

PEABODY PROBE RESUMED.

WITNESSES GIVE FEW NEW FACTS ABOUT DISTRIBUTION OF MONEY.

J. E. Swearingen and August Kohn Give Testimony—Statement by Dr. D. B. Johnson.

Columbia, Feb. 12.—A short session of the legislative committee investigating the charges made concerning the president of the University of South Carolina, was held yesterday afternoon. The witnesses examined brought out few new facts, although the testimony was interesting and gave some additional evidence as to the distribution of the Peabody fund. J. E. Swearingen, State superintendent of education, told of the visit of the committee from the board of trustees of the University of South Carolina to New York as did August Kohn, also a member of the board. Their testimony was to the effect that the representatives of the university did not desire to take away from Winthrop anything to which that institution was entitled.

A letter was read from Dr. Mitchell president of the university, stating that it would be impossible for him to attend on account of illness. This letter was accompanied by a physician's certificate. Dr. Mitchell wrote in part:

"I deeply regret that owing to sickness I shall be unable to be present at the hearing of the investigating committee this afternoon. It is perhaps unnecessary for me to add a word to what has already been said. I am perfectly willing to rest the case upon the statements of Gov. Ansel, South Carolina's representative on the Peabody board, and of Dr. Wickliffe Rose, the general agent of the Peabody board—both of them impartial and fully informed as to the facts.

"The decision in this matter I gladly leave to the judgment of your committee and to the love of fair play which is an instinct with the people of South Carolina."

Dr. Johnson then read a statement signed by the governor, Attorney General Peoples and E. H. Aull, relating to the conversation in the office of the executive.

Dr. Johnson submitted the following to the committee:

"Mr. Chairman, I feel that in justice to this committee and myself I should say that I spoke under strain the other day when I said two members of this committee were hostile to me.

"I wish to say now that I feel that I was mistaken and I wish to make this public correction as due all concerned.

"I think I should repeat here that I thought the university was fighting Winthrop when the university signed the petition for Peabody money, which if granted would have left Winthrop without a dollar, knowing Winthrop's expectations and good prospects. Also that it was acting in an unfriendly way in sending a committee to New York to appear before the Peabody board in opposition to the resolution on the minutes of that board in favor of Winthrop.

"However, that matter has been amicably adjusted, although I feel that the divided ranks in our educational forces shown before the Peabody board jeopardized the chances of both institutions.

"But I have no wish, and have had no wish, to harm the university or any one connected with it. We have had some differences, and may have others, but that should not cause a fight on the part of either to injure the other.

"Mr. Chairman, let me explain that when I said I confirmed the letter of 1911 I did not mean to say that I repeated all of the items of that letter, or that I made use of the language of that letter.

"Now, Mr. Chairman, I wish to give my reasons for believing that Winthrop lost heavily by reason of the activities of the friends and representatives of the State universities in the matter of the distribution of the Peabody fund in view of Dr. Rose's testimony at the last meeting of this committee. We will all agree from the testimony given here and papers submitted I am sure that Winthrop stood high in the estimation of the Peabody board, and that I had reason to hope that it would be handsomely remembered when the final distribution of the fund was made.

"I did not know of the report of 1906 signed by two members of the board until 1911. I have a telegram from Gov. Ansel, in which he says: 'Your wire received. The first I knew of second part of report of special committee of 1906 was in May, 1911.' And he was a member of the board, and he and I had constantly talked about it. I just wish to put that in to show that I did not know, surmise and insinuations to the contrary notwithstanding. But even if I had known of it I would not have accepted it as the policy of the board, because no committee report or general agent's report can fix the policy of a

board. That policy must be fixed by vote of the board itself.

"In 1911 Dr. Curry, in a letter to the Peabody trustees, urged that after endowing the Peabody college the remainder of the fund be devoted to teacher's institutes and to State Normal colleges. That position of the veteran general agent did not fix the policy of the Peabody board as subsequent events have shown. Dr. Rose has been general agent of the Peabody board only since about 1907, a short time.

"The board did not adopt the report of 1906, and my opinion has been, since learning of it, that it might have died but for the petition of the presidents of the State universities and the action of the general agent, influenced, as I thought, by the State universities. I did not know the general agent's interest in the report of 1906 until his testimony here the other day. (I will say here parenthetically that I have not discussed the distribution of the Peabody fund with the general agent since 1909); and, Mr. Chairman, I have Dr. Rose's telegram here, dated February 11, 1913, in which he says: 'I have no recollection of discussing distribution of Peabody fund with you since 1909.' And I wish that to be filed, Mr. Chairman. And I did not know of the influences which governed him in making his report in 1911 until he told about them here the other day.

