with Judge I. W. Bowman presiding

GRAND JURY.

C B Dukes, New Zion, R F D.

W O Gardner, Turbeville.

BB Odom, Manning, RF D.

W L Lee, Manning, R F D.

J D Beatson, Davis Station.

R Hugh Belsar, Simmerton.

HOLDOVERS

J McD McFaddin, Manning, R F J M Galloway, Manning.

PETIT JURY.

W H Rawlinson, Manning, R. F. D

J S Ridgeway, Manning. D D Barnes, Foreston.

W O Baird, Turbeville.

C E Cochran, Manning.

J E Husbands, Foreston.

R D Timmons, Wilson.

R E Thompson, A.colu.

A C Harvin, Manning.

J W. Rigby, Manning.

J W Wheeler, New Zion.

R P Billups, Summerton.

J D McElveen, New Zion.

W D Gibbons, New Zion.

D E Geddings, Paxville.

Marion Williams, Manning.

J M Rowe, Summerton. C J B Corbett, Davis Station.

L M Justice, Manning, R. F. D.

Chewning, Summerton.

H A Alsbrook, Wilson, R F D.

J H Witherspoon, Alcolu.

E H Clark, Davis Station.

A B Thames, Manning.

J O Coker, Turbeville.

S E Hodge, Paxville.

CF Rawlinson, Jordan.

E M Watt. Summerton.

Jos E Davis, Manning.

W D Young, Aicolu. H F McFaddin, New Zion.

R T Geddings, Paxville.

Cole, Seloc.

took place.

J E Childers, Davis Station

H H Hilton, Davis Station.

Howard Hodge, Silver, R F D.

Emancipation Day Celebrated.

Friday to celebrate the 51st anniver-

sary of the emancipation of negro free-doom. It was a good day, and a real

lively time was had among the colored

The parade was made up at the "old

school house," headed John Washing-

ton and his staff of marshalls and the

president, Rev H. C. DeLaine, and

other officers. Two dozen or more bug-

gies were in the procession which went

through the streets to the colored

Impromptu speeches were made by

B. Thomas, a dispatching clerk in the

greeted Thomas, who made a practical

talk along the lines of industry and

right living. The speaker did not de-

liver his address from a manuscript

but was cheered throughout his dis-

of the best white people of the com-

that feeling between the races in

Orangeburg was nothing more than

good will one for the other. H. B.

Thomas is a native of Orangeburg. His

parents belonged to ex-Senator Razor

present position for over twenty years

vithout one objection being made from

the white people of Orangeburg.
In every county in the Southern

gress of the negro race since freedom

and encourage every movement that

tends for the religious, industrial and

moral uplift of the pegro as an Ameri-

The officers elected for the ensuing year are: Rev. H. C. DeLaine, president; Jas. Seals 1st vice-president: S.

M. Walker, 2nd vice-president; Calvin

Johnson, secretary; Charles Nelson, treasurer. Among the county executive

committee are A. Collins, Jno. Deas,

Ed. Walker, Furman June, B. Brock,

Ed. Walker, Furman Jude, D. S. S. Eli DuRant, L. D. Moses, Eli Coe. Jno.

Stukes, and Eli DuRant were elected

New Zion.

Mr. Richard Baker and Miss Ella

Miss Thelma Boyce of Shiloh, Miss

Baker, took a flying trip to Shiloh Tuesday.

Maggie Smiley, Mr. Edward Harring-ton of Workman, were the pleasant vis-

tors of Mrs. Hugh Baker, last week.

Mrs. Bettie Thompson and her daughter spent the week-end at the

Misses Thelma Boyce and Ella Baker spent Saturday at Workman.

Mr. Sam Evans is still very ill, we

hope for him to soon be out again. Mr. Buren Baker spent a few days

Mr. Buren Harrington, Mr. Joseph Cantey of Workman, spent Saturday

Mr. and Mrs. I. C. Coker, of Colum-

Miss Daisy Evans spent the past

City spent the holidays with the family

Methodist Church.

prott, superintendent.

conducted by the pastor.

m. and 7:00 p. m.

statement as to the ages of their child and those owing said estate will make dren. To have the records made does payment to the undersigned qualified

Epworth League, 4 p. m.

