

GRAVE REPORTS.

The trial of John C. Ferguson for the killing of Arthur Benedict has ended in a mistrial, and must be had again. In what we are about to say, we desire it understood that our utterances have no reference to the future of this case.

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.

It is not our purpose to regale the public 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.

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 enforced.

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 connection, and their suggestions and opinions will doubtless have much weight in inducing the people of Charleston to embark their money in the undertaking.

The town of Trenton has not the people of Abbeville in the proper spirit and resolved to issue Bonds to the extent of five per cent. of their taxable property in aid of the Road. We have not yet heard from Edgefield 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 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 to a most social and genial gentleman.

ADVICE TO MOTHERS.

Are you disturbed at night and broken of your rest by a sick child suffering and crying with pain of cutting teeth? If so, send at once and get a bottle of Mrs. Winslow's Soothing Syrup for Children Teething. Its value is incalculable. It will relieve the poor little sufferer immediately. Depend upon it, mothers, there is no mistake about it. It cures dysentery and diarrhoea, regulates the stomach and bowels, cures wind colic, softens the gums, reduces inflammation, and gives tone and energy to the whole system.

Ferguson's Folly.

HIS SANITY QUESTIONED.

Full Account of the Trial—Testimony of Experts—Doctors Disagree and so do the Jury—10 to 2 the Result.

Other Court Proceedings.

The argument in the case of the State vs. John Moore, was concluded and his Honor charged the jury and they 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, on account of the absence of a material witness.

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

State vs. Rafe Philips—Carrying concealed weapons. O. T. Calhoun and F. 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, his Honor instructed them to return to their room, and take a vote upon the question as to whether they were willing to stay there and fight it out.

The whole day was taken up in the trial of the State vs. Thomas Gaston, white; and Fed. Devin, 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 O. T. Jahoun. The jury returned a verdict not guilty.

PRESENTMENT OF THE GRAND JURY, FEBRUARY TERM, 1885.

To the Hon. B. C. PRESSLEY, PRESIDING 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 SECTION 1434, 1502 of General Statutes. The K. & A. Railroad disregard SECTIONS 1475 and 1476. And we recommend these Roads to the attention of the Solicitor.

The County Commissioners are prompt in noticing all complaints made to them under SECTION 1178, in regard to the removal of obstructions from creeks and branches, we recommend a more general enforcement of the Act. The Poor House we have examined with care and recommend some little repairs to the buildings. The inmates are well cared for and are comfortable.

The Trial Justices, have furnished us with only 10 Books; four of these only are in proper form and well kept. We recommend, the rest be required to procure books of the same kind, which will furnish an itemized statement of each case.

We examined the jail and find it 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 by some Druggists in the sale of ardent spirits, but we are not now prepared with the evidence to prosecute to conviction.

We submit the following from the Probate Judge: As Judge of the Probate Court which has jurisdiction in matters of Lunacy, I respectfully call the attention of your honorable body to the fact, there are a few Lunatics in this County who are not violent or dangerous, and under recent act of the Legislature cannot be committed to the Lunatic Asylum. This class of unfortunate people will doubtless have to be provided for by the County, and attention is called to them now, that such provision may be made as will meet their requirement.

As to the funds in my hands I respectfully report the sum of \$2613.49, all of which is now on deposit in the Anderson National Bank. 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, ordered:

That so much of the presentment of the Grand Jury as relates to County matters be copied by the Clerk and served upon the County Commissioners. That so much of the presentment of the Grand Jury as relates to the two Rail Roads, be copied by the Clerk and to the Presidents of the respective roads.

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.

This was the day appointed for the trial of John C. Ferguson for the killing of Arthur Benedict, and as it was generally known, the Courtroom was crowded when 10 o'clock, the hour for commencing, had arrived.

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, on account of the absence of a material witness.

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The State and he defence both announced their willingness to proceed, and Clerk Zeigler began to call the jurors. After a number of them had been put upon their *voir dire*, and a good many objected to 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. Carville J. C. Bass, W. C. Shaw, J. C. Mundy, W. W. Lawson, Lewis Brown, (col) T. R. Blackwell, J. E. Ellis, Peter Richey, (col).

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 hand, asked him if he did the shooting, and he said "yes, the damn rascal was trying to kill me." I 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. DuPre. Asked him if he could give bail, and Mr. DuPre sent him 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 position 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 pistol, cock it, and put it in his overcoat pocket. Caught a young fellow by the arm, who was *whooing*, and took him saying I didn't 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.

Re-direct—The witness was leaning 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 his pocket, not in much of a hurry. Ferguson said nothing when I was in there. There was a crowd in the store; was in there five minutes; found Ferguson there and left him there.

Re-direct—Diagram of store shown witness and Ferguson, and 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 behind the counter and went towards Ferguson to get them; heard Ferguson say something to him, but did not understand what it was; heard Benedict say "What you are doing with Ferguson shot him; Benedict did not get a chance to get the shoes before he was shot; Benedict had nothing in his hand."

