

The Herald and News

VOL XLVI NO. 14

NEWBERRY, S. C. TUESDAY, FEBRUARY 13, 1909.

TWICE A WEEK. \$1.50 A YEAR

LAST WEEK OF THE GENERAL ASSEMBLY

A FILIBUSTER IS ON IN BOTH HOUSES.

Prohibitionists Trying to Force a Vote on Their Measures—Very Little Accomplished so Far.

Columbia, Feb. 15.—Saturday is the fortieth day of the legislative session, and in all probability the general assembly will adjourn some time Saturday. Some of the members think that adjournment will be reached some time late Friday night. There have been threats from the State-wide prohibitionists that they were going to keep the legislature in session indefinitely unless a vote were reached on the prohibition bills, but those who have watched the sessions of the legislature for a number of years have no idea that the present session will go beyond the forty days.

There is no limit to the session, and, as a matter of fact, there was no limit last year, except as to the pay. This year the members receive \$200 each for the session, whatever its length. Last year and during previous years they received four dollars per day for not exceeding forty days. They could adjourn as soon after they met as it was possible for them to do so, and receive four dollars per day each for the days they were in session, or they could run beyond the forty days, their pay, however, stopping at the end of the forty days. An adjournment was always reached by the fortieth day. The members rightly took the view that the State could not expect them to stay in session without compensation. There is no special reason for adjourning on the fortieth day this year, but that has been the custom, and an adjournment is looked for, as stated, on Saturday.

Little Accomplished so Far.

The legislature has accomplished very little so far, and perhaps it is just as well. Twenty-two acts have been ratified, twenty-one of which are purely local measures. The only Act of general interest which has been ratified is the bill introduced by Senator Johnson, of Fairfield, exempting beneficiary students in State institutions from the obligation to teach provided they are appointed to positions in the government service. (The titles of all the Acts which have been ratified are published on the second page of this issue of The Herald and News.)

The Appropriation Bill.

The general appropriation bill has passed the house, and is now in the senate. The bill carries an expenditure of \$1,592,686.30. The house refused to include in the appropriation bill an item of \$12,000 for the support of the Confederate Home, which has recently been completed and is now ready for occupancy, but increased the appropriation for pensions from \$250,000 to \$262,000. The house included an item for \$50,000 for the purchase of school books for use in the public schools of the State. The proposition to make this appropriation was introduced by Mr. Doar. The sum of \$50,000 is appropriated "for the purpose of providing free school books to the deserving children of the State attending free public schools." The question of who are deserving children is to be determined by the trustees of each school district, and the amount is to be apportioned among the counties of the State according to the enrolment of children in free public schools.

Prohibition Measures.

The prohibitionists have not been able to force a vote in either house on the prohibition measures. The opponents of the measures have been filibustering, and the prohibitionists have also been filibustering to force their bills. The prohibitionists have been seeking in the senate to get their bills made special orders, but the senate refused to make any special orders. In the house there have been some spirited debates on the prohibition measures. On a motion to lay on the table a motion to strike out the enacting words of the prohibition bill the house laid the motion to kill the bill on the table by a vote of 63 to 54. This, of course, was a negative vote, and, while the house refused to

kill the bill, this does not indicate that on a motion to pass the bill the prohibitionists would have the same majority. Neither side seems to be sure of its position.

With matters so unsettled, any prediction as to what will be done with the prohibition measures this week would be very unsafe. The prohibitionists, as has been stated in The Herald and News, have bills providing for State-wide prohibition, and also measures referring the question to the people in an election to be held this summer.

Dispensary Investigation.

There have been some spirited debates in the senate on the bill, which was published in full in the last issue of The Herald and News, to investigate the county dispensaries. It is felt in some quarters that the bill is aimed directly at Charleston. An amendment will be proposed to this bill to investigate dispensaries only in those counties which petition the governor for an investigation.

Whiskey Drummers' Bill.

In connection with a review of the prohibition fight and the liquor fight in the general assembly, it may be mentioned again, as has been stated in The Herald and News, that Senator Appelt's liquor drummer bill passed the senate, but so changed that it was an entirely different bill when it got through—so much so that the author of the measure himself voted against it. Mr. Appelt's bill provided a license of \$5,000 per year in each county for soliciting whiskey orders. The bill as finally passed was simply an amendment by Senator Clifton making it a misdemeanor for whiskey drummers to solicit orders in this State.

Asylum Investigation.

Senator Christensen's bill to provide for an investigation of the State Hospital for the Insane has created a great deal of discussion in the senate. The bill as introduced provides for the holding of secret sessions, and this provision was violently opposed by some of the senators, but the senate refused to strike it out. This portion of the bill was amended, however, so as to allow the commission to give out what it might deem wise. The bill is still in the senate.

Immigration Department.

