

# The Watchman and Southron.

THE SUMTER WATCHMAN, Established April, 1850.

"Be Just and Fear not—Let all the Ends thou Aims t at betay Country's thy God's and Truth's."

THE TRUE SOUTHRON, Established June, 1890

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SUMTER, S. C., WEDNESDAY, AUGUST 30, 1905.

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## The Watchman and Southron.

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### BIG GAME FLUSHED.

#### ATTORNEY GENERAL GUNTER ACCUSED OF GRAFTING

The Dispensary Investigation Becoming  
Real Interesting—Some  
of the Secret History Coming  
to Light.

Columbia, S. C., Aug. 25.—The dispensary investigating commission appeared to be using a steam shovel at yesterday morning's session, so rapidly did the sensational revelations come involving prominent persons and officials.

Ex-Commissioner Mixson again stood out this morning against giving up his letters from Kelly & Company, but weakened as the order was passed turning him over to the marshal to be placed in jail until he purged himself of contempt. He turned the letters over to the chairman. They are to be canvassed by Messrs. Spivey, and Gaston before coming out in the evidence. It is thought they involve only one member of the board, referring to conference with him at points in other States, but affording no definitely incriminating facts.

This business being over Messrs. Lyon and Christensen's sub-committee held a session, which was full of interest from the jump.

Ex-Chief Constable J. R. Fant gave evidence portraying the existence of a machine in Spartanburg, "run on the Mark Hanna plan," with Lawyer William McGowan in charge in Spartanburg, and U. X. Gunter, then assistant attorney general, in charge of the Columbia end of the line. Witness said Lawyer C. P. Sims, of Spartanburg, told him McGowan tried to get Sims to go in with him on the deal to get constables appointed who would be willing to give up \$20 of their \$60 a month salary. Witness said he could give names of responsible witnesses to show that at one time McGowan had twenty-eight such applicants on the string from whom he was receiving from \$25 to \$50 for promises of positions as privates, and \$250 to \$300 for jobs as chiefs. He says that he wrote Governor McSweeney advising him of the existence of the machine and giving him the details as to how it worked, and that while this letter was not answered he supposed McGowan got a warning, as the machine suddenly ceased to operate. He says that after this purchasing of jobs began the number of divisions with chiefs was run up to seven from two. Witness said he knew nothing of Mr. Gunter's connection with the machine except from what Rudisil of Spartanburg said. While witness was talking to Rudisil, Marion Goss came up and complained that McGowan had charged him \$25 for his influence for a place as constable, when Rudisil remarked that this was cheap, as Gunter had charged him \$225 for a place on the Spartanburg board. Witness said he would hand to the commission the names of others who would testify as to telling him of Gunter's connection with the matter.

Witness said he came upon the machine through the efforts put forth by Constable S. T. Howie to buy witness's place for \$225, through W. W. Harris, then chief dispensary clerk in Governor McSweeney's office. Bob Floyd had told witness that he had loaned Howie \$175 toward this project. He sent McGowan an offer of \$300 to hold up in his favor, and this was done, but the machine was broken before it became necessary to pay. He arranged with McGowan through B. L. Toland. McGowan is Gunter's Spartanburg law partner.

Witness said he had turned the matter over to Representative George E. Prince, of Anderson, but that Prince backed out of having the rottenness aired in the legislature. Then he says he reported fully to Senator Tillman, who answered that the thing should be probed to the limit and to that end he had turned his letter over to his nephew, Lieut. J. H. Tillman. When he saw Jim Tillman a

little later in Spartanburg, Tillman said he got the papers, but did nothing. Witness said he also reported to Governor McSweeney.

Witness next related how W. R. Dillingham, of Spartanburg, came to him and assessed him \$50 for an alleged campaign fund in the interest of Governor Heyward, who was then completing his first race. Dillingham said that \$1,080 had to be raised and that Fant's share was \$50. Dillingham also assessed private constables, among them Joe Seay and Ewbanks. Witness exonerated Governor Heyward from any knowledge of being connected with the Spartanburg machine, saying Heyward on learning of Dillingham's conduct broke with him telling Fant he had never authorized Dillingham to incur any expense or make any assessments for him. He said Governor Heyward told him that any expense incurred by him in Spartanburg was to be paid by Mr. W. A. Law of the Central bank there.

