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THE JURIES ARE NOT ALWAYS TO BLAME.

Of late there has been a whole lot of stuff in the newspapers suggesting an improvement of the jury system, but we have not yet seen where any of these reformers have suggested anything practical to prevent the miscarriage of justice. These writers assume that because a case falls of conviction when the verdict should have otherwise, the fault is always with the jury, but it is not so, as we have observed a number of times. The juries sometimes fail to do their duty but it is more frequent that the failure of justice comes from the witness stand. How is a jury to convict with the testimony against conviction. Hon. J. P. McNeill of Florence has an article in the State in which he makes the suggestion that jurors are drawn from the circuit somewhat like the jurors in the federal courts are drawn now, and there is no doubt that Mr. McNeill's idea have some merit in so far only however, as to have the jurors removed from local influence, but whether it would give any better verdicts is another matter. Take the Federal courts with jurors from everywhere except the defendant's home and we venture to say, in a case involving a person of prominence, especially the juries fail as often to convict as they do in State courts. In both courts the accused must be tried according to the law and the evidence, and if the witnesses give false testimony, whether it be in the State or Federal courts, the juries will not convict and justice fails, not from any failure of duty on the part of the jury but because the evidence they had to act on would not justify a conviction.

Now if the newspapers that would have justice meted out to every man can devise some scheme to prevent witnesses from perjuring themselves we believe they will solve a perplexing problem. We contend that an injustice is done the average juror

when it is said that he will not do his duty—that he has no regard for his oath. Reform the witness stand first, then if that fails set to work on the jury system.

POLICEMEN MUST NOT BE RECKLESS.

The trial of Policeman Barwick of Pinewood in Sumter last week resulted in a surprise. Mr. Barwick was a policeman at Pinewood and in attempting to arrest a fleeing prisoner he accidentally shot another negro who was taken to Sumter where he died. The shooting took place in Clarendon, but the death occurred in Sumter, and under the law the case could be heard in either county. We clip the following from the Columbia Record of last Saturday:

"Sumter, October 25 (Special). The verdict, reported in The Record yesterday, of the jury in the case of R. M. Barwick, a white man, convicted of manslaughter for the accidental killing of one colored man while the defendant was shooting at another colored man, shows that in Sumter county color makes no difference in the eyes of the jury, but that the law and the evidence govern the opinions of jurors."

Barwick was a policeman at Pinewood and shot at a colored prisoner who had made a break for liberty. His bullets went astray and critically injured a colored man. The wounded negro was brought to Sumter for medical treatment and died here. Hence the trial Sumter county, instead of Clarendon county, where the shooting occurred.

While there is no doubt that many citizens feel sorry for Barwick in his trouble, while it is true that he had no malice aforethought, while the killing of the bystander was unintentional, nevertheless the criminal carelessness displayed could not be overlooked by the conscientious jury.

The verdict shows another important thing. It means that, in Sumter county at least, all men stand equal before the law, and that a white man has no immunity for the killing or injuring of a negro except in self-defense or in accordance with the unwritten law for the protection of his home and his family.

It also teaches another lesson, that officers of the law vested with authority and permitted to go armed must exercise every precaution for the public safety, and jurors by their verdict have as good as intimated that a colored man's life is as sacred as a white man's, if the colored man be a law-abiding and inoffensive citizen.

There has been much talk and much written in the papers for years about the custom of juries turning loose white men for killing negroes in cold blood. But in the Barwick case there was no cold-blooded murder done. The killing might be called accidental if you like, but any way unintentional so far as the man killed was concerned."

The death of Mr. John S. Reynolds in Columbia, will be heard throughout the State, with sincere regret. He was well known to the county newspaper men as at one time he was connected with the printing of "outsiders," and by his never failing courtesy he made friends among them. Mr. Reynolds was an excellent gentleman, and one of the best informed men in the State. His history of the reconstruction period in this State is a valuable work and quite accurate.

DO NOT GET SCARED.

The cotton mills are carrying their threat to shut down their plants on account of the high price of cotton and yet the price is advancing. We sometimes think the American spinners are the victims of the foreign manufacturers just as the cotton growers were once the victims of the Texas growers. A number of years ago Texas was about to make a bumper crop, and they knew that if their crop was put on the market with all of the other cotton made in the South, the price would be far below the cost of consumption, so they sent a Mr. Terrill all over the cotton belt to urge the growers to hold their cotton, promising that Texas would hold, our farmers believed this man and they held, while Texas shipped her cotton to the mills and got a fair price, and our people got less than the cost of making the staple, ever since then the farmers have been hard to get organized and still harder to stay organized, all because they were humbugged.