The Weston bill changing the department of agriculture, commerce and immigration to the department of agriculture, commerce and industries has passed the senate. A measure along similar lines has passed the house, and the result of the session will be that the immigration feature will be stricken from the duties of the commissioner.

The Lien Law.

On account of the refusal of the senate to make any bills special orders, the bill to repeal the lien law remains in its place on the calendar, and cannot be taken up until it is reached in regular order.

Portraits Presented.

Governor Ansel last week sent to the general assembly, with appropriate messages, a portrait of Gen. James Connor, presented by his widow; a portrait of Gov. W. H. Elerbe, presented by his relatives and friends; a portrait of Gov. M. L. Boham, presented by his family; and a portrait of Gov. P. M. Butler, presented by his family.

Successor to Judge Hydrick.

Judge D. E. Hydrick, who has been elected associate justice of the supreme court, has tendered his resignation, to take effect on April 15. His term expires in December. It will be necessary to choose a successor for the unexpired term and also for the term beginning in December. Solicitor Thos. S. Sease, of Spartanburg, seems to be the leading candidate for the position.

Important Measures.

The News and Courier of this morning says: As the session of the legislature is drawing to a close there will be some disposition of most important measures on the Calendars. In the senate the effort to have the following bills made special orders places them in the list of very important measures of State-wide interest: Senator Earle's oil inspection bill. The repeal of the lien law measure introduced in the senate by Senator Felle.

Mr. Grayden's railroad rate bill.

Mr. Otts's State-wide prohibition bill.

Mr. Otts's referendum measure.

Mr. Lide's referendum bill.

Mr. Carlisle's bill to prohibit women and children under the ages of 16 years from working in cotton and woolen mills between the hour of 7 p. m. and the hour of 6 a. m.

Mr. Clifton's bill to allow certain widows, above 65 years of age, to participate in the pension fund.

Mr. Bass's bill to provide for a fish and game commission.

Mr. Bass's bill to provide for the protection of game, fish and animals and to provide for a close season.

Mr. Bass's bill to provide for a license for hunters.

Mr. Bass's bill to provide for the protection of game fish in the State and to repeal certain laws relating thereto.

Mr. Bass's bill to repeal the Act relating to prohibiting the destruction of fox in certain counties of the State. These last five bills are the Audubon Society measures.

The Charleston county referendum measure, which will be amended by Mr. Sinkler so as to provide for the election to be held in Charleston, as to whether liquor shall be sold or not, and, if sold, whether at high license or in dispensaries.

Mr. Otts's bill to declare the sale of whiskey a nuisance.

The following bills, which are now on second reading, are also of general interest:

Mr. Croft: A resolution to amend the constitution relating to associate justices. Mr. Croft's resolution is to submit to a vote of the people (as constitutional amendment) whether or not the number of associate justices shall be increased to four. This resolution had failed three or four times to secure in the senate the necessary two-thirds vote. But upon reconsideration the resolution is yet on the Calendar. Mr. Croft says that when the senators are all in their seats there will be secured the necessary two-thirds.

Mr. Graydon: Relating to public nuisances and the abatement thereof. This appertains to the serving of injunctions in whiskey cases.

Mr. Laney: To further regulate the running of motor vehicles in the State. This bill has an unfavorable report.

Mr. Sinkler: To regulate the admission of lawyers to practice.

Mr. Wharton: To exempt rural free delivery carriers from liability to road duty. Unfavorable report.

Mr. Crosson: To make it a misdemeanor to spit upon the floors of passenger coaches and cars. Unfavorable report.

Mr. Wharton: To provide for the regulation and control of fraternal benefit orders.

Mr. Weston: To provide for the organization and regulation of mutual protection associations.

Mr. Weston: To require all insurance companies doing business in South Carolina to secure their policyholders.

Mr. Weston: A bill in reference to the insurance department of this State.

Mr. Hough: To provide for a license of 1 cent a gallon on liquor distilled in this State. Unfavorable report.

The prohibition bills.

There are a number of other bills of more or less general interest.

VERDICT OF \$16,000.

Lexington Jury Awards John W. Ross Heavy Damages for Personal Injuries.

The State.

Lexington, Feb. 13.—One of the largest verdicts ever rendered against a railroad in this State for only personal injuries was awarded John W. Ross of Columbia by a Lexington jury yesterday, the amount being \$16,000.

This has been one of the hardest fought cases ever tried in Lexington, and it consumed more than three days. Ross was represented by E. J. Best, assisted by W. Boyd Evans and Lawson D. Melton, of Columbia, and Messrs. Eford & Dreher and Graham & Starke of the local bar. Messrs. E. M. Thompson and W. H. Sharpe represented the railroad.

