

The Newberry Herald and News.

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STRUCK BY THE LAW

AGRICULTURAL HALL CASE WON BY WESLEY.

The Highest Court Gives Him Possession of Dispensary Building After Long Litigation—Cost to the State.

Washington, May 11.—The United States supreme court has affirmed the decision of the circuit court for the circuit of South Carolina in the "Agricultural Hall" case, involving the title to the Agricultural hall in Columbia, S. C. Edward B. Wesley of New York bought the property of the commissioners of the State sinking fund, but there were alleged irregularities in the purchase and he brought suit against J. E. Tindal, the secretary of state, and J. R. Boyles, who had been employed by the secretary of state to guard the property, to secure possession. Tindal and Boyles, in the lower courts, contended that they were mere custodians of the property and that the State should be sued, but in the lower court the possession of the property was given to Wesley. This judgment was affirmed by the supreme court in an opinion by Justice Harlan, who held that the State was not necessarily a party to the suit.

WHAT IT MEANS.

[The State.]

It was rumored about the city yesterday that the supreme court had rendered the above decision. The attorney general had heard nothing of it. Mr. Lyles, who has represented Wesley all the way through and won his fight in the several courts, was not in the city. He is off on a trip to Washington and Philadelphia and will not return until Friday.

The decision means that Mr. Wesley gets possession of the property and will collect rent from the State dispensary for a period that extends from the time of the first judgment.

Assistant Attorney General Townsend said yesterday that he thought that this would be for a period of 18 months.

Senator Tillman when governor, insisted on holding this property, and established the State dispensary therein. The dispensary has been located in the building ever since. The dispensary authorities have spent much money putting in permanent improvements about the property both inside the building and about the yards. Several thousand dollars have no doubt been invested in this way and under the law the authorities will have no right to remove any improvements. Such improvements made by a tenant belong to the owner of the property. The dispensary authorities, in addition to erecting a large water tank on the side of the building have had a cement floor put in the cellar, and other costly changes necessary for the carrying on of the liquor business have been made.

It is not known, of course, whether Mr. Wesley will permit the dispensary to be continued in his building at any figure. He will probably collect a good sum for back rent and can charge his own prices for the dispensary apparatus attached to the building which under the decision belong to him. Again, he may bring suit to recover damages to the building from the putting in of the elevator, etc.

There is a considerable stir in dispensary circles over the decision and the defeat of the State, particularly as there is no appeal from this last decree of the courts.

There is much speculation as to where the dispensary can secure a building large enough and suitable for its purpose in case it has to vacate the Agricultural hall building.

Anderson, S. C., March 1, 1897.—L. O. Hall of this place writes the following voluntary statement for publication: "I was afflicted for a long time with boils, and began taking Hood's Sarsaparilla, which has entirely cured me. I recommend this medicine to all who are suffering as I was."

Hood's Pills are the favorite family cathartic. Easy to take, gentle, mild, 25c.

WHAT THE STATE OFFICERS SAY.

Interview with Attorney General Barber and Governor Ellerbe on the Effect on the Decision.

[News and Courier.]

Columbia, May 11.—It was stated in this correspondence this morning that there was a rumor here that the State had lost the Agricultural Hall case, which is one of the most important suits in which the State has been engaged. The Washington dispatches, however, said absolutely nothing about the decision, and so no more was known about the matter until to-night, when the news reached here that the State had lost the Agricultural Hall case. Ever since the case was originally decided in Charleston by a jury against the State, the case was regarded by the State Administration as a lame contest, and the State's counsel seemed to be fighting for time, and an odd chance. An appeal was taken to the Court of Appeals, and then to the United States Court, and in every instance the State has lost.

The litigation was over the possession of the Agricultural Hall which Mr. Alexander bought at public sale, and for which Mr. W. H. Lyles, as counsel for E. B. Wesley, made one payment, and then offered "Blue Ridge bonds" for further payment. The bonds were refused, and the State seized the building but the Courts have held that Mr. Wesley is entitled to the possession of the building.

WHAT MR. BARBER SAYS.

Attorney General Barber was seen about the case this evening, and said that the State had lost, from what he understood of the decision, the Agricultural Hall, but the decision did not involve the legality of the Blue Ridge bonds, which it was sought to establish.