Now comes the English mills urging the manufacturers to curtail their operations, and the movement to shut down in American has begun, but instead of the price falling as the English mill people hope for the price is advancing, and it will continue to advance, because the demand and price of the manufactured product justifies higher prices, and besides, the cost of everything else is advancing, then why not cotton?

We do not advise the holding of cotton at present prices but we do believe before next March we will see the price nearer twenty cents than fifteen. But do not let your creditors wait, pay your debts first and then if there is any cotton left hold it.

TILLMAN IS RIGHT.

Senator Tillman declined the invitation to attend the luncheon that "certain citizens" will give in honor of President Taft in Columbia on November 6th, and his letter to the Secretary of the Chamber of Commerce giving his reasons for declining is indeed a hot tomato. While we do not see any necessity to read the Columbians a lecture on good manners, we quite agree with the Senator that it is unusual to invite gentlemen to a luncheon and make the condition of acceptance a price, in this case \$10. It was our understanding that the city of Columbia through its chamber of commerce invited President Taft to visit Columbia, and it was given out that Columbia would have the President as her guest. Committees were appointed in Columbia, outsiders were not consulted, then when invitations were sent out, the guests were requested to accompany their acceptance with \$10. THE TIMES

Dr. James H. Carlisle, one of the greatest and best men South Carolina has ever produced is dead, and South Carolina sincerely mourns the loss. Regardless of creed, faith or denomination, this great and good man was universally loved. Peace to the ashes of the Grand Old Man.

The verdict in the Bigham-Avant case meets with general approval. While there seems to be a mystery surrounding the case a majority of people agree with Judge Watts that there was no intention on the part of Bigham to murder his wife, but that both Bigham and Avant were either scared or rattled and were reckless in the handling of the gun. It is right that punishment should be meted out to both of these men.

editor received one of these invitations and decided to not accept because he did not fancy the idea of having to pay to be a guest. We do not consider the function in Columbia a State affair, not even since a large number of gentlemen have signified their willingness to pay \$10 for the privilege of lunching with the President. Senator Tillman while rather hard on those who wanted to see the color of his money before they let him sit down to the table, has our ideas of hospitality, or we have his, we know not which.

ARE THEY MARRIED?

If "under our law, when a man and a woman openly acknowledge themselves man and wife, and follow it with cohabitation, they are married in the eyes of the law." Then we cannot see the force of Judge Aldrich's decision recently made at Anderson in a case of a petition to annul the marriage relation between two persons who had been living together as man and wife, and openly acknowledging themselves as man and wife, but who had never had a marriage ceremony and when they work up a case their client is the sufferer. If a layman was to do the things some lawyers do the penitentiary gates would swing wide open to receive them, but having a license to practice law, very frequently is a lawyers license to rob.

Mrs. J. L. Mims of Edgefield, vice president of the W. C. T. U., suggests that the gentlemen who will lunch with President Taft in Columbia, turn their glasses down as a mark of respect for the President's total-abstinence views. The President is only on probation now, and it would be hard on some of the Columbians that we know to have to pay \$10 for the privilege of munching an olive, and doing without a drink, only to learn that Willie has fallen off the water wagon. President Taft did remark that he would not take stimulants while occupying the executive chair, but we have no idea he would run from a glass of wine at a Columbia luncheon which the guests are assessed \$10 a plate to pay. It is enough to drive him to drink.

The Columbia State is determined to have the last word, and we have concluded to let it enjoy the privilege. "Fortunately" says our contemporary, "few newspapers are so regardless of their obligations to their true mission as to even indirectly and covertly champion the cause of a man who, in the sight of decency and the public conscience of honesty, is a debaucher of public officials." THE TIMES is not a defender of such a man, either directly or indirectly, but

The Orangeburg Times and Democrat has at last succeeded in winning the approval of The Columbia State, but to do so it had to turn from the trail Tillman is pursuing in tariff legislation, and get into the camp of Tillman's most inveterate foe. We next expect to see our Orangeburg contemporary denounce Tillman just like The State.

It is hoped that the people of Clarendon will attend the Pee Dee convention in Florence on November 8th. President Taft will be there on that day and will address the convention. Those desiring to go from this section can reach Florence in time to see the President by taking the train known as the "shoo-fly on the morning of the 8th."

The News and Courier of Monday has a timely editorial about "Shyster Lawyers." There is no doubt that the legal profession is infested with men who are constantly scheming to rob but they are shrewd enough to avoid the criminal law. These men make it a business to pry into the affairs of men to create litigation and when they work up a case their client is the sufferer. If a layman was to do the things some lawyers do the penitentiary gates would swing wide open to receive them, but having a license to practice law, very frequently is a lawyers license to rob.

