WEDNESDAY, FEBRUARY 11, 1885.

GRAVE REPORTS.

The trial of John C. Ferguson for the killing of Arthur Benedict has ended in a mistrial, and must be had again. It what we are about to say, we desire it understood that our utterances have no reference to the future of this case. We would upon no account prejudice his cause. But, in connection with the trial just closed, there are some grave and serious matters which we cannot, as honest journalists, allow to pass in silence.

Rumors touching the integrity of the proceedings are rife within this community. Over-zealous friends of the accused, it is said, have used undue influences upon jurors. Indeed, the composition of the panel has been the source of much whispered insinuation. We desire to say that what we now say has no reference to the counsel of the accused

It is not our purpose to regale the pub lic with the thousand and one rumors filling the air in regard to this matter. Our aim is simply to say to those who. in their misguided zeal for a friend, have, if what is said is true, laid themselves liable to punishment by the law; that the tone and temper of this County will not tolerate any act that has the appearance of tampering with the administration of the law. If we know this people, they want to give to every man a full, fair and impartial trial. But their sense of honor, their love of fairness, their respect for law, all demand that the perfect purity of the trial by jury shall be maintained inviolate. Moreover, their pride in the good name of their County rises to protest against everything that has the semblance of an attempt to prostitute our Courts of justice. There is no language too strong in which to condemn the actions of those who are affected by these reports, if they be true. Upon every street corner it is asserted that no effort was left unused to get upon the panel men known to be friendly to the defendant. That unlawful communication was attempted to be had with the jury, and that before the trial jurors were approached with reference to this trial.

Now, we say again, If all this, or any part of it, be true, it is a disgrace to our people and our County, and an experiment which he who attempts hereafter will find to be exceedingly dangerous; and we say this with no reference to this case. But we lay it down as a rule, which the honorable people of this County will demand, shall be rigorously to them under SECTION 1178, in regard shot him; Benedict did not get a chance citizens-of those who observe the law, and depend upon it for protection lies in its strict enforcement. We cannot afford, therefore, to be silent when dangerous inroads are made upon this citadel of our rights. We trust that we shall not again have occasion to write a warning like this.

OUR RAIL ROAD.

our Court don't let us lose sight of the C., C. G. & C. R. R. Success in an enterprise of this nature lies in no few persevering and courageous men. By general consent, or more properly because of general indifference a few men come to the front in every under- by some Druggist in the sale of ardent his pistol, and don't know how far Benetaking and bear the brunt of heat and spirits, but we are not now prepared dict was from Ferguson when he got burden. These men have arisen in our with the evidence to prosecute to conmidst and it becomes the duty of our viction. community to support them and uphold their hands.

The action of the Board of trade and the Chamber of Commerce of Charleston is very encouraging. They at least recognize the importance of this connec- I respectfully call the attention of your him before I left the store. tion and, their suggestions and opinions honorable body to the fact, there are a will doubtless have much weight in in- few Lunatics in this County who are ducing the people of Charleston to embark their money in the undertaking.

people of Abbeville in the proper spirit This class of unfortunate people will and resolved to issue Bonds to the ex- doubtless have to be provided for by the tent of five per cent. of their taxable County, and attention is called to them property in aid of the Road. We have not yet heard from Edgefield as will meet their requirement. and Aiken. But we have no doubt of their action in the premises. Let Abbeville therefore continue the good work it has begun and lead in this son National Bank. undertaking. To her the road is a last necessity. Prudence, sagacity, energy, require her to build it. Indeed her safety, and the preservation of her very existence depend upon it.

EDITORIAL NOTES.

Mr. N. G. Gonzales, reporter for the News and Courier, was sent here by that enterprising journal to attend the Ferguson trial. Mr. Gonzales is one of the best news paper men in the State, and is too a most social and genial gentleman.

ADVICE TO MOTHERS. Are you disturbed at night and broyour rest by a sick child suffering and crying with pain of cutting teeth? If so, send at once and get a bottle of Mas. Winslow's Scottling Syr-UP FOR CHILDREN TEETHING. Its value is incalculable. It will relieve the poor little sufferer immediately. Depend upgulates the stomach and bowels, cures wind colic, softens the gums, reduces inflammation, and gives tone and energy to the whole system. Mrs. Winslow's Scothing Syrup for Children Texts-ING is pleasant to the taste, and is the prescription of one of the oldest and best female nurses and physicians in the United States, and is for sale by all druggists throughout the world. Price 25 cents a bottle.

D-AV

Ferguson's Folly.

HIS SANITY QUESTIONED.

