

### THREE NEGROES BLAMED.

JURY HOLDS THEM FOR MURDER OF E. P. BEST.

Scott Madison is Named as Principal With Gilbert Miller and Mitchell Stroy Accessories.

Barnwell, Dec. 4.—That E. P. Best came to his death from gunshot wounds in the hands of Scott Madison and that Mitchell Stroy and Gilbert Miller were accessories before and after the fact" was the verdict of the coroner's jury of inquest, which was held here this morning to investigate last night's murder. Fearing that the prisoners would be lynched if allowed to remain in the county jail, Sheriff J. B. Morris and a deputy, with the accused men, left Barnwell about 12 o'clock this morning in an automobile. There has been some talk here today, it is said, about a proposed lynching bee, and hearing of this, the governor has instructed the captain of the local military company to assemble his men and "do what is necessary to preserve the peace" in Barnwell.

From the testimony brought out at the inquest, the murder of Mr. Best is one of the most cold-blooded that his ever darkened the pages of the criminal history of Barnwell county. There was absolutely no provocation other than that Mr. Best had pushed one of the negroes out of his way as he was leaving the restaurant where he had been for supper. This negro, Gilbert Miller, threw an empty bottle at him and then ran. Mr. Best turned around to Scott Madison, who was standing in front of the restaurant, and asked what he meant by hitting him. Madison replied that he did not hit him—that the man that threw the bottle had run off. Mr. Best replied that he was not hurt and, turning around, started off up the street in the direction of his store.

He had gone only a few steps and was in the full glare of an electric light when two shots were fired. One took effect in his back, near the heart, and passed entirely through the body. The other shot went wild. Mr. Best staggered to the open door of a pool room and fell, dying in the arms of Arthur Harden.

The excitement last night was intense and there is no doubt but that the negroes would have been lynched had they been caught shortly after the murder.

The arrest of the accused men, all of whom are negroes employed by the Atlantic Coast Line Railroad company as section hands and who are strangers in the county, followed an all-night investigation and a very pretty piece of detective work on the part of the sheriff and his assistants. When it seemed that the search would prove fruitless, a few clues were gathered and, working on these, the negroes were routed from their shanty cars during the night.

A rigid examination disclosed the fact that one or more of them were involved in the affair and at daylight this morning they were lodged in the county jail, along with a score of other negroes who had been arrested as suspects shortly after the murder and who are now being held as witnesses. There is apparently no doubt as to the guilt of Madison. Four of his companions, who were eye-witnesses to the shooting, have testified as to his guilt, although in some minor details their stories were conflicting.

Knowing the intense feeling against the accused, it was decided at a meeting of the bar this morning to order an immediate trial, court now being in session. The grand jury will be summoned to meet here Monday, and as H. A. Simms who, with Thomas M. Boulware, has been appointed to defend the negroes, stated this afternoon that the usual three days would be waived, it is very probable that the case will be called immediately after the finding of the grand jury.

### BROUGHT TO COLUMBIA.

Sheriff Brings Two Prisoners From Barnwell Jail.

Sheriff Morris, with Scott Madison, charged with the shooting, and Gilbert Miller, who, according to the sheriff, threw a bottle at Mr. Best, arrived in Columbia last night by train about 7 o'clock and locked the two men in the State penitentiary. The sheriff was assisted by E. G. Bolen, deputy sheriff, and G. J. Diamond, supervisor of Barnwell county. The party left Barnwell in an automobile, fearing trouble and went by way of Williston to Salley's station and there left the machine and came to Columbia by train.

Sheriff Morris was asked about Mitchell Stroy and he said that this negro was being held in jail in Barnwell as a witness.

The Chamber of Commerce should go after the Seaboard extension to Charleston. Sumter needs it, Clarendon county and Summerton needs it and that large and undeveloped section between the Santee river and Charleston needs it.

### DAVID D. GAILLARD.

DUG CULEBRA CUT AND CONQUERED PANAMA CANAL SLIDES.

Engineer's Death Culmination of Breakdown Following Hard Work on Canal.

Baltimore, Md., Dec. 5.—Lieut. Col. David Dubose Gaillard, United States army, who directed the engineering work in the Culebra Cut, a division of the Panama Canal, died at Johns Hopkins Hospital here today.

Lieut. Col. Gaillard had been a patient at the hospital since August 17 last, suffering from a growth in the head, the result of seven years' arduous labor in the tropical climate of the Canal Zone. He failed gradually but steadily, and for the last two months had been in a state of coma, due to the pressure of the cranial growth upon the brain cells. The physicians decided some time ago that an operation was useless and might hasten his death.

