype, the late Editor Dawson, he was removed from the scene while in the heyday of his strength.

The Tillman trial is but another illustration of the fact that juries sometimes disregard law and evidence at the behest of a sentiment.

There is no evidence of trickery. The jurors and the witnesses stand unimpeached. And yet the facts are that Editor Gonzales was shot down with deliberation and premeditation without warning or a chance for his life; and the jury says "not guilty," of the slayer.

In our view, less politics were injected into this trial than might have been expected. Less defense was set up than might have been made. Tillman went before the jury practically with the plea that he felt called upon to kill the man who had so persistently written against him in his paper.

We can well imagine that in the jury room, the several Lexingtonians read over and over the editorials that from time to time, appeared in The State. They placed themselves in the defendant's place, they felt the effect of a merciless persecution by one who had the power to hurt. They saw as the public sees that while the charges made may have been true, there was a "ghoulish glee" behind them, that the editor of a powerful newspaper, having personal animosity and private grievance was using his paper to defeat political aspirations of this man with whom his personal relations were so strained.

The jurors, doubtless, argued that if a man who had a grudge against any of them and having a newspaper should prostitute the press to the ignoble task of punishing an enemy whether the accusations were true or false, they would resent it.

All this talk about South Carolina being humiliated, about civilization being set back and the verdict being unprecedented or unexpected, is the veriest rot. An even more unprovoked killing occurred in North Carolina and the slayer was liberated on almost the same day and yet the world moves on.

But the effort to criticise the attorneys for the defence for undertaking this case because they had formerly been of an opposing political faction, the effort to charge without rhyme or reason that the judge, the jury and the populace generally were prejudiced, tends to undermine the jury system and is close akin to anarchy.

To charge that a man who, having been tried by his peers and declared "not guilty," is a murderer, is not calculated to strengthen our civilization, to promote good citizenship or contribute to the well being of the State.

The liberty of the press and the right to criticise is a valuable and a sacred one, too sacred to be turned to the shield of the every penny a liner who imagines that it is smart to say that men on oath perjured themselves, that judges on the bench were partial, that witnesses were suborned, that a whole county was prejudiced. If a writer knows facts to justify such charges, it is his duty to give them. If he cannot do this, it his duty, under the salutary rule of presuming innocence until guilt is proved, to refrain from wholesale accusations.

The Tillman Trial.

Orangeburg Patriot.

The Tillman trial is over. The result is no surprise to those who have watched not only this particular trial, but others of like kind in the past.

Every newspaper in the State is delivering its own special and particular opinion about the jury. The verdict has evoked some very caustic craiticism, many broad insinuations, and a few direct and very serious charges.

We entertain certain views on this noted case but we have little or no hope that they will suit the partisans of either side.

In the first place, it was a political trial warp and woot. It was not only political, it was partisan and there is no use to deny it. Therefore the verdict pleases one class of partisans and outrages the other.

Having never advocated Col. James H. Tillman in his political aspirations, and having never endorsed the late editor Gonzales' methods of political warfare, we can not justly be accused of being a partisan of either.

Our comments shall be made chiefly upon the jury, upon the witnesses and upon the attorneys. Many have insinuated and quite a number have asserted that the jury was "packed," that witnesses were bribed to swear falsely and that the entire trial was a farce and an outrange. All this may be true, but not to an unbiased looker on, most of the newspaper comments upon "purchased" jurors, "perjured" witnesses and "bribed" witnesses seemed to have based their assertions upon the presumption that every witness for Tillman lied, that every circumstance in his favor was trumpted up and that all the witnesses for the State told the truth—that the jurors should believe all that the witnesses for the prosecution said and nothing that the witnesses for the defense said. In all of these presumptions they may have been right, but we shall not essay to judge.

But why should those jurors be accused of being "bought up?" Did not the Judge charge them to give the prisoner the benefit of the doubt? And was there enough conflicting testimony to awaken a doubt in their minds if, as they swear, their minds were unprejudiced when they went on the jury? It must be remember that these jurors were sworn and instructed to bring in a verdict, not according to ther personal beliefs, prejudices or predilections, but according to the evidence, giving the prisoner the benefit of the doubt. How were the jurors to know that all the lying was on one side and all the truth on the other? Most of the witnesses were strangers. Those for the prosecution testified one thing; those for the defense, another. Was not a reasonable doubt inevitable to all except to those partisan who, on the one hand, had made up their minds, before the trial, that Tillman should be acquitted and, on the other hand, to those who had made up their minds that he should be hanged for murder?

How were the jurors to determine? "Look at the mob that testified for the defense," one partisan will say. "You would not be surprised at the verdict had you seen the jurors," says another partisan.

Such remarks as these bring us to the main point we started out to stress. We recognize the danger to society when men may be shot down for criticising, in a legitimate way, the records of public men. But is there not a greater danger to society in the presumption that men are more truthful and trustworthy because they wear better clothes and use more polished language?

We have no patience with any such theory. A man's varacity is not to be measured by the color of his necktie, nor the height of his standing collar, nor by the crease in his trousers, nor by the polish on his shoes.

A man is not necessarily purchasable because he wears patched breeches and a seedy hat; nor is he more likely to be a perjurer because he earns his living by muscle instead of by his wits; nor, perchance, he hasn't enough education to know a sight draft from a promissory note.

Lastly, the latitude allowed attorneys in which they may honorably go counter to their personal convictions, either in defending or prosecuting a case, is entirely disapportionate to that allowed witnesses and jurors in testifying and deciding a case. For the sake of arguments, or illustration, let us suppose that an attorney takes the wrong side of a case for a "fee". Suppose then, a juror on the same case decides the same way for a "consideration." In what way shall we measure the moral quality of their respective acts or differentiate the moral quality of the moral principle involved in each? How much better or worse, how much more honorable or dishonorable is it to advocate a wrong cause for a "fee" than it is to decide a cause the wrong way for a consideration?

These are questions that an unbiased public must answer before it undertakes to heap moral obliquity upon the jurors and witnesses in the Tillman trial. The one may have been bribed and the other may have lied be their judge.

In the Coal Trust.

New York, Oct. 21.—It is reported here today from Montreal that the Dominion Coal company had reduced the dividend on its common stock from eight to six per cent. a year.

The Extra Privilege.

One has to pay $15 for a license to shoot deer in Maine. Aut, then, the license also carries with it the right to shoot some other hunter, by mistake for a deer.