"A letter herewith submitted from Dr. Rose, written in 1909, will show that the whole question seemed to be open at that time. I have here Dr. Rose's autograph letter, dated March 27, 1909. He says:

"President D. B. Johnson, Winthrop Normal and Industrial College, Rock Hill, S. C.

"Dear President Johnson: The announcement that the Peabody board will probably distribute the remainder of the Peabody fund on May 14 is not correct. This question will not be considered at that time. The board will probably appoint at that time or at some later day during the summer a committee to take up the consideration of this question. I take it that this committee will then be glad to receive all suggestions and propositions that the people interested may desire to make. You will be advised when his committee is appointed.

"Very truly yours,

(Signed) "Wickliffe Rose."

"The point is, Mr. Chairman, this report has been spoken of as of 1906. Here is the letter of 1909 which opens up the whole proposition. That is the question.

"I believed the final policy of the Peabody board, as shown by the report of the special committee of 1911 and the action of the board in 1911, was determined in great measure by the friends and representatives of the State universities and by the petition signed by them. I believe the petition of university presidents revived that report gave it new life and as a result the Peabody money was diverted from Winthrop and the State normal schools to the universities and Winthrop lost heavily.

"Gov. Ansel said that he could not tell what influence the action of the university presidents had upon the votes of the members of the Peabody board. Dr. Rose said the same thing, as I remember his testimony, although insisting that he thought it did not have much.

"Now, if the fund had not been diverted from the State normal schools, mainly by the action by the State universities as I thought until I heard Dr. Rose here the other day, is it reasonable to suppose that Winthrop college might have received a large appropriation, between \$200,000 and \$400,000, as I have said. There is no question about the reasonableness of such a supposition with Winthrop prestige and close relation to the Peabody board, notwithstanding its additional appropriation of \$500,000 to the Peabody college.

"As it is, under the present arrangement, Winthrop college got \$165,000. Ninety thousand dollars has already been appropriated, and there is a resolution on the minutes of the Peabody board providing for Winthrop to get the remainder of the fund, amounting to about \$75,000. An illustration of the effect of the policy adopted by the board at its last meeting, upon Winthrop, it is proposed to cut down the amount of balance that would thereupon go to Winthrop by giving the South Carolina university \$40,000 of it, and I am willing for this to be done so far as I am concerned.

"In the first place the Peabody board did not have to give the same amount of money to each State, as shown in the distribution already made, and for a long time I have been urging upon the Peabody board a concentration of the Peabody fund upon the Peabody college and Winthrop college; and I believe if the old policy had obtained and the money had been given to normal colleges, concentration would have been made upon Winthrop college to make of it 'an inspiration and model' for other State normal schools.

"Now, Mr. Chairman, just a word and I am through with my explanation of my position in connection with

this publicity that has been given.

"If the final policy adopted by the Peabody board was not influenced by the friends and representatives of the State universities, including the petition of which I have spoken, then I am wrong in my surmise that Winthrop lost out because of the activities of the State universities, including our own; but I firmly believed that it was so influenced until hearing Dr. Rose's testimony as to the inner facts and influences.

"Dr. Rose's testimony seems to indicate, although he does not say positively, that the universities did not exercise influence in determining the final policy. If he should say positively that the universities and the petition referred to did not have any influence with the Peabody board, I would accept his statement as final. I have not talked with Dr. Rose about the distribution of the Peabody fund since 1909, as I have already said, and did not know all of the inside facts about the attitude of the board and the influences moving him, which he gave at this hearing the other day.

"And as you know I have not talked with Dr. Rose since 1909 about the distribution and here is his telegram testifying to that. I have not talked with Dr. Rose about the distribution since 1909."

Senator F. H. Weston, the chairman, said: "I want to say this in reply to Dr. Johnson, that I appreciate very much his manliness in coming forward and making this statement; that my only interest was to bring out the facts and I trust that any one can see that was my only motive."

W. H. Nicholson said: "I want to say in that connection that I am glad that Dr. Johnson made the statement for the reason that the questions that I asked were only asked to elicit the truth and I think were entirely pertinent to the record; and I must say that I was very much surprised at Dr. Johnson's taking the position that he did, and I am glad that he has seen fit to make the statement that he has."

J. E. Swearingen, State superintendent of education, was the next witness. Mr. Swearingen reviewed the work of the Peabody board and the correspondence he had with Dr. Rose along with the work connected with improving rural schools. Much of this work is now carried on by Prof. W. K. Tate.