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is a defender of the right of trial by jury and the constitutional rights of every citizen. The difference between The State and THE TIMES is the former would have a man convicted because its editor believes he is guilty, and the latter would only have him convicted when proven guilty.

If Senator Tillman goes to the State Fair as is his custom, the committee had better not ask him to make a speech on the fair grounds, if he speaks he will likely have something to say to "certain citizens" who have been nagging at him because he would not consent to encouraging Columbia's idea of entertaining guests. We very frequently differ with the senior Senator, but in this matter he is absolutely right. We too had an invitation to the luncheon, but we declined to attend for the same reasons as those given by the Senator, but instead of writing the committee an offensive answer we simply declined in as polite a manner as we knew how. In our humble judgment Columbia, in this matter has exhibited a cheap-skate manner, but then, something had to be done to help out "certain citizens" who are running the Taft luncheon's financial affairs.

In this issue there is a law card from Capers & Wright of Washington. Mr. Capers of this firm is Captain John G. Capers of Greenville, S. C., who was until recently Commissioner of Internal Revenue, and after his retirement from this position he has connected himself with this law firm. Mr. Capers is a lawyer of high reputation and will do a large practice in the courts of Washington. He has retired from active politics, but at the same time the authorities at the capital bank high on his judgment. He is a close friend of Mr. Hitchcock the Postmaster General and with the post office Mr. Capers is consulted about South Carolina appointments. Mr. Capers having been in charge of the revenue department is an authority on revenue law, which will give him a great advantage in his practice, and besides he has a large influence in Washington.

According to the Columbia State, the policies of Bailey of Texas and Tillman of South Carolina, "if successful, means, inevitably, the disruption of the Democratic party." These two distinguished statesmen are high up in the councils of the party, and if they are advocating policies which will inevitably disrupt the party The State should begin the task of having them read out, as was done with another one of South Carolina's representatives who had the manliness to give expression to views similar to those now being expressed by

the gentlemen referred to. Several years ago John L. McLaurin had advanced ideas on the matter of a tariff on cotton with a view to aid the cotton growers of the South, and because he would not bow the knee to the then obstructionists, he was hounded out of the party. Now what is to be done with Tillman? The Senator has virtually given notice he will not be run out, and that he will ask for re-election. Therefore it is up to The State to do the running out.

Deafness Cannot be Cured by Local Applications, as they cannot reach the diseased portion of the ear. There is only one way to cure deafness, and that is by constitutional remedies. Deafness is caused by an inflamed condition of the mucous lining of the Eustachian Tube. When this tube gets inflamed you have a rumbling sound or imperfect hearing, and when it is entirely closed deafness is the result. Deafness is often caused by a case out of the ear caused by catarrh, which is nothing but an inflamed condition of the mucous surface.

We will give One Hundred Dollars for any case of Deafness (caused by catarrh) that can be cured by Dr. H. K. Catarrh Cure. Send for circulars, free.

F. J. CHENEY & CO., Toledo, O. Sold by Family Druggists.

Pinewood Dots.

Editor The Manning Times: Mrs. R. F. Epperson entertained a number of young people at her home Friday evening for the benefit of the Baptist church. An enjoyable evening was spent playing games, after which delightful refreshments were served. Each was asked to bring as many pennies as they had had birthdays. A nice little sum was raised. Those present were: Misses Annie Reeves, Bertha Broadway, Henry Reynolds, Bessie Geddings, Bessie DesChamps, Odell Barwick, Mae Griffin, Berth Griffin, Abbie Egan, Mrs. and Mrs. W. D. Scott, Paul Hodge, Cammie Broadway, Bancroft Lessee, Henry Richardson, Arthur Briggs, Fred Griffin, Able Ragin, W. B. Garrett, Harry Geddings, Beasley Barwick and E. C. Geddings.

An entertainment will be given next month by the school children for the benefit of the school. The children are hard at work practicing their parts. A short play, dialogues, drills and tableaux constitute the chief features of the entertainment.

November 1st is the date of the coming of Hon. T. C. Camp, who will lecture at the school auditorium. This will be the first entertainment presented by the Lyceum course.

Major H. B. Richardson, Sr., is in Columbia this week on business.

Mr. A. P. Toomer and William Richardson are in Charleston this week on a short visit.

Mr. McDonald Green of Oswego, has returned home after a pleasant stay with friends and relatives here.