Not only does the State lose the possession of the building, but it will have to pay Mr. Wesley a pretty big rental for the building, which has been used as the chief dispensary. It was stated to-day that rent could only be collected for eighteen months, which is the time the judgment of the Court has been on record. In addition to this, if the State vacates the building, it will lose considerable in the way of permanent improvements it had put in the buildings for the running of the grog business.

GOVERNOR ELLERBE WILL NOT TALK.

Governor Ellerbe, when asked about the decision to-night, said that he did not care to have anything to say about the matter, or what the State would do as to the domicile of the dispensary. It will be remembered that the litigation in this case was started during Governor Tillman's Administration.

Quinine and other fever medicines take from 5 to 10 days to cure fever. Johnson's Chill and Fever Tonic cures in ONE DAY.

Condition of Senator Earle.

The condition of Senator Earle was unimproved yesterday afternoon. On Monday night, he was a good deal worse but rallied the next day. Dr. Earle states that his patient may remain in his present condition for a week or more without any very great change. At present he is exceedingly weak, not being able to retain very much nourishment.

Since Saturday, the streets in the vicinity of Senator Earle's home have been roped off to prevent the noise of passing teams annoying the sick one, as he is very nervous about such things. His family were a little more hopeful yesterday and his numerous friends all over South Carolina will join with them in hopes for a safe termination of his illness. A multitude of inquiries from all over the State have been received by his family in the past week, and callers at the house have been as numerous.—Greenville Mountaineer, May 12.

Why will you buy bitter nauseating tonics when GROWER'S TASTELESS CHILL TONIC is as pleasant as Lemon Syrup. Your druggist is authorized to refund the money in every case where it fails to cure. Price 50 cents. f. ly

FROM STEM TO STERN.

DECOY DUCKS MADE OF DIRT-DAUBERS WILL BE RAISED.

Larry Gantt to Do It—He Writes Another Communication to The State About the Dispensary Scandal.

Larry Gantt has sent The State another chapter in the dispensary scandal. He is still insisting on his demand for an investigation of dispensary affairs from "Hell to Holland," and promises to riddle "from stem to stern" the bosses of some "decoy ducks made of dirt-daubers." Here is his latest communication: To the Editor of The State.

Below I publish an extract from a letter which I have just received from one of the leading and most honorable gentlemen in our State, and who will doubtless permit me to use his name if occasion demands. It shows that my demand to investigate the dispensary is no new found zeal, but that for more than a year I have been working to uncover reported venality. The letter says:

"I have been reading the developments in the dispensary with interest. I have been satisfied for some years what has been going on, and, if you remember I told you, and believed it more than three years ago. At first you disagreed with me, but later you told me that you believed I was correct, and mentioned a very large shortage reported in Commissioner Traxler's books, which you said had been told you. I urged you to open up lest it disrupt the Reform movement and bankrupt the State, to say nothing of the disgrace which would be attended with it if not stopped. You thought it inadvisable at that time, but said you would expose it when you thought the time had come, giving me your reasons, etc., for so doing.

"Now, perhaps I am incompetent to advise, but would say that you cannot admit this matter to stop at a few cans of peaches and cigars. They are nothing more than sparrows, when I believe there is turkey in full range, if the matter is freely opened.

"As to the Howell letter, the only thing I can see in it is your misfortune in supporting Scroggs and the developments on him, but it is not infrequent that we are deceived in men.

"Your friends will stand by you, believing and knowing that you are innocent of any intentional wrong."

Mr. Editor, while we have fired enough paper wads at one another, if formed into shot and shell, to duplicate the siege of Sebastopol, at the same time I have always looked upon you as a fair and manly opponent, and for this reason asked the use of the columns of your daily paper to defend myself before the people of our State. But in your Monday's issue you struck below the belt, by conveying the insinuation, I think, that I was mixed up in some dispensary swindle. If you believe that I have misstated facts, say so and I am willing to have the fullest glare of light turned upon me. God knows my heart, and I have never handled or sought to handle a dirty shilling. I worked hard to retain my friends in office, and perhaps went too far in my zeal to promote their interest. This is the extent of my offending.