Sunday School 10:30 a. m. Mr. Jos

Public worship, 11:30 a.m. and 7:30 m., conducted by the pastor.

Prayermeeting. Thursday 4 p. m.

TRINITY: -Sunday school every Sunday at 3:00 p. m. Mr. A. M. White superintendent. Public worship on the 2nd and 4th Sundays at 4:00 p. m.

The public is cordially invited to all

Sunday School 10:30 a m. E. L

Illustrated song at the evening ser

The Public cordially invited to at

Notice to Creditors.

the estate of Charles L. Ridgill, de-

ceased, will present them duly attested

Administratrix of said estate.

MRS. J. G. RIDGILL.

Manning, S. C., Dec. 31, 1914.

Wilkins Superintendent. Preaching by the Pastor at 11:30

Miss Susan Ella Baker is spending

Mrs. Santa Claus.

three weeks at Cades and Lake City. Mr. and Mrs. Maxie Smiley of Lake

home of Mrs. Hugh Baker.

last week at Workman.

last week at Workman.

can citizen.

and Judge B. H. Morse. He has held his

people.

There were two brass bands on hand.

There was a large crowd in town last

John L Johnson, Davis Station.

R J Carrigan, Summerton

CT Martin, Alcolu.

T'S Coker, Turbeville.

C H Baggett, Wilson.

J N Fann, Alcolu.

P A Fann, Alcolu.

H S Briggs, Silver.

H J Ross, Silver.

G M Smith, Manning.

The Manning Times.

ficial Advertisements.

hes All County and Town Of.

NNING, S C., JAN. 6, 1915

the call to Township Assessors

James McDowell and son of Rock Hill spent last Saturday in Man-

A. L. Lesesne, is back at his ome in Sumter in quite a feeble con-

Sheriff Gamble was operated on in

Columbia yesterday and he is getting See D. C. Shaw Company's ad., on

this page, as they are closing out some

Come to The Times office for all kinds of blanks-liens, chattel mortgages, contracts, etc.

Their was quite a crowd at the public sales last Monday, notwithstanding the scarcity of money. Do not fail to read the special sale of-

fered by the D. J. Chandler Clothing Company in this issue. Died at Alcolu, Monday night Mrs. "Mit" Barfield. wife of Mr. James Bar-

field, aged about 35 years. Mr. J. Edward Follin, well known to

J. H. Lesesne, Esq., conducted the Sheriff's sales last Monday for that officer, who is in a hospital in Columbia

his home in Charleston last Monday.

Chief Leard Huggins has installed a telephone in the fire engine house, so in case of fire at night, ring for the

ton, by Magistrate J. E. Richbourg, Mr. William A. Richbourg and Miss Gertrude Ridgeway.

Married Sunday afternoon at Fores-

The college girls and boys hiked back to their books last Monday, and it will be a long, long time before they get back to ma's cooking. Married by Rev. M. J. Kyser at Pax-

ville on Christmas Day at the home of Mrs. G. H. Lackey, Mr. Charles Brown and Miss Cornelia Ridgill. Miss Sara Witherspoon of Greenville

after spending the holidays with the family of Mr. C. R. Harvin left for her home last Sunday morning.

Miss Jannie and Nellie Haley of Manning, returned home Monday night af-ter spending Xmas with Miss Maggie Mellette, at Turbeville.

Of interest to automobile owters is the advertisement of A. Abrams in this issue. Mr. Abrams is carrying a full supply of automobile supplies.

The wellknown firm of Bultmann Bros. of Sumter, has gone into bank-ruptcy. We hope it will soon get its affairs in shape to continue business.

Lieutenant Governor, died at Johns Hopkins hospital, Baltimore, last Sat-

The residence occupied by Mr. Joe Wilder and family, but belonging to tial in the town, commodious, as well Mr. C. T. Mason on the outskirts of as ornamental and Mr. Gross is regard-Sumter, was destroyed by fire last Sun- ed one of our most highly esteemed day morning.

Oh! what the bill collectors did for us last Friday and Saturday was a caution, and enough to wring the sympathy from our friends who are behind on their accounts.