Lucy Saunders, colored, sworn: I was in Auerbach's store when Benedict was shot; was standing between the door and Benedict; Ferguson was leaning on right hand counter not far from door; Benedict was behind left hand counter not far from door; when I saw him again he was on the left hand side, at counter furthest from the door; Benedict was behind left hand counter, Ferguson had pistol in his hand; a stack of boxes between me and Benedict, so that I could not see him; saw Ferguson was going to shoot and started to run; didn't see Benedict come out of store.

Cross-examined—Was with Hetty Belton, standing beside her when pistol was fired; didn't hear Benedict say a word, nor Ferguson either; didn't know who Ferguson was then, but I noticed him leaning on the right hand counter as I went in; didn't see Ferguson cock his pistol, and don't know how far Benedict was from Ferguson when he got shot.

Ian 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 him before I left the store.

Cross-examined—Auerbach's store was crowded on the day before Christmas. I never noticed Ferguson till he shot Benedict; saw him take his pistol out of his hip pocket. Three or four women were getting shoes from Benedict; heard neither Ferguson or Benedict say anything.

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

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

Cross-examined—Saw Ferguson in the store about the length of first counter back; all came running out when he was shot.

D. J. Jordan, sworn: I know Ferguson and Benedict. I was standing in Auerbach's store, and Ferguson was on the edge of the door, while Benedict was inside the door; heard them talking but paid no attention until I heard Ferguson call Benedict a damned liar and Benedict said you are another. This was a week before the killing.

Samuel Milford, sworn: I know Ferguson; saw him on 24th December last in Reub Haddon's bar-room. I heard him say to Stark Martin, come on down here if you want to see me kill a damn Jew; Stark said no, no, don't go. I left them there, and had just got over to Mr. Hill's and stood there a little bit when I heard of the shooting. It was about ten minutes from the time I heard conversation with Stark Martin.

Cross-examined—Had hitched my horse in the rear of Reub Haddon's and had come in there to get warm; didn't take a drink; Ferguson was there; it was not in bar-room when I heard the conversation with Stark Martin, but at Knox's corner. Stark Martin had a conversation with me, and tried to get me to deny something, but very few words passed between us. I went to see Mr. Bonham after that conversation. I didn't tell him what was mistaken; I sometimes take a drink; took right smart on Christmas day; took only one

drink of beer on Christmas eve, that was after the shooting took place.

Mr. Kalisky, sworn: I am merchandizing here, know Ferguson, saw him in my store on thirty-first or thirty-second, two cartridges, I said, did not, said well I have enough anyhow to kill a man; He then cocked his pistol and 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 Ferguson was arrested; told it to Wade Cothran, Sondley and Vianska; I was very busy in my store; didn't mention about cartridges until three or four 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 spoken to Benedict for over a year and a half. Mr. Auerbach and myself are not friendly. I am an Israelite, Benedict and Auerbach are Jews also. Ferguson generally bought 38 cartridges.

Solicitor Orr, here announced that the State would rest.

Mr. Bonet for the prisoner, raised the point that the State was compelled to put up every eye-witness to the killing, and give the prisoner the benefit of cross-examining them.

The Judge ruled that the State was not bound to put up any witness, which in the judgment of its prosecuting officer, would injure the State's case, or even lean to the other side. Defendant's counsel excepted to this ruling.

at Abbeville, Due West and to Adger College; was stabbed in the back in a fight at a party at my house on 14th February.

Mr. A. J. Ferguson, sworn: 'Am the father of John Ferguson. The girl that nursed him belonged to me. She is now fifteen years and thirty-five years old. I have seen her in the house in manner spoken of in his eyes being fixed and he pale and unconscious. He would sometimes wake up screaming. This lasted until he was five years old. Had Dr. Jim Mabry to attend him. As he grew older he seemed to get over them. I didn't know of any spell until he went to Wallhalla to school, five years ago. I brought him away because I did not know what might be the result. He was at Adger College for five months; let him go to work after I had brought him home; did all sorts of plantation work.

Knowing his disposition to have spells I tried to favor him all I could. When it was very hot or had laborious work I would favor him. I saw spell on him in '81 or '82. We were hauling logs. In loading them had to lift right smart. John tumbled over; moved him by side of a tree, and remained there in a stupid, pale condition and didn't seem to know anything. It was about two hours before he was rational enough to know which way to go. He helped us into the evening. When he got up he started in a different direction from home. The spell occurred about 10 a. m. I don't think he had been drinking that morning. This was before he was married. I noticed another similar spell. I sent him to the mill to see about some lumber. When he came back was looking curious and strange. I saw something was wrong with him; asked him about the lumber and he gave me no satisfactory answer. He then went out of back door and his mother followed him; he went out of front door and walked round end of house, and saw him as he turned the negro house. Negro's name was Tom Berry. Know of no trouble between Tom Berry and himself. I saw no more spell while he was working with me. He worked crop to himself after he was married. I was going across bottoms in very hot weather. John was plowing and he said that he believed he had give out. I told him to go to the spring and get some water and cool off. I went to spring first, and as he came I saw something was the matter with him. He was in shade and he had just as he got opposite the spring he fell. I poured water on his face and fanned him. He did not speak for some time, and was unconscious. I staid with him one hour and a half. He did not talk sensibly when he did commence talking. He went with me to my house, and plowed a little later in the evening. He had a similar spell last year in the cotton patch in July, about 10 o'clock in the day. He said Pa, I believe I am going to faint; there looks like there is a thick cloud of smoke in front of me. I then took him in shade and he had a time or two to rouse him up, but could not for about an hour. When I did he said he wanted water very bad and took him to a spring 200 yards off. He didn't have any more that day. He was stabbed in back the 14th February, 1884. It was a right straight stick and gave him severe pain. He never has looked the same since the stabbing. He looked sad and discouraged; didn't look natural out of his eyes; held them in one position; they looked set; hardly ever winked them.

