

The Watchman and Southron.

Consolidated Aug. 2, 1881.

Be Just and Fear not—Let all the ends Thou Aims't at be thy Country's, Thy God's and Trade's.

THE TRUE SOUTHRON, Established June, 1860.

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RAYNER TO FIGHT HIM.

Maryland Senator Concludes That Lorimer Was Not Legally Elected Senator.

Washington, Jan. 6.—Senator Isidor Rayner has finished reading the testimony before the Committee on Privileges and Elections in the Lorimer case and has reached the conclusion that the report of the committee is not justified by the facts and that Lorimer is not legally entitled to his seat in the Senate.

Leaving aside the morality of the methods used to bring about his election and aside from the question as to whether the Senate should retain as a member a man in whose interest open corruption and bribery, as the testimony indicated, were employed, Mr. Rayner reaches the conclusion the election of Lorimer to be invalid, and he will so contend on the floor of the Senate when the matter comes up. Senator Bailey, of Texas, who signed the whitewash report as a member of the committee, will take the other side and the argument as to the constitutionality of Lorimer's election, regardless of its more unsavory phases, promises to be one of the most interesting features of the fight.

Mr. Rayner's contention is this: The Legislature of Illinois is composed of 202 members. To make his election valid under the Constitution Lorimer must be able to show an unqualified majority of all members elected, which would be 102. Lorimer actually received 108 votes, but the report of the committee shows that seven of these are invalid—four of whom confessed to having received money to vote for him and three of whom, it was shown, had paid the money. These seven, Mr. Rayner contends—and the committee practically admits—are invalid and cannot be counted for Lorimer. Their subtraction would leave Lorimer with 101, one less than the constitutional majority necessary. Hence, Mr. Rayner believes his election illegal and that he is not entitled to stay in the Senate.

The committee's contention is that Lorimer was not required to have a majority of all members elected to the Legislature, but only a majority of a quorum, and that therefore the seven tainted votes could be thrown out and he would still have more than enough to make his election valid. Mr. Rayner has examined the Constitution carefully on this point and is perfectly sure of his stand that if the seven votes are thrown out Lorimer was not legally elected and is therefore not entitled to remain in the Senate. Other members of the Senate, who have examined the testimony assert that the evidence shows that at least 11 of the Lorimer votes were tainted and should not be counted. Even this number would not, according to the committee, invalidate Lorimer's election. The argument used is that he could afford to lose 13 such votes and still have received sufficient to entitle him to his seat. Mr. Rayner thinks this position is utterly indefensible.

Interest in the case is increasing and many Senators do not hesitate to express their resentment at the efforts of Lorimer and the influences behind him to hold on to his seat under the circumstances. Unless, some assert, the Senate clears its skirts in this matter by refusing to permit him to remain in the body Lorimer is apt to become a national issue, seriously involving Senators who insist upon defending him in the face of facts.

McCURDY AT BENNETTSVILLE.

Highly Pleasing Exhibit Given by Well-Known Aviator.

Bennettsville, Jan. 6.—Success again marked the exhibition of the aeroplane by Mr. J. A. D. McCurdy here this afternoon.

The handling of his machine was more spectacular than on yesterday, and his work was received with the highest pleasure by every one on the field.

JAIL FOR RICH OFFENDERS.

TAFT FAVORS PRISON WHERE FINES ARE USELESS.

President Declines to Interfere to Save Wealthy Lumberman From Sentence for Peonage.

Washington, Jan. 6.—"Fines are not effective against men of wealth. Imprisonment is necessary."

So declared President Taft today in a statement in which he denied the application for commutation of sentence in the case of W. S. Harlan, manager of a great lumber and turpentine company doing business in Florida and Alabama, who was indicted and convicted on a charge of conspiracy to violate the peonage statute.

Harlan must serve a term of 18 months imprisonment in addition to paying a fine of \$5,000. The offense for which he was convicted grew out of the alleged effort of his company to obtain 180 laborers from New York, including a number of Hungarian, Bulgarian and other immigrants. They were taken in parties of 12 to 25 by sea to Savannah, thence to the company's plant.