"I am a member of the board of trustees of the University of South Carolina and of the board of trustees of Winthrop and when the appropriations came up at the meeting I was in favor of giving the university as much as any other Southern university." This was the statement made by Mr. Swearingen. The State superintendent called attention to the need for an educational building at the university and stressed the fact that Gov. Ansel, a member of the Peabody board, said that he fought for the education of women and that he was responsible for the introduction of the resolution providing for \$40,000 for Winthrop college.

"On the board of trustees of the university we were almost a unit but on the board of Winthrop I was in the minority," said Mr. Swearingen. "I wanted the additional \$34,000 for the university. The university was given \$6,000. By this I do not mean that there was any fight on Winthrop. The Peabody fund has been a blessing on the Southern States as pointed out by Dr. Rose. In May the universities of North Carolina and Georgia dedicated their buildings as a result of this fund. There is no dedication in South Carolina. There is no memorial to Peabody at Winthrop unless the gymnasium is named after the benefactor. There should be no conflict of interests but I believe that the board should have recognized the need for an educational building."

Mr. Swearingen referred to the testimony of Mr. Rose and the letter in which it was stated that on March 10, 1911, it had been suggested that \$100,000 be provided from the fund for each Southern university. It was finally suggested that \$50,000 go to Winthrop and that \$50,000 go to the university as an endowment for a school for teachers. Both of the above failed. Mr. Swearingen expressed a willingness to go to New York, accompanied by President Mitchell and August Kohn, when the meeting of the board of trustees of the Peabody fund was called. The whole discussion emphasized the definite sphere of college work and he did not consider the university was trenching on the rights of any one and that any institution had the right to ask for a part of the fund.

Questioned by Mr. Nicholson, Mr. Swearingen said that there was no secrecy as to the petitions for portions of the funds.

August Kohn, member of the board of trustees of the university, after being sworn said that the board of trustees of the institution took no action until after it was announced that the fund would be distributed. After the fund had been apportioned he had written Dr. Wickliffe Rose, agent for the Peabody fund, that he would be glad to have the final distribution kept open and the university con-

sidered. "We did nothing until we talked with Gov. Ansel, member of the Peabody board," said Mr. Kohn. Mr. Kohn referred to the visit to New York and said that he spoke 11 minutes and told of the work for schools and stressed the friendship for Winthrop. Mr. Kohn had the minutes of the meeting of the university which he submitted.

Dr. Johnson, as a final statement, said the hardest fight he had to bear was that it was said that he was fighting Dr. Mitchell. The committee then adjourned until today.

ADOPTS COMMISSION PLAN.

Spartanburg Will Have Government Framed on Business Lines in the Future.

Spartanburg, Feb. 11.—Spartanburg adopted the commission form of government in a special election held here today, by a vote of 496 for the change, and 290 votes against it.

The commission form of government will become effective next October upon the expiration of the present administration's term of office. Under the present act, the city will elect a mayor and four commissioners but an amendment to the act introduced by Senator Carlisle, during the present session of the legislature if adopted, will reduce the number of commissioners to two.

BILL TO LEALIZE LYNCHING.

Measure of J. W. Ashley Unfavorably Reported by Committee on Judiciary.

Columbia, Feb. 12.—A bill, the effect of which would be to legalize lynching for criminal assault, has been introduced in the house by J. W. Ashley. The measure was unfavorably reported by the committee on judiciary, but has been placed on the calendar.

The full text of the bill follows: "Section 1. That it shall be a full and complete defense to the charge of murder or to the charge of assault or assault and battery with intent to kill, or assault and battery of a high and aggravated nature, for the defendant to prove by a preponderance of the testimony that the person killed or assaulted had been guilty of an assault on a reputable woman with the intent to commit the crime of rape or ravishing a reputable woman.

"Sec. 2. That this act shall take effect immediately upon its approval by the governor."

TRIBUTE TO CORN BOY.

Business Suspended in House for Eulogy to Youth.

Washington, Feb. 11.—Business was suspended for 15 minutes in the house today while Representative Heflin of Alabama, paid a tribute to Lester Bryan, a Kentucky boy, accidentally asphyxiated here several weeks ago when he came to Washington as one of the 50 winners of the American Boys' Corn Growers' Club.

NEGRO STILL AT LARGE.

Sam Duke, Slayer of Policeman Barwick, Has Not Been Captured.

Sam Duke, the slayer of Policeman Barwick at Pinewood Monday evening, is at last accounts still at large, all efforts of officers and posses in search of him having proved fruitless. Much excitement was at first felt when the news of the cold-blooded killing spread, but this excitement is gradually dying out.