I do not charge corruption against any man connected with the State dispensary, but do insist that the lights be turned on, and shall render whatever aid I can that the public may know of the facts. I have written three letters in the interest of two of my friends, and for whom I desired to secure places, believing them to be honest and competent men. One of those letters was penned before I had heard any reports about the present board, but only touched on the past management. I had heard of the Bickart-Outz report and was investigating the same; but as soon as Mr. Wood's return from Atlanta I wrote a second letter. I do not believe that any

compromising developments will come out connecting any of the present board with corruption, but even those rumors about the members should be investigated.

I expected certain little coat-tail swinging journalists to befool me. They are the tools of ambitious politicians and in whose way to promotion I stand. But I do not intend to waste ammunition on decoy ducks made of dirt daubers. At the proper time, when their bosses come to the front, I shall riddle them from stem to stern.

Other reports not connected with the dispensary have reached my ears, and which I am now investigating. My hands are clean, and I shall show to the public before this thing is over that I had no selfish axe to grind in anything that I have ever said or written. Respectfully,

T. L. GANTT.
Spartanburg, S. C., May 11.

Johnson's Chill and Fever Tonic is a ONE-DAY Cure. It cures the most stubborn case of Fever in 24 Hours.

Trumps from Various Quarters.

Last Monday was Memorial day. We did not have the pleasure of attending the exercises at the Fair grounds but it was our good fortune to witness the decoration of the Monument at about 5 o'clock in the evening. A prayer by one of Newberry's eminent divines was offered up at the foot of the Monument at the conclusion of which a song was sung and the procession repaired to Rosemont Cemetery and the old graveyard to decorate the graves. The exercises at the Monument were very impressive and it is not likely that the undersigned will soon forget them. We stood there and in our heart we thanked our lucky stars that we were born a Southerner, among a people whose independent spirit yet tender devotion and remembrance of loved ones is not surpassed by any people under the sun.

There is no truer indication of a people's sincerity in the principles of a cause that was lost than the affectionate devotion and tender regard which the Southern people pay to those who bravely laid down their lives upon the battle field in defense of Right and Justice. Our old "Vets" both dead and living deserve all the honor and praise that a grateful and appreciating posterity can bestow upon them. May we never fail to honor and cherish their memory, nor our hearts grow cold and indifferent, nor our minds forget of those whose valor on fiery fields of death has never been surpassed, whose record from 1861-1865 against unlimited resources and overwhelming numbers has won the admiration of the world and clothed every one of them in everlasting and spotless robes of glory. Such a glorious record will always brighten the pages of Southern history and fill the heart of the Southern youth with that patriotism and love of country which will never permit the loathsome pinions of oppression and dishonor to breed over a fair and sunny land so bravely defeated in days past by and gone. Listen! who censures us for entertaining such sentiments? Who questions our loyalty to the Union? Must we forget the tears and sufferings of those who sacrificed life and property in defense of a righteous cause in order to pacify a few small beings who persist in calling us rebels. Never! We are not censured. Our loyalty is not questioned, for 32 years under the folds of the stars and stripes during which time we have grown stronger than ever, and this is sufficient proof that we are a reunited people.

As we do not live at Prosperity we do not know whether she has made a mistake in deciding against the dispensary or not so we have unlike some others concluded to go slow with our congratulations. As we said in a previous issue if blind tigers are dealing out the cussed stuff in a town it is better for that town to have a dispensary. Now as we have said we do not live at Prosperity, and therefore we do not know whether blind tigers haunt the black alleys and dark corners of that town or not.

We saw a friend from St. Phillip's in town last Monday; he had a mighty big bundle wrapped up nicely under his arm. It looked like what we have good reason to believe was a suit of clothes. Look out friends somebody is in search of a wife. Have you got much cotton planted friend?

Puck tells us that "spring chickens are almost on hand", will he kindly tell us how long it will be before they reach the mouth. JOSH TRUMP.

Whitmore Coming to the Front.

It is astonishing to note the interest the citizens are beginning to manifest in building up and beautifying Whitmore, which is one of the most healthy and pleasant places on the "S. A. L." Since our genial, public spirited townsmen, Col. J. S. Spearman, has been attending the meetings of the Industrial Association of the Carolinas, one would be surprised to see how enthused the people have become over the prospect of having an up-to-date, businesslike town.

Mr. Jno. P. Fant has just finished remodeling his old dwelling and has converted it into a beautiful commodious building (that is yet to be painted), and is now prepared to take care of any who desire to visit our town as well and as reasonable as they could be taken care of anywhere.