He is survived by his widow and a son, Lieut. David P. Gaillard United States army. Both were at the bedside when the end came.

Lieut. Col. Gaillard was born at Winstboro, S. C., in 1854. He graduated from West Point Military Academy in 1884 and since that time had won many honors in the engineering service. A bill was introduced in congress last month promoting him to the rank of colonel in recognition of his distinguished services which culminated in the great engineering feat in the Culebra section of the Panama Canal.

When Culebra Cut was flooded by the blasting of Gamboa dike on October 10 last Col. Gaillard lay unconscious in his bed at the hospital here.

Col. Gaillard's death is the culmination of a breakdown incurred by long hours of work and exposure in the Canal Zone, where he pitted his skill as an engineer against the shifting soil of the Culebra Cut. To him had been given the most difficult task in connection with the canal's construction, to master the landslides and quicksands which extended for eight miles along the line of the Culebra Cut.

During the early years of his contest with the landslides Col. Gaillard never knew what a morning was to bring forth. Over night the mountains moved and covered with their deposit the tracks, and even the cars which were used to remove material. The Culebra Cut runs through the backbone of the American Continent. Gaillard dug indomitably until hill after hill found its angle of repose and he checked the landslides save at Cucuracha and points nearby. There the sliding was persistent, but had visibly weakened, when the engineer was compelled to stop his work and seek rest.

For the greater period of his work on the Isthmus Col. Gaillard was without a chief assistant. He wanted to save money. He gave his attention not only to the great engineering problems, but to all the details of shovel work, train work and drainage. He checked up on the small things and once it was computed that by his careful oversight he had saved the government \$17,000,000.

Men who worked with him said that he gave twelve hours of each day to the Culebra Cut. In addition he had a voice in all matters pertaining to engineering work in the zone, to civil administration and to the general conduct of affairs. The hard work, the nervous strain, the worry and the tropical climate combined broke his health at the hour of his final triumph. There was little left there to be done but to remove the soft earth of the slide at Cucuracha.

Final arrangements for the funeral have not been made, but the interment will take place in the National Cemetery at Arlington on Monday afternoon. It is expected that the body will be removed to Washington either tonight or tomorrow.

### RODE WOMAN ON RAIL.

Five Gray-haired Dames of Volo, Ill., Pay for Privilege of Acting as Bearers.

Waukegan, Ill., Dec. 5.—Five gray haired women of the village of Volo, who rode Mrs. John Richardson on a rail one night last July because her name was linked by gossip with that of her brother-in-law, tonight were found guilty here by a jury. Each may be fined \$200 and sentenced to six months in jail.

The women are Mrs. Emma Stadfield, Mrs. Levina Raymond, Mrs. Alma Wattland, Mrs. Mary Sabel and Mrs. John Stadfield. Mrs. Kate Wagner was freed because she left before the victim was given her ride.

Mrs. Mary Sabel, 65 years old, is the oldest of the convicted women, the others being beyond 40.

James Krepel was charged with the same offense. It is claimed that, dressed in woman's garb, he assisted in riding Mrs. Richardson on the rail. He has disappeared.

### THE S. S. CONVENTION.

THE FIRST SESSION AT TRINITY CHURCH IS HIGHLY SUCCESSFUL—LARGE ATTENDANCE.

Object of Meeting is to Arouse Interest in Sunday School Work and to Devise Plans for Getting Into Sunday School Those Who Have Not Been Enrolled—Addresses by W. C. Pearce, Miss Vandiver and W. I. Herbert.

The opening session of the Sumter County Sunday School Convention was held Friday morning at Trinity Methodist Church. A large number of people was shown in the meeting. Interesting addresses were made by Mr. W. C. Pearce, assistant general secretary of the International Sunday School Association, Rev. Walter I. Herbert, president of the South Carolina State Sunday School Association and by Miss Grace W. Vandiver, secretary of the State Sunday School Association.

This convention is one of a series of ten which are being held in the chief cities in South Carolina in which Mr. Pearce, Miss Vandiver, Rev. Mr. W. H. K. Pendleton, rector of the Episcopal Church at Spartanburg, and Rev. Mr. Herbert are taking part throughout the State for the purpose of arousing more interest among the people in the Sunday School and of devising plans for bringing into the Sunday School those who at present are not in it. It was brought out in the discussion of the morning that of the 700,000 white persons in the State, more than 500,000 were not enrolled in the Sunday Schools. In this county the statistics showed that there were 15,000 white persons who should be in the Sunday Schools, while in fact only 3,000 were enrolled, showing the fact that the other 12,000 did not attend.

