

JUDGE O'NEALL'S ELOQUENCE.

Strikingly Displayed in Talk to Union Man in Sentencing Him to be Hanged.

The Union Progress of recent date publishes an account, written for its columns by James L. Strain, of the trial and execution in Union county of Phineas H. Johnson, who was convicted of the murder of a young woman, and in connection with the account of the trial is given Judge John Belton O'Neill's eloquent talk to the prisoner in sentencing him to be hanged.

The account of the trial, with the remarks of Judge O'Neill, is as follows:

Story of Phineas Johnson's Crime. Phineas H. Johnson, who for the murder of Mary Ann Hyatt, paid the death penalty on Friday, February 13th, 1852, was the son of Wyatt Johnson, a well to do citizen of Union county. Phineas seems to have been a man of some education, and to have had an opportunity to work out for himself a better fate. He and his victim were members of the same community, and if memory serves aright, were members of the same Sabbath school, in which he was a teacher.

He became enamored of this beautiful young woman and on the promise of marriage her ruin was accomplished. As a result of their criminal intimacy two children were born to them, and as would be expected, the result of her conduct was that she was forsaken by her former friends and associates and left in the most deplorable condition. That Johnson had promised to marry the young woman, there seems to be no doubt. This he failed to do. Instead he courted and married another young woman. This naturally caused his victim to resort to legal proceedings in order to get some necessary support for herself and children. These proceedings were never instituted by her so far as can be learned, for it seems that the night before she was to get out the papers, she was killed; shot in the head with a rifle while sitting stringing beans. Death seems to have been instantaneous, for she simply sank down in the chair without falling from it, her little sleeping infant remaining in her lap. The report of the gun was heard in the neighborhood, but no one thought anything unusual about it, except that a story is told of how a jackass, which always allowed himself to be heard when anything unusual occurred, brayed most vigorously.

How Murder Became Known. It was not until the next day that the murder became known. The way it came to be discovered was that a negro, Sam Smith, who belonged to Mr. Robbin Smith, who was on a visit to one of Sam's sons went to the stable to feed the horses. The stables were near the Hyatt home. Hearing the children crying, he went to see what was the matter. He found the children on the floor and the mother cold in death still sitting in her chair with a pool of blood on the floor. The negro gave the alarm.

Suspicion seems to have at once fallen on Phineas Johnson, and he was accordingly arrested, Coroner Ed Gregory holding the inquest and committing Johnson to jail.

No record is obtainable of the features brought out at the inquest, though it is believed to have been entirely circumstantial. As Johnson was on his way to jail in charge of the sheriff, they had to pass Bethlehem church, where some of the neighbors were digging a grave in which to bury the murdered woman. As Johnson passed he was very defiant and indifferent in his manner, whistling and making remarks that would be unprintable here.

Sometime after this court convened for the trial in the year 1851. Thos. N. Dawkins was solicitor. The jury was empanelled with J. Starks Sims as foreman, and it is thought that the late Adam Goudecock of Gowdeysville was one of them. On the train of circumstantial evidence Johnson was convicted. The case was appealed to supreme court, which, however, confirmed the findings of the lower court. When court again convened and Johnson was again brought up to receive the death sentence, it was before Judge John Belton O'Neill, one of the most famous judges South Carolina has ever had. In passing sentence Judge O'Neill made the following strong remarks which have been recorded in the Unionville Journal of that period and are as follows:

Judge O'Neill's Talk to Prisoner. "Phineas Johnson: Young man, how can I say to you in the awful language of the inspired prophet, 'Set thy house in order, for thou shalt die, and not live!' Yet it must be done. You are here, before me now, in the morning of life—in a few brief days you will be cut off, and the place which now knows, shall know you no more forever." It is my duty to

you, that the nature of your crime forbids the possibility of pardon here. Your only hope for pardon is in the merciful atonement offered, for you and all men, in the broken body and streaming blood of Him, who cried, 'Father, forgive them, for they know not what they do.'

"Your crime, awful as it is, must be set before you, in the hope that it may do you and the community good. To creep upon a poor woman in her own cabin, in the stillness of night, with her nursing at her feet, her first-born wrapped in infantile innocent slumber by her side, when hands were preparing the scanty portion of vegetables for her and their food, and to shoot her as a wild beast, hardly has a parallel in the annals of crime.

"When to this is added the fact that the guilty wretch who committed this deed was her seducer, the father of her little ones, where, oh where, shall we find another as foul a blot on humanity.

"To you, at least, her person ought to have been sacred. For you, she had made herself the guilty, degraded being to whom beauty was a reproach, character was infamy, and affection was hatred. For you, she had left a father's house and plenty, and had become dependent on almost charity for food and covering. To you, she had given the pledges of her love in the starving, degraded children around her! How could you, young man, slay her, who had thus given her all to you? How could you, level your gun at the head, which had often been pillowed, in guilty affection upon your bosom? Remember, I beg you to remember, that her blood will sink you forever into everlasting torments unless you can feel that mercy your Saviour's dying mercy, has removed the guilty weight of it from your soul.

