

NOT GUILTY.

W. R. Crawford Acquitted By a Jury.

WAS OUT FIFTEEN HOURS.

The Jury Asked Judge Buchanan to Acquaint Them Again on the Main points of Law.

The non-conviction of W. R. Crawford was due in a great measure to the fact that the prosecution failed to put in evidence the fatal bullet, which took the life of Mrs. Elizabeth Stuart, Saturday evening, February 25th, at Columbia, S. C. The case was tried at Camden, Crawford having been granted a change of venue.

At 12 o'clock Thursday the jury announced that it had arrived at a verdict. Judge Buchanan was not in the court house at the time, but was summoned immediately. In order to prevent any demonstration in the court room, he ordered the sheriff and his deputies to take stations in different parts of the hall, and to preserve order. Mr. L. L. Block, foreman, arose and announced that the verdict of the jury was "not guilty." There was no show of excitement. There was no change on the expressionless face of W. R. Crawford.

The crowd in the court house was dissolved in a few moments. Crawford and his friends hurried to the telegraph office where they wired to friends in every county that the trial had ended and the accused ex-constable had not been convicted.

The jury was out 15 hours. At first, so it is reported, and generally accepted in Camden, there were nine for acquittal and three for conviction. It is stated that, when the jurors went to sleep at midnight, two of those for conviction had given in. Thursday morning at 9 o'clock there was a large crowd gathered around the door of the court-house awaiting the arrival of the judge.

The opinion of every one present was that when the judge arrived the jury would announce that it had been unable to agree, and a "mistrial" would be ordered. Judge Buchanan arrived at 10 o'clock. The doors of the court house were thrown open.

When the jury had been polled, Foreman Block said they wanted further information in regard to certain points in the judge's charge. He asked the judge to explain the rights of an officer in enforcing the execution of a warrant where he is opposed by violence. The jury did not understand the charge of the court on this point. "We wish to find out if Mr. Crawford had the right to search the house with violent force," he said.

Solicitor Thurmond rose to object, but was overruled by the judge, who then addressed the jury. "That involves a mixed question of law and fact. The court instructed you that an officer could use force in reasonable circumstances, to meet force with force; but unless force were necessary he should not exercise any force at all. Whenever the law gives a man a process and tells him to search a house, it gives him everything necessary to accomplish that purpose, and if he meets with force, being authorized by law, being a law officer, he may overcome that force using so much force as is necessary to do that.

"His first duty is to use gentle means if gentle means will avail, and when gentle means will avail, he cannot use violent means. "After he uses gentle means, if this does not suffice to overcome the resistance, he may use such force as is necessary even to the extreme of taking life, because he comes clothed with the warrant of the law, and every citizen must yield to the law.

"When a man obstructs an officer, the officer's duty is to put his hand gently on him, push him out of the way unless he sees by the use of gentle means he will be taken at a disadvantage, or his life will be put in jeopardy then he may resort to harsh means at once. If he must resort to such means, then violence is justifiable. When a man is authorized by law to do a thing, he has a right to do all things necessary to accomplish that object, and if a person obstructs him he becomes a wrongdoer and if anything happens to him, he will be the author of his own wrong."

After elaborating this point, he said: "The officer must go forward using gentle means if gentle means will do, but if gentle means won't do, it must be done anyhow. He can overcome force with force, no matter what the result."

He continued that an officer is not responsible for the result if he is prudent and acts with ordinary firmness. He has the right to be there and to arrest, but he must not be ruthless, and if Jno. D. Anderson concluded by section places must be conspicuous peaches of peace. Gentle variety, but for a, but not when use of the past wines not require a man to scope of this.

The arguments were in progress, declared afterwards that they did not know of a case on record where the fatal bullet was not in evidence.

The bullet was extracted by Dr. L. B. Owens and put in the keeping of Chief of Police Daly. The attorneys for the prosecution claim that Chief Daly neglected to take it to Camden, and that the attorneys did not attach much importance to it.