Full Account of the Trial-Testimo ny of Experts - Doctors Disagree and so do the Jury-10 to 2 the Result.

Other Court Proceedings. WEDNESDAY.

The argument in the case of the State vs. John Moore, was concluded and his Honor charged the jury and

hey retired.
The State vs. Hugh R. Gibert, assault and battery with intent to kill, was then called. Mr. E. B. Gary, represented the defendant. On motion of defendant's counsel the case was continued, or account of the absence of a material

State vs. Allen Watson, indicted for ssault and battery with intent to kill. . W. Smith for the defence. Verdict

State vs. Rafe Chiles-Carrying con cealed weapons. O. T. Calhoun and B. Gary for defence, not guilty.

When the jury in the John Moore case had reported to the Court that they were unable to agree upon a verdict, hi Honor instructed them to return to their oom, and take a vote upon the question as to whether they were willing to stay there and fight it out. The jury unanimously decided, that they had had nough of it, and his Honor instructed the Clerk to enter a mistrick.

THURSDAY.

The whole day was taken up in the trial of the State vs. Thomas Gaston. white; and Fed Devlin, colored, indicted for burglary and larceny. G. W. Cromer was the prosecutor and had employed Ellis G. Graydon to assist the Solicitor. The defendants were represented by Messrs. Bradley, Bonham and (), T. alhoun. The jury returned a verdict of not guilty.

PRESENTMENT OF THE GRAND JURY, FEBRUARY TERM, 1885.

TO THE HON. B. C. PRESSLEY, PRE-SIDING JUDGE.

The Grand Jury respectfully submit the following report: We have examined the offices of the County and so far as we are capable of judging they are well kept. We recommend to the County Commissioners to be more particular in their contracts and rigid in requiring a strict compliance with the specifications. The roads in some localities are not well worked. The road supervisors are expected to do a large amount of work without compensation. The overseers are thus freed from accountability, and the labor necessary to keep up the highway is not given. The C. & G. Railroad ignore Sections, 1434, 1502 of General Statutes. The K. & A. Railroad disregard Sections 1475 and to the attention of the Solicitor.

The County Commissioners are prompt in noticing all complaints made enforced. The safety of law-abiding to the removal of obstructions from Bornalist had nothing in his hand creeks and branches, we recommend a more general enforcement of the Act.

with care and recommend some ltttle repairs to the buildings. The inmates are well cared for and are comfortable.

are in proper form and well kept. We recommend, the rest be required to pro-In the interest excited by the events cure books of the same kind, which will I could not see him; saw Ferguson was

We examined the jail and find it small degree in the persistent efforts of a well kept, with due regard for the comfort and safety of the prisoners.

There are serious complaints made to us of the palpable violation of the law

We submit the following from the Probate Judge: Gentlemen :

As Judge of the Probate Court which has jurisdiction in matters of Lunacy, not violent or dangerous, and under re-The town of Trenton has met the committed to the Lunatic Asylum. now, that such provision may be made

As to the funds in my hands I respectfully report the sum of \$2613.49, all of which is now on deposit in the Ander-

All of which is respectfully submitted by,

J. FULLER LYON, Judge Probate Court.

We tender our thanks to your Honor and the Solicitor and the officers of the Court for courtesies extended to us in the discharge of our duties.

> Respectfully submitted. J. W. OLDHAM,

Foreman. Abbeville C. H., S. C. Feb. 4, 1885. On motion of Jas. L. Orr, Solicitor,

rdered : That so much of the presentment of the Grand Jury as relates to County matters be copied by the Clerk and

the Grand Jury as relates to the two conversation with Stark Martin. on it, mothers, there is no mistake about Rail Roads, be copied by the Clerk and

> That so much as relates to Trial Justices, be copied by the Clerk and served upon the Trial Justices. Feb. 9, 1885. B. C. PRESSLEY.

Presiding Judge. FRIDAY.

of Arthur Benedict, and as it was generally known, the Courtroom was crowded when 10 o'clock, the hour for comnencing, had arrived. The State and ngness to proceed, and Clerk Zeigler egan to call the jurors. After a number of them had been put upon their oir dire, and a good many objected to on the part of the defence, and some by the State, the following jurors were

selected to try the cause : J. A. Partlow, Foreman; Ben Brown col) Theodore Kennedy, J. D. Carwile J. J. Bass, W. C. Shaw, J. C. Mundy W. W. Lawson, Lewis Brown, (col) . R. Blackwell, J. E. Ellis, Peter Richey, (col).