Mr. Chas. Tidmarsh, another affable gentleman, who conducts a large mercantile business, informs us of his intention of soon repairing his beautiful dwelling, which has just been remodeled.

Mr. Jno. D. Stokes, one of our clever and energetic young merchants, intends, we understand, to paint his store house and whitewash his out-buildings.

Dr. R. R. Jeter reports that he intends making some improvements on his drugstore, which will afterwards be painted.

Judge Bishop, who, by the way, is always ready and willing to do anything, or co-operate with those who undertake anything that will improve the town, will make some changes in his dwelling and then paint it.

It is presumed that Mr. B. F. Morrow, another one of our merchants, will fall in line with the others, and do something that will add to the appearance of his place.

Mr. E. V. Truesdel, our agent, has a beautiful little flower garden started at the "S. A. L." depot, which adds greatly to the magnificence of the place.

Whitmore and surrounding country cannot be excelled anywhere. The climate is all that anyone could wish for the year around. Drinking-water is simply excellent—pure, free-stone. Splendid granite, which is inexhaustible. In fact, all the natural resources found anywhere in the country are here, and the only thing in the world that we need at present to make this the garden spot of South Carolina is people with means, thrift, energy and enterprise.

Capt. Jno. T. Patrick, chief industrial agent, and the "S. A. L." are doing all in their power to help us improve, enhance the value of and populate the immense farms in this county that are growing up into forests for the want of people who will cultivate them. Let us take hold in earnest and help those who show a willingness to help us.

SAM J. CHAUNCEY.

Items From Maybinton.

Mr. Billy Maybin and mother have been on a visit to Mrs. Peggy Evans' family near Goshen Hill.

Miss Fannie Epps spent last week with Hon. W. D. Hardy's family.

The cotton buyers from Carlisle, Whitmore and adjoining towns were abroad in the land last week hunting up cotton to buy. Several of the farmers have not sold all of last year's cotton yet.

Last week we were visited by some hail and much rain, and this week a cold wind has been blowing, much to the discomfort of the farmers.

The gardens are growing finely. We are happy to say the fruit is not all killed and watermelon patches look flourishing. Picked chickens are nearly "ripened" so we are looking forward to a good time in the future, "ef we kin jist reach blackberry time."

We have been presented a copy of the Minutes of the South Carolina Annual Conference of '96. It comes out in a new dress, with cuts of several fine churches and photos of several of the beloved ministers. We were glad to get in possession of it.

I see that the editor of The Herald and News has been to Nashville to perfect arrangements for the Press Association to visit Newberry, Clinton and Harris Springs. If he makes this as grand a success as the banquet that he recently gave his correspondents, it will be a grand affair. Wish you a merry time, safe return, and look forward with pleasure to your description of it after you get back.

A young fellow from Jonesville is visiting one of the fair young ladies of this community too often to suit us. We hate to give up our girls to far away boys, think she should be pleased with a boy nearer home. Three belles in Maybinton for widowers, and nice young men too numerous to mention.

Mr. Hayne McCracken's well eaved in a few days ago. Two Sunday-schools in the community. Mr. Frank Maybin superintends one in the suburbs of the city and Mr. Jim Epps the one at Ebenezer church. FAIRY BELLE.

SARGE PLUNKETT

IT IS SPRINGTIME DOWN IN GEORGIA—AN ALL-NATURE IS IN BLOOM.

And How a Good Time is on us—Brown Gives Way to the Cheer of the Season and Makes Himself a Comfort.

[The Constitution.]

When I took my seat I fully intended to write a letter on the backward condition of farm work, but before I could begin Brown turned loose in a poetic strain and it changed my mind entirely. Here is what he says:

"Tain't no use to be a-grieving, For the world is so deceiving, That it's mighty hard to judge of what is best, Do the best you can today, Kick sorrow from the way, And the Lord is mighty sure to do the rest."

I fully agree with my old friend that a man cannot always judge as to what is best, and I am more than anxious to see the old fellow in a cheerful mood. He is a comfort to me at such times and I give way to his whims more than I should perhaps, but as these happy moods are only once a year and in the spring, when fish so like to bite, he does not bore me very badly, and I hope the reader will be as kind as I, and hear him patiently;

Green truck is in the garden, and young chickens on the way; Eggs are just a-wasting and there's ham for every day; The cattle is a-fattening and the milk is pouring down, And there's been enough of honey to take a lot to town.