Mr. Pearce, Miss Vandiver, Mr. Herbert and Mr. Pendleton, arrived in the city Friday from Charleston and will leave here Saturday morning for Florence, Conway and Rock Hill, those being the remaining places which they will stop at in their tour of the State.

The meeting Friday morning at Trinity Methodist Church was opened with devotional exercises conducted by the Rev. Robert T. Phillips. After this the program was somewhat deviated from, owing to the fact that the train on which the party came from Charleston was delayed.

Rev. Walter I. Herbert spoke on the subject of How Organized Sunday School Work Can Help Us to Meet Our Needs.

The subject of the address delivered by Mr. Pearce was, The Sunday School at Work in the World.

Miss Grace Vandiver showed the need of South Carolina for more and better Sunday schools throughout the State.

Mr. H. L. Birchard, secretary of the Y. M. C. A., told of plans which were being devised here to make Sumter county the banner county in Sunday school work.

At the meeting Friday morning a committee consisting of Messrs. H. L. Birchard, E. E. Aycock and J. N. Tolar was appointed to make the nomination of officers at the meeting tonight. These officers, when chosen will serve the association for another year.

This is the first convention of the Sumter County Sunday School Association which was organized in the early part of the year, prior to the holding of the State Sunday School Convention here. The officers of the association were much pleased with the large attendance and the interest shown in the meeting.

### SHOWERS OF METEORS.

Cheraw People are Astonished by the Visitation.

Cheraw, Dec. 4.—At 10.30 o'clock last night there was a meteoric shower near Cheraw. One aerolite burst with a terrific noise, like a clap of thunder, the shining fragments flying in all directions.

Many persons in town mistook the crash, thinking something had fallen in their houses and lighted lamps to investigate. One family thought their mother had fallen out of bed and went to get her back in bed. Many supposed it was an earthquake and made for outdoors, badly frightened. However, they have settled back into their old habits, and no damage was done.

### THE FORCE IN ENGLAND.

Suffragettes Run Rampant Burning Public Buildings.

London, Dec. 6.—Suffragettes today burned Rushmore exhibition hall, South Manchester. The loss is sixty thousand dollars. The scenic railway, Liverpool exposition grounds, was partly destroyed. A letter was found abusing the premier. The suffragettes also tried to burn the grandstand at the famous Aintree race track, but the police interfered.

### S. S. CONVENTION CLOSES.

STRONG ADDRESS MADE BY DR. W. C. PEARCE FRIDAY NIGHT.

Rev. W. H. K. Pendleton Reviews Work Which has been Done in Tour of State and Shows the Need of More Work—Afternoon Session—Officers Elected.

The Sunday School Convention came to a close Friday night when two interesting addresses were made to a large audience at the Trinity Methodist church by Mr. W. C. Pearce and Rev. W. H. K. Pendleton.

Rev. Pendleton's talk was in the nature of a review of the work which had been done in the State during the tour which is now in progress. He told of the meetings held and encouraged the people here to do greater things in their future Sunday School work. His remarks were listened to with interest by his audience.

Mr. Pearce spoke on the need of bringing the people into the Sunday School, how to reach and get them to come and to give them a fitting welcome when they came in. He made a very strong and interesting talk and held the undivided attention of his audience throughout.

At the night session the nominating committee, consisting of Messrs. H. L. Birchard, J. N. Tolar and E. E. Aycock announced the following nominations for officers of the Sumter County Sunday School Association for the ensuing year: C. M. Hurst, president; Bartow Walsh, secretary, and E. E. Aycock, treasurer. These nominations were unanimously endorsed by the delegates from all of the Sunday schools present.

A great deal was said by Mr. Pendleton and others concerning the banner Sunday School County, the aim of this county being to be classed as such at the next State Convention.

In the afternoon session Mr. C. M. Hurst made a very interesting talk on the Sunday School Standard and how every Sunday school should always have a standard which it was always striving to attain.

Mrs. Lucy Rodgers spoke on the Cradle Roll and Mrs. H. L. Birchard told of the home department in the Sunday School.

The following are members of the Executive Committee for the ensuing year: C. M. Hurst, chairman; B. Walsh, E. E. Aycock, H. L. Thomas, S. D. Richardson, M. J. Michaux, W. I. Herbert, H. L. Birchard, S. F. Stouendmire. This committee will appoint the district superintendents, who will be announced later.