TESTIMONY FOR THE STATE. Mr. William Riley, was the first witness offered by the State, and, being sworn said: Am Marshal of the town; was standing just above the door of Auerbach's store when I heard a pistol fired; saw a good many negro women rush out o. door; ran in there and saw Benedict was shot; saw Ferguson standing there with pistol in his hand; asked him if he did the shooting, and he said "yes, the damn rascal was trying to kill me." then arrested him, and sent for Mr. Graydon, who would not let him give bail. I then took him in the Court House to Mr. Dul're. Asked him if he to Mr. DeBruhl, who inquired into the shooting and on finding Benedict was dying refused to allow him to give bail

and sent him to jail. On the cross-examination witness described the positions of Benedict and Ferguson when he entered store.

Elijah Vance, colored, sworn: Was in Auerbach's store when Benedict was shot; noticed Ferguson leaning on counter opposite Benedict, and saw Ferguson put his hand in his pocket, pull out his cour pistol, cock it, and put it in his overcon pocket. Caught a your and by the arm, who was with me, and took him saying I did. i know who he was going to shoot. Was in Kalisky's when shot was fired; saw Benedict right after he was shot; saw nothing in his hand.

Cross-examined-Ferguson was lean ing on the right hand counter going in at the lower end of it. Benedict was below on the other side behind counter, waiting on customers; didn't notice what he was selling; was behind Ferguson when I saw him take out pistol; was nearer the door than he was; took pistol from hip pocket, not in much of a hurry. Ferguson said nothing when I was in there. There was a crowd in the store: was in store five minutes: found Ferguson there and left him there. Re-direct-Diagram of store shows

witness and from it he explained positions of the defendant and the deceased Hetty Belton, colored, sworn: Was in Auerbach's store when Ferguson shot Benedict; Ferguson was on right side of store leaning on counter, then went over on the left side. Benedict was behind the left hand counter and commenced waiting on me. I asked him to show me some shoes; he came from he-1476. And we recommend these Roads | hind the counter and went towards Ferguson to get them; heard Ferguson say semething to him, but did not understand what it was; heard Benedict say "What you say?" and then Fergusor

Benedict had nothing in his hand. Lucy Saunders, colored, sworn: was in Auerbach's store when Benedic The Poor House we have examined was shot; was standing between the door and Benedict; Ferguson was leaning on right hand counter not far from door; Benedict was behind left counter not far from door; when I saw The Trial Justices, have furnished us him again he was on the left hand side, with only 10 Books; four of these only at counter furthest from the door; Benedict was behind left hand counter, Fergoing to shoot and started to run; didn

see Benedict come out of store. Cross-examined—Was with Hetty Belton, standing beside her when pistol and low spirited; went out in the yard was fired; didn't hear Benedict say a and caught a negro by name of Tom word, nor Ferguson either; didn't know Berry, in the collar, called for an ax and was plain crazy when he came back; he who Ferguson was then, but I noticed him leaning on the right hand counter as I went in; didn't see Ferguson cock shot.

Dan Plummer, colored, sworn: Was in Auerbach's store when Ferguson shot Benedict; Ferguson was standing on the right hand side of the store, Benedict behind the left hand counter. Benedict went from behind the counter to get some shoes and Ferguson shot him; saw him when he pulled out his pistol; shot

Cross-examined-Auerbach's was crowded on the day before Christmas. I never noticed Ferguson till he shot Benedict; saw him take his pistol cent act of the Legislature cannot be out of his hip pecket. Three or four women were getting shoes from Benedict; heard neither Ferguson or Benedict say anything.

Re-direct—I am not sure which pocket Fergusou took his pistol from.

Richard Sondley, sworn: Was in front of Auerbach's store at the time of the shooting; Benedict came to the about six months before we get them door and said he was shot and I stopped; she foamed at the mouth and caught him; was shot a little to the left of the meridian line; died in in twenty or thirty minutes after he was shot; bled very little externally; had nothing in either hand.

the store about the length of first coun- study that gave them to her; she had ter back; all came running out when spells more at night than during the day pistol was fired.

D. J. Jordan, sworn: I know Ferguson and Benedict. I was standing in Auerbach's store, and Ferguson was on which she gave her daughter Lizzie, the edge of the door, while Benedict was doses. I had three uncles and two inside the door; heard them talking but paid no attention until I heard Ferguson call Benedict a damned liar and Beneweek before the killing.

