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IT IS A GREAT VICTORY.

THE STATE WINS IN THE RAILROAD CASES.

Judge Simonton's Strong Decision Against the Railroads—They Must Pay Their Taxes and the Cost—Gov. Tillman Thinks It Will End the Fight.

COLUMBIA, March 15.—The State of South Carolina and the present administration have gained a big and decisive victory in the fight with the railroads for the payment of taxes as assessed by the State Board of Equalization. Judge Simonton, in a decision rendered at Charleston on Tuesday, the most important portions of which are published ordered that the South Carolina Road pay what is due the State and the costs of the proceedings. It is conceded that this decision is practically one against all the roads which have been resisting the payment, and the State government now looks for the railroads to begin to settle without further fighting. It is not thought that any appeal will be taken to the Supreme Court of the United States.

It is not necessary to review the protracted fight which has been in progress between the State and the railroads for over two years. It began, however, by the State Board of Equalization taking the position that the railroads were not paying taxes in proportion to the amount paid by the average citizen. The returns which the roads had made were increased to what was adjudged to be about 60 per cent. of the value of the property. It will be remembered that the roads refused to pay except on the returns which they had made and which they claimed were fair and equitable. A long fight in the courts resulted, but the matter has never before come up squarely on its merits. Heretofore all the cases have been on technicalities, and the State has not been wholly successful in these fights. These cases were immaterial to the main issue, onwhich the administration was confident of winning.

Judge Simonton's decision is a thorough knockout and the roads cannot fail to see it in that light. Governor Tillman was in a good humor when the reporters saw him yesterday and asked him about the decision of Judge Simonton. "I regard the decision," he said, "as the conclusion of all the railroad litigation. The case which has been decided was a test case. and we have won. I have felt confident all the time that we would win."

When asked as to whether he thought there would be an appeal, he said he did not think so, at least in the case of the South Carolina Road. Judge Simonton, he concluded, is the boss of that road and consequently the boss of Receiver Chamberlain, who is a creature of Judge Simonton's court. Whatever Judge Simonton orders must be done. The other roads, which the decision indirectly affects, inasmuch as the decision in regard to them will be the same as the South Carolina Road, may take an appeal to the Supreme Court.

Governor Tillman, however, thinks that all the roads will pay what they owe at once, and avoid any proceedings which might be taken to forfeit their charters, the last Legislature having passed an Act authorizing the forfeiture of the charters of the roads which resist the payment of taxes imposed on them by the State.

The total amount due the State by the roads is about $200,000. This amount is the difference between what the State has all along claimed was due and the amount which the roads have admitted was due. The roads have every year paid the amount they admitted to be due.

State Treasurer Bates will not have to borrow money for some time to meet the claims against the State.

The title of the case decided by Judge Simonton was D. H. Chamberlain, receiver of the South Carolina Railway Company, against George H. Walter, County Treasurer of Charleston, and Hugh Ferguson, Sheriff of the same county.

The complaint sets forth that the road had been returned at $13,000 per mile and that the State Board raised this to $16,000 per mile, also raising the returns of the Three C's Road from $5,000 to $10,000 per mile. The bill alleges that this assessment is unjust, in asmuch as it is above the assessment made on the average real and personal property throughout the State, and that the State Board of Equalization violated the Constitution of the State, which provides that all property shall be taxed in proportion to its value. The bill further charges that the act of the board in raising the assessment is itself null and void, and the assessment is illegal because this is not within the powers of the board.

The attorneys for the railroad were Brawley & Barnwell and Mitchell & Smith, and for the State Attorney General Buchanan, Ira B. Jones and Samuel Lord.