There is beans in the bunch and beans on the pole, And we'll have them hot for dinner and at supper take them cold; The "water" beds are humming and at digging time, its clear, We'll have possum and potato along with simmon beer.

We'll have squashes and tomatoes and cabbage when they head, And onions by the bushels and beets—both white and red, And melons ringed and striped, and melons round and long, Will make us all rejoice that in Georgia we were born.

There is apples for our dumplings, that was left us by the frost, And peaches will be plenty, though the most of them were lost, The cherries won't be many, but I guess we'll have a few, And the blackberry crop is the best I ever knew.

So we're smiling down in Georgia and pushing right along; If we miss a crop of cotton we will make a lot of corn, If we haven't any credit we will wait to get the cash, And instead of "peach and honey" we can take "sweet mash."

For the mountain boys are busy and passing on the sly, And the "dew" they bring along is away ahead of rye; So there han't no use of sorrow in the valleys nor the hills, If you fail to get religion you can patronize the stills.

I was sorry that my old friend would mention "sweet mash" and "rye" and "peach and honey," but his poem would have been nothing if he had not been allowed to mention these ingredients in his bill of fare, and so I have humored him for the sake of cheerfulness.

Crescent

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I am glad always to see people cheerful, and, after all, the country people are the most cheerful and the most trustful in the workings of providence. In all the world there is no class to be found that can put aside the cares and anxieties as the farmers do. If there is too much rain they console themselves with the thought that it is God who sends the rains and He controls the seasons and gives or withholds the increase. It is a most blessed condition to receive such things in this way.

While they trust much to providence, they never cease to work. I have been watching the young people of late and they are working as I never saw them work before. The boys are whooping up the fields and the girls are setting hens, tending the flowers and the gardens, keeping the milk and butter fresh and the dinner pots small most out to the field to keep the workers in hapors in Georgia can enjoy the blessing.

At dinner when the old horn blows To call the workmen from the field; Each face with pleasure always glows And happy thoughts upon them steal; The horses know the sound as well, For ain't you heard the old mules bray?

Just what they think we cannot tell— But sure they know the time of day, And happiness o'erspreads the place, As for the house all move in haste.

There is no industrious family in the country but what can have something at meal time to make the occasion pleasant. There is many a rich man now that would give thousands to have the same appetite that he had when he followed a plow. People that work in the fields need nothing to stimulate their stomachs and give relish—work gives relish—and so it is not very hard to make a dinner at a country home as pleasant as the grandest banquet ever held, and I feel proud that the poorest farmer.

Of course these country people do not always set a table for a feast, but the poorest girl can always find many nice things when their sweet-hearts come on Sundays, and when the meeting days roll around every household is ready with things plenty good enough for all the company, and I never saw one that did not like company. When company comes the good wife and the girls have a chance to show themselves and you are certain to get chicken. At dinner you will get chicken pie, chicken stew, vegetables fresh from the garden, peach pies or berry pies, with milk cool from the spring and butter as fresh and sweet as the world can produce. If you are at supper with these good people you are more than apt to have some more chicken, but you are certain to have some cold beans, tomatoes, beets, potatoes and squash—all such as this—left over from dinner, with good cornbread and a bountiful supply of milk. The old people may get a little coffee if they wish, but there is sure to be some ready for the preacher and they get sugar in theirs.

It is right that good country preachers should get the best of everything. I was up to the Epworth League one day and as I looked upon the preachers there I felt that I had rather be one of them than anything else, and this has no reference to the good oathing they got. There is not one of us but what can remember most affectionately the good preachers we have known. These preachers do not always know it, but they are loved everywhere, and the good seed that they sow in many instances flourish long after they have passed away. Brown inclines the following to preachers, by way of encouragement and as an earnest of his feeling for them:

Few grow so hard but that at last Our hearts are touched by something just; Some word you spoke, some song you sang, May bring a sigh or cause a pang; In age we retrospect the way, And learn the truth of what you say, And thus some youth you scarcely knew Is saved at last—and saved by you. You'll never know the good you've done Till men and time their race have run. SARGE PLUNKETT.