Samuel Milford, sworn: I know Ferguson; saw him on 24th December last keep it to ourselves.
in Reub Haddon's bar-room. I heard Cross-examined: Lizzie had these him say to Stark Martin. come 'on down here if you want to see me kill a damn Jew. Stark said oh, ne, don't go. I Mr. Hill's and stood there a little bit served upon the County Commissioners. when I heard of the shooting. It was That so much of the presentment of about ten minutes from the time I heard

Cross-examined-I had hitched my it. It cures dysentery and diarrhosa, re- mailed to the Rail Road Companies and had come in there to get warm; didn't to the Presidents of the respective take a drink; Ferguson was there; It was not in bar-room where I heard ago when he collared the negro; he was the conversation with Stark Martin, but not under the influence of liquor then; at Knox's corner. Stark Martin had a that was the first evidence I saw of the conversation with me, and tried to get return of these spells; he never man-me to deny something, but very few ages his father's business; worked with words passed between us. I went to the rest of the hands; sometimes transwords passed between us. I went to the rest of the hands; sometimes transsee Mr. Bonham after that conversation. acted business for him; ran accounts for asked some of the young men of his noticed he came near falling; I saw him ing fit or vertigo, rather than anything I didn't tell him I was mistaken; I himself after his marriage; he worked

rial of John C. Ferguson for the killing drink of beer on Christmas eve, that was

after the shooting took place. Mr. Kalisky, sworn: I am merchan dizing here, know Ferguson, saw him in February. my store on day Benedict was shot; he asked if I had any thirty-eight or thirtyhe defence both announced their will two cartridges, I said I did not. He said well I have enough anyhow to kill a man; He then cocked his pistol and I have seen her bring him in the house put some cartridges in, don't know how many: I don't think this was more than two and a half minutes before Benedict was killed.

Cross-examined-First told this when Had Dr. Jim Mabry to attend him. As Ferguson was arrested; told it to Wade he grew older he seemed to get over Cothran, Sondley and Visanska; I was very busy in my store; didn't mention he went to Walhalla to school, five year about cartridges until three or four ago. I brought him away because I did o'clock. Ferguson was in my store for ten or fifteen minutes. I didn't try to recall who was in my store when Ferguson asked for cartridges; customers in store might have seen pistol. Had not Knowing his disposition to have these spoken to Benedict for over a year and a half. Mr. Auerbach and myself are When it was very hot or had laborious not friendly. I am an Israelite, Benework I would favor him. I saw speli dict and Auerbach are Jews also. Ferguson generally bought 38 cartridges. Solicitor Orr, here announced that the

State would rest. Mr. Benet for the prisoner, raised the point that the State was compelled to to know anything. It was about two put up evry eye-witness to the killing, hours before he was rational enough to again; then went to the spring and got patient may suffer from grand mal and and give the prisoner the benefit of cross-examining them.

The Judge ruled that the State was he started in a different direction from not bound to put up any witness, which in the judgment of its prosecuting officould give bail, and Mr. DuPre sent him | cer, would injure the State's case, or even lean to the other side. Defendant's counsel excepted to this ruling.

Mr. Benet then made the point that lumber. When he came back was look the State was compelled to examine all ing curious and strange. I saw someback of the indictment.

His Honor ruled that such was the case, unless the Solicitor could satisfy of back door and his mother followed him once before in a similar fix; about the Court, that he had good reasons for him. the Conrt, that he had good reasons for him. went out of front door and not so doing, and of those reasons he walked round end of house, and saw him and John fell down and staid awhile, aggravates or may bring on epilepsy; as he turned the negroe loose. Negroe's name was Tom Berry. Know of no was perf

AFTER RECESS.

Martha Wharton, colored, sworn John Ferguson's nurse; had charge of him with camphor and things; trouble seemed to be in his head; couldn't tell thing was the matter with him. He was | za insensible; this was about 2 p. his age: more than a year old when I not saying a word, and just as he got i had these spells right often, sometimes; couldn't tell how often.

Cross-examined-I can't tell how old I am; about 25; I could not tell how know him; did'nt send for a Doctor of a little late in the evening. He had a send for a doctor; could'nt exactly tell in July, about 10 o'clock in the day. how many times sent for doctor; chilspells; don't know how old when com-

Mrs. Susan Ferguson, sworn: Am Wharton was eight years old when she a year old; lived at the Lites place on the other side of Long Cane; Dr. James Mabry, who is dead now, attended him. John had spells sometimes when out in the yard, and would be brought in the house pale and senseless; would not He began to drink three years ago. send for a Doctor, because he would be have seen him drunk a time or two at over them before the Doctor could get there; John when a child would scream unnaturally when asleep; I knew no were affected in this way; have seven

mence nursing him.