Mr. Dillingham sworn, said that he made no assessments against Mr. Fant or anyone else and had said nothing to him about any \$1,080. He admitted getting \$40 from Joe Seay, \$50 from Fant and about the same from Constable Drake. He said that Governor Heyward while in Spartanburg arranged through Mr. Law at the Central bank for witness to take charge of his campaign in Spartanburg, Mr. Law being authorized to meet the expense, which he did to the extent of \$600 to \$700, for all of which he had checks to show. He said he was offered good money to get Fant's job for others, a number offering him \$200 to use his influence in this direction. He said the amounts required of Fant and others were to pay his expense on trips down to Columbia in their interest.

Beer Dispenser Huseman, of Spartanburg, was put up at his own request to give him an opportunity to "correct" his testimony given at Spartanburg in which he said that he had turned over a package containing \$275 in bills to Chairman Charlie Smith of the county board to get B. L. Toland a similar job. He admitted getting such a package from Toland, but says he merely left it on the table in his beer saloon where Smith was sitting. He admitted going to Toland at Smith's request. He admitted raising money on a trip to Columbia in the interest of the fund to buy the Spartanburg Journal, but denied that he took William Elliott, Jr., for a whiskey man and told him he was the very man he wanted to see. He said Hub Evans refused to have anything to do with the campaign fund. He denied that he paid \$600 for influence to retain his place.

Constable Joe Seay put up, corroborated the evidence given by Chief Fant. He said after he carried his box all but three out of nearly 200 votes for Heyward, Russell Gaffney having told him while he was working for Heyward that his expense would be paid by Dillingham. He afterward met Governor Heyward and had a pleasant chat with him. Later Dillingham voluntarily offered to get him a place on the force, but refused to accept anything for trips to Columbia. Later, however, Dillingham told him that he had been at expense of some \$500 in the interest of Heyward and that he thought the constables should pay it. He put his assessment at \$40, which he paid by note, the note being met by small monthly payments.

The Kelly-Mixson letters have not yet been read by even all the members of the commission and their contents are not definitely known, but according to statements made by those on the outside who have read them they refer merely to conferences between Chairman Evans and members of the Kelly firm in Atlanta, Chattanooga and other places and at one point mention is made of arrangements having been made with him. In nearly all of the letters the agent is told to personally solicit the members of the board.

Mr. U. X. Gunter, Jr., who is now attorney general, has been quite sick at the Columbia hospital with fever for several weeks. Mr. W. H. Townsend, the assistant attorney general, was asked for a statement in behalf of Mr. Gunter and gave the following interview which he had with Mr. Gunter:

"The hearsay statement of the witness Fant was shown Attorney General Gunter at the Columbia hospital this evening; and he said it was most infamously false that he had ever asked, received, expected or wanted any compensation for aiding anybody anywhere to obtain a position or office connected with the dispensary or any other governmental

agency. Why his name should be connected with such statements he cannot conceive. That he has never imperturbed any of the governors for such favors, as will be borne out by the governors themselves. No truthful man can be found who will say that he ever paid him anything. Of course, his name may have been hawked without his knowledge by designing persons; if so, such person should, and must be, held accountable, and he intends to use every effort to find out if such is the case, just as soon as he is able to leave the hospital."

#### MIXSON'S LETTERS READ.

Columbia S. C., Aug. 25.—The dispensary committee this morning read the letters of J. W. Kelly & Co. to F. M. Mixson, the local representative. Any importance was that members of the board and dispensers and pushing their goods. The only thing of any importance was that members of the board had received complimentary bottles marked "Mineral Water."

Col. W. R. Richardson, of Barnwell, testified that an unknown man had told him that he had offered Mixson, then commissioner, \$66,000 a year in rebates. Colonel Richardson did not know who this was.

Chief Clerk Charles was then put on the stand and testified about whiskey drummers coming through and pushing their goods.

McCaw.

Columbia, S. C., Aug. 25.—As the morning session of the dispensary investigation was drawing to a close rather listlessly a surprise was sprung in an entirely unlooked for tilt between Senator Cole L. Blease, of Newberry, and Representative J. Fraser Lyon, of Abbeville, which would have resulted in a personal encounter, but for the fact that Chairman Fraser stepped between the two men and prevented them from coming to blows.