The defense did not prove that the fatal bullet was fired by Stuart, but by ingenious argument showed, by its absence, that there was "a reasonable doubt" that Crawford fired it. The benefit of any doubt is the right of the prisoner.

Another circumstance which probably influenced the jury was the fact that the defense laid considerable stress on the lapse of time between the slapping of Stuart's face and the firing of the first shot. In legal parlance this is known as "cooling time"—time for the passions to subside, for the mind to be cooled, and for the State to endeavor to prove that the interval was of but few seconds duration, and that Crawford's pistol covered Stuart during that time.

CONFLAGRATION IN AUGUSTA.

Two Hundred and Fifty Thousand Dollars' Loss.

The largest fire in Augusta's history in many years burned over the same district that was swept seven years ago, when the Augusta Chronicle was burned. Several buildings that escaped at that time are now smoking ruins. The fire started in the drug store of Davenport & Phinizy, on Wednesday. A negro was mixing a pot of Venus turpentine, which is hard rosin melted and mixed with turpentine. Fire got into the pot and the flames spread so rapidly that employees in the front part of the store barely had time to escape. Smoke issued in dense volumes from the back and front of the store. Owing to the oil, paint and chemicals in the stock it was seen from the beginning that it would be fortunate if the fire was confined to this building. The flames made quick headway, and in a short while the following stocks were burned out: Kress & Co., five and ten-cent store, loss \$10,000; insurance, \$7,000; Lamkin & Co., groceries, loss \$7,000; insurance \$5,000; Thomas & Barton, musical instruments, bicycles, furniture, loss \$24,000; insurance \$24,000; Alexander Drug company, loss \$17,000; insurance \$17,000; Davenport & Phinizy, loss \$24,000; insurance \$22,000; Stubb & Co., liquor dealers, loss \$5,000; insurance about \$3,000; Smythe, china store, loss about \$7,000; insurance \$7,000; William Schwicht, jeweller, loss very slight, fully covered by insurance. Buildings burned were valued in the aggregate at about \$150,000; insurance about \$75,000.

August Dorr's Suits and furnishes, loss on stock \$10,000, fully covered by insurance. Besides these there were a number of smaller losses, as the upper stories of the buildings were used as offices, making the total losses in the neighborhood of \$250,000.

Outrage Repaid in Kind. A dispatch from San Antonio De Los Banos, Cuba, says that Jose Labregat, a notorious agent of Gen Weyler, who outraged defenceless women and killed children, arrived there Tuesday. His appearance was the signal for a gathering of relatives and friends of those whom he formerly persecuted. The excitement continued throughout the day and Tuesday night. About midnight a crowd surrounded the house where he was and began to threaten him. He attempted to escape, and on meeting the demonstrators emptied his revolver, wounding two persons. The crowd immediately closed in and captured him and he was lynched in the public square. The anxiety following the excitement caused a committee of Spaniards to come to Havana to ask the interference of Gen Brooke. He could not receive them before a late hour of the evening, but he readily offered to send a detachment of American soldiers to the town. The committee, which left San Antonio before the lynching, returned to find Labregat dead.

Many burglaries have been committed recently in hotels, stores and private houses, and the police believe an organized band of American crooks is at work.

Gen Fitzhugh Lee has sent three troops of the 7th cavalry to scour the provinces of Havana and Pinar Del Rio, and squads of ten, fifteen and twenty men with provisions for ten days are visiting the small towns at night.

Special dispatches from Manila Thursday say it is reported that Aguinaldo has dissolved the Filipino congress and has proclaimed himself dictator. Officials in Washington are in doubt as to whether Aguinaldo is declaring his dictatorship is animated by a desire to rid himself of his refractory generals, Pinar and Lunan, or whether he aims to consolidate in his own hands the power from the Philippine commission that the two generals own only in allegiance to Aguinaldo and their attitude towards the peace negotiations has made them ineffectual, the civilian members on the Filipino side of the Filipino joint commission being overawed by these generals. It is dominated by the military element controlled by these generals. It is believed here that if Aguinaldo can bend these men to his will and assume supreme control he will at once make for peace, being able to secure better terms for himself than he would otherwise.