Married last Wednesday afternoon, by Rev. G. P. Watson, pastor of the Manning Methodist church, Dr. Thomas W. Gunter, and Miss Eva Curtis, both of Paxville.

Married last Monday evening by Rev. J. A. Ansley, pastor of the Bap-tist church, Mr. R. F. DuBose, chief of police at Blackville, and Mrs. Sallie E. Youmans of Manning.

The report from the Augusta hospital is that Frank Clark who was dangerously wounded while discharging his duty as policeman in the town of Allen-

dale, is slowly improving. Died in Columbia on the 29th, inst. Mr. John C. Coskrey aged 61 years. The deceased was the eldest son of the late Capt. William R. Coskrey. The

burial took place at Wilson's Friday. Mr. J. B. Hudnall and family have tried their fortune in the town of Andrews, and its no more for them, they

have moved to Olanta where Mr. Hud-nal will engage in business. They spont Sunday and Monday in Manning. Miss Tasca Turbeville, who has made

Turbeville-for a while at least. Miss Turbeville was very popular and made many friends here, who cope to see her back soon. There was a family reunion in honor

of Mr. J. J. Mitchium, at the home near Jordan, duringt he holidays, at the nome ed to be present at this meeting.

near Jordan, duringt he holidays, at Let there be a full turn out of our which his children, and grandchildren teachers, and let us push the Association work for the remainder of the young, and he is the spriest man of his year.

D. R. RISER, age in the State.

The residence of Mr. D. M. Bradham had a very narrow escape from being destroyed by fire last Friday, only the timely discovery of a blaze on the roof of the dining room, and the prompt work of those who reached the scene early saved it with very little

Hon. Geo. W. Dick has been recom-mended for postmaster for the city of Sumter, and will probably take charge after the adjournment of the legislature. He was the chairman of the ways and means committee the past two years, and was returned to the house at the last election.

Died at his home in the Privateer section of Sumter county last Friday, Mr. Willie Osteen, aged about 50 years Mr. Willie Osteen, aged about 50 years
Jamison, Rev. W. E. Wilkins, and
The deceased leaves a widow and eight
small children. The funeral was conducted by Rev. H. K. Williams of
ducted by Rev. H. K. Williams of
indeed a treat for our people, and no Alcolu, at Providence church and by one who can attend should not miss est value, such as the matter of des-

Dr. W. D. Sanders of St. Matthews is now in charge of the prescription erally will receive a cordial welcome department at Dickson's Drug Store, at these services. Dr. Sanders comes highly recommend ed, and we have no hesitancy in saying this young man is thoroughly compe tent, as this old established business is well known all over the county for its high class prescription work, which they make a specialty of, they could only use a No. 1. Pharmacist.

The Times editor leaves next Tuesday for Columbia to attend the session of the general assembly, and he will consider it a special favor if the friends in the several sections of the county will send to The Times news items for publication, and while he is away he will endeavor to furnish interesting reading about the doings in the legis-lature, and such other matters he thinks will interest the readers.

Petitions are in circulation in this county among the tobacco growers asking for legislation that will make a longer market for tobacco, and also a law to require the yellow leaf to be graded before it is placed on the market. Just how it is proposed to force a longer time for selling tobacco by law, we cannot see It seems to us this is a matter entirely in the control of the growers and buyers, and cannot be regulated by lew.

Dr. Herman H. Huggins is now opening up his drug store, next door to the Dixie Cafe, and will in a few days have a complete line carried in all upto-date stores of this kind to serve patrons with. Dr. Huggins is a native son, young, popular and energetic, an experienced pharmacist, and all business entrusted to him will have his personal attention. We wish for this young man much success, in this, his first adventure into the business world as proprietor.

On last Sunday evening there was a prohibition rally at the Methodist church which was well attended, and several speeches made. Among the speakers were Rey. J. A. Ansley, passpeakers were key. J. A. Adsley, pas-tor of the Manning Baptist church, Chariton DuRant, Esq., Mrs. Joseph Sprott, and Mr. Robert J. Alderman of Alcolu. We understand that the speech of Mr. Alderman was not in line with the other speakers, he took a. po-sition which appealed to many of his hearers because of its catholic spirit. A request was made of us to secure a copy of Mr. Alderman's remarks for publication, but it has not been furnished us so far, when it is, we shall gladly

publish it.