"The evidence clearly shows," said the president in his opinion, "that on the way from Savannah to the company's settlement a number attempted to escape and were physically detained and brought to the place of work."

President Taft in his opinion plainly indicates that he does not intend to let a technicality of law defeat the ends of justice. He had prepared, as the result of an appeal by friends of Harlan, to commute his imprisonment sentence from 18 to six months, whereupon the attorneys of the convicted man tried to have him set at liberty altogether, claiming that "as a sentence of six months could not, under the law, be executed in the penitentiary to which Mr. Harlan had been sentenced, it could not be executed anywhere and therefore he must be given his liberty."

"In order to prevent the use of such a technicality in the future," says the president, "to avoid the sentence, I shall make no order of commutation, but shall allow the sentence to stand, until after the defendant is imprisoned, and then shall exercise such executive clemency as I may be advised that the case requires. The sentence of 18 months is, therefore, in full force."

SHOOTING AT ANDERSON.

Prominent Liveryman Probably Fatally Wounded by Negro Woman.

Greenville, Jan. 6.—Word reached Greenville at midnight, from Anderson, telling of the shooting of a well-known liveryman, J. S. Osborne, by Hattie Hutchison, a colored woman. From meagre details available, it is gathered that the woman, in a fit of frenzied madness, went to the stable of Osborne just before midnight, and upon entering the place, immediately opened fire with a double-barrelled shotgun, both loads taking effect in the man's body. It is said that the first load shot off both his hands, while the second struck the upper part of the chest.

The injured man was taken to the hospital, where it was said he was in a dying condition. The woman was arrested. It is said that jealousy prompted the deed.

CHERAW RAILROAD WAR.

Supreme Court Now in Command of Situation.

Columbia, Jan. 9.—All parties to the Cheraw controversy between the Atlantic Coast Line and Seaboard Air Line were pointedly warned and admonished by the Supreme Court Monday against any further irregular proceedings. The Court's order preserving the status quo in the matter being accompanied by an oral deliverance from Chief Justice Jones, to the effect that orderly procedure through the courts was the only proper course. Counsel had intimated a hope that the hearing on the court's order of supercedas issued Saturday night had Tuesday, but the Court had nothing to say on this point and the hearing will be held January 16, as previously ordered. The order issued today is supplemental to the supercedas forbidding the Seaboard Air Line from interfering with the crossing as now constructed, and the Coast Line from using such crossing.

Walker S. Utsey of St. George has been appointed by Gov. Ansel a trustee of the South Carolina Industrial school at Florence, succeeding W. W. Ball of Columbia, resigned.

TOBACCO TRUST CASE.

"TRUST BUSTER" MAKES ORAL PLEA FOR DISSOLUTION.

Touche's New Side of Case—Points Out That Government is Acting Under the Wilson Tariff Law of 1894.

Washington, Jan. 7.—Oral arguments directed at the proposed dissolution of the so-called "tobacco trust" were begun late today in the supreme court of the United States.

As a year ago, when the dissolution suit was argued for the first time before the court, so today J. C. McReynolds, special assistant to the attorney general, in charge of the tobacco fight for the government, made the opening address to the court. He had not concluded his remarks when court adjourned until Monday.

Mr. McReynolds surprised some members of the court by stating that the dissolution was asked not only under the Sherman anti-trust law, but under the Wilson tariff act of 1894.

He told the court this was the first case ever brought under the Wilson tariff act. The act, he explained, applied to instances of restraint of trade where an importer was a party. He pointed to the Wilson act as the congressional interpretation of the Sherman act. Nearly the entire time that Mr. McReynolds spoke was devoted to a history of the so-called "tobacco trust," from the time the first American Tobacco company was organized in 1890 for the alleged purpose of effecting a monopoly in the cigarette trade and thus avoiding competition of independent corporations down to the incorporation in 1904 of the new American Tobacco company as a holding company, controlling 65 companies interested in various branches of the tobacco business.

He described the "plug war" about 1892 resulting in the organization of the Continental Tobacco company, by which, he alleged, peace was restored and competition of independents was eliminated. He told of similar combinations in the snuff, cigar and stogie trade.

These combinations he described as designed to remove competition.