Judge Simonton's decision is as follows:

It is well at the threshold to define the limit of the power of this court over the subject matter of this suit. It cannot review the assessment made by the State officials simply upon the ground that it is excessive. (Starling vs. the Supervisors, 121 U. S., 549. Nor can it make a new assessment or direct another to be made. (State Railroad Tax Cases, 92 U. S, 615.) Nor can it interfere upon the ground that the tax is illegal. (Williams vs. Albany Co., 122 U. S., 154; Legon vs. Alley, 130 U. S 177.) Nor can it interfere because the court would prefer and would have adopted a different system. (W. U. Tel. Co. vs. Massachusetts, 125 U. S., 553; Davenport National Bank vs. Supervisors, 123 U. S., 83.) "So long as a State, by its laws prescribing the mode and subject of taxation, does not intrench upon the legitimate authority of the Union or violate any right recognized or secured by the Constitution of the United States the Federal Courts, as between the State and the citizen, can afford the latter no relief against State taxation however unjust, oppressive or onerous it may be. (Kirkland vs. Hotchkiss, 100 U. S., 491; Memphis Gas Light Co. vs. Shelby Co., 109 U.S., 308.) All these are questions for the State alone and are within its police power. But when the overvaluation of property assessed for taxation has arisen from the adoption of a rule of appraisement which conflicts with a constitutional or statutory direction, and operates unequally, not merely on a single individual, but on a large class of individuals or corporations the courts can give redress to the party aggrieved thereby. (Stanley vs. Supervisors, 121 U. S. 551) It is put clearly and tersely in Cummings vs. National Bank, 101 U. S., 187: "When a rule or system of valuation is adopted by those whose duty it is to make the assessment which is designed to operate unequally and to violate a fundamental principle of the Constitution and when this rule is applied not solely to one individual, but to a large class of individuals or corporations."

We see that there is an essential ingredient. Those whose duty it is to make the assessment must adopt a rule or system of valuation with the design that it shall operate equally and violate some fundamental principle of the Constitution.

What is the rule or system of taxation adopted by the Board of Equalization for railroads? The General Assembly of South Carolina are instructed by the Constitution to prescribe such regulations as will secure a just valuation for taxation of all property under a uniform and equal rate of assessment and taxation. (Article 9, Section 1.) The Act passed pursuant thereto provides that "All property shall be valued for taxation at its true value in money, which in all cases not otherwise especially provided for by law shall be as follows, to wit: For personal property, the usual selling price on the usual terms of similar property at administrator's or executor's sales at the place where the return is made, and for real property the usual selling price on the usual terms of similar property at sales for partition under the order of court at the place where the return is made. If there be no selling price then what is honestly believed could be obtained for the same at a fair sale under the conditions before mentioned?" (General Statutes of South Carolina, Section 219.) Apart from the consideration that even if the assessment fixed by this board on the property of complainant is excessive this court cannot interfere. (Stanley vs. the Supervisors, supra.) There is no reason to think that the board do not in the language of the Act "honestly believe that the value fixed by them on this property is its selling price at a fair sale." Indeed this last conclusion is not denied. The complainant avers that the property was returned by him at 60 or 65 per cent. of its real value in his estimation. And we can presume that when it was raised by the board they acted under the statute. The ground for complaint is that by uniform and notorious practice other real and personal property is assessed for taxation at about 50 to 60 per cent. of its value notwithstanding the Act of Assembly, and that this action of the Board of Equalization for railroads, departing from this practice in the case of railroad property was with the design, intent and purpose of putting the burden of tax alone on railroads and not in order to carry out the provision of the Act of Assembly.

Evidence of this design is deduced from the course pursued with regard to other property in the State, and the practice prevailing of assessing such property below its real value in money, a practice well known to this board and departed from by them in assessing the property of railroads.

In South Carolina the general mode of assessing property for taxation is as follows: Each county in the State is divided into tax districts, small territorial sub-divisions, for the sake of convenience. The County Auditor appoints for each tax district three freeholders resident therein as a board of asssessors. They meet, organize, elect a chairman and proceed to assess for taxation all the real and personal property in their tax district. This assessment is sent to the County Auditor, by whom it is submitted to the County Board of Equalization, which consists of all the chairmen of the tax district boards. This county board meets at the office of the Auditor and examines the returns of all the tax district boards. If any property, real or personal, has been returned below its true value they raise the assessment. If above such value they decrease it. They cannot reduce the aggregate below the aggregate of all the returns of the tax district boards. The chairmen of the county boards constitute the State Board of Equalization. It in turn reviews the action of all the county boards. It has the same power as to increasing or diminishing values that the county boards have. The Auditors of the counties act as clerks of the county boards, and the Comptroller General attends upon the State board.