The chances for a new railroad comthe merchants af this county, died at his home in Charleston last Monday. are not interfering either. This is the opinion of men who are in a position to know something about railroad building, and the promoters of railroads. It has been the writer's desire to connect with financiers with a view of interesting them in giving to Manning additional railroad facilities, especially since we heard the project for which the town is prepared to issue bonds . in grave doubt, and in all probability will not materialize. We have financial reasons at least to hope differently, at least the price of labor already performed. But perhaps the Treasurer has gene to the war.

Married at Bishopville yesterday, Mr. Morris Ness, a prominent young Petersburg, Va., Cedar Springs, Fisch-business man of Manning, and Miss er's Creek, and other engagements of Racheal Levy of Bishopville. Rabbi the ceremony in the presence of a large ered at Appomattox April 9, 1865. He congregation in the opera house, after was an interested member of Camp which there was an elaborate reception at the home of the bride's parents, at | color bearer the past two years." tended by a large number of guests from New York, Sumter, Charleston and Manning. Mr. Bennie Ness, a brother of the groom was the best man, and Miss Mary Karesh of Charleston the maid of honor. The couple will begun a suit against R. E. McFaddin, take a bridal tour, afterwhich they will as Trustee and as Supervisor for the make their home in Manning, and re-recovery of \$350 which Mr. Burgess

Mr. E. C. Gross and family have moved into their new home just comleted on South Church street, one of the nicest residential sections of the town. This family came to Manning about two years ago, selected by Mr. Gross as a central point to distribute is famous Watkins remedies, and he Hop. J. A. Hunter of Bamberg, re- has built up such a large patronage cently a candidate for the office of that he has decided to make Manning his permanent home, and the people here are delighted with his decision; the Grosses are excellent people, and a splendid acquisition to the town. Their new bome is one of the most substan-

citizens. Would that Georgia could spare to us more like him. The picture presented by the Pastime Theatre from the works of Charles Dickens with Tom Terriss as the star was so pleasing that Mr. Wildman the next Friday afternoon and evening, another high class picture in 5 reels entitled "The Great Stroke." This is bers of the bar claim is almost useless, one of the best of the World Film Corporation pictures gotten up at a great cost of money, and in it there is presented the acting of notables of the American and English stage. It is worth packing the house to see, as it affords entertainment of a high degree, and combining romance with the machinations of sordid greed and in-trigue, desperation and theft, confession and forgiveness. We have never seen this picture but a talk with one who has, we are satisfied the money spent next Friday afternoon and evening at the Pastime will not be regretted.

Teachers' Meeting,

The next meeting of the Clarendon County Teachers' Association will be held at Manning Saturday, January 16th, at 11 o'clock. Superintendent S. H. Edmunds of the Sumter City Schools will deliver an address on timely school topics.

Besides this address, there will be ther discussions of interest. The meeting will then be conducted Manning her home for the past several in the nature of round table talks on years, has returned to her old home at such matters as will be the greatest inin the nature of round table talks on terest and value to our teaching fra-

ternity. Coming up for discussion at this time will be a suitable program for County Field day in the spring. Every white teacher in the county is earnestly urg-ed to be present at this meeting.

E. J. BROWNE, County Supt. of Education.

Mission Institute at Baptist Church. Beginning Wednesday, January 20th, and continuing through Sunday, January 24th, there will be held at the Bap-tist church a Mission Institute, at senting the different enterprises in relatives or others concerned, and it is gaged, will be heard. It is remarked to the utmost importance to relatives or others concerned, and it is church work. For this occasion we case happened here in Clarendon counhave been unusually fortunate in securing some of the best men in our denomination. Those who have promised to attend and speak once or more are: Drs. Howard Lee Jones, C. C. Brown, W. T Derieux, C. J. Thompson, A. T. the Knights of Pythias. Mr. Osteen this opportunity. It is also expected that Mrs. J. D. Chapman will be present one day, and a special service will be held for the ladies. The public gen-

J. A. Ansley,

Notice.