Finally, he turned to the contracts of the American Tobacco company with the so-called British "tobacco trust," the Imperial Tobacco company. By these contracts, he said, the trade of the world in tobacco had been parcelled out between them, the American "trust" taking the United States and Cuba for its own; the British "trust," Great Britain, Ireland and the Isle of Man and the British-American Tobacco company, organized by the two "trusts," carrying on the tobacco business in the rest of the world. As a result of these combinations he alleged that competition for the purchase of leaf tobacco had been eliminated in the United States.

CHERAW RAILROAD ROW.

Divided Railroad Commission Issues Order in Cheraw Crossing Case.

Columbia, Jan. 6.—Adopting a special report, by G. McDuffie Hampton, the railroad commission today refused to consent to the present plan of the crossing by the Atlantic Coast Line Railway on the Seaboard Air Line on Front street, in the town of Cheraw, the report stating that the crossing "is dangerous to the traveling public and detrimental to the public at large." The order states that the commission in charge will consent to a crossing at 2d street.

This action by the commission ends a contest that has been in progress for the past several weeks between the two railway companies. The commission comes to the conclusion that it will not consent to any grade crossing, and that if the Coast Line wishes to cross the Seaboard at Front street, then it must cross on an overhead bridge. The majority report was signed by Commissioners Caughman and Hampton. John G. Richards will file a minority report on the question.

RAYMOND BERRY PAROLED.

Superintendent of Education of Marion Who Embezzled School Funds.

Columbia, Jan. 9.—Governor Ansel on Monday paroled Raymond Berry, who was convicted of embezzlement and given a six year sentence, after serving two terms as superintendent of education of Marion county. Berry has served about half of his sentence. The parole was issued on the recommendation of the State pardon board.

DARING FLIGHT OVER OCEAN.

JIMMIE WARD INCIDENTALLY MAKES ALTITUDE RECORD IN CHARLESTON.

Aviator Circles Harbor Over Fortifications, Goes Out to Sea and Returns.

Charleston, Jan. 6.—Jimmy Ward, the 18-year-old aviator, in a Curtiss 25-horse power aeroplane, made a daring flight across two rivers, the harbor, and out over the Atlantic ocean, breaking the world's altitude record for low-powered machines, and winning a prize of \$5,000 by circling over two of the strongest fortifications on the Atlantic coast, demonstrating the efficiency of the aeroplane as a scout in time of war. Landing gracefully on the beach in front of Fort Moultrie on Sullivan's Island, he handed a note to Col. Marsh, and the latter signed. Ward then reentered his machine, rose from the beach and flew back across the harbor in a direct line to the aviation field north of the city. He covered a distance of about 25 miles in 54 minutes.

Very few people saw Ward begin his flight from the aviation field, his unsuccessful attempt of the day before having aroused a spirit of skepticism. News of the daring attempt spread rapidly, however, and many roofs in the city were packed when the airman made his return flight.

Leaving the aviation field, he flew first to the navy yard on Cooper river circling above the plant. He then flew down the river a distance of about five miles to the city, over the upper end of which he passed. He turned eastward, crossed the Cooper and Wando rivers and the harbor at a height of about 1,000 feet.

Reaching Sullivan's Island at the northern entrance of the harbor, and on which Fort Moultrie is situated, he circled back over the harbor at a height of about 2,000 feet, passing close to Castle Pinckney. Heading seaward again, he passed directly over Fort Sumter at the entrance of the harbor and swept for a distance of about a mile and a half over the waters of the open Atlantic. Turning he flew about the Isle of Palms and Sullivan's Island and landed on the beach in front of Fort Moultrie, amid the cheering of soldiers and officers. A note which he handed to Col. Frederick Marsh, in charge of the fort, was signed by the latter and Ward brought it back to the city with him on his return.

It was on the return trip that he broke the world's altitude record for small machines. At a point directly above Mount Pleasant, a village on the edge of the harbor and opposite to the city, he attained a height of 5,300 feet, as shown by his barograph. As the aviation field came into view, Ward, at that time over Cooper river, shut off his power and glided for a distance of a mile and a half, landing safely and easily. He was shaking as though palsied as he posed for his picture, so terrible had been the strain.