Mrs. N. C. Shack has returned to her home in Denmark after spending a few days here with her mother.

Mr. Tess Thompson has returned to his home in Chaboureaux, N. C., on account of ill health.

Mr. Robt. Plowden spent last Sunday here visiting friends.

Dr. and Mrs. George W. Smith of Jonesville, are here on a visit to relatives.

Mr. Willie Brown is quite sick at his home with fever.

A. P. T.

Mr. F. G. Fritz, Oneonta, N. Y., writes: "My little girl was greatly benefited by taking Foley's Orino Laxative, and I think it is the best remedy for constipation and liver trouble." Foley's Orino Laxative is mild, pleasant and effective, and cures habitual constipation. W. E. Brown & Co.

Summerton News.

Editor The Manning Times: Considerable frost was seen here this morning, and the decided cool change in the weather gives promise of some more very soon. Just what part the changed weather conditions are playing in establishing the price of cotton and just how far the government report of this morning can be said to have advanced it we are not in position to say, but it is very evident that there is a moving force somewhere. Cotton was sold here on Saturday at 13 1/2 cents and is today worth more than that. The receipts are still fair and there seems yet to be considerable in the fields.

Mr. J. R. Dingle, Legislator and also a very prominent farmer of this locality, has recently contracted for a gasoline engine outfit to be installed on his place for the purpose of lighting his premises. The Summerton Hardware Company, who are agents for these plants, are gradually convincing the people of this vicinity of the convenience of owning their own lighting power.

Mr. J. M. Canney, another of our successful farmers, met with quite a painful accident on Friday afternoon. In jumping from a wagon, a board on which he had stepped slipped, causing Mr. Canney to lose balance and fall; in falling his wrist receiving the whole weight of his body, was broken just above the joint. We are glad to hear that he is getting along nicely.

Quite a number of Summertonians took advantage of the excursion to Summerton on Thursday night and attended "The Lion and the Mouse." They pronounce it a splendid performance, and one well worth the trip.

An officer of the local lodge of the Knights of Pythias states that they are succeeding in raising quite a handsome sum as a contribution to the fund being secured for the purpose of erecting a suitable memorial to the late Dr. Thornwell at Clinton, S. C. The membership is being increased at every meeting, and it appears to be among the most flourishing in the state.

Mrs. G. M. Belsler of Columbia, spent several days last week with her son, Mr. R. E. Belsler at "Woodside."

Miss Kate Canney who has charge of the school at Wilkes Mill, spent Saturday and Sunday at home.

Mr. R. Kennedy Rutledge of Rocky Mount, N. C., spent the week-end with his parents, Mr. and Mrs. J. D. Rutledge.

Miss Lillian Canney has returned home after a visit to relatives in Batesburg and Columbia.

Messrs. Smith and Mullins of Manning were in town today on business.

Rev. Mr. G. A. Blackburn of Columbia was a visitor in town last week.

A. S. Summerton, S. C., October 25, 1909.

The Colored State Fair opens at Batesburg Monday, November 8, and continues until Saturday, November 13.

Reduced rates have been granted from all important points in South Carolina, and from Charlotte, N. C., Savannah and Augusta, Georgia, to the Negro State Fair which meets in Batesburg on the fair grounds of the white fair association at that place, November 8. The outlook this year is for a great fair. About \$500 has been laid aside for payment on premiums. The colored people who attend the Fair will have the privilege of stopping over in Augusta and Columbia, coming and going. Batesburg is only thirty miles from Columbia on the Southern railway, and about forty miles from Augusta. The train service between Augusta and Columbia is all that could be desired. Colored people who are coming to the Fair should write Rev. E. W. Bowen of Batesburg, S. C., Chairman of the Committee of Entertainment.

RICHARD CARROLL, President. Z. E. WALKER, Superintendent. A. ROBERTSON, Secretary.

CLOTHES THAT SATISFY

FOR MEN AND BOYS!



What's more disturbing than to feel and know that your Clothes are faulty, either in looks or fit?

To be certain about your Clothes is worth a great deal. Our sort of Clothes satisfy and the Man or Boy who wears them feels sure of this.

- Suits and Overcoats from - \$6.50 to \$32.50.
- Youths' Suits from - 6.00 to 25.00.
- Boys' Knickerbocker Suits from 3.00 to 10.00.
- Trousers from - 1.50 to 8.50.
- Boys' Pants from - 50 to 1.75.
- John B. Stetson Hats from - 3.50 to 5.00.
- Hawes' Von Gal Hats from - 3.00 to 4.00.
- Underwear from - 25 to 3.00.
- Royal Limited Hats - 1.50



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