living children and three dead; John was the oldest son and was next to the oldest child; he is twenty-three years of them about three years ago, came home with them in 1881; looked pale said he was going to kill him; he let had had something to drink, and a heap step-daughter of Mr. B. D. Barksdale him go as soon as he saw me; saw no of it; I smelt it, he was the craziest man the nucle of Ferguson; I was six years other spell after that till 19th of December; he was at our house at that time; looked very sad and pale; had eresipelas in his leg at that time, which was giving him great pain; he had looked sad and depressed all year; I noticed it especially after the 14th of February; he was stabbed in the back at that time : and out of the way. Next day I came down here to see Dr. Mabry about John. seemed a bad wound, for it gave him great pain; from that time he has'nt I saw John on Monday and on Tuesday; been like he was before; had been to he had been drinking then; he came to Ninety-Six to a wedding on the 19th D2my house and had a jug of whiskey; cember; he had not been drinking to tried to conceal it; heard him say he had my knowedge; he was restless on Fria strong notion of taking a gun and blowday night before Christmas; said his leg gave him such pain that he could'nt Wednesday until late in the evening; I did sleep; he did'nt seem conscious of what he was doing after he came from Ninetylate in the evening: three was to be a Six; saw him next morning : seemed to be sad looking, and had'nt much to say said he wished he was dead, for every body was against him; I always felt uneasy about him; Lizzie, my oldest child, died in 1873; she was subject to these and for John to stay at home; I didn't spells in her tenth year; had them had carried a pistol regularly; certainly became black in the face; sent for Dr. for four or five months; he began awhile Roberts to see her; was living at Calhoun's Mills then; he gave her veraold when she died; was never strong af-Cross-examined-Saw Ferguson in ter those spells; I thought it was hard

spells for six months and then got over

them, but never was well any more;

affair; my daughter Lizzie had fits for trum; she was nearly thirteen years six or eight months; have seen her in many a one; would jerk and foam at the mouth and always try to get hold of me; Dr. Roberts attended her, (vial containing veratrum viride handed witness and identified as the one out of which lid'nt notice they disturbed her sleep [Vial with veratrum viride in it shown the medicine for daughter Lizzie was witness and identified as the same from obtained) Don't know where John got his whiskey. Cross-examined-I saw him drink aunts who died suddenly with such spells; they were Allen, Sherod and William Barksdale, Mary Barksdale and know whether he was drinking on Mondict said you are another. This was a Mrs. Kerr; these facts were not well day; was attending to his stock when I known in the neighborhood, because we saw him; didn't see him on Tuesday

thought they were brought on by hard College; didn't know anything of John's him about getting married; he started limbs. General effect of epilepsy is to left them there, and had just got over to study; I was not present when any of hauling Benedict a load of wood the home with me; commenced whipping my aunts or uncles died; Allen Barks- week before. Re-direct—The jug spoken of looked like a half-gallon jug; brought it home on Tuesday evening, and had a bottle on the said he would rather eat his next meal in heaven or hell, he did'nt care which. dale lived at old Frenchtown; did'nt send for the dector for Johnnie during these spells didnt see any after he was four years old for a number of years; can't say anything as to his drinking for I never saw him under the influence of whiskey in my life; it was three years

Saturday.
Prof. J. R. Biley, sworn: I was one of the Professors of Adges college when John Ferguson was therein the spring the next morning. of 1880; he had spells when he was there; one day in the recitation room I discovered somethidg wrong with him ; class to take him out of the room into go in; he went in a few steps and stopped; else. In epilepsy it is impossible to

the term was out; never heard of his

drinking either at Erskine or Adger

College: was stabbed in the back in fight at a party at my house on 14th oreakfast table-he was boarding at my Mr. A. J. Ferguson, sworn: 'Am the house—he was similarly affected; be father of John Ferguson. The girl that

nursed him belonged to me. She is now

in manner spoken of, his eyes looking

fixed and he pale and unconscious. He

would sometimes wake up screaming

This lasted until he was five years old

spells I tried to favor him all I could.

morning. This was before he was mar-

I sent him to the mill to see about some

eyes; held them in one position; they

looked set; hardly ever winked them.

all year, but for last two months it has

leave him; after I went to bed heard him

ing his brains out; I didn't see him on

not knon he was to come to town until

marriage at Mr. Brooks'-his wife's sis-

ter; John was not to be there; I went

over and made arrangements for his

brother Tom to bring his wife to town

want him to come to town; he con-

him say a word about Benedict; John

before the election; ever since the Guffin

sented to that arrangement; never heard

tween thirty and thirty-five years old.

