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WARRANT FOR T. B. FELDER.

ATTEMPT TO BRIBE AND FRAUD CONSPIRACY CHARGED.

Warrant Issued at Newberry on Affidavit of Secretary Kelley, Following Resolution of Commission at Columbia Meeting, where Atlanta Attorney Fails to Appear—Rule to Show Cause Against Ex-Chairman Murray — Holman and Holman Commission's Counsel.

Newberry, May 29.—Acting under the resolution passed by the dispensary winding-up commission in Columbia today, Secretary B. Frank Kelley, of the commission, came to Newberry tonight and swore out a warrant on information and belief against Thomas B. Felder, of Atlanta, charging him with attempting to bribe a member of the board of directors of the State dispensary of South Carolina, and conspiracy to cheat and defraud the State.

The warrant was issued by Magistrate Sample, upon Secretary Kelley's affidavit, and was placed in the hands of Sheriff Buford tonight.

The warrant charges that at Newberry on or about the fifth day of October, 1905, "one Thomas B. Felder did offer to bribe H. H. Evans, a member of the board of directors of the State dispensary of South Carolina, and did then and there conspire to cheat and defraud the State and did offer or promise, to the said H. H. Evans, certain gifts or gratuities, with intent to influence his act, vote, opinion, decision or judgment on matters and questions, causes and proceedings which were pending before him as a member of the board of directors," etc.

The affidavit states that H. H. Evans and others are material witnesses.

HOT MEETING IN COLUMBIA.

Columbia, May 29.—Events came thick and fast today at the session of the dispensary commission, the chief happening being the authorizing of a warrant for the arrest of Thos. B. Felder, the Atlanta attorney.

Chairman William J. Murray, of the old dispensary commission, was served with a rule to show cause why he should not produce the vouchers of the old commission or be held in contempt.

Holman and Holman, of which firm W. A. Holman resides in Charleston, will be counsel for the new commission, being so named today. R. C. Holman, of Barnwell, is the other member of the firm.

The old commission, with the exception of J. Steele Brice, met here today in Attorney General Lyon's office. No definite announcement came as to the purpose of this session.

These were the main threads of dispensary history woven at today's session. Tomorrow bids fair to bring forth much more of interest. The Carolina Glass Company will seek to have its case reopened before the commission. Chairman Murray will make his return to the rule to show cause. Attorney General Lyon will have a statement in connection with the Richland Distilling Company case. Other things not scheduled are expected to take place tomorrow.

There is an air of expectancy pervading the whole situation. The one expected happening today was the fact that Thomas B. Felder did not put in his appearance here in response to the commission's call. The general impression here is that probably he would have been arrested either today or some time during his stay in his sister State, South Carolina.

Col. Felder wrote as follows to Chairman James Stackhouse and to the members of the commission:

"Receipt of your valued favor of the 18th instant is hereby acknowledged. I have been absent from the city for the past week or ten days, conducting some investigations on my own account and the matters referred to in the second paragraph of the series of resolutions adopted by your commission at a meeting held in the city of Columbia on the 19th instant, a copy of which you caused to be transmitted to me here.

"After mature deliberation I have reached the deliberate conclusion that if your Governor could with propriety create a commission who are 'all friends of mine and personal supporters' to investigate the members of the old commission, the Attorney General of the State of South Carolina and the agents, attorneys and employees of the old commission, and to make a 'rigid investigation of all my (Blease's) acts as State Senator, private citizen and Governor of the State,' I could with equal propriety resolve myself into a commit-

tee of one to make investigations as to the said Blease, his allies and affiliates.

"I think it would be conceded that my jurisdiction is equally as broad as yours; that I have the same authority to subpoena witnesses, compel their attendance and to give evidence touching the premises as you possess; and I feel that I may say, without undue arrogance, that my 'findings of both law and facts' will be just as binding and carry with them the same degree of weight and respectability as yours.

"In conclusion permit me to say that my investigations have been quite extensive, thorough and exhaustive and most satisfactory to me, and, when made public, will, in all human probability, disqualify for service some of those now seeking to pass official judgment upon the acts of my associates and myself.