At the night session subscriptions were taken to carry on the work in South Carolina, more than one hundred dollars being subscribed for this work.

Friday evening Miss Grace Vandiver left for Florence, where a similar convention will be held Saturday. Rev. W. H. K. Pendleton, Rev. Walter I. Herbert and Mr. W. C. Pearce left for the same place Saturday morning.

### FIRE IN YORKVILLE.

Flames Destroy Main Building of Victor Mill, With Loss of \$30,000.

Yorkville, Dec. 5.—Fire, supposed to have originated from an electric motor while the plant was in operation at 9.30 o'clock tonight, destroyed the main building of the Victor Cotton Oil company of this place entailing a loss of \$30,000. Prompt action saved the hull and seed houses.

### OVER 100 YEARS OLD.

Has Counterpane Woven Before Revolutionary War.

Gaffney, Dec. 5.—Farmer Moore, a well known planter living near Blacksburg, was in Gaffney yesterday exhibiting quite a curiosity in the shape of a counterpane which was woven before the Revolutionary war. Mr. Moore has inherited the counterpane straight through five generations and there can be no doubt as to the authenticity of his claim. The counterpane was woven out of flax by Davy Falls, who had just come to America from Ireland and located near King's Mountain. It is wonderfully well preserved considering its age and is absolutely free from holes. It shows no blemishes and the work is really beautiful. It seems that prior to the days of the Revolution it was the custom for all the weaving to be done by the men, and the women took no part in these endeavors.

### FIRE IN COLUMBUS, GA.

Show Case Plant Destroyed—Loss \$75,000.

Columbus, Ga., Dec. 6.—The Georgia Show case plant was burned this morning. The loss is said to be \$75,000. Insurance covers only half the loss. Sixty hands are thrown out of work. The company will rebuild.

### EN BANC DECISION.

COURT MAY USE ITS DISCRETION AND NEED NOT ASK FOR FILLING OF VACANCY.

En Banc Session Called for Dominick Case Decides an Important Question.

Columbia, Dec. 6.—Following a session yesterday of the Supreme Court en banc rendered a decision that it is not required of the justices or the court to certify to the governor the disqualification of a justice in any cause or causes so that he may commission a special associate justice.

The supreme court is therefore empowered to exercise its discretion in any cause irrespective of the ground of disqualification and it is so adjudged," concludes the decision.

The decision was given in the case of Fred H. Dominick against A. W. Jones, comptroller general. Mr. Dominick presented a bill for over \$1,200 for services in the State bond test suit.

The majority opinion was written by Chief Justice Gary and concurred in by D. E. Hydrick and R. C. Watts, associate justices and George E. Prince, R. W. Memminger, John S. Wilson, J. W. DeVore, T. S. Sease, H. F. Rice, Frank B. Gary, T. H. Spain and I. W. Bowman, circuit judges. T. B. Fraser, associate justice, wrote a dissenting opinion.

The following is the majority decision:

"On the call of this case for hearing in the supreme court it appeared that R. C. Watts, associate justice, was disqualified from sitting, by reason of the fact that the appeal was from an order by him.

"Thereupon the petitioner-respondent requested this court to certify to the governor, the fact of such disqualification, in order that he might commission some one learned in the law to preside (sit?) in the place of Mr. Justice Watts.

"It appeared to the justices of this court that there is involved a question of constitutional law, upon which the entire court is not agreed, to wit: Whether petitioner-respondent is entitled to demand as a right under the provisions of the constitution that the place of the disqualified justice be filled—there being a quorum present, without his attendance; whereupon the chief justice called the circuit judges to the assistance of the supreme court for the purpose of determining said question.

"When the case of McAulay vs McAulay was heard by the supreme court it was composed of five members, Mr. Justice Woods being one of them, but the opinion, which was rendered by an evenly divided court, was not filed until he had resigned.

"The appellant's attorney filed a petition for a rehearing in that case on several grounds, one of which was that the court was without power to render the decision for the reason that it was then composed only of four justices.

"The reasoning of the court in the case hereinbefore mentioned shows conclusively that it is not incumbent on the court or the justices thereof to certify to the governor the disqualification of a justice in any cause or causes in order that he may immediately commission specially the requisite number of men learned in the law for the trial and determination thereof, whether the disqualification arises from the fact of resignation, when the unexpired term exceeds or is less than one year, or where the disqualification arises from any other cause, unless there is not a quorum present.

