

GIVEN FIVE YEARS ON GANG

POPE B. HAVIRD FOUND GUILTY BY SALUDA JURY.

Judge Sease in Pronouncing Sentence Told Havird Things He Will Not Soon Forget.

Saluda, March 2.—Pope B. Havird was found guilty on the charge of assault and battery of a high and aggravated nature this morning and was sentenced to five years on the county chain-gang without any alternative of a fine.

In passing sentence Judge Sease delivered such a lecture as has never been heard in the court room at Saluda. It was calmly done and the impression made will be lasting.

Havird, who was convicted on the charge of trying to ride down and of otherwise maltreating Miss Carrie Mitchell, a young woman school teacher of his community some 30 days ago because she had whipped one of his children in school, was told that he might be sure his sins would sooner or later find him out and that the heavy hand of the law would arrest him in his wayward career.

"I do not believe," said Judge Sease, "that all is good in any man nor do I believe that all is bad in any man. Many, however, succeed in exalting the good and suppressing the bad. Some allow the bad to predominate."

Influenced by Passion.

"The testimony in this case shows that you allowed your passion to be aroused, that you took your shotgun and your wife in your buggy and endeavored to ride down this young lady because she had corrected one of your children in school. Other matters which have come out in this court room show that you have been accustomed to try to take the law into your own hands and wreak vengeance upon those whom you thought had wronged you. In passing sentence I shall have to pass one whose punishment will be commensurate with the charge. I can not make the sentence a light one. It must be severe. You have had as fair and as impartial a trial as could be given any man. It is a notable fact that out of the 20-odd jurors sworn only one said he had formed an opinion of your guilt."

Judge Sease stated that while he would not suspend any part of the sentence the hope was held out to Mr. Havird that there would probably be a chance for him at some time to be paroled by the governor, stating that he thought such a provision in the law a wise one as it would give a man an opportunity to reform and to make a better citizen. "I shall endeavor to do what I can," said Judge Sease, "to assist you in making a better citizen." This was said in connection with the idea of an eventual parole at the hands of the governor.

The motion for a new trial was overruled. Notice of intention to appeal was given and bail was allowed in the sum of \$2,000. Bond has not yet been made.

No Change of Venue.

Failing to obtain a change of venue and the motion of defendant's counsel for a continuance of the case beyond this term of the court being overruled, the trial was begun yesterday afternoon and when the court adjourned last night practically all the testimony was in.

Havird, it will be recalled, as published in the daily press at the time, was arrested the latter part of January past charged with overtaking Miss Carrie Mitchell, the young lady school teacher in the community, and endeavoring to drive his mule over her and cursing her because the Havird children reported that Miss Mitchell had whipped one of them that afternoon.

True Bill.

Monday when the grand jury returned a true bill the attorney for the defendant gave notice of a motion for a change of venue on the ground that Havird could not obtain a fair and impartial trial in Saluda county. Under the ruling of the court the defense was allowed until Wednesday morning to make their showing. When court convened yesterday morning there was a packed court room and throughout the day every available space was occupied. There was no semblance or evidence of any animosity against the defendant and the sea of faces exhibited nothing beyond a curious interest in the proceedings. Patiently Judge Sease allowed the examination of witness after witness by the attorney for the defendant and of the more than three dozen sworn only one beside the defendant himself, would say a fair trial could not be had. All the rest were positive a fair trial could be had.

When the morning session had been taken up with the examination of witnesses on this issue Judge Sease promptly refused the motion. The next move of the defense was for a continuance of the case beyond the term. This was disallowed.

SHOT BY NEGRO.

Young Farmer Painfully but Not Seriously Wounded.

Newberry, March 1.—Richard Burton, son of James A. Burton, of Newberry, was badly wounded with a shotgun at the home of Burton Neels, eight miles west of Newberry, this afternoon by Hiram Cleland, a young negro man.

Shot in Both Legs.

Mr. Burton was shot in both legs from the knee to the foot and his horse, by which he was standing, was seriously wounded and will probably die. The horse standing between the negro and Burton probably saved the latter's life as it protected his body. Mr. Burton was attended by Dr. W. D. Senn, who extracted 24 shot, dressed the wounds and sent him to his father's home in Newberry. The wounds though very painful are not thought to be serious.

Shot Three Times.

Details are meagre but it is said the two men had been quarrelling and that Mr. Burton had a pistol with which he shot once but it failed to fire after that. The negro emptied both barrels of his gun, then reloaded and fired the third time.

Mr. Burton is about 25 years old and is a farmer. The negro ran off and the officers are after him.

Argue for Parcels Post.

Nashville, Tenn., March 1.—Arguments favoring the parcels post were made at the second day's session of the parcels post convention to-day by John Sharp Williams, senator-elect from Mississippi, and others.