"It is necessary, too, young man, for your own sake and that of the section of the country (Pea Ridge, of Union District) from which you came that it should be said, I fear your crime is the consequence of the gross immortality and vice, which has too much there abounded. Female virtue, has there, I am told, lost its appropriate value. Seduction is not regarded as a crime; and concubinage, is not at all rare and disgraceful. Will you not, as you approach the gallows, say with me, 'Shame upon such a state of things!' You will be, most probably, the first white man hanged in Union District; and fearful will be the commentary of your fate, upon such a state of morals.

"Is it true that you and the deceased were once members of the same religious community? Can it be that you forgot that the weak and lovely being at your side, was your sister in the house of your Master, and that violating her confidence, you snatched a crown of peace from her head, to place upon it one of shame! Oh! if these things be so, think upon them—ponder them night and day for they demand a fearful reckoning and account.

"From you I turn and with me I hope you will in thought also go, to the house of your parents. What is there? Peace! No, oh no! I can, in imagination, hear your young wife frantically asking to be allowed to share your prison solitude; your mother, like Rachael, weeping for her children and would not be comforted for they were not; your father, once respectable, now broken down and lamenting like David for Absalom, 'Oh, my son, would to God that I had died for thee!' Who has caused this scene of mourning? Must I say, guilty young man, thou art the man!

Sad and Awful Thoughts. "Sad and awful as all these thoughts and reminiscences may be, they are as nothing to that, which is before you! Death, a shameful death, in a few days must be met and suffered. Oh! young man, do not die forever.

"God is before you, as He ever has been, willing to be gracious. He still points you to the atonement offered on Calvary. He still says, 'Wash and be clean.'

"I have no doubt that, although a murderer like Massey, you may yet have his hope of pardon and peace. I have heard with great pleasure that, you have, as you believe, experienced that hope.

"Be not deceived! Wrestle continually, like good old Jacob with the angel of the covenant, and say like him, 'I will not let thee go, till thou bless me.'

"May you have that blessing! May God pass you through the dark valley of the shadow of death and enable you to say, 'I will fear no evil, for thy rod and thy staff doth support me.'

"The sentence of the law is, that you be taken hence to the jail from which you came also, thence to the jail of Union District, that you there be safely and securely confined until Friday, the 13th day of February next, on which day, between the hours of ten in the forenoon, and two in the afternoon, you will be taken by

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the sheriff of Union District to the place of public execution and there be hanged by the neck until dead. And may God have mercy on your soul."

All hope gone, Phineas H. Johnson made full confession of the crime which was a startling revelation. The writing of this confession was among the first official acts of the late Col. I. G. McKissick, who had just been elected clerk of Union county (then known as District.) It covered nearly two columns in the paper in which it was printed and verified the wisdom of the court which had tried and found him guilty, confirming every detail as brought in the evidence.

When Friday, February 13th, 1852, the day set for the execution, had arrived, in accordance with the sentence, Johnson was taken to the gallows, which had been erected at what is still known as the old hanging grounds, about two miles West of Union, on the road to Glenn Springs. In the presence of a large and awed assemblage, his spiritual adviser, the Rev. Mr. Farrow, preached his funeral sermon from a text found in Hebrews 9-27, "As it is appointed unto man but once to die, but after this the judgment." The funeral service having concluded Johnson, dressed in the habiliments of the grave; ascended the scaffold with a firm step. The cap was then adjusted and Sheriff Gibb asked Johnson if he had anything more to say. His reply was no the trap was then sprung, and the soul of Phineas H. Johnson was launched into eternity. His body was taken down after he was pronounced dead and buried in his father's garden not far from Kelley's, in this county.

HOUSE DECLARES KNOX ELIGIBLE

Washington, Feb. 15.—By a vote of 173 to 117 the house today passed the bill removing the bar to Senator Knox's eligibility for the office of secretary of state. This was the second vote of the day on this measure, and the two were separated only by about two hours' time. The first vote was taken on the bill under general order for the suspension of the rules, and under that order, according to the standing rules of the house, a bill must receive a two-thirds majority to insure its passage. The first vote stood 175 to 123, the majority thus falling considerably below the two-thirds requirement.

NEWBERRY UNION STATION.

Arrival and Departure of Passenger Trains—Effective 12.01 A. M. Sunday, June 7th, 1908. Southern Railway:

No. 15 for Greenville . . . 8.57 a.m. No. 18 for Columbia . . . 1.40 p.m. No. 11 for Greenville . . . 2.20 p.m. No. 16 for Columbia . . . 8.47 p.m. C. N. & L. Ry

No. 22 for Columbia . . . 8.47 a.m. No. 52 for Greenville . . . 12.56 p.m. No. 53 for Columbia . . . 3.20 p.m. No. 21 for Laurens . . . 7.25 p.m. *Does not run on Sunday

This time table shows the times at which trains may be expected to depart from this station, but their departure is not guaranteed and the time shown is subject to change without notice.

G. L. Robinson, Station Master.

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