HIS LAST DAY.

Touching Scene at the Bedside of the Dying Governor.

A SKETCH OF HIS LIFE.

Loved Farm Life. A Clean Official Record. Honored for His Honesty by all Who Knew Him.

The following pen picture of Gov. Ellerbe's last day on earth will be read with interest. It is taken from the News and Courier:

This morning Governor Ellerbe was getting along as well as could be expected. He was washing his own—that was all. Dr. Monroe had done about all that could be done by human hands. He was leaving the house to visit another patient near by when he was quickly summoned. Governor Ellerbe had said he was, he asked to be raised up, so he got a battle with the troublesome and death dealing phlegm or accretion. Those about him, who were ever ready to do all that could be done, gently raised the patient. It was not high enough. He asked to be raised higher. This he done, and finally he asked to be placed upright. This was done. Governor Ellerbe tried to cough up the accumulation. He was too weak. He tried again and again, and finally said to Dr. Monroe, who was standing by, doing what was possible: "I am gone," and the plea for help in those eyes was touching. Dr. Monroe gave his patient brandy to give strength by which the accumulation could be thrown off. The brandy was not quick enough in its strength-giving and again Governor Ellerbe said: "I am gone; I am choking." Dr. Monroe got his medicine chest and gave a dose of digitalis, morphine and strychnine as a powerful stimulant. It gave the small strength requisite for the work, and piece by piece the accumulation was worked off, but not without a severe tax on Governor Ellerbe's strength and a severe shock to all, for Dr. Monroe had said the end would, he thought, come by just such a strangulation or by heart failure, for his heart was already woefully weak.

At the beginning of the reform movement in 1886 Wm. H. Ellerbe allied himself with it, and in 1887 he joined the Alliance, but was suspended from membership during the same year when he engaged in merchandise. In 1890 he was nominated, without solicitation for the position of comptroller general of the State, and was elected without an active canvass. He was the youngest man ever elected to a State office in South Carolina. He took a conservative position during the campaign, and was voted for by both factions. His administration of the office of comptroller general was vigorous, able and entirely satisfactory, being above that of older officials. This office was filled by him without fear or favor. In 1894 he was a candidate for governor—defeated he bowed gracefully to the will of the people, withdrew from the busy whirl of political life, and retired to the seclusion of his farm, where he remained quiet and resigned, neither seeking political favor nor troubling with the formation of political rings.

In the same year there was an effort made by some of our people to reconcile factional differences and to inspire a feeling of peace and unity. Following this was another effort in 1895 on the part of prominent reformers and conservatives to unite the whole people and elect a representative man to the constitutional convention. As a result of these pacific efforts a feeling of peace and unity prevailed in the State and in the constitutional convention. Without this feeling, and its consequent concert of action, it is doubtful whether the constitutional convention ever assembled, whether the suffrage, liquor and other important questions ever could have been so wisely and successfully handled. Besides, the whole people, without regard to faction, were represented in the convention, and all of them are irrevocably committed to every provision of the new constitution, many of which secure the many achievements of the reform party. In 1896 this was the political status in the State. As Governor Ellerbe favored a liberal policy he was nominated for governor, carrying every county in the State, except one—the home county of one of his competitors. It was known that he had been a zealous reformer but that he felt the time had come when that's strife and bitterness which had seized politics should be modified. He was supposed that he could represent both factions and could administer the State to the advantage of the whole people. In his canvass he proclaimed his determination to know no faction, and, if elected to rule the whole people. At the election, he was chosen by a large majority of the voters which demonstrated that the people, irrespective of past factional differences, had supported him.