PUT OFF SOUTHERN TRAIN.

Mileage Refused, Preacher Forcibly Ejected—Injuries Alleged.

Asheville, N. C., Jan. 6.—For failure to produce his ticket or pay his fare, the Rev. George Cates, a Baptist evangelist, was forcibly ejected from a Southern train at Arden, N. C., yesterday morning, and was brought in to the Biltmore Hospital today for the treatment of injuries which he claims to have thus received.

Mr. Cates states that he came to Asheville from Canton yesterday, en route to Hendersonville, and that he did not have time to exchange his mileage for a ticket, as required by railroad regulations in this State. He claims he offered his mileage book to the conductor, and alleges that on his refusal to pay cash he was put off the train and thereby sustained internal injuries.

SOAKER FOR SOUTHERN PACIFIC

Los Angeles, Cal., Jan. 4.—Tide lands constituting about 15 miles of harbor frontage and long held by the Southern Pacific and other transportation companies, today were declared public property by Superior Judge Bordwell in a decision in a suit filed more than a year ago by the Municipal Harbor Commission.

Southern Pacific attorneys announced that they would appeal.

The present value of the land is estimated at more than \$5,000,000. Judge Bordwell held that the State was trustee for the people, and that the granting of patents to tide lands was a violation of the trust.

FORAKER ADVISES IN PROBL.

THROWS LIGHT ON CANAL FORTIFICATION QUESTION.

President Taft Makes Public Letter From Former Ohio Senator, who Advised with Late Secretary Hay Concerning Treaty Between United States and Great Britain in Reference to Protection of Panama Canal—Details Related.

Washington, Jan. 8.—A contribution designed to clarify the confused situation which has arisen over the question of the right of the United States to fortify the Panama Canal, was submitted today by former Senator Foraker, of Ohio, to President Taft, who made it public. Throughout the period during which the Hay-Pauncefote treaty was negotiated and ratified by both the United States and Great Britain, Senator Foraker advised with John Hay, then Secretary of State, and made many of the suggestions which were incorporated in the treaty preserving to this Government the right to take such means as it deemed necessary to protect the canal property and shipping without specifically authorizing fortifications.

Senator Foraker's letter to President Taft, which is made public now, apparently because it undertakes to dispose of the question of the right of the Government to construct fortifications as it may deem necessary for the protection of the canal property, reviews the treaty made with England and laws passed subsequent to the ratification of the existing Hay-Pauncefote treaty. The letter tells of the ratification of a treaty, by the Senate December 20, 1900, which was rejected by the British Government. When that treaty was presented to the Senate, it contained a provision against the fortification of the canal and there was a great deal of criticism of Secretary Hay because of that fact.

Drifting into a general discussion of the whole subject, Mr. Foraker and Secretary Hay, it appears, agreed that it would be idle to undertake to secure the ratification of any treaty that finally prohibited fortification by the United States or involved this Government in any obligation to consult any other Government as to the protection of its own property. Senator Foraker suggested several changes from the Convention, which had been rejected by Great Britain, among them new matter and some transpositions that would soften the effect. They include the following: "The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder."

Senator Foraker said that he marked these changes in a copy of the first Hay-Pauncefote treaty, which was handed to him by Mr. Hay, who took it away with him and in the fall of the same year, on August 23, 1901, wrote to the Senator in confidence that he hoped to conclude a new treaty with England in line with "all the suggestions which you kindly made to me." That treaty was negotiated and sent to the Senate in December, 1901, and was ratified, without amendment, and in due time was ratified by England and became a binding agreement. In his letter to the President Senator Foraker shows that he had no doubt that the United States was reserving the right to fortify the canal.

From the treaty provision for the establishment of the military force on the canal Mr. Foraker says it would follow, as a matter of course, that such military force would have a right to do whatever was necessary in the way of intrenching itself, "or, in, in plainer words, fortifying itself against attack."

He adds that the idea was that, as the canal was constructed at a cost of hundreds of millions of dollars, "no one would ever question our right to do whatever might be necessary, in our judgment, to uphold our authority and protect our property and commercial rights."