came pale and lost his intelligence, and was taken from the table; lasted a very short while. Cross-examined-When spells he seemed all right again; he sometimes asked to be excused from recitations as he was unable to prepare them on account of some peculiar feel- mentioned Benedict's name; didn't tell ing in his head; at all other times he was sane; when spell was on him he tended to kill Benedict; didn't see alterthem. I didn't know of any spell until was not demonstratize; it never came to cation between Benedict and Ferguson. my knowledge he was drinking when in Walhalla. Re-direct-I came to Abbeville on

not know what might be the result. He other business and met Mr. Ferguson was at Adger Coolege for five months; let him go to work after I had brought him and told him what I knew of these home; did all sorts of plantation work, spells.

Lewis Belcher, colored, sworn: seen John working in the field with the other boys; John and I were ploughing onbim in '81 or '82. We were hauling together year before last and John tumlogs. In loading them had to lift right smart. John tumbled over; moved him his hands to his face and said Oh my by side of a tree, and remained there in head! said he would be all right dia stupid, pale condition and didn't seem rectly; I went two rounds and he know which way to go. He helped us some water; Joe and Tom were both late in the evening. When he got up

Joseph B. Ferguson, sworn: Am home. The spell occurred about 10 a.m. I don't think he had been drinking that in the woods when spell spoken of by out cry as with cry; as often silent as ny father was on John; he dropped ried. I noticed another similar spell. down and did'nt say any thing; he was unmarried; it was in January sometime. rainy and muddy; he lay there about five minutes, and then got up and stagwitnesses whose names were on the thing was wrong with him; asked him gered round and said his head was hurtabout the lumber and he gave me no ing powerful bad; Heft him and father on automatically; a wound aggravates satisfactory answer. He then went out in woods and went, on to mill I saw when he got up and went to the shade; name was Tom Berry. Know of no three years ago I was in yard when trouble between Tom Berry and him- John walked up and collared Tom Berry his overcost the Court took a recess until half-past self. I saw no more spell while he was and told me to hand him the ax he working with me. He worked crop to wanted to kill that negro; I had the ax himself after he was married. I was in my hand; he gave no reason for going across bottoms in very hot wanting to kill the negro; I knew of no weather. John was plowing and he trouble between John and Tom Berry ; said that he believed he had give out. don't know whether he was drinking or him three years; had "spells" he would fall; have to carry him in the house; rub some water and cool off. I went to a month before Christmas my brother spring first, and as he came I saw some- and myself found him lying in his pinzm. : t was half an hour before I could get first went there; he was walking; he opposite the spring he fell. I poured him roused up; when he got up he comwater on his face and fanned him. He plained of his head; about a week bedid not speak for some time, and was fore he went to Ninety-Six I went to his house from town; he seemed wrong in unconscious. I staid with him one hour and a half. He did not talk sensibly some way; said he was going to kill old Mr. Ferguson is; couldn' tell who when he did commence talking. He himself, and went into the house and mal while pending has effect to destroy was the Doctor; saw the Doctor; didn't went with me to my house, and plowed got his pistol which I took from him; ten, they knew what to do; they did similar spell last y ar in the cotton patch or eight months to my knowledge; he has been drinking a good deal how long sit was when I belonged to He said Pa, I believe I am going to faint; he was stabbed; and more in the last motion; veratrum usually used in other them, in time of the war; could'nt tell there looks like there is a thick cloud of three months than he had done all the smoke in front of me. I then took him year; was with him at Ninety-Six; was dren younger than Ferguson right smart in shade and he fell down and tried to drinking when I got there; John went difference in ages of children : I was rouse him up. but could not for about to see Dr. Wenck, who rubbed his leg certain to be there when he had these an hour. When I did he said he wanted with something, and as we started away water very bad and took him to a spring gave him a drink of what I thought was 200 yards off. He didn't have any more whiskey; John was drinking when we that day. He was stabbed in back the left Ninety-Six, but soon he let the lines mother of the defendant; Martha 14th February, 1884. It was a right drop and Tom drove the rest of the way; straight stick and gave him severe pain. had not been drinking that morning nursed him; Johnnie was better than He never has looked the same since the that I knew of; he came home on Fristabbing. He looked sad and discourday and when he got there he did'nt aged; didn't look natural out of his have a bit of sense.