The County Board of assessors, con-sisting of one member of each township Board are requested to meet at the court house on Saturnay January, 16th, to get blank returns for the year 1915. This is an important meeting and each Township board is urgently requested to have one member attend this meeting as business of importance is to be attended to. W. R. DAVIS, Chairman County Board.

P. BURGESS,

Skeriff's Sales. J. J. Bryant against Olin Bryant and others 111 acres of land sold to S. Kat-

zoff \$950. FOR DELINQUENT TAXES Caroline Dingle, 12 acres in Santee Louis Appelt for \$37. Est. Ransom Hampton, Fulton, 2 lots

to A. Levi Attorney for \$97.

John James, Fulton. 3 lots to A. Levi Attorney. C. C. Washington, 2lots in Friendship to R. B. Fulton for \$35. Reubin Rice, I lot in Calvary to J G. Johnson for \$26. Susan Anna Carter, 1 lot in Fulton

to Frierson Brothers for \$8.50. H. Kiston, I lot in Friendship to Frierson Brothers for \$15. John Parson, Sr., 4 acres in Friendship to Leon Weinberg for S61. Daniel E. Richardson, 5 acres in Friendship to Leon Weinberg for \$31. Mattie Cantey, 1 lot in Friendship to Leon Weinberg for \$15.

Mattie Rice, 1 lot in Calvary to H. I. Ellerbe for \$25. S. J. McFaddin, in Fulton, to Rev. H. C. DeLaine for \$20. Est Peter Lawrence, 4 lots 1 building n Fulton, to Clarence Iseman for \$37 Alice Thomas, 34 acres in Calvary to H. Rigby for \$121. Guy Oliver, 3 2-3 acres in Friendship

to Charlton DuRant for \$30.

The Father of Mrs. Legg and Mr. Till Dead Died at his home near Eloree, on the vening of December 31st, Mr. Henry Till, the father of Mrs. W. P. Legg and Mr. S. I. Till of Manning, aged about 70 years. The funeral took place at Jerusalem church Monday. Legg and Mr. Till were at the bedside of their father when he died The following sketch is reproduced from The Orangeburg T es and Democrat of he 5th inst.

"He enlisted in State service on April 1861, and entered the Confederate service in Company B, 20th regiment (Kitt's) S. C. V., in December 18-61, and served in that company to the close of the war, surrendering at Appomattix, Va., April 9, 1865. He served on the coast on Sullivan's Island, S.

, at Battery Wagner, Morris Island, . C., September 1963, being at the evacuation of that post. He was also, at different times, in Fort Sumter, Charleston harbor, S. C., in 1863-64, assisting in garrisoning that port during its terrific bombardment. His regiment going to Virginia, he was in the battle of Drury's Bluff, May 16, 1864, at Bermuda Hundreds, Cold Harbor, his regiment. He was wounded at . Simonhoff of Charleston performed Cold Harbor June 2, 1862, and surrend-Thomas J. Glover, No. 457, and was its

Lawsuit. Mr. A. Plummer Burgess of Fort Motte, but formerly of Summerton, has ceive the congratuations of the grooms turned over to Mr. McFaddin to have the indexes in the clerk of court's office completed. The work of reindexing these records was awarded to Mr. Burgess for the sum of \$500, this amount was paid to him, but it was learned later the contract had not been complied with, in, that the work was unsatisfactory. Mr. Burgess was called on to make the work good, instead of doing so himself he deposited \$350 to have same done, and Messrs. T. M. Wells and R. C. Wells undertook it but, for one reason or another, these gentlemen could not spare the time from their regular employment, and they secured the services of Mr. E. B. Brown, who is completing the work and expects to have it ready in a short time. The grand jury at the last term of court, we thick it was, made some reference to this money being deposited by Mr. Burgess, and suggested the work be completed or the money resummed. The suit was filed by a Character among the colored people, not so much leston lawyer, and we suppose the case will come on for trial at the next term, then it will be seen whether or not Mr. Burgess is entitled to recover the manager has decided to present on money, and it will also be seen whether or not he was entitled to receive anvand, altogether unreliable so far as furnishing accurate information is con-cerned. Not only was the work inaccurately done, but many names were entirely omitted, is the information given to the writer when he sought information in response to a request that provision be made for more compensa-tion, it being claimed the amount al-lowed was insufficient, to compensate the ccatractor for the volume of work, even though Mr. Burgess assumed the contract at the figures provided in the Act to reindex these records.