With regard to railroad property an entirely different method prevails. The president and secretary of each company is required annually to make returns to the Comptroller General of the railroad property and its value. These returns are submitted by the Comptroller General for consideration and action to a board consisting of State officers, the Attorney General, the Comptroller General, the Secretary of State and the State Treasurer. Their duties are to "equalize the value of the property of railroad companies by increasing the value of the roads and property of such company as shall in their judgment have been returned at too low a valuation and diminishing the value of such as may have been returned at too high a valuation." General Statutes, Section 186. The term here used is "equalize." But as there is no aggregate to be maintained as in the case of county taxes, this word must be used with reference to the language of the Constitution and must be construed to mean to secure equality.

This board is entirely distinct in personnel and otherwise from the other boards above referred to.

A mass of testimony has been taken and has been filed with the record with respect to the mode and practice of assessment by the tax district and county boards. It would consume too much time to go into this detail. The result shows that for a long period of time, up to recent date, and perhaps up to this time, the provisions of the Act of Assembly have not been regarded and real and personal property have been assessed for taxation below the real value in money. But nowhere does it appear in the testimony that this is the result of preconcert, connivance or conspiracy between and among the boards, such as appears in Cummings vs. National Bank, supra. There is evidence of coincidence in opinion and action of concurrence in methods and in general result, but none whatever, that is of direct evidence, of preconcert in action. Such concert of action may possibly be inferred from similarity in the result, but the evidence shows that although the boards all assessed real and personal property below its real value in money the course of the several boards was capricious, without fixed method or percentage. Although the average of valuation was below the value in money in all the counties concerning which testimony was offered, in some of the counties parcels of land were assessed some above and some below their true value in money, notably in Richland County. But is this coincidence of action and result on the part of tax district and county boards conclusive evidence of design to put the burden of taxation on railroad companies? Is it susceptible of other explanation? It would seem that it is the result of a vice in the system of assessment. The tax district boards make the first assessment. By law they must be freeholders resident in the tax district. They have a direct personal interest in a low assessment, and their environment induces them to make it. When men deal with the interest of the government and of the citizen all doubts are solved in favor of the citizen. This must be said, however, in explanation and perhaps in justification of the action of these boards. In an agricultural community, and in one dependent upon the well being of the agriculturists, it is impossible to fix the value of lands. A succession of bad crops will make land unsalable. One good crop will create a demand and a selling price. So what land may bring if sold depends not on its intrinsic value so much as on the circumstances under which it is sold. Taxes must be paid without regard to seasons or crops. Hence the average valuation designated to cover a period of five years. If there be no preponderance of evidence showing design on the part of the tax district and county assessors to throw the burden on the railroads, is there any evidence from which such design can be inferred on the part of this board of equalization for railroads? The Comptroller General, one of this board and from his official duties and experience the leading member of the board, probably deducting and controlling its action in his official report to the Legislature in 1891, calls the attention of that body to the low rate of assessment of much of the property in the State and urges legislation to correct the evil. And when we consider the independent action of this board under a statute imperatively requiring them in making assessment to take as a standard the true value of the property in money, and also consider the admission of the bill, that the return was about 65 per cent. of the real value, $13,000 per mile, and that the increase to $16,000, making it about 80 per cent., we cannot hold that this increase in assessment is so excessive and unjust as necessarily to indicate the design and motive charged.