Mr. Lyon was examining Secretary Charles of the dispensary directorate, when Senator Blease moved to adjourn on the ground that the stenographer, who was sick, had been on duty four hours and a half.

Mr. Lyon took exception to this in a mild sarcasm about his being in the hands of the committee when Chairman Fraser asked him if it would be agreeable for him to suspend.

"I intended nothing personal by my remarks," said Senator Blease, rising. "The chairman himself will tell you that it was at his suggestion that I made the motion. If I chose to make any personal reference to you," he added, "it would be plain enough for you to see."

"Yes, and when you do it, I will smash your face," Mr. Lyon called back, shaking his fist over Chairman Fraser's shoulder.

"You won't get a chance; you will never get to me," reiterated Mr. Blease.

"I know you carry your pistol with you, but that makes but little difference," said Mr. Lyon.

Senator Blease raised his coat tails and insisted on the marshal searching him for a weapon, saying at the same time, "I have no weapon, but I meant I would kill him before he got to me."

The room was crowded and the men were prevented from getting to each other. There has been bad feeling in the commission for some time.

McCaw.

### SUMTER JONES NEXT.

#### DISPENSARY COMMITTEE MEETS HERE SEPTEMBER 5TH.

Nothing Seriously Wrong, But There  
Is a Bunch of Graft to Be Worked  
Up in Surrounding Country.

Columbia, S. C., Aug. 26.—The next meeting of the dispensary investigating commission will be held in Sumter, beginning Tuesday week, when Messrs. Lyon and Christensen's sub-committee will have another session to further probe into the affairs of the sub-dispensaries. There is nothing wrong particularly at Sumter, but this is regarded as the best and most central point for working on a bunch of graft that is to be laid bare in that section of the State. It is likely that some witnesses will be summoned from Charleston, but this has not been definitely decided.

McCaw.

Mayor R. G. Rhett, of Charleston, has been elected president of the American League of Municipalities, while Mayor W. D. Morgan, of Georgetown, was made treasurer, at the annual meeting in Toledo, Ohio, this week.

### PEACE AT LAST.

#### ENVOYS OF JAPAN AND RUSSIA REACH AN AGREEMENT.

Announcement Made Shortly After  
Noon Today—The Formal Treaty  
of Peace Will Now Be  
Drafted.

Portsmouth, N. H., Aug. 29.—The envoys announced shortly before 1 o'clock that they had reached complete accord on all points and that a treaty of peace will be drafted.

#### ARMISTICE TO BE ARRANGED.

Portsmouth, N. H., Aug. 29.—Japan and Russia have today agreed to sign a treaty of peace as soon as the details can be completed. An armistice will be arranged at once. The envoys at the meeting this morning arrived at a complete accord on all questions in dispute and announced at 12:30 that they would at once proceed to the elaboration of a treaty of peace.

Japan absolutely waives demand for cash indemnity. This was in accordance with the discussion reached by the statesmen in Tokio yesterday.

The official announcement of this happy result was given to the Publishers' Press by one of the Russian secretaries. It is official and is as follows: In the session of this morning, August 29, the conference arrived at a complete accord on all questions, and it has been decided to proceed to an elaboration of the treaty of peace.

The conference adjourned till 3 o'clock this afternoon.

#### Russia Gains Her Point.

Portsmouth, N. H., Aug. 29.—M. Witte announced upon his arrival at the hotel that peace had been agreed upon. He said that under the agreement Russia was not to pay a kopeck for indemnity, and that instead Sakhalien was to be divided.

#### "PEACE WITH DISHONOR."

Portsmouth, N. H., Aug. 29.—The Japanese correspondents at the hotel are almost in tears. They declare that it is "Peace with dishonor," and say their country will be wild with indignation tonight. Cable dispatches have been sent to Tokio and St. Petersburg announcing the peace agreement and urging the ordering of an armistice at once. It is understood that decrees to this effect will be issued within a few hours.

#### THE DISPENSARY SCANDAL.

Latest Developments at the Capital  
of the State.

Columbia, Aug. 27.—Chairman Hay will be asked to call the next meeting of the dispensary investigating committee in Sumter on Tuesday, September 5. This request will be made for the convenience of the witnesses and not because Sumter has been found to be one of the foci of dispensary scandals, like Spartanburg. The sub-committee on the management of county dispensaries has a number of witnesses from the Pee Dee section of the State, and it was thought best to have the hearing in Sumter.