New Law Now in Force.

The act of the Legislature to provide for the registration of all births and deaths in the State of South Carolina, which was approved by the Governor on the first day of September last, is now in force and the machinery is in operation to carry it out in all its pro-Local registrars have been appointed in all incorporated cities, towns and magisterial districts, and the law re-

quires that to these several local reg-istrars shall be reported all births, stating time of birth, sex, race, etc., and these certificates are to be copied, the copies to be filed in the office of the clerk of court and the originals filed in and Sunday with the family of Mrs. the office of the State Board of Vital Hugh Baker.
Statistics. A similar course is to be Miss Alice Baker spent a few days Statistics. A similar course is to be followed in case of all deaths, and there shall be no burials or transportation of dead bodies without an official permit. Punishment by fine of five to one hundred dollars or imprisonment for not less than thirty days, or both fine and imprisonment, is provided for fine and imprisonment, is provided for violations of the requirements of the bia, spent last week with the family of law. As a matter of course, no official Mr. McLeon Evans. working under this new law desires to collect any fines or have any one imprisoned, but it is earnestly desired to have each birth and death duly reported that a permanent record may be of Mr. I. M. Baker. had of it. Why should all deaths be Miss Susan Ella recorded? In the first place, because this week with friends and relatives at the facts in the case may later become | Olanta and Lychburg and Elliotts o make this an annual feature of our witnesses or privately kept records. A ty within recent months where a great deal of correspondance was necessary perhaps not yet satisfactory to establish the facts of a certain death that oc-cured here. Similar cases are frequent ly occurring throughout the State. Then, as to the registration of births, there is hardly a relation in life in

which the evidence of such accurate registration may not prove of the great cent, the relations of guardians and wards, disabilities of minors. the administration of estates, settlement of insurance, registration of voters, the enforcement of laws relating to child labor, and a thousand and one other important matters. The fact is, we should have had such a law from the foundation of the government and it is imperative that it should not be delayed longer. Our State is behind nearly every other State in the Union in this tend all our services. matter and every citizen should heartily co-operate with the officials of the Bureau of Vital Statistics in getting the work started right and in keeping accurate records from now on. things now are, there are many people, both white and black, here in Claren-

don county that do not know how old

they are and cannot give a correct statement as to the ages of their chil-

not cost the individuals anything more

than furnishing the facts to the reg-

Sardinia.

The Court of General Sessions con-Miss Estilena Reardon has returned venes in Manning Monday January 25, Manning after a pleasant visit with riends here.

Rey. and Mrs. J. N. McCord is visit ing relatives near Hodges.
Miss Lidia McFaddin returned to her school near Georgetown Monday. Miss Ellie Picket and Miss Hazel Rush took tea at the Nelson's New Year's night, and Mr. Edgar Nelson carried a smile the whole night. He would come to Sardinia that night. Mr. W. R. Burgess, of Sumter, spen Xmas here. He always brings santa claus with him to gladden the hearts

of the ceildren.
Mr. Ollen Rose of Sumter, spent Mr. Eugene McFaddin of Clemson college spent the holidays at home. What he did for the spare ribs and baked potatoes was enough.

Mr. R. Ellie DuBose has returned from a visit to Greelyville with a beaming smile on his face. Ellie is not too old, pirls, to surprise you vet. Elliott McFaddin, alias Dime, got lost in the branch and the water was

Mr. Henry Ferrel and family of Greelyville, is visiting at the home of Mr. R. E. McFaddin. The people of Sardinia attended a dance at the Nelson's New Year's night and had a big time Pat Nelson dances the new dance

Mr. J. E. Millsap took advantage of New Year's sun shine, baled 100 bales of hay and drove 7 miles to a dance. The next day he was trying to borrow energy. His horse spent a nice night in Mrs. Nelson's woodpile and his buggy was in the wash pot.