Another objection to the action of the board of equalization for railroads is that notwithstanding the fact that a large part of the property of railroad companies is land, they are assessed annually. The State Constitution directs that lands shall be assessed every five years, and this practice is observed with respect to all lands except those of railroad companies. This indicates design to oppress railroad companies, and at all events violates the fourteenth amendment. The Constitution of South Carolina (Article 9, Section 1,) directs the General Assembly to "provide by law for a uniform and equal rate of assesment and taxation." It gives the General Assembly full discretion "to prescribe such regulations as shall secure a just valuation for taxation of all property." The General Assembly obeyed the direction by requireing all proprerty to be assessed at its true value in money. Exercising its discretion it prescibe a set of regulations, which, in its judgement, secured a just valuation of railread property for taxation. A railroad is a unit, every part contributing to its purposes as a whole. If it be a corporation its corporate purpose is the maintaining a railroad and all and every part of this property must contribute to this purpose. Its right of eminent domain is limited to this purpose. This unit is made up of lands, personal property, choses in action, easements, all dependent upon and inseparable from each other, deviding their value from this inseparability, from the fact that they contribute to this unit. They differ from every other species of property, and the discrimination made as between them and other corporations and individuals in the mothods and instrumentality by which the value of their property is ascertained is not invalid. (Kentucky Railroad Tax Cases, 115 U. S., 337; State Railroad Tax, Cases, 92 U S., 611.) The mode prescribed by the Legislature of this State is to get at the value of the plant, that is of all these elements going to make up the railroad, and to ascartain what their combined contributions making up this unit are worth. If they separated the component parts and attempted to fix separate values upon them they would enter into an impossible task. The value of the lands of a railroad depend much on the character and completeness of its rolling stock. The utility and consequent value of the rolling stock depend largely upon the facilities at stations and at termini, the amount location and character of the land used therefor.

After careful consideration there appears no evidence of such a design as will alone give this court jurisdiction.

Let an order be taken authorizing and instructing the receiver of South Carolina Railway Company to pay from the funds in his hands as such received the remainder of the tax unpaid and the costs of these proceedings

CAHRLES H. SIMONTON,
March 13, 1894. Circuit Judge.

The Murderers Seen.

COLUMBIA, S. C., March 12.—The thread of circumstances woven around Andrews, Weeks and McCloud as the murderers of Mr. Gayden grow thicker. Two gentlemen who arrived from Eastover this afternoon report that the three men were seen at the mouth of the Wateree river this morning paddleing down it in a boat. They were pulling for all they were worth. A government snag boat is at the mouth of the river, and the people employed on it had not yet heard of the murder. They met one of a party searching for the murderers, who asked had they seen three men passing that way. The reply was that three men had been seen in a boat, and the description of them tallied exactly with that of Andrews Weeks and McCloud. As soon as possible word was sent to Eastover, and the searching parties mapped out a line of procedure. Mr. Frank Weston, Mr. Crousee and three or four others immediately went to Sumter, where they were to take the Charleston, Sumter and Northern for Vance's near the Santee bridge, for the purpose of overtaking them. Another party composed of twelve or fifteen men went on horseback on either side of the river, and were to ride down and make a thorough search all along the banks and surrounding country.

That these three suspected men should thus be seen together seems to be almost positive proof that they are the parties wanted. The chances for their capture appeared good, as it is hardly possible that they can escape the posse on both sides of the river and that at the bridge. Unless something unforeseen happens, John Gayden's murderers will be captured today or this week, at the outside. When they are, it is a question whether they will be brought back to Wedgefield. It is believed that whatever caught they will be hung or shot on the spot. The character of the crowd precludes any such action. They will weigh the testimony and act accordingly.

Joined His Victim.

WASHINGTON, March 15.—Francis Edwin Brownell, who was a private in Ellworth's Fire Zouaves of New York, and who killed Col. Jackson, the proprietor of the Marshall House in Alexandria, after Jackson had shot and killed Col. Ellsworth, who hauled down the Confederate flag which was floating over the Mashall House the day after the ordinance of secession passed, died here this morning.

Drunk Again?