Mr. Williams, however, denounced as absurd certain proposed legislation with what is commonly termed the uniform rate charges, but said that he was in favor of parcels post of the proper kind, and advised the convention to take a stand in favor of general parcels post legislation, the charges to be based on the distance by which the article is sent and the services rendered. He predicted that the system would come.

The convention appointed a committee on investigation.

To Take Pauper's Oath.

Atlanta, March 2.—Benjamin D. Green who, with John D. Gaynor, has just completed a sentence in the United States prison here for defrauding the government in connection with harbor improvements at Savannah, Ga., to-day filed application for permission to take the pauper's oath with Judge Walter Colquit, United States commissioner. A hearing on the petition was set for March 7.

In addition to their prison terms, Greene and Gaynor were sentenced to pay a fine of \$575,000. Both men, it is said are practically penniless and to escape this fine and secure their liberty it is necessary for each to subscribe to the pauper's oath. Gaynor is expected to file a similar petition within a few days.

Branchville in Darkness.

The Branchville Journal says Branchville has been without electric lights all this week and will be so several days yet. About 11 o'clock Saturday night the engine that drives the dynamo blew up and scattered pieces all over the town, demolishing a large part of the engine. As soon as possible the plant will again be put in operation. Until that time the customers will have to be content with what light can be gotten from the Standard Oil company's product.

Miss Mitchell on Stand.

Miss Mitchell was the first witness for the State. She told of whipping the Havird boy and of how the defendant with his wife tried to drive his mule over her as she was on her way home after school and how although she jumped out of the road the mule was reined in the direction she went, and how the animal's head struck her after she had gotten out of the road. She likewise related how Mrs. Havird abused her and struck her with a stick and told of Havird's ordering her to stop as he dashed up saying, "I have you now."

Miss Mitchell's statement was corroborated practically in detail by Miss Etheridge, a bright 15-year-old girl, who was along and also by Willie Harmon.

Struck the Girl.

The defendant's wife admitted that they had a gun in the buggy. She admitted she struck Miss Mitchell. Both the defendant and his wife denied that they tried to drive over Miss Mitchell. Havird's wife denied that her husband cursed any and the defendant himself at first denied it, but finally admitted that the Harmon boy's version of what he said was about correct.

Miss Mitchell is quite young and is an orphan. Both her parents died when she was very small. She attended school at Leesville where she graduated last year. She made an extremely good witness.

CONFLICTING MAGISTRATES.

Two Men Holding One Office in Spartanburg.

Spartanburg, March 1.—Asserting that he is a legal magistrate, although his appointment has not been confirmed by the senate in accordance with the law, J. Malcolm Bowden, who was named by Gov. Blease to succeed Maj. Augustus H. Kirby, to-day opened up an office and proceeded to do business. He executed several important papers and received notice from the city attorney, Samuel J. Nicholls, that a motion would be made before him for a new trial in the suit of Dr. Walter Sorrell, milk and meat inspector, against the city for his salary.

This suit was determined in Dr. Sorrell's favor before Magistrate Kirby on Tuesday.

Refusing to recognize Mr. Bowden's authority, Magistrate Kirby continued to perform the duties of his office. He presided over two hearings, discharging a man who was accused of violating the dispensary law and binding over to the court Carl Haynes, the 8-year-old boy who some time ago shot Lois Wright, a little playmate, at Drayton mills.

Maj. Kirby has trials set for every to-day and they told him to hold on to his office as he was the lawful magistrate.

Other attorneys, however, think that Mr. Bowden is entitled to serve, at least until the senate has an opportunity to pass on his appointment.

Maj Kirby has trial set for every day of this week and part of next week, and said he intended to try them.

Litigants are in a dilemma, not knowing to which magistrate to take their causes and fearing that the one selected may later be disqualified and his decisions accordingly nullified.

To Go Before Governor.

The Columbia correspondent of the Augusta Chronicle says there is another case that will soon come before the governor. The case is that of John J. Jones, the Branchville attorney, convicted of killing Abe Pearlstone and sentenced to 10 years and 30 days in the State penitentiary. It has been stated that a petition will be filed with Gov. Blease by citizens of Colleton county for the pardon of Jones. He is at the State penitentiary awaiting developments. His attorneys have stated that an appeal would be filed with the supreme court. The status of this case is about the same as that of John Black. The attorneys in the Black case had given notice of appeal, but the case had never been filed for a hearing.

May Get Pay for Cotton.

Washington, March 2.—Thousands of people in the Southern States being paid for cotton, seized at the end of the war by the federal government, is, after a quarter of a century of earnest work against discouraging odds, within the hope of things obtainable. The friends in congress of the claimants of cotton seized by the federal government under the "captured and abandoned property act," when hostilities had ceased, are in the nearest way to accomplishing the long delayed act of restitution that has ever been approached.