"When the provisions of the constitution relative to this question are considered in their entirety, it is apparent that when three qualified members of the court are present, a quorum of the court is present, and it is discretionary with the court so composed or the justices thereof whether they will certify the disqualification or temporary absence of any other member or members of the court to the governor in order that he may commission some one learned in the law to preside in the place of the disqualified or absent justice. Of course the disqualification of a justice or justices does not disqualify him or them from certifying the fact of his or their disqualification to the governor.

"Finally it is contended that although the court when composed of a quorum has the power to render judgment in a cause, it has not the power to certify to the governor that there is a vacancy arising from the resignation of a justice, in order that the governor may commission some one to preside in the place of the resigned justice.

"This proposition is untenable, as it is inconsistent with the provisions of the constitution and the construction placed upon them by this court.

"The supreme court is therefore empowered to exercise its discretion in any cause irrespective of the ground of disqualification and it is so adjudged."

In the dissenting opinion by T. B.

### THE GRACE-WHALEY CONTEST.

THE HOUSE COMMITTEE WILL MAKE INQUIRY INTO CHARGES.

Believed, However, That Decision to Probe First Congressional District Primary Has Been Virtually Made—Best Solution of Tangle.

Washington, Dec. 5.—Although positive announcement of what the house elections committee now investigating the Grace-Whaley charges will do has not yet been made, it is understood here today that the question of the methods by which Mr. Whaley secured his seat in the house in the First district primary of last spring will be investigated.

Today the committee met again and ordered that all of the affidavits submitted by Mayor Grace, with the testimony submitted by his witnesses, as well as the matter put in by Mr. Whaley, be sent to the public printer immediately so that committee members might have the opportunity of having the entire printed record before final action is taken.

This action is taken to mean that, as already outlined in this correspondence, Mayor Grace has made a prima facie showing and that the main question which the committee is now considering is whether Mr. Whaley has made sufficient reply to offset the allegations made by the Charleston mayor.

Around the capitol it seems to be the impression that since much has been said regarding conditions in the First district with special reference to Mr. Whaley's right to retain his seat in the house, it would be better for him, if no other purpose should be served thereby, to have the situation cleared up and all mystery removed.

Monday, it is expected a definite announcement will be made regarding the matter, although it may come sooner.

### DEATH LIST LARGER.

Texas Flood a Great Calamity—Fifty Three Dead.

Dallas, Dec. 6.—The latest reports, some of them unconfirmed, place the total dead in the central Texas flood at fifty-three. Scores are still imperiled, clinging to roof and tree tops. Among the dead reported are Henry Martin, vice president and general manager of the International and Great Northern Railroad, who was drowned while attempting to rescue a family at Valley Junction. The weather has turned bitterly cold and there is great suffering by the flood victims.

### LOPEZ SEEMINGLY SAFE.

Again Has Utwitted Sheriff's Posses in Utah.

Bingham, Utah, Dec. 5.—After searching a third of Utah-Apex mine, the posse which penetrated the stronghold of Ralph Lopez, slayer of six men, tonight came out and announced to the thousands of expectant miners that they had found nothing to indicate that the desperado was dead. The belief prevails that again the sheriffs of nine counties and their hundred of deputies have been outwitted by the man who several times has risked capture in order to jeer at their efforts.

### ROBBERS LOOT EXPRESS TRAIN.

Board Fast Train and Steal Silk and Furs.

Chicago, Ill., Dec. 6.—Daring train robbers, who boarded the Lake Shore fast express at Toledo, robbed a sealed car, bound for Omaha early this morning. Ten thousand dollars worth of furs, plumes and silks were stolen. There is no clue.

Fraser, associate justice, it is held that under the constitution litigants in the supreme court "have the right to have the place of a disqualified justice filled by executive appointment. This right may be waived." Continuing, he says: "Section 11 of article 5 provides: 'All vacancies in the supreme court or inferior tribunals shall be filled by elections as hereinafter prescribed, provided that if the unexpired term does not exceed one year, such vacancy may be filled by executive appointment.'"

"It is true the words 'otherwise prevented from presiding' are general enough to cover all cases, but the specific words that immediately precede this general expression are disqualification.

"It seems to me therefore that the general words refer to disqualification. This construction gives effect to every provision of the constitution.

"1. A vacancy for more than a year shall be filled only by election and no appointment can be made to fill a vacancy in any case if the term exceeds a year.

"2. The place of a disqualified justice shall be filled by appointment.

"3. Three may be a quorum."