Officers here, both municipal and county, are keeping a sharp look-out for the man and it is probable that he will be arrested if he dares to come to Sumter. Reports state that posses are still in search for Duke in Clarendon county around Pinewood and toward Summerton and even across the Santee river in Orangeburg county, aiding the county officers in their search for the fugitive.

It was reported here at one time Tuesday that Duke had been captured and lynched, but there is no confirmation of this rumor, in fact word has since been received here from Pinewood that Duke has not been captured.

Children to Study Papers.

The graded schools in Florence are pursuing a course that is pregnant with possibilities for good with the younger children in making them study their home paper for the doings of the people of the world. It is a shame and a disgrace how many of the people who are looked on as up-to-date in a community, have no idea of the trend of public affairs in the world, of the big things that men and women are thinking about and doing. It is a good thing for the boys and the girls of the community to be taught to read the home paper and to be interested in things beyond the circle of their own acquaintances and thus lay a foundation for a broader patriotism and better citizenship. Florence Times.

HOUSE KILLS NEWSPAPER BILL

VOTE 55 TO 53 AGAINST MR. REMBERT'S MEASURE

Final Unfavorable Action Comes After Bitter Fight—Measure Would Have Regulated Publication of Certain Articles in Newspapers of State—Both Sides of Argument Vigorously Presented—How the Members Voted.

Columbia, Feb. 11.—The House tonight after extended and heated debate, killed Mr. Rembert's bill restricting newspapers in the publication of certain articles. The fight was to a large extent factional and bitter.

Mr. Stevenson led the opposition in a vigorous assault on the bill. The motion to strike out the enacting words prevailed by a vote of 55 to 53.

This bill was passed over previously in the evening during Mr. Rembert's absence, but on his appearance, by unanimous consent, it was taken up.

Mr. Rembert, the author of the bill, took the floor in its defence. Mr. Rembert claimed many malicious newspaper attacks, and he said it is impossible to fight the reports which the press circulates. Mr. Rembert's bill does not restrict publication, requires that the person offended shall have the right to prepare a reply which the paper must publish. Mr. Rembert attacked an editorial recently appearing in a daily which criticised his bill.

The principal duty of the press today is to keep the people informed on their public affairs and officials, said Mr. McMillan, of Marion, who spoke against the bill. He said that the Courts offer recourse to anyone whom the papers have lied upon. If an editor publishes a lie upon any person he may be prosecuted both civilly and criminally, said Mr. McMillan. He asserted that he had no interest in any newspaper, and spoke solely in the interest of fair play and justice.

Mr. C. C. Wyche, of Spartanburg, spoke in favor of the bill, saying that the present law is inadequate. Mr. Wyche devoted much of his time, as did the other advocates of the bill, to the recent primary of this State.

"I have been maligned time and again by newspapers, but that does not affect me here," said Mr. Stevenson, who spoke against the bill. Mr. Stevenson signed the minority favorable report on the bill, but said that his views had changed on the measure and he now opposed it. Because some irresponsible person sits in a newspaper office and assails me is no reason why I should curtail an agency for civilization," he said.

He took some of the provisions of the bill and showed that the article first published may be replied to, whether the charge is true or false. He read from the Constitution of the United States and of the State, showing that freedom of the press is stoutly maintained in both. The speech by Mr. Stevenson was one of the ablest delivered in the House in a number of years.

Mr. Epps, of Sumter, spoke briefly in favor of the bill and said that its constitutionality can not be questioned. He defended its justice.

Mr. Brice, of Chester, said that when the feeling of men are aroused they are apt to go too far in legislation. "Upon the freedom of speech, the liberty of the press, all wise government rests," he said. "Why, if a newspaper published Mr. Rembert's speech in full in favor of this bill, it might, under the law, be filled with replies to the article," said Mr. Brice. "You couldn't publish Court proceedings of any investigation if you were an editor without having your columns filled by persons mentioned in the paper."

Mr. Snapp spoke in favor of the bill. Mr. Liles said this bill is not only unnecessary, but unwise. Mr. Liles was the first speaker to give attention to the position of the county newspapers under the proposed law; that they would all go into bankruptcy, was his opinion. "The time has not arrived when truth and honesty need protection from the newspapers of South Carolina," he said.

Mr. O'Quinn, rising to question of personal privilege, resented what he termed an imputation on Mr. Rembert's part, that Mr. O'Quinn was representing the interests of "the State." Mr. Rembert said that he had meant no reflection on any member.

Mr. Liles moved the previous question, which was the motion by Mr. McMillan, to strike out the enacting words of the bill, which passed by a vote of 55 to 53.