Cross-examined-He was under the influence of whiskey when he came from I know something of John's drinking. Ninety-Six; nobody lived with him except his family; I don't think he was drunk the day he wanted to kill Tom my house; he has drank very heavy for Berry; saw-mill he was sent to-was not

last twelve months; I have noticed it in the direction of town. Mrs. Mary Kennedy, sworn: 1 live cause for it; none of my other children been an incessan, thing. Ever since he at Ninety-Six, two miles from the town; was stabbed. I know of no cause for the wedding took place at my house; his drinking; I have never allowed him am aunt of John Ferguson; his appearto manage his own affairs since he has ance attracted my atiention and I saw been living by himself; I have been there was something wrong with him spells spoken of left him when four or he was and where he had been; I was him; he talked and acted strange next ful in business, I saw nothing to lead five years old; have observed a return afraid he was coming to town to get day, all the time he was down there he me to believe he was insanc. whiskey and I wanted to catch up with looked strange; there was no whiskey

a wedding and came back on Friday; he a dry town. Mrs. Carrie Richey, sworn : am the I ever saw in my l'fe; don't think he old when my mother married Mr. Barksslept a wink that night, was in the same dale; he lived fifteen years after marroom with him; tried to get him to take riage; lived in Mississippi till 1872; at a cup of coffee; said he didn't want any-times he drank very hard, would then times he drank very hard, would then thing to eat and begged his wife not to be delirious, gather his arms and say he was going to kill some one; no one tell his wife that he wished he was dead could control him except myself and I would make him go to bed; after he quit drinking he continued to have them; come chiefly at night; on one occasion he attempted to cut down and burn up his own house : was away from home a good deal when I came back here, but saw him have several fits.

Cross-examined-I and my mother nd John Smith sometimes saw him; I don't think J. H. Barksdale ever saw

Thos. F. Ferguson, sworn: Am brother of John; John drove the horses into Ninety-Six and I drove them back; John looked pale and dropped the lines ; I was with Joe when we found him insensible on the piazza; said he believed he was going to die, and he believed he would have died if his wife had'nt got there; John told me he was obliged to drink, because he thought he was going

Cross-examined-He never was at nome under the influence of whiskey; I think he had some whiskey at Ninety

Tom Berry, colored, sworn: Lived on Mr. Ferguson's place year before last; not living there now; one day as we came in from hunting I was standing at smoke house skinning rabbits when ohn came out of the house and came straight on to me; looked sorter wild some between Friday and Tuesday; I saw at me, collared me and asked Joe for Sherod and him have a bottle on Saturday; don't the ax; did'nt call my name : no trouble

between us. Cross-examined-Did nt hear him say what he was going to do with the ax; never spoke of them; always tried to till one o'clock; had been to town on have seen a drunk man catch hold of anthat day; I don't think he is a close other; did'nt know whether John was buyer; he staid at Adger College until drinking or not.

R. A. Richey, sworn: Met Ferguson one day in town; commenced teasing his horse; I remonstrated; asked him

It being rather late, and the whole Court being worn out, Court was adjourned at this point until nine o'clock

Saturday's Proceedings.

T. L. Haddon, sworn: I was sumhe looked very pale, as if he would tum-ble over; I addressed some questions to a witness at the inquest; I met Mr. Fermoned as a witness for the State. This was the day appointed for the smart on Christmas day; took only one his own crop and managed and controlled the air and do something for him; they smart on Christmas day; took only one his own hands; we sent him to school took him to the spring and applied was

at Abbeville, Due West and to Adger ter to his head and he was soon all passed just inside the door; do not know right; lasted not more than fifteen or who said it, or whether it was said in twenty minutes; one morning at the jest; couldn't have been more than a minute after I heard this, till the shot! can't say whether I heard anything said about wood before or after the shooting;

I don't know where it came from. Cross-examined-I was sick vesterday; wrote that note to Mr. Bonham; didn't know the voice inside of the door; several persons in there; didn't have onversation with Ferguson in which he W. S. Cothran I heard him say he in-Two or three minutes after Ferguson changed posicion until I heard shot