Quoting from the Spooner law, providing for the fortification of the treaty, Senator Foraker shows it to have been set forth clearly that it was the intention of the United States to protect the canals and harbors. The Panama treaty uses the words: "The United States shall have the right to establish fortifications." He cites the fact that the British Government did not raise any question as to the Spooner law or the Panama treaty being a contravention of the Hay-Pauncefote treaty.

WARRANT FOR HOUSE.

CENSUS COMMISSIONERS WOULD HAVE 433 CONGRESSMEN.

On the Other Hand, Scheme Would Give Larger Delegations to 25 Commonwealths.

Washington, Jan. 6.—Congressional reapportionment under the new census figures so as to increase the membership of the house to 433 was the plan tentatively favored by the house committee on census at a meeting today. This figure would protect each State from diminished numerical representation and is exclusive of Arizona and New Mexico.

The apportionment bill introduced by Mr. Crumpacker today fixes the membership of the house at 433. The bill was referred immediately to the census committee, where the entire subject will be taken up.

The apportionment of the membership of the house amongst the various States, under the proposed arrangement will be as follows:

Alabama, 10; Arkansas, 7; California, 11; Colorado, 4; Connecticut, 5; Delaware, 1; Florida, 4; Georgia, 12; Idaho, 2; Illinois, 27; Indiana, 13; Iowa, 11; Kansas, 8; Kentucky, 11; Louisiana, 8; Maine, 4; Maryland, 6; Massachusetts, 16; Michigan, 13; Minnesota, 10; Mississippi, 8; Missouri, 16; Montana, 2; Nebraska, 6; Nevada, 12; New York, 43; North Carolina, 10; North Dakota, 3; Ohio, 22; Oklahoma, 8; Oregon, 3; Pennsylvania, 36; Rhode Island, 3; South Carolina, 7; South Dakota, 3; Tennessee, 10; Texas, 18; Utah, 2; Vermont, 2; Virginia, 10; Washington, 5; West Virginia, 6; Wisconsin, 11; Wyoming, 1.

This represents an increase over the present membership in the house as follows:

Alabama, Colorado, Florida, Georgia, Idaho, Louisiana, Michigan, Minnesota, Montana, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, New Jersey, and West Virginia, 1 each; Illinois, Massachusetts, New Jersey, Texas and Washington, 2 each; California and Oklahoma, 3 each; Pennsylvania, 4, and New York, 6.

A majority of the members of the committee believe this plan of apportionment will prevail.

COLD WAVE COMING SOUTH.

Weather Man Predicts Big Drop in Temperature, Accompanied by Heavy Precipitation.

Washington, Jan. 8.—A cold wave of marked severity that now prevails over Alaska will overspread the Northwestern States Monday and Tuesday, from which region it will advance eastward and southward over the Middle West during the middle of the week, and to the Atlantic and Gulf States during the latter part of the week, according to the weather bureau prediction. Abnormally low temperatures will attend this cold in the northern Pacific States, the northern plateau and Rocky mountain regions and practically all districts east thereof.

The principal disturbance of the week will prevail during the next three days west of the Rocky Mountains, cross the Middle West by Wednesday or Thursday and reach the Atlantic States Thursday or Friday. This disturbance will in all probability be attended by widespread precipitation, especially in the Southern States, and the region west of the Rocky mountains.

DEATH-BED CONFESSION.

Alexander Fleming Admits Selling Vote for Years.

West Union, Ohio, Jan. 6.—Fearful lest he might die without having a chance to make his peace on earth, Alexander Fleming, a Civil War veteran, who is seriously ill, today sent his grandson to Judge Blair to tell him that for years he had sold his vote.

He did not know whether he had been indicted, but he asked that the Court act on his case at once so that if his present illness should prove fatal he might obtain peace. The grandson, Jesse Fleming, a first voter, also confessed to having sold his first ballot. Both were disfranchised.

Judge Blair, who last night ordered a recess of the vote-probing grand jury until next Friday, will make an extra effort in the interim to catch up in the arraignment of men who have been indicted. More than 200 confessed yesterday and he hopes to dispose of a like number today. Of the 1,500 who have been indicted he has now disfranchised over 1,000. The remainder he hopes to pass upon before the grand jury convenes Friday.