The Sardinia Christian Endeavor Society had their meeting at DuRants Sunday night, and Mr. L. B. McFad din had rheumatism and couldn't cross E. A. M. the swamp.

The Case of Colclough vs. Briggs Et Al. S. M. Colclough, plaintiff-respond-

ent, against A. J. Briggs, R. B. Smyth, Mike Powell and E. A. Smyth, the duly qualified executors of the estate of R. Briggs, deceased, defendet-appellants.

B conveyed a S a lot of land and warranted the title to same. About four years thereafter a railroad company brought action to recover one hundred feet from the centre of its rack by virtue of a deed from B, said railroad company having acquired said title, and having been in full operation for several years prior to the convey-ance of said lot to S, the grant to the railroad company being for railroad purposes and os right of way.

S vouched to B to come in and deployed lawyers to defend the action, which terminated in favor of the railroad company. S then commenced this action for damages on account of a breach of war-

ranty and expenses incurred by reason graded school, where the speaking of defending the suit referred. Held that the conveyance to S was subject to the right of easement previously Rev. A. W. Timmons, A. Collins and others. The orator of the day was H. granted the railroad company, and there were no breach of warrant. Before Judge Thos. S. Sease, Clar-

Orangeburg post office A large crowd endon. Reversed. Opinion by Eugene B. Gary, C. J: amages alleged to have been sustain- the defendant. ed by the plaintiff, on account of a "It appears, however; that by the course. He cautioned the colored peo-ple to live so as to hold the friendship munity in which they live, declaring

> The facts are thus stated in the decrees of his honor, the presiding judge:
> "This action was heard by me in open court on the pledings, the records in the cause and the testimony offered extended to a distance of 75 feet from

parties to the action.

"It appears that a demurrer to the complaint was first interposed by the defendant on the ground that said complaint failed to state a cause of action. but said demurrer was overruled in a recent decision of the supreme court of the State.

land in the town of Summerton, county company having acquired said title and road, 59 S. C. 371 (37 S E. 914.) having been in full operation, several years previous to the conveyance of said lot to the plaintiff herein as aforeant in the premises by the deed of 1904 said; that at the time of the commence- was subject to the easement previously ment of the action by the said railroad granted to and then being used by the company against the plaintiff the said plaintiff company, so far as concerns plaintiff vouched the said R. R. Briggs, and defend said action, which the said R. R. Briggs, trustee, refused to do, tre of the roadbed of the plaintiff, and whereupon plaintiff employed attorneys and defended the action, which terminated in a decree of the supreme court, as reported in Colclough vs. Northwestern Railroad company, 89 S. C.

"The action herein by the plaintiff is for damages on account of a breach of warranty and expenses incurred by reason of defending the suit referred to in 89 S. C. 555, supra."

pany vs. Colclough, 89 S. C. 555, we find the following statement of facts:
"Briefly it may be stated that the ev idence established a grant, about the year 1888, made upon valuable consideration by the life tenant, of the strip of land here in question, to the granton of the plaintiff for railroad purposes. and an occupation thereof by the plaintiff railroad company, for its use as a right of way for some period of time, the length of which is not clearly stated, prior to the taking possession of a part thereof by the defendent, in the year 1904. Notwithstanding the grant by the life tenant was duly recorded in the year 1889, the life tenant and her husband, the latter being then trustee for the remaindermen, and being invested with a power of sale under the trust deed, undertook to convey to the defendant in the year 1904 certain lands adjoining the track and right of way of the plaintiff, the description thereof calling for a measurement in feet, whick include the right of way in part although the deed calls for the right of way as a boundary. At some date sub-sequent to the deed of 1904 the life tenfend the title but he refused and S em- ant being deap, the defendant erected certain buildings and fences, either wholly or partly within the limits of the grant of the right of way aforesaid