Ross, it will be recalled, was in the employ of the Southern as car repairer at the time of the accident, September 1, 1907, in the Blanding street yards in Columbia. He was caught beneath the cars and badly injured. The railroad put up the plea that Ross contributed to his own injury by refusing to obey the rules of the company requiring all workmen to put up a blue flag before going beneath a car.

The defendant's attorneys gave notice of a motion for a new trial, which will be argued within the next few days.

COOPER CASE.

Judicial Twelve Sworn in Noted Criminal Action—First Witness to Take Stand Today.

Nashville, Tenn., Feb. 13.—On next Tuesday at 9 o'clock a. m. will begin the trial of Col. Duncan B. Cooper, Robin J. Cooper and John D. Shar charged with slaying Former Senator E. W. Carmack.

After 20 days of wearisome jury drawing this decision was suddenly and somewhat unexpectedly reached this morning.

When court adjourned yesterday the prosecution asked that the jury be not sworn until the State had a chance to investigate charges against two of the jurors. When court convened this morning Attorney General McCarn simply said: "We are ready for the jury to be sworn, your honor."

Repeating the oath after the clerk, the jurors then swore:

"To well and truly try the issue joined between the State of Tennessee and the defendants." Then each juror kissed the Book in turn. It was a solemn ceremony, solemnly performed.

The State next asked several days in which to gather its witnesses. The court suggested that the taking of testimony begin at 9 a. m. Tuesday, and counsel agreed. Then court adjourned until Tuesday.

In drawing for the jury the law made those incompetent who had talked with a witness to the murder or talked with some one who had talked with the witness. On the application for bail the local papers printed stenographic reports of the testimony of witnesses. The supreme court had held that a newspaper printing verbatim testimony becomes a witness who has talked to a witness. Therefore every one in the county who read the testimony became incompetent to sit in the case as juror. This eliminated at once the most intelligent citizens of the county.

Twelve Out of 3,019 Talesmen.

As a result it was necessary to draw five venires of 500 names each and one of 519, a total of 3,019, before the jury was secured. Four of the jurors accepted can neither read nor write and two others understand English only indifferently. All except one of the 12 swore he had not read a newspaper since before the killing, and some had not read one for 10 years. Bierman, the only exception, has been out of the State from the week before the killing until the day he was summoned.

Howz, the last man chosen, was foreman of the jury in the famous Cox case. Cox was charged with the murder of a policeman. The jury found him guilty of murder in the first degree but recommended to mercy. Judge Hart refused to heed the recommendation and sentenced Cox to death. Cox had powerful friends and the night before he was to be executed some one slipped poison into his cell and he committed suicide. Judge Anderson, chief counsel for the defense in the Cooper case, also defended Cox. The fact that Anderson accepted Howz created no little comment.

The completed jury, with their ages and occupations:

E. M. Burke, carpenter, age 47; Robert McPherson, farmer, age 49; G. A. Lane, farmer, age 52; W. A. Adcock, farmer, age 28; Casper Schupp, farmer, age 41; J. H. Vaughan, farmer, age 49; S. M. Hyde, farmer, age 55; Gus Knipfor, farmer, age 52; F. O. Bierman, real estate, age 42; J. A. Woodruff, farmer, age 55; Jacob F. Rutiger, farmer, age 49;

William Howz, farmer, age 55.

The State has not yet decided upon its procedure in opening the case next Tuesday. Mrs. Eastman, who was talking to Senator Carmack when he was killed, probably will be the first witness. The attorneys for the prosecution expect to put in Sunday and Monday arranging the order of their witnesses. The course of the defense will depend upon that of the State.

HALLEY'S COMET.

Interesting Celestial Visitor Expected to Return in 1910.

London Globe.

Astronomers all the world over are eagerly awaiting the advent of Halley's comet, which will be a beautiful object in the sky during the spring and summer of 1910. The history of this comet forms one of the romantic chapters in the records of astronomy, and is inseparably connected with the name of Edmund Halley, who occupies a foremost place among the great English astronomers of the past.

The great comet of 1862, says the University Recorder, engaged Halley's attention for several years. He collected the records of various conspicuous comets which had previously been observed, and was struck by certain resemblances in appearance and rate of motion between the 1682 comet and a comet seen in 1707. Another record, by Apian, of a fine comet in 1531 led Halley in 1705 to the conclusion that these were three successive appearances of one and the same comet and that this body is a member of the solar system, moving (like a planet) along an elliptical path round the sun once in about seventy-six years, but in an opposite direction to that of the planets and with a large orbit of much greater eccentricity.

He predicted that the comet would next appear in 1757 or 1758. It actually appeared on Christmas day, 1758, and was closest to the sun on March 12, 1759. Halley's comet appeared last in 1835, and was carefully observed by Sir John Herschell. As it approached the sun its long spreading tail, as well as its head (coma), diminished in size, and the comet was less brilliant than in 1759. It is now well established that comets lose part of their substance at every approach to the sun, owing to their throwing out long tails, and in the case of short period comets the time of perihelion (i. e. of nearest approach to the sun) is retarded by several hours at each successive return. The tails appear to consist of minute particles repelled from the sun—perhaps by the light and heat waves.