Dr. F. F. Gary, sworn: I am practicing

physician in Abbeville; I am Libraian and Secretary and ex-president of the Abpeville Medical Society, Chairman Board of Health; I recollect the sad occurrence live at Mr. Jack Ferguson's; have often of the post mortem examination: I saw the dead body of Benedict; I didn't see any powder burns on his clothes; I know something of epilepsy, of its characbled down rigth on the ground; he put teristics and varieties; there is really and essentially but one variety of epilepsy, but that is divided; serious form is termed grand mal, the other petty mal; then started on round with his horse the lines between them not distinct; a petty mal at the same time; grand mal comes on suddenly; usually first thing patient knows he falls with convulsive brother of John Ferguson; was present motions, uttering cry; as many fall withpreceded by cry; grand mal always fall, lose consciousness, dazed appearance; may not notice it at all, unless looking at patient; ordinarily might not be noticed by any one; I know of cases of epileptic have fits upon them, where patient go or may bring on epilepsy; an epileptic may be more apt to be affected; by reaggravates or may bring on epilepsy; severe pain of eresypelas may produce epilepsy; any pain to nervous system liable to bring on epilepsy; an epileptic not any more disposed to liquor; irascible, easy to find fault, changes temper, has melancholly or depressed feeling, especially when its pending, or immediately afterwards, convulsions alware at grand mal; foaming at mouth not alv. s.n petty mal; alcoholic stimulants aggravates the disease; a person who is epileptic may be deranged though apparently sane; a man may be sane on a great many things-others not; knows of a medicine called veratrum viride; an epilectic during influence of that disease is liable to suffer from hallucination.

Cross-examined-Effect of epilepsy to induce weakness or imbecility; grand the mind; brings on idiocy and dementia; he had been carrying a pistol for seven look foolish; don't look natural; with one form of epilepsy they can conceive since and perfrom acts which require lococases than epilepsy; it slows the pulse; children screaming at night evidence sometimes of heavy supper.

THE STATE IN REPLY.

Jones F. Miller, sworn : Am a merchant; have known the defendant for seven or eight years; have had business with him; conducted himself just like any other man; he is a close buyer; have no reason to believe that he was any other than a sane man.

W. R. Smith, sworm: I live two miles from here and have known Ferguson for five or six years; had business with him up to November 1884: managed his business as well as many would; have no reason to believe that he was any other than a same man. W. T. McDonald, sworn: Have

known Ferguson for five or six years : he clerked for me for four months; I have seen nothing to lead me to believe he was any other than a sane man.

R. McG. Hill, sworn: Have known Ferguson for four years; have bought guson had pistol in his hand; a stack of boxes between me and Benedict, so that been married two years last December; for the last two months, inquiring where different from what I had always seen to lead to be care. J. L. Perrin, sworn : I know Fergu-

him; he had eresipelas very bad in his in my house, except some for silla-bub; son; went to school with him at Ersk-left leg; he went to Ninety-Six to attend no whiskey is sold in Ninety-Six; it is ine college: saw a good deal of him; saw nothing strange about him; thought he was sane. James Chalmers, sworn: I know

Ferguson; went to school with bim in town, saw a good deal of him; have seen nothing in his conduct to lead me to think he was insane. Rev. H. C. Fennell, : Live in this County ; know Ferguson ; have nt seen

much of him; saw him on 2d of last month ; visited him in jail. Rev. W. F. Pearson, sworn: Live at Due West; am Pastor of Long Cane;

have known Ferguson for nine years; knew him here and at college: I have never noticed anything to lead me to think he was insane. Dr. T. J. Mabry, sworn : Live in this

village; am a physician. Have part of the time been the family physician of Mr. Forguson. Have seen a good deal of John, Known him all his life. Never thought anything but of his being a sane man. Did'nt hear all of the evidence in this case. Epilepsy weakens the mind, severe forms ultimately desstroy it. Symptoms are swollen purple appearance of the face, features contorted and foaming at the mouth and unconsciousness. There are cases on record where these do not appear; cant walk in an epileptic fit; comatose condition a necessary effect ; symptoms of petty mal, unconsciousness and staring of the eyes. amounts to nothing until severe forms set in. Usually no premonition in epiepsy: some premonition in fainting and

vertigo, Cross-examined-Petty mal may effect the mind after a while; don't know that they fall down in petty mal; a wide difference in visible effects. Petty mal might go into grand mal. I can't say a man may be insane and others not

know it. Dr. J. L. Pressly, sworn: Am a physician. Did not hear all the testimony. From testimony I heard it is hard to tell the exact nature of the disease the defendant is suffering from. I should say either syncope, fainting fit or vertice. Not possible to have epilepsy without the symptoms mentioned. The fit deprives them of the voluntary use of the weaken the mind, produces imbecility or weakness, depending on the severity

and frequency of the attacks.
Cross-examined—There are a great many late books on the nervous diseases, (Here the witness was subjected to a most searching and long examination, testing his knowledge in various branches and which the reporter was unable to take

Re-direct-Epileptics are not considered dangerous to the community. Dr. J. W. Wideman, sworn: Am physician at Due West; heard most of