There has been only one witness summoned from Sumter thus far. There may be witnesses from Charleston, or the committee may decide to hold a session in Charleston, as it is reported that there are likely to be some interesting events in connection with the Charleston situation. It has been suggested that an effort is likely to be made to have the committee hold up, on the ground that it was shown enough for the public to know what is what, and because further developments may injure the fair name of the State.

This is a mere suggestion and will hardly meet with the approval of the committee, which was appointed to probe to the bottom.

Kingstree has organized another bank with \$25,000 capital, to be known as the Bank of Kingstree.

T. Y. Cox, an operative in the Belton Cotton mill, shot and killed himself Thursday with a pistol which he thought was unloaded.

Mr. David F. Houston, a former Darlingtonian, has been made president of the University of Texas. He graduated at South Carolina College in '87 and later went three years to Harvard.

The widow of J. T. Morrison, of Kershaw, through her attorneys, has instituted suit against Lancaster county for \$50,000 for her husband being lynched in the county.

County Supervisor Boyd, of York county, on Saturday ordered that an election on the question of dispensary or no dispensary be held on Tuesday, September 26th, 1905.

### BRICE LAW TO BE TESTED.

#### JUDGE TOWNSEND ENJOINS THE CLOSING OF GROG SHOPS.

Legality of Recent Election in Union  
and Constitutionality of the Statute  
Are Both Brought Into  
Question.

Union, S. C., Aug. 22.—Judge Townsend today issued the following order:

"It is ordered that the defendants do show cause before me at my chambers at Union, S. C., at 11 o'clock on the 6th day of September, 1905, why they should not be perpetually enjoined from closing the dispensaries as a result of the recent election held on the 15th day of August, 1905. That the said defendants are hereby restrained and enjoined from closing and ceasing to operate said dispensaries until the further order of this court.

"Let a copy of this order be served with the summons, complaint and affidavits upon each of the defendants herein.

"D. A. Townsend.

"Circuit Judge.

"At Chambers, Union, S. C., 22nd August, 1905."

By the issuing of the above quoted order, a delay has been put on the carrying out of the wishes of the voters of Union county, as expressed in the election held Tuesday, August 15th, when they declared by their ballots of "dispensary" 412 and "no dispensary" 761 that they wished the dispensary to go.

The action was brought by W. Boyd Evans and Lawson D. Melton, attorneys at Columbia, and the complaint covers 11 pages of closely typewritten matter.

No interference was made in the declaring of the election by the election commissioners, as had been anticipated; but about 4 o'clock the attorneys appeared before Judge Townsend and secured his temporary injunction on a complaint made by Carrie Barnett, a well known farmer of the county, living near Buffalo.

The defendants are R. M. Fincher, Elzie Kelly and W. D. Wilkins, county board of control, and G. C. May, J. G. Howell and J. R. Askew, county dispensers. Under this complaint Mr. Barnett alleges that he is a taxpayer, resident citizen, and qualified voter of Union county; that the defendants named have under their custody, control, management and direction three dispensaries for the sale of intoxicating liquors in this county. That by virtue of an alleged act of the general assembly entitled "An act to amend section 7 of an act entitled 'An act to provide for the election of the State board of control, and to further regulate the sale, use, consumption, transportation and disposition of intoxicating and alcoholic liquors or liquids in this State, and prescribe further penalties for the violation of the dispensary law, and to police the same,'" approved March 6th, 1896, and as amended by the general assembly of South Carolina at its regular session in January, 1904, and approved February 25th, 1904. T. J. Betenbaugh, county supervisor of Union county, ordered an election to be held, submitting to the qualified voters of the said county of Union the question of "dispensary" or "no dispensary," on the 15th day of August, 1905. That the election was held on the day prescribed, and the county board of commissioners have today declared the result in favor of "no dispensary;" that said county board of control and dispensers have threatened and declared their intention to close the said dispensaries and cease to operate the same, claiming it is their duty to do so as the result of the said election.