Time after time a committee of one house or the other of congress has reported favorably on these claims, only to be blocked by the other house. Now it appears that the two houses are agreed that it is time that this money should be restored to its rightful owners. To-day the conferees of the two houses of the committees on revision of the laws agreed upon the Bartlett amendment to consolidate the acts respecting war claims, so that the proceeds of cotton seized under the "captured and abandoned property act," now in the treasury as a trust fund, might be restored to those who submitted their claims to the court of claims, with proper evidence, without being required to prove loyalty. The fund amounts to \$4,886,671, of which South Carolina claims are \$422,547.

Robberies Net \$50,000.

Daytona, Fla., March 2.—A series of robberies, culminating with the burglary of the home of Mrs. Roger Whinfield at Sea Breeze last night, is estimated to have netted a gang of burglars more than \$50,000 in gems and other jewelry. According to the report of Mrs. Whinfield, jewelry valued at \$25,000 was secured from her home, including a pearl brooch and two diamond pendants worth \$10,000.

The robbery followed the burglarizing of the homes of E. H. Hotchkis here and J. D. Price at Ormond. The report to the police shows that at each place jewels valued at \$15,000 were taken.

All the houses were entered in the same manner, through unlocked upper windows and the robberies are believed to be the work of the same gang. There are no clues to the burglars.

LAW STRIKES AT LAST.

Danville Police Chief Exposed as Escaped Convict.

Danville, Va., March 2.—Thomas Edgar Stribling, who for five years has been chief of police of Danville, was arrested this afternoon as an escaped murderer from the Hamilton, Harris county, Ga., prison. In 1897 he was tried for murder, convicted and sentenced to life imprisonment. He escaped pending a motion for a new trial.

Stribling coolly and promptly confessed when the requisition papers were read to him. He will be taken back to-night. Since he escaped Stribling was married. He is the father of 10 children.

Created Sensation.

The arrest and exposure of the chief of police was made this afternoon by J. W. Smith, secret service agent, and W. W. Bolsseau, deputy city sergeant, and created a widespread sensation.

For the past six years Stribling has been living here, no one for a moment suspecting his identity. Efforts were made a number of times to trace up some shady spot in his past life in criminal trials, but not an inkling of his prison career was brought out. He was first employed as night watchman for the Southern Express company. About five years ago he was elected as a patrolman on the Danville police force and after serving about six months was advanced to chief.

Cool and Fearless.

His advancement was due in a great measure to his cool nerve and fearlessness, though he was criticised severely for his almost uncontrollable temper. The election of a chief of police for another term of two years was to have been held to-morrow night and it was generally thought that the incumbent would be chosen to succeed himself, although he was bitterly opposed by Police Sergeant Bell.

Stribling in his official capacity had many influential friends and during his residence here had never been charged with any offense other than those resulting from outbursts of temper.

Escaped From Prison.

Stribling shot and killed William Cornell in Georgia and was being held in prison pending a motion for a new trial. His brother-in-law, who was implicated in the killing, was given a long term, but was pardoned.

After his escape from prison Stribling was joined by his wife and children.

He was allowed nearly two hours to-night to bid his family farewell at his home, but did not break down, even for a moment.

The prisoner was taken to Georgia to-night. Before leaving he said he killed Cornell for a criminal assault upon his sister. Stribling hopes to secure a pardon.

Dog Rescued 163 Lives.

Sir Edward Morris, prime minister of Newfoundland, tells in the February Wide World Magazine a remarkable story of heroism on the part of a Newfoundland fisherman. The name of this man was George Harvey, and he resided in a low, rocky island, a few miles east of Cape Ray.

In those days the emigrant ships to Canada were crowded with passengers. In the autumn of 1832 the brig Despatch, bound to Quebec with 163 souls, in a gale of wind struck a rock about three miles from Harvey's home. He heard the signals of distress and immediately launched his boat, with his boy of 12, his girl of 17 and his dog and tried to get out to the wreck. On the deck of the doomed ship were crowded the crew and passengers, in imminent peril of their lives. A terrible sea raged between his boat and the wrecked ship, but across that awful waste of water the gallant fisherman and his brave children urged their frail skiff. To get close to the stranded ship was to court instant destruction and the task of saving those on board seemed well-nigh hopeless, but Harvey's dog, deep diver, bold swimmer, with marvelous intelligence, seemed to understand what was required of him and at a signal from his master sprang out of the boat and swam toward the ship. The seas overwhelmed him and drove him back, but he persevered and finally came near enough. The sailors threw him a rope, which he gripped with his sharp teeth and at last he got back to his master and was drawn into the boat almost dead from exhaustion. Communication was now established between the ship and Harvey's skiff, and with the most laborious efforts every soul was saved. The dog's owner was presented a gold medal from King William IV.

An Irishman being asked on a late trial for a certificate of his marriage, exhibited a huge scar on his head, which looked as though it might have been made with a hot shovel. "The evidence," said the judge, "is quite satisfactory."

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