"To some of you this statement may prove enigmatical, while to others it will be most clear.

"It does not suit the convenience of my committee to meet with yours at the time and place indicated, but if we can mutually agree upon a different time and place for an interchange of views, information and confidences, I feel safe in saying that the result will be most pleasing and profitable to the people of the State of South Carolina, if not to you and yours."

"While making no unconditional promises to do so, (for I must in these matters consult and largely yield to the wishes of others more vitally interested in the outcome of this controversy than I can possibly be, and, I may add, whose views have deterred me in doing so heretofore,) still, if unrestrained, will be my pleasure to deliver in the not distant future a veritable 'broadside.'"

"With the assurance of my most distinguished consideration, I have the honor to be, yours very truly,

Thos. B. Felder,
Chairman of the Anti-Blease Investigating Committee."

The letter is dated May 26, 1911.

Dr. W. J. Murray, of Columbia, the chairman of the former dispensary commission, all of the members of which were removed by Governor Blease, was served with the following rule to show cause this afternoon:

"State of South Carolina, county of Richland. Before the winding-up commission of the dispensary.

"The State vs. W. J. Murray.

"Whereas, W. J. Murray, the former chairman of the State dispensary commission, has failed upon request and demand to turn over the vouchers and records of the former commission, as requested by resolution of the present dispensary commission; therefore, be it

"Resolved, That the said W. J. Murray be, and he is hereby, required to appear before this commission at the State Capitol, in the city of Columbia, on Tuesday, May 30, 1911, at 11 a. m., to show cause, if any he have, why he should not be ruled for contempt of this commission for failing to deliver the said vouchers and records, as aforesaid.

"Provided, however, that if the said W. J. Murray shall, by 11 a. m., May 30, 1911, deliver the said vouchers and records to said commission that the rule herein be discharged."

It is understood that the commission recently called upon Dr. Murray for the vouchers and that Dr. Murray's reply was that this was the property of the former commission and that the vouchers would not be turned over. Hence the rule this afternoon. It is believed that this matter was considered at the conference of the members of former commission this afternoon.

REQUISITION FOR T. B. FELDER.

Columbia, May 30.—Gov. Blease tonight signed a requisition on the Governor of Georgia for the arrest of Thomas B. Felder, the Atlanta lawyer. The papers were prepared by Solicitor Cooper in due form, stating that Attorney Felder is wanted at Newberry to answer the charges made in connection with the dispensary business.

Sheriff Buford, of Newberry, now has the requisition and will leave here on the early morning train to have the requisition honored, and, if so done, to escort Mr. Felder to Newberry, where he will give bond for his appearance at the regular term of court.

Mail Carrier's Examination.

An examination for city carriers and postoffice clerks was held in the postoffice Wednesday. There were twelve applicants to take the examination. Of this number there were two ladies, seven white men and three negroes to try for positions in the civil service.

DISPENSARY SITUATION WARM.

DR. MURRAY APPEARS—REQUISITION FOR THOS. B. FELDER.

Attorney General Lyon also Replies to Recent Resolution of Commission Giving Reasons for Inability to Press Case Against Richland Distilling Company — Carolina Glass Company's Petition for Rehearing Also Presented to Board.

Columbia, May 30.—The appearance of Dr. William J. Murray, the chairman of the old dispensary commission before the new commission upon the rule to show cause, the statement of Attorney General Lyon, that, in the circumstances, he cannot press the Richland Distilling Company's case; the receiving of a petition from the Carolina Glass Company to reopen its case before the new commission; a consideration of the Scruggs matter and a return from the members of the old commission, were the chief features of the session of the dispensary commission held here today.

As to the exact charges against Thomas B. Felder, it is learned today that the John Bell Towill incident referred to in the press some time ago, and the "H. H. Evans alleged 'frame up,'" will be the main basis of the case against the Atlanta attorney. It is understood that both Evans and Towill will be placed upon the stand if the case is brought to trial.

Considerable interest was manifested here in the statement about the arrest of Col. Felder. It is not believed that he will voluntarily come in response to the warrant, however, and a hard fight for requisition will probably be waged.

Attorney General's Reply.