ROANOKE, VA. March 15.—Col. John Hampton Hoge, late consul to Amoy, China, but who got no further than San Francisco, from which place he was recalled by President Cleveland, has renounced his allegiance to the Democratic party, and appeared before the Republican city committee last night and tendered his services to that party.

TELLER SKINS SHERMAN.

THE OHIO SENATOR ACCUSED OF TELLING UNTRUTHS.

The Colorado Senator Pitches Into the Leader of the Goldbugs and Dresses Him Down Neatly and Thoroughly—Bland Bill Will be Passed To-day.

WASHINGTON, March 14.—After the routine morning business, the Senate at 12:30 resumed consideration of the Bland bill.

Dolph (Rep.) of Oregon stated that as objection had been withdrawn to the printing of the extracts which he had referred to in his speech yesterday, he would consider that speech as ended.

Then Teller (Rep.) of Colorado addressed the Senate in support of the bill. He denied the assumption of Sherman and of other Senators who had argued against the bill, that the Act of 1890 left the coinage of silver to the discretion of the Secretary of the Treasury, and he declared that the Act was mandatory and that under it the Secretary should coin as many silver dollars as he had issued Treasury notes. If $155,000,000 of Treasury notes had been issued, then 155,000,000 of silver dollars should be coined for the redemption of the Treasury notes. He claimed that the difference between the purchase price of the silver bullion and its mint value should be put into money and used for current expenses—because the Act declared that the seigniorage should be turned into the Treasury, and be also argued that the proper execution of the law required that there should be for every dollar of Treasury notes a silver dollar lying in the Treasury ready to be paid out to the man who demanded it in exchange for Treasury notes.

There were one or two other points in Sherman's speech which he desired to contradict. One of them was the statement that there was a board of 364,000,000 of silver dollars lying idle in the Treasury. "There is no board of that kind in the Treasury." Teller asserted with emphasis.

"The statement is an untruth. Sherman spoke of it as an idle hoard. There is no idle money in the Treasury of the United States. There has been no idle silver money in the Treasury, except that which lies behind the Treasury notes, to the extent of $35,000,000. The statement made here by a member of the Committee on Finance (Mr. Sherman) and sent broadcast to the world that we have a hoard of $364,000,000 of idle silver money in the Treasury is unworthy a place in this Senate. It is absolutely untrue, and is known to be untrue by every member of this body. And yet that is the kind of food that is fed to the people by those who put this country on the gold standard; and who are not satisfied with having destroyed the industries of the country, but are now attempting to disgrace us as Senators by showing that we are supporting a bill infamous in its character, and by misrepresenting the facts to the people of the world. This debate has been most untair, as debate has always been on the part of the men who advocate the gold standard. It has been unfair in many respects. It is unfair, or else it lacks in intelligence; and frequently it is unfair and lacks in intelligence also. Every dollar of silver money that has been coined is doing money duty and is doing it with infinitely more potency and power than any gold money that is in circulation in the United States. A more untair and untruthful statement could not have been made."

Teller said that he would not consider it a very great disaster if the country were on a silver basis. It was on a gold basis now and the condition of the country was not a happy one and it was a notorious fact that countries which used silver as standard money only were in better condition than the United States was in. This was the only country in the world. Teller said, whose legislators depreciated its money. Why was it that France could float eight or nine hundred millions of silver money? It was because no Frenchman ever dared to stand up in a legislative body in that country and declare that the money of country was not good money. It was left for this country alonge to have its legislative members to repudiate the government money. Since 1878 there had been a continued attempt by the Treasury Department to depreciate the silver money of the country. All the great commercial and banking agencies of the country, led or supported by the great metropolitan press, had been endeavoring to make the people believe that silver was unfit for money and it would not discharge money duty. The Senators from Ohio, Wisconsin and Oregon (Sherman, Vilas and Dolph) had told the Senate that the American silver dollar was a forty-five cent. dollar. "But." Teller asked, "has it anywhere failed to buy one hundred cents worth of anything which anybody has to sell? It is true that measured in gold it will only bring 45 cents. but measured in commodities it will buy sixty per cent. more of wheat, of corn and of cotton than it did in 1872. It is a dollar which is as good as gold."