Of all comets which have been observed more than once, Halley's has the largest orbit and the longest period of revolution—many comets have been seen once only, and in some cases the calculation of the orbit gives a period of hundreds of thousands of years. Halley's comet has been recorded twenty-five times, the earliest reliable record being for B. C. 11. Its appearance in 1066 is piously registered in the Norman Chronicles as evidence of William's divine right to England, and it is depicted in the Bayeux tapestry.

According to Prof. Wilson, the conditions attending its next visit will be similar to those obtaining in 1066, so that an unusually fine display is expected. At its furthest the comet is over 3,000,000,000 miles from the sun, but it will approach to within 50,000,000 miles; at present it is outside the orbit of Jupiter. There is no doubt that, with the improved methods of spectrophotography now at the disposal of astronomers, a rich harvest of observations will be reaped in 1910, which will clear up many disputed points concerning the constitution and origin of comets.

Making It Pleasant for Him.

Chicago Tribune.

"Gentlemen," said the toastmaster at the banquet, "we have listened to some excellent orators this evening, and I am sure we have enjoyed their efforts very much. I have purposely kept one of our best speakers for the last, and after you have heard him I know you will be glad to go home. Gentlemen, I have the honor to present Mr. Ketchum A. Cummin, who will now address you."

ELECTION FOR JUDGE OF 7TH CIRCUIT TODAY

SUCCESSOR TO JUDGE HYDRICK TO BE CHOSEN.

Solicitor Thos. S. Sease and Mr. W. S. Hall Are The Candidates.

Special to The Herald and News.

Columbia, Feb. 15.—The legislature has fixed tomorrow as the time for the election of a judge of the seventh circuit to succeed Circuit Judge D. E. Hydrick, recently elected associate justice, whose resignation takes effect April 15.

Solicitor Thos. S. Sease, of Spartanburg, and Mr. W. S. Hall, of Gaffney, are the only candidates so far, though others have been spoken of.

It is thought here today that Solicitor Sease will be elected.

The filibuster against prohibition continued in the house this morning.

LAURENS YEGGMAN'S PAL.

Robber, Caught in Jacksonville, Comrade of Yegg Killed in Laurens.

Jacksonville, Fla., Feb. 14.—A professional safeblower, giving his name as John Simpson of Curtain Bay, Baltimore, was arrested this morning at 3 o'clock, while in the act of blowing the safe in the store of Charles H. Burnett, in the heart of the business district. Policeman Ammons, in walking his beat, heard a noise in the store and finding the door unlocked crept in and was directly over the safeblower before the latter was aware of his presence. Scattered about the yeggman on the floor were nitroglycerine, saws, chisels, fuses, a revolver, and all implements carried by professional burglars. The man offered no resistance.

Simpson made a confession at police headquarters, saying that he had been operating for some time in Jacksonville, and was a pal of Charley Silas, the yeggman who was killed by the policeman at Laurens, S. C. Simpson said he would have killed the policeman this morning, but he thought there was more than one of them.

STONES THAT ARE SEMI-PRECIOUS.

Jewels Now Much Worn Are Valued for Their Symbolism.

Only three out of the group of twelve stones which St. John describes as garnishing the Jasper walls of the heavenly Jerusalem are now classed as precious—the sapphire, the emerald and the topaz. In the twenty-first chapter of the Book of Revelations he speaks of jasper, sapphire, emerald, sardonyx, sardius, chrysolite, beryl, topaz, chryso-prasus, jacinth, amethyst. These are still used but some under other names. The beryl is now known as the aquamarine. It symbolizes happiness and everlasting youth. The topaz of the ancients was our peridot. It symbolizes friendship and happiness.

Chryso-prasus, an ornamental stone, is of a fine apple-green color, sometimes spotted with brown. Jacinth, also known as hyacinth, is a beautiful hard and brilliant gem of the mineral zircon. It symbolizes modesty.

Amethyst is a variety of quartz of violet color. The ancients imagined it to possess the power of preventing intoxication.—The March New Idea Woman's Magazine.

Mountain ideas on the general subject of killing are peculiar, and one hears odd things said by the mountain men who come to Frankfort. One of them was here the other day to see about getting a parole for one of his relatives who was in prison and was telling about the killing of a man.

"Did they indict you for murder?" was asked.

"Oh, no," said the man, "I shot right there on the spot."

"Well, but sometimes they indict a man for murder even if he did shoot a man right there on the spot," said the Frankfort man.

"No," replied the mountain visitor, "I shot him right there on the spot. I did not lay behind a log and shoot him."