After his inauguration he determined to put his pledge into action and to bring the whole people of the State in accord and political affiliation. No one can form any adequate conception of the difficulties and embarrassment which surrounded him. His position was a trying one, besieged by office seekers, confronted by new conditions growing out of new constitutional provisions, continually thwarted and painfully annoyed in his efforts to aid in the execution of the dispensary law; being

called upon to fill an unprecedentedly large number of vacancies in important offices, and having the responsibility cast upon him by the war of appointing military officers and organizing regiments—these, and others, are the official cares and difficulties with which he had to contend.

No other Governor for half a century has occupied such a trying position. It was a continual and intolerable strain upon his mental and physical constitution. The number of applicants for office during his administration have been legion. Friends of all these applicants urged their appointment, and in this way much of his time was occupied. And when they were made, friends of the disappointed aspirants seized upon every pretext to form opposition.

He never at any time shrank from these responsibilities. In all of his official acts and under all adverse circumstances he discharged his duty faithfully. In honesty of heart and judgment he endeavored to do right, regardless of the consequence. He was elected Governor for a second term over a most formidable opposition. His victory was one to be proud of, opposed by a combination of some ministers and liquor men, by his personal enemies, disgruntled politicians, dissatisfied office-seekers and sore heads of both reform and conservative factions.

Governor Ellerbe regarded the war against Spain as a just war and believed that it will profit this country in many ways. He said that it will lead to the introduction of American civilization in the West Indies and will dismis from this continent the cruel ferocity of a past age and a decayed nation. It has shown our people everywhere that no one section of America is more patriotic than another, and has brought a balm to ancient wounds in the general expression and general action of a deep seated and fervent patriotism. This war has revealed the United States in their true light, and never was the good feeling of the people more transparent, and its prestige among the nations was never so high. He said: "It will be worth the costing to broaden the views of the people. Believing it would elevate the patriotism, cement the good will, stimulate the commerce, manufactures and agriculture of the whole people, he says it will bring new questions which must be coolly and carefully considered; that it might entail burdens, but all in all the war will profit this nation in all directions of its advanced civilization. But care must be taken to suppress its tendencies toward great standing armies, toward arbitrary power and extravagant expenditures. The people will see to it that this is regulated. He felt that America's keen sword was not drawn for aggrandisement, but for humanity.

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BORN IN 1862.

The present Governor, William Haselden Ellerbe, was born at the old Ellerbe homestead in the historic county of Marion on the 7th day of April, 1862. Both parents were of English descent, having emigrated direct from the mother county, and settled in Virginia, thence, between the Pee-Dee nearly a century and a half ago. W. H. Ellerbe received his education from private tutors at the home of his father and later at "Pine Hill Academy," a neighboring school, taught at that time by the best educators of the county. It was at this academy that he was fitted for college by Mr. L. B. Prince, a well known educator. In 1880 he entered Wofford college, at Spartanburg, S. C., which he attended two seasons. He then entered Vanderbilt University at Nashville, Tenn., where he remained until his health failed, and his physicians advised him to return home to his father's plantation, recommending a life of active outdoor exercise. His father placed him in charge of one of his large plantations, where he worked for a while, but subsequently bought one of his own. In 1887 he and his younger brother, the Hon. J. Edwin Ellerbe—graduate of Wofford college, member of the legislature, and also a member of the South Carolina Constitutional Convention—began merchandising on their plantation, where they ran a successful business until 1889, when W. H. Ellerbe sold out his interest to his brother and became a member of the firm of Holliday, Ellerbe & Co., where he continued until November, 1890. During his business career he also conducted his plantation—each year purchasing additional land—and was uniformly successful. He is now one of the largest landowners in the eastern part of our State, owning part of his father's magnificent plantations, with the additional ones purchased.

Wm. H. Ellerbe was married in June 1887, to Miss Henrietta, daughter of Henry S. Rogers of Marlboro S. C. Of this union five sons and one daughter have been born. He is a member of the Methodist church. His family life is one of the happiest, he is devoted to his home, he loves and cherishes all within it, and is loved by them with a strong affection. His ideas of manhood are exalted, but he does not except himself, and at all times tried to live up to his ideal. Every one knows him as a brave and honest man. Every position of responsibility to which he has been called has been filled with ability and distinction.