"The finding of the circuit court as matter of fact is that a right of way was laid out and appropriated to rail road uses, 100 feet in width on each side of the track of the plaintiff railroad company, in pursuance of the grant of the life tenant and subsequently it is further found that the plaintiff was in the possession and use of such right of way, actually as to part and construc tively as to the remainder at the time This is an action for the recovery of or the entry and possession taken by

breach of the warranty contained in a terms of its character, the railroad deed described in the complaint bere- company was only authorized to conin, which will be found in the report demn for the purpose of its right of of this case on a former appeal in 95 S. way a strip of land extending on each side of the centre of its roadbed, a distance of 75 feet. While, therefore, it had the right, no doubt, to accept a grant for a greater width, its power of condemnation under its charter, only

in evidence, a jury being waived by all its roadbed." In disposing of the question then under consideration the court used this

language:
"The defendant, as grantee of the remaindermen or of their trustee, could Telegram against a man not recover any part of the land so dedicated to railroad uses, so far as the same was authorized by the charter to "It appears that in the year 1904 E. be taken for a right of way, and the newspaper after it had been se M. Briggs and R. R. Briggs, trustees, defendant had no right to take possesconveyed to the plaintiff herein a lot of sion of any part thereof so dedicated in to him, and he continued to and State aforesaid, and warranted the interfere with the night of easement Northwestern Railroad company of the same could be shown to be embrac-South Carolina commenced an action ed within the limits of the defendant's to recover a portion of said lot extend- deed. Bridges v. Railroads, 86 S. C. ing 100 feet from the centre of its track 267 (68 S. E. 267;) Tomkins vs. Railroad by virtue of a deed from the said E. M. 21 S. C. 421; Railway vs. Reynolds, 69

> that portion of the land in question tending 75 feet on each side of the cenwhich it had the right to hold as a right of way." The court, in conclusion. stated that

with the plaintiff in the exercise of its railroad purposes, embraced within the limits of 75 feet on each side of the railroad track.

These conclusions render unnecessary the additional ground upon which Turning to the case of Railroad comthat they would ask that the amount of the judgment be increased.

the judgment of the circuit court be reversed and the complaint dismissed R. C. Watts, A. J., and George W. Gage, A. J., concur.
D. E. Hydrick, A. J., concurs in the

Separate opinion by T. B. Fraser,

The deed under which the plaintiff claimed contained the following boundary, to "the east on the right of way of N. W. railroad company" W. railroad company." breach of warranty claimed is the land covered by the right of way. The conveyance, therefore, either did not include the land covered by the right of way, or was a conveyance subject to the right of way. In neither case can the plaintiff recover.
For these reasons I concur in the re-

T. B. Fraser, A. J. Davis & Weinberg, for appellants; . J. Cantey, for respondent.

FOLEYSHOLEYANDTAR stops the cough and heals lungs

accordance with such charter, so as to ceive it he was liable for title to same; that in the year 1908 the held by the plaintiff therein, even if payment and must pay. This is an important decision for the newspapers, because, there the some people who have a habit of Briggs and R. R. Briggs, said railroad S. C. 481 (48 S. E. 416; Cureton vs. Rail permitting a newspaper to be sent to them but refuse to part on the ground that it was see longer than they subscribed for it, or that they never did su scribe. If a newspaper is sent trustee, and required him to come in which is embraced within the strip ex- out and the receiver does no care to pay for it all they have to do is to return it to the po office marked refused, but if the there was no error in enjoining the defendant Colclough from interfering with the plaintiff in the everging of its right to the use of the strip of land for Times makes it a rule not

In the Columbus Ohio er cui

Judge George Thomas in

\$2.35, for subscription deci

that if the person received

case brought by the Column

force itself upon people again their will, it only sends to paper to boni fide subscribers. the appellant's attorneys gave notice does not run a list of names merely to swell a subsciption It is the judgment of this court that list, to do so is in valation the postal laws therefore its su scription list contains only the names of genuine subscribe and for this reason we have very little trouble with the class who get the paper until paying time then claim they did not subscribe and refuse payment.

Notice of Discharge.

I will apply to the Judge of Prol for Clarendon County on the 3 of January, 1915, at 11 o'clock A. M. for letters of discharge as admir tor of the estate of Mrs. Minnie M. M. Cay, deceased. CHARLTON DURANT, Manning. S. C., Dec. 23, 1914.

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