He knew something of John's drinking. I began to drink three years ago. I have seen him drunk a time or two at my house; he has drank very heavy for last twelve months; I have noticed it all year, but for last two months it has been an incessant thing. Ever since he was stabbed, I know of no cause for his drinking; I have never allowed him to manage his own affairs since he has been living by himself; I have been going there two or three times a week for the last two months, inquiring where he was and where he had been; I was afraid he was coming to town to get whiskey and I wanted to catch up with him before he was very bad in his mind; left leg he went to Ninety-Six and a wedding and came back on Friday; he was plain crazy when he came back; he had had something to drink, and a heap of it; I smelt it, he was the craziest man I ever saw in my life; don't think he slept a wink that night, was in the same room with him; tried to get him to take a cup of coffee; said he didn't want anything to eat and begged his wife not to leave him; after I went to bed heard him tell his wife that he wished he was dead and out of the way. Next day I came down here to see Dr. Mabry about John. He had been drinking then; he came to my house and had a jug of whiskey; tried to conceal it; heard him say he had a strong notion of taking a gun and blowing his brains out; I didn't see him on Wednesday until late in the evening; I did not know he was to come to town until late in the evening; three was to be a marriage at Mr. Brooks's—his wife's sister; John was not to be there; I went over and made arrangements for my brother Tom to bring his wife to town and for John to stay at home; I didn't want him to come to town; he consented to that arrangement; never heard of John until Monday then; he came to me; had carried a pistol regularly; certainly for four or five months; he began awhirl before the election; ever since the Guffin affair; my daughter Lizzie had fits for 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 the medicine for daughter Lizzie was obtained) Don't know where John got his whiskey.

Cross-examined—I saw him drink some between Friday and Tuesday; I saw him have a bottle on Saturday; don't know whether he was drinking on Monday; was attending to his stock when I saw him; didn't see him on Tuesday till one o'clock; had been to town on that day; I don't think he is a close buyer; he staid at Adger College until the term was out; never heard of his drinking either at Erskine or Adger College; didn't know anything of John's hauling Benedict a load of wood the 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 Saturday.

Prof. R. B. Riley, sworn: I was one of the Professors of Adges college when John Ferguson was therein the spring of 1880; he had spells when he was there; one day in the recitation room I discovered something wrong with him; he looked very pale, as if he would tumble over; I addressed some questions to him but could get no intelligent answers; asked some of the young men of his class to take him out of the room into the air and do something for him; they took him to the spring and applied wa-

ter to his head and he was soon all right; lasted not more than fifteen or twenty minutes; one morning at the breakfast table—he was boarding at my house—he was similarly affected; he came pale and lost his intelligence, and was taken from the table; lasted a very short while.

Cross-examined—When over the spells he seemed all right again; he sometimes asked to be excused from recitations as he was unable to produce them on account of some peculiar feeling in his head; at all other times he was sane; when spell was on him he was not demonstrative; it never came to my knowledge he was drinking when in Wallhalla.

Re-direct—I came to Abbeville on other business and met Mr. Ferguson and he told him what I knew of these spells.

Lewis Belcher, colored, sworn: I live at Mr. Jack Ferguson's; have often seen John working in the field with the other boys; John and I were ploughing together year before last and John tumbled down right on the ground; he put his hands to his face and said Oh my head! said he would be all right directly; I went two rounds and he then started on round with his horse again; then went to the spring and got some water; Joe and Tom were both there.

Joseph B. Ferguson, sworn: Am brother of John Ferguson; was present in the woods when spell spoken of by my father was on John; he dropped down and didn't 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 started round and said his head was hurting powerful bad; I left him and father in woods and went on to mill I saw him once before in a similar fix; about eight years ago we were hoeing cotton and John fell down and staid awhile, when he got up and went to the shade; three years ago he was in yard when John was up and he cared Tom Berry and told me to hand him the ax he wanted to kill that negro; I had the ax in my hand; he gave no reason for wanting to kill the negro; I knew of no trouble between John and Tom Berry; don't know whether he was drinking or not; he looked pale and foolish; about a month before Christmas my brother and myself found him lying in his piazza insensible; this was about 2 p. m.; it was half an hour before I could get him roused up; 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