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IN MEMORY OF ELLERBE.

The State House Officials Pass Resolutions.

1861-65 EXCEPTED.

At a meeting of the State House officials, held Monday in the office of the Attorney General, at Columbia, the following resolutions were unanimously adopted: Whereas, under the inscrutable providence of God, the hand of death has stricken from our midst Governor William H. Ellerbe; and whereas, we bow in humble submission to the decree of our Great Creator he it resolved: First. That in the death of Governor Ellerbe the State of South Carolina sustains the sad loss of a conscientious and fearless Christian gentleman as her Chief Magistrate.

Second. That as citizen, husband, father, friend and public officer he exhibited qualities of the true man, and in his devotion to the duties of his office during his long struggle against death had the sympathy and admiration of the whole State.

Third. That as his official associates we remember his friendship and deplore his death, and in deepest sorrow extend to those who were nearest and dearest to his heart our profoundest regret and sympathy.

Fourth. That these resolutions be published in the daily papers and a copy be engrossed and sent to Mrs. Ellerbe.

W. H. Timmerman, State Treasurer. M. R. Cooper, Secretary of State. J. P. Derham, Comptroller General. J. W. Floyd, Adjutant General. C. D. Bellinger, Attorney General. John J. McMahon, Superintendent of Education.

Dewey Leaves Hong Kong.

The United States cruiser Olympia with Admiral Dewey on board left Hong Kong at 4 o'clock Tuesday afternoon. There was no demonstration. The weather was wretched. It was blowing and raining hard at the time of the departure. While passing the British cruiser Powerful, the band of the Olympia played the British national anthem and gave a salute. There was no firing. The Powerful replied with a similar salute and her band played "Hail Columbia." As the Olympia passed the Italian admiral's ship, the Olympia's band played the Italian national anthem and gave an admiral's salute, while the Olympia's band played "Auld Lang Syne" and the band of the Powerful played "Home, Sweet Home."

Consul Wildman remained on the Olympia until the last minute with a few friends of the admiral, who went aboard to bid him farewell. At 4 o'clock sharp the ensign was run up to the peak and a large admiral's flag was hoisted at the main. The Olympia moved off with a marine guard drawn up on her poop.

Fireworks Blown Up.

Thirty-six buildings comprising almost the entire plant of the Nordlinger Charlton Fireworks company at Graniteville, Richmond borough, New York were blown up Thursday afternoon and the entire fireworks plant practically wiped out of existence. Although the fires which followed the explosion lasted for several hours, the wreck was complete within a few minutes. No lives were lost, and but three persons were injured, two of them seriously. The operators in the various buildings rushed out into the yards, the flying rockets, many of them of the greatest power, made it almost as dangerous for the employers to be out of the buildings as to be in them. As they rushed out explosion followed explosion as the buildings flew into the air. After a score of explosions three heavy ones that shook the ground for miles, occurred. These were the three store houses in which supplies for the Fourth of July were being held. Loss, about \$40,000.

Suicided Before His Wife.

A dispatch from Anderson, S. C., to the Columbia State Wednesday says: "Mr. J. Claude Dickson committed suicide at his home on North McDuffie street, this city, this morning about 5 o'clock. He had been out part of the night and came in about 5 o'clock and told his wife he was going to commit suicide, and before she could get up to try to prevent the rash act, he put a pistol to his right temple and fired. Mr. Dickson was a young man of about 24 years of age and had been married about three years. No one knew what his troubles were, as he had said nothing to lead to suppose he was going to kill himself. He had been employed as bookkeeper for O. D. Anderson & Bro., for the last two years and was a quiet and peaceable citizen."

Town Totally Destroyed.

The market town of Ottensheim, Austria, about five miles west of Linz, on the Danube, has been totally destroyed by fire. Four women perished in the flames and a number of people were injured.

Fond of Obscene Literature.