The effect of this injunction proceeding is to keep the dispensary and beer privileges open at least until Wednesday, September 6th, notwithstanding the result of the election. It is intimated that the members of the county board of control might not answer the complaint on the day set, which would make this injunction permanent, as by answering it the election would probably be declared legal and binding, and the men would lose their positions. However, this may be only guess work, as it is believed that anyway some of the defendants will answer the complaint in their endeavor to see the will of the majority of the people carried out.

This the plaintiff alleges would be unlawful, unconstitutional and void, on the following grounds:

(a) That this section 7, as above cited, is in direct violation of the constitutional inhibition contained in article 3, section 34, clause 11 of the constitution of South Carolina, 1905. That said section is an attempt on the part of the general assembly to pass a special law to limit the operation of the dispensary law to certain special localities, and the act being deprived of its character as a general law becomes a special or local law. That the election being made under said section is illegal and void.

(b) That by virtue of article 8, section 11 of the constitution of 1895, the State cannot delegate to its citizens any special localities determined by their votes as to whether they shall be subject to the exercise of the said police power regarding the manufacture, sale or prohibition of

liquors or beverages.

(c) That the act popularly known as the Brice bill is unconstitutional, as the general assembly failed to provide for the holding of elections at which time such questions as "dispensary" or "no dispensary" can be submitted to the people, and has failed to prescribe the manner in which such election shall be held and results ascertained.

(d) That under the general election law the election should be held the first Tuesday following the first Monday in November, 1896, and each second year thereafter; that if it should be held under this law such special questions as "dispensary" or "no dispensary" should be submitted to the people, then such election could only be held the first Tuesday of November, 1906, and that T. J. Betenbaugh had no authority to order said election for any other time.

(e) By virtue of a majority of the votes being for "no dispensary" levies a special tax upon the tax payers of Union county, which is in violation of article 1, section 7 of the constitution. Furthermore, that this bill originated in the senate, when under the constitution, article 3, section 15, "Bills for raising revenue shall originate in the house of representatives, but may be altered, amended or rejected by the senate, and all other bills may originate in either house, and may be altered, amended or rejected by the other."

The plaintiff alleges upon information and belief that the petition for an election on the question of "dispensary" or "no dispensary" was not signed by one-fourth of the qualified voters of Union county, and that the supervisor ordered it without ascertaining same; that the plaintiff is informed and believes the election was fraudulently and illegally held and conducted, in that many persons who were not qualified voters were allowed to vote, and many persons who were qualified voters were not allowed to vote; persons were allowed to vote at precincts other than those at which they resided; no registration books were furnished the managers, as required by law, and in many ways the law was not complied with and as a result of this fraud and these irregularities the election resulted in "no dispensary," whereas, if it had been conducted according to law, it would have resulted in favor of the dispensary. That the plaintiff, as a citizen and resident of Union county, has a right to purchase intoxicating liquors from said dispensaries, and it same are closed, as threatened, the plaintiff and other citizens of Union county will be deprived of their rights and privilege to purchase alcoholic liquors, as he or they desire to do, and the county will be deprived of the revenue it is entitled to under the provisions of the dispensary law.

On these grounds the plaintiff prays that the injunction be issued to prevent the said dispensaries from closing, and the election to be declared unconstitutional, illegal and void.

Following this are affidavits signed by J. B. Wilbanks and A. E. Burgess, mill operatives, and J. F. Wilbanks, a farmer, who allege, that they did not authorize the signing of their names to the petition, and that as taxpayers they will be damaged because the election cost the county \$300.

The effect of this injunction proceeding is to keep the dispensary and beer privileges open at least until Wednesday, September 6th, notwithstanding the result of the election. It is intimated that the members of the county board of control might not answer the complaint on the day set, which would make this injunction permanent, as by answering it the election would probably be declared legal and binding, and the men would lose their positions. However, this may be only guess work, as it is believed that anyway some of the defendants will answer the complaint in their endeavor to see the will of the majority of the people carried out.

Heyward Alderman, a son of ex-Sheriff Alderman, of Aiken county, made a desperate attempt to kill his wife on Tuesday. He was on a drunken spree and became enraged with his wife when she attempted to quiet him. She fought with him for the possession of a revolver, and finally succeeded in tripping him and made her escape from the house.

Professor K. G. Matheson, has been elected chairman of the faculty of the Georgia School of Technology to succeed the late Dr. Lymaz Hall. He is a native of Cheraw, S. C., and a graduate of the Citadel.