Columbia, May 30.—Attorney General Lyon today made reply to the dispensary commission's resolution, asking him to go ahead with the Richland distillery case.

In brief, Mr. Lyon's reply is to the effect that as the Atlanta firm of attorneys had charge of these matters and were engaged at the time they were dismissed by the new commission, in handling this particular suit and the data is in their hands, he is not in a position to carry out the suit.

Mr. Lyon concludes:

"I will be unable to proceed with this litigation with any reasonable hope of success without your furnishing me the facts or providing therefor, as was done by your predecessors."

The letter of Mr. Lyon in full to the commission is as follows:

"May 29, 1911.

"State Dispensary Commission, Columbia, S. C.—Gentlemen: Responding to your letter of recent date in reference to the case of the State of South Carolina vs. the Richland Distilling Company, beg to advise that several of the statements made by you do not accord with my information upon the subject. However, I do not deem it of sufficient importance to take up your valuable time with a matter which may not affect the real question propounded. I will, therefore, endeavor as far as I think necessary to an understanding to give you the facts concerning this litigation.

"The suit was commenced by Messrs. Anderson, Felder, Roundtree and Wilson, under an agreement had with your predecessors in office, after they had, as I am informed, collected sufficient information upon which to base the action. This firm employed as their associates and at their own expense Messrs. Abney & Stevenson, and while my name as Attorney General appears as counsel in the case, it was only nominally so for the reason that the law under which you exist provides for the employment of counsel other than the Attorney General to conduct such litigation. And so it has been that the above mentioned attorneys, who appear upon the record as my associates, have had active management of the case since its inception under the agreement with your predecessors in office.

"You are in one sense correct when you assume that I must have had grounds for commencing this suit, but wholly incorrect in another; that is, if you have assumed that I am in possession of all the facts necessary to a successful termination thereof. The suit was brought by the attorneys above mentioned with my consent. They were, as I am informed, in a position to prove the case. They had collected \$34,700 in cash on the claim and placed the property of the Richland Distilling Company, located in this city, in the hands of a receiver and were undertaking to make a settlement of the balance of the claim when you dis-

charged them. So it was under these circumstances that the case was instituted and is now delayed.

"As to your resolution requesting me to proceed with the case to a final conclusion, and if so advised employ other counsel in this State to assist, or to continue Messrs. Abney and Stevenson, I beg to advise that Messrs. Abney and Stevenson are no longer connected with the case, their employment having been solely through an arrangement, at my suggestion, with Mr. Felder. They cannot, therefore, be continued, their connection having been ended with your discharge of Messrs. Anderson, Felder, Roundtree & Wilson. Besides this, Mr. Abney states to me that he cannot be retained further in the litigation under present conditions, and I have no doubt that Mr. Stevenson will take the same position. I beg to further state that all of the above mentioned attorneys were employed with my approval, and contrary to the views you have expressed it is my opinion that they have all been diligent, faithful, and efficient in conducting this piece of litigation, as well as discharging all other duties which they have undertaken. Such being my view of this matter, I suggest that if you think this litigation should be continued, you enter into an agreement with an attorney or attorneys who are familiar with the facts and the law of the case, subject to my approval under the Act of 1907, to conclude the litigation. Section 3 of the Act of 1907, page 35, authorizes you to employ such assistant counsel as may be approved by the Attorney General. I further suggest that you do not undertake to delegate to me authority reposed in you under the Act of 1910 to adjust or settle this claim. Section 1 of this Act, page 876, provides that the State dispensary commission is hereby authorized and empowered, in addition to the powers heretofore conferred upon it, to pass upon, fix, and determine any and all claims of the State against any and all persons, firms or corporations doing business with the State dispensary, and to fully investigate transactions by any and all persons, firms or corporations with the State dispensary, and to make settlement of all claims in favor of the State against such persons, firms or corporations, and collect and receipt for the same."

"As you see under the law the responsibility in these matters rests upon you, and I suggest that it would be better to closely follow the statute and exercise the authority given you and discharge the duty imposed upon you thereby. I further suggest that both your committee and I with reference to employing counsel as well as the settlement and adjustment of claims follow the Acts above referred to, and thereby avoid any confusion of duties which rest upon us.

"As to the litigation, I beg to advise that when you have ascertained facts sufficient to justify a continuance of the case and placed the same at my disposal I will then be able to proceed, but having been cut off from the source through which practically all information has come and through which I had anticipated other information would come by the dismissal of Mr. Felder, it is impractical to proceed before you supply the necessary facts. You have full authority under the various Acts providing for winding up the dispensary, to investigate this matter and I feel confident that if you exercise these powers, you will be able to furnish me with the facts necessary to proceed, and when the facts are ascertained we will then be in a position to determine whether it is necessary to employ associate counsel, as provided under the Act of 1907. I will, of course, do all in my power to cooperate with you, as I have with your predecessors, but I will be unable to proceed with this litigation with any reasonable hope of success without your furnishing me the facts, or providing therefor, as was done by your predecessors. Yours very truly,

J. Fraser Lyon,
"Attorney General."

PAROLE GRANTED.

Life Term Prisoner Left the Penitentiary Tuesday.

Columbia, May 30.—The governor has paroled Nelson Shaw, of Sumter, who was convicted in 1902 on the charge of murder and sentenced to life imprisonment. Shaw was convicted on the charge of whipping his foster child to death. The child died, it was claimed, as the result of being whipped by Shaw.

John Hutto was killed at Pellon, Lexington county, Monday by being thrown from a tram car.

MURRAY FREED BY COURT.

DECLARES DISPENSARY BOARD EXCEEDED AUTHORITY.

Arrest of Chairman of Former Winding-up Commission Annulled as Result of Habeas Corpus Proceedings—New Commission May Inspect Vouchers Demanded, but Possession Denied—Lyon Calls Matter of Commission Employing Counsel Over his Objection to Court's Attention.

Columbia, May 31.—Arrested this afternoon by order of the State dispensary commission, Dr. Wm. J. Murray, of this city, former chairman of the commission, was at 10 o'clock tonight unconditionally discharged from custody by the Supreme Court. Dr. Murray had been placed under arrest in contempt proceedings, and in announcing its decision the court stated that the commission had exceeded its powers in arresting Dr. Murray.

The arrest for contempt came up because of Dr. Murray's refusing to turn over vouchers held by the former commissioners. Dr. Murray was not placed in jail during the afternoon.

At 4 o'clock the Supreme Court commenced the hearing of the habeas corpus proceedings and at 5:10 took a recess until 8:30 this evening, when again the matter was taken up. Arguments being concluded shortly before 10 o'clock, the decision of the court was announced from the bench by the Chief Justice.

Dr. Murray had been in charge of the marshal of the commission in the interim between the contempt order and the hearing in the Supreme Court this afternoon and between the afternoon session and the evening session. He was, thus, technically under arrest.

Chief Justice Jones, in announcing the discharge of Dr. Murray, stated that the dispensary commission had acted in excess of its powers in adjudging Dr. Murray guilty of contempt. The commission, the Chief Justice stated, had no power to order the turning over of the vouchers for moneys paid out by the old commission, absolutely to the new commission, the vouchers being quasi public records and quasi private records.

By the statement of the court the commission has the right to obtain the records for inspection, that is to say, as in the Farnum decision, the commission may order before it the members of the old commission, who must bring the vouchers for inspection by the new commission from day to day or from night to night as the case may be; the new commission can inspect the vouchers and have them before them, the original holders thereof being in attendance and present at the inspection. This is the old commission's right under the statement of Chief Justice Jones and is the law as already laid down.

Chief Justice Jones stated that the court wished to emphasize the right that the commission has to order Dr. Murray or other members of the old commission before it. But the crux of the matter was that the commission had not the power, under the statutes, to demand the turning over of the vouchers.

In effect, the decision by the Supreme Court in this matter means that the possession of the vouchers remains with the old commission, which desires the vouchers for protection in case of an investigation. The order of the court releases Dr. Murray absolutely from the charge of contempt. Members of the commission stated tonight that the old commissioners would not be required to produce the vouchers before them for inspection in the manner indicated by the court tonight. Although the whole proceeding was a serious matter, it appeared, as expressed by Justice Woods, that it was "A Tempest in a Teapot."