Edward Gould, a white man, aged 45 years, was given a year in jail at Norfolk, Va., Tuesday, for sending obscene and blackmailing circulars to parties by express. It is said that he recently sent one each to President McKinley and Secretary Alger, and attempted to blackmail a prominent lawyer of Norfolk. Gould was sent to King's County, (N. Y.) penitentiary two years from the United States court at Richmond a few years ago for using the mails for the same purpose.

NEW STATE REGIME.

Gov. McSweeney Assumes the Duties of His Office.

HE ISSUES AN ADDRESS.

He Has No Enemies to Punish and No Friends to Reward, and Will be Guided by a Strict Regard for Duty.

Governor McSweeney returned to Columbia from Hampton Monday afternoon. He has taken up quarters at the Hotel Jerome, until he moves his family to the executive mansion. Monday night the Governor issued the following address:

To the People of South Carolina: In the providence of Almighty God his Excellency, William H. Ellerbe, late Governor of South Carolina, has passed to his reward. I regret the sad event which makes it necessary for me to assume the duties of Governor of South Carolina. The constitution, however, is mandatory. I have taken the oath of office and assume formal control of the Executive department to-day. I have thought it proper to address a word to the people of the State. I realize fully the responsibility of the position, I shall endeavor to be faithful and conscientious in the discharge of the duties which shall be mine. In the wisdom which devised our system of government, three distinct departments were made, the legislative, the executive, the judicial, to make the laws, to execute the laws, to interpret the laws. Under our Constitution these are to be forever separate and distinct from each other, and no person exercising the duties of the one shall assume to discharge the duties of the other. It is a wise provision. My duty mainly is to see that the laws as placed on the statute books by the legislative department are enforced. This I shall attempt to do faithfully and impartially, and without fear or favor, following only where duty points. In doing so, however, I ask and shall expect the hearty cooperation of every officer in South Carolina, whether he holds a State office, a county office or an office under a municipality. Not only so, but I ask the hearty support and encouragement of every citizen of South Carolina in the enforcement of law and in the promotion and advancement and progress of our own Commonwealth. I realize the impotency of any officer, however faithful he may be, who does not have this support.

We are on the eve of a great industrial advance—in manufacture, education, commerce and agriculture—and I stand ready to contribute my part, as citizen and officer of this forward industrial movement, and to do anything in my power for the welfare of my people. I have no political punishments to inflict and no political rewards to pay. It shall be my aim and steadfast purpose to give the people of the State a strictly business administration and to be the Governor of all the people. To this end I seek their sympathy, their counsel and their prayers, praying myself that peace and happiness and prosperity may come to every home in South Carolina.

Yours respectfully, M. B. McSweeney, Governor of South Carolina.

Curing Consumption.

At the meeting of the American Medical Association Wednesday at Columbus, Ohio, a sensational report was presented on the cure of consumption by Franquise Crotte, of Paris. Mr. Crotte has cured more than 1,000 apparently hopeless consumption cases. He now offers to treat gratis 500 consumptive from the different States in the Union. He comes to America with the highest credentials from the most eminent physicians and the press in Europe. The treatment consists of inhalation of formaldehyde vapor, transported directly through the tissues by the aid of light tension static electricity.

A Deal in Columbia.

The Columbia Electric Light and Railway Company was sold Thursday to a syndicate, represented by Mr. P. H. Gadsden, of Charleston. It develops that Mr. Gadsden has had control of a majority of the stock for some time, and called upon the local holders to come in on the deal. This they unanimously decided to do, and the sale was consummated. The price paid was \$257,000, and the stockholders get about fifty cents on the dollar, which they consider the best offer that has been made them. Negotiations have been in progress for some time looking to the sale of the road to other people, but none of them amounted to anything.

Rigo is Not Dead.

A London dispatch says: Princess Chimay formerly Clara Ward, of Detroit, telegraphs from Cairo that Jansel Rigo, the Gypsy, with whom she eloped, and later married, is not dead, but is quite well in Cairo.

ROYAL BAKING POWDER. Makes the food more delicious and wholesome.