The following members vote "aye": Atkinson, Barnwell, Belser, Betha, Bowers, Boyd, Brice, Charles, Courtney, Dantzer, DeLaughter, Evans, Friday, Fripp, Gasque, Greer, Harvey, Haynsworth, Hlatt, Holley, W. E. James, Johnston, Jones, Kibler, Liles, Lumpkin, McCray, McDonald, McMillan, McQueen, Massey, Means,

Mitchell, Mixson, Mower, Nicholson, O'Quinn, Pegues, Pyatt, Ready, Riddle, Riley, Robinson, W. M. Scott, Sherwood, Shirley, Stanley, Stevenson, Sturkie, Thompson, Tindal, Vandeg Horst, Warner, Warren, Whaley and Youmans. Total, 55.

The following voted "nay": Addy, Ashley, J. W.; Ashley, M. J.; Blackwell, Browning, Busbee, Clowry, Creech, Cross, Daniel, Dick, Epps, Fortner, Hunter, Halle, Hall, Hardin, Hadley, Hunter, Hutchison, Irby, W. A. James, Kelley, Kennedy, King, Kirby, Lee, Martin, Meff, Miley, Miller, Mitchum, Moore, Moseley, Murray, Nelson, Odum, Rembert, Rittenberg, Robertson, Rogers, W. S. Jr.; Sapp, Schroeder, Scott, W. W.; Senseney, Smiley, Strickland, Walker, White, Whitehead, Williams, Wyche, C. C.; Wyche, C. T.; Selgler. Total, 53.

The clincher was then applied, 57 to 50, which definitely kills the bill. The House adjourned at 10.40 p. m.

COMPULSORY EDUCATION DISCUSSED.

Debate on McCray Bill Opened in House Today.

Columbia, Feb. 12.—The House opened the debate on the McCray local option compulsory education bill at noon.

ONE OPPOSES BILL.

Seems Certain That Compulsory Education Measure Will Pass House.

Columbia, Feb. 12.—From the tenor of the debate on the compulsory education measure, it seems certain of passage by the House. Out of a half dozen speeches, only one was in opposition.

FAVORS COMPULSORY EDUCATION.

Bill Passed House by Majority of Seventy-two Votes.

Columbia, Feb. 12.—Compulsory education bill passed to third reading by vote of 91 to 19.

MRS. CHAS. B. SMITH DEAD.

Wife of Methodist Minister Dies at Old Home in Orangeburg.

Orangeburg, Feb. 11.—Mrs. Mary Smith, wife of the Rev. Charles B. Smith, D. D., of the Methodist Episcopal Church, South, died here last night at the home of her mother, after a few week's illness.

Mrs. Smith was formerly Miss Copes, the daughter of the late Robert Copes, of this city. She was married to Dr. Smith about one year ago. She was a young woman of beautiful character and had a host of friends here, where she was reared. Her death was a shock to the community, few being aware that she was seriously ill.

The deceased leaves a husband, mother and two sisters and two brothers. The funeral and interment will take place here tomorrow afternoon.

RUNAWAY CAUSES EXCITEMENT.

Wagon Crashes Against Automobile, Breaking Wheel of Latter.

In a runaway Wednesday morning a wheel of an automobile belonging to Mr. H. W. Harby was crushed when a wagon drawn by a terrified mule crashed into it. The mule continued on down Liberty street, but was stopped by the driver, Abram McQuiller, before it reached Harvin street.

There were three men in the wagon when it passed the Washington street school, where, according to the tale of McQuiller, the owner of the mule, the animal was frightened by the school children. The mule then started on his mad career down Liberty street, two of the negroes either jumped out or were thrown out. The wagon then struck the automobile, breaking the wheel and barely missed a team unloading material at the City National Bank Building.

Some of the boards of the wagon were overturned, falling in between the wheels and acting as a kind of brake, by which aid McQuiller was enabled to stop the animal.

Y. M. C. A. MEMBERSHIP.

Young Men and Boys of City Urged to Unite With Association.

It is true that the Young Men's Christian Association of Sumter has already a splendid membership—way yonder above the average for this size city, yet there are still a good many boys and men in town who should be members. The dues are very reasonable, \$10.00 a year for men, \$5.00 a year for boys between the ages of 14 and 18, and \$3.00 a year for boys between the ages of 10 and 14. These dues can be paid annually or semi-annually. The Y. M. C. A. urges every man and boy to join. Money invested in a membership in the Y. M. C. A. is one of the best investments a fellow can make. There you will find rest, and recreation, social, physical and moral uplift. The members of the Y. M. C. A. have been said to be the friendliest set of fellows in town. Join and see for yourself.