Dispensary matters reached another crisis incidental to the hearing about Dr. Murray. Attorney General Lyon made the statement in open court tonight that counsel reported by the new commission, under the statutes have no right to be counsel for the commission against his own advice and consent. He quoted the Act of 1907 and the Act of 1909 in support of his contention. The Attorney General was emphatic in bringing to the attention of the court the position that now exists as to the employment of counsel.

The commission had announced the securing of the services of W. A. Holman, of Charleston, his brother, R. C. Holman, of Barnwell, being associated with him. This was done, as stated by Mr. Lyon tonight in the Supreme Court, and as already pointed

out in the press, with Mr. Lyon's disapproval. He asked the court to take cognizance of this situation.

The Supreme Court did not decide tonight the right of the counsel employed by the commission to represent the commission, but stated that it permitted counsel to be heard as amicus curiae, (friend of the court,) and as appearing for the individual members of the commission in the matter before the court. The court intimated that in the proceeding before it tonight it was not concerned with the right of counsel to appear for the commission.

It recognizes the Attorney General Lyon's right to appear for the State and hear other counsel, amici curiae.

Although not officially appearing for the State in the proceedings, Attorney General Lyon's brief statement of the matter before the court was the expression of doubts as to the authority of the commission to order the turning over of the records. Mr. Lyon's position was a peculiar one, in the circumstances, as he, nominally representing the commission as the Attorney General, his attitude was, on its face, against the contention of the commission by the expressing of the doubts as to the powers conferred by the several Acts.

Mr. Lyon pointed out that the Act of 1907 gave the commission power to investigate the affairs of the old State dispensary. Was the Act prospective?

Dr. William J. Murray, former chairman of the State dispensary commission, that was removed by Governor Blease, was placed under arrest for contempt at 2:15 o'clock today. Immediately his counsel obtained an order from the Chief Justice in habeas corpus proceedings. The order was returnable at 4 o'clock, when the marshal of the commission appeared with the body of Dr. Murray and the habeas corpus proceedings were entered into with the result that Dr. Murray was unconditionally discharged.

There were lengthy statements by Attorneys Belsor and Stevenson for Dr. Murray, and W. A. Holman, of Charleston, for the commission.

The gist of the situation: Dr. Murray refused to turn over vouchers the commission claimed were needed in the work of investigating. The vouchers were claimed by Dr. Murray and his colleagues of the old commission to be necessary for personal protection in case of an investigation, being the receipts of moneys paid out. Dr. Murray was willing that copies be taken or that inspection be had at the bank in this city, where the vouchers are kept. The legal position was, in the main, set out in the statement of Attorney Stevenson before the commission earlier in the day, that the vouchers were not the property of the new commission, but were the private property of the old commission for protection, was the main contention.

Attorney W. A. Holman, of Charleston, claimed for the new commission that the question of expediency should not enter into the habeas corpus proceedings; that the vouchers were necessary for the work of the commission and that they were public records. A compromise solution was suggested, which in effect is what the order of the court means. The order will formally be made tomorrow.

The proceedings attracted much attention. Present were the members of the new commission; two members of the old commission, Dr. Murray and John McSween, of Timmonsville; the Attorney General and the assistant Attorney General, in addition to counsel and a number of interested spectators. The afternoon proceedings were halted when it was found that probably the new commission had not been notified of the habeas corpus proceedings. They were notified for the night session of the court.

STREET FIGHT IN MEXICO.

Laredo, Texas, May 30.—Thirty persons are known to have been killed and many were injured at San Luis Potosi, Mexico, Sunday in a conflict between the police and a mob, according to advices received here today.

The trouble was brought about as the result of a demand for the release of all prisoners in the jail. The officials refused to comply with the request, whereupon an attack was made upon the police, who returned the fire, killing two men and two women.

At the time of the riot, it was feared an anti-American demonstration would follow and a special train was held in readiness to carry American residents from the city.

The troops, however, succeeded in quelling the encounter and affording protection to the American colony.