George (Dem.) of Mississippi argued in support of the bill, although he admitted that it was "artificially drawn, inapt in expression and with some ambiguity in it.

It was not, he said, a free coinage measure. He wished that it were, if there was any chance of its becoming law. The bill proposed only to require in specific terms the coinage of silver already purchased, already owned by the government and already required by law to be coined.

While George was still speaking, the hour of 2 o'clock arrived, and then Harris (Dem.) of Tennessea rose and demanded in accordance with the terms of unanimous consent, that the vote be taken on Mr. Allison's motion to reconsider the vote ordering the bill to third reading. The vote was taken and the motion was disagreed to—yeas 28, nays 45, as follows:

Yeas—Aldrich, Allison, Brice, Caffery, Carey, Chandler, Cullom, Davis, Dolph, Frye, Gallinger, Hale, Hawley, Hoar, Lodge, McMillin, MacPherson, Manderson, Mitchell of Wisconsin, Morrill, Palmer, Proctor, Quay, Smith, Stockbridge, Vilas. Washburn, Wilson—28.

Nays—Allen. Bate, Berry, Blackburn, Blanchard, Butler, Call, Camden, Cockrell, Coke, Colquitt, Daniel, Dubois. Faulkner, Gibson, Gordon, Hansbrough, Harris, Hill, Irby, Jones of Arkansas, Kyle, Lindsay, Martin, Mills, Mitchell of Oregon, Morgan, Murphy, Pasco, Peffer, Perkins, Pettigrew, Power, Pugh, Ransom, Roach, Shoup, Squire, Stewart Teller, Turpie, Vest, Voorhees, White, Wolcott—45.

The Democratic Senators who voted in the affirmative were: Brice, Caffery, McPherson, Palmer, Smith, and Vilas. The Republicans who voted in the negative were: Dubois, Hansbrough, Mitchell of Oregon, Pettigrew Power, Shoup, Squire, Stewart, Teller and Wolcott. The three Populist Senators, Allen, Kyle and Peffry, voted no.

Manderson (Rep.) of Nebraska then moved to refer the bill to the Committee on Finance with instructions to amend it so as to provide that the silver certificates shallby increased only in anticipation or in lieu of the seigniorage. He said that the bill had been characterized even by its friends as crude, rough and ungramatical, and that the debate had shown that those who understood the English language were at sea as to what the bill meant. Manderson's motion was rejected, yeas 27, nays 44.

Then it was proposed by Harris to abrogate the agreement that the remainder of the discussion be under the five minute rule. He proposed that the debate be general, a vote to be taken at 2 o'clock tomorrow on the passage of the bill. Unanimous consent was given and George resumed his argument in support of the bill.

George was followed by Carey (Rep.) of Wyoming, who argued against the bill and then at 5.25, after a short executive session, the Senate adjourned.

SUICIDE IN ATLANTA.

Samuel Cheek's Checkered Career Suddenly Brought to a Tragic Close.

ATLANTA, March 9.—Samuel Cheek, a contractor, well known in the city and surrounding country died at the Grady hospital from the effects of two bullet wounds in the left breast; and those wounds were inflicted by his own hand.

For a number of years Cheek has maintained relations of the most amicable nature with his wife and children not a jar of discord ever marring the domestic felicity of wife and husband each appearing to have perfect confidence in the other, while the sequel shows that, during all these years, in another part of the city, there has lived another woman known as Mrs. Sam Cheek. And this woman has borne him two children.

How much longer this dual existence of Sam Cheek would have gone on can only be conjectured, but for the fact that Cheek became involved in litigation which resulted in a warrant being issued for his arrest; his having to hide out from the officers, and finally in a fit of desperation, admitting all to his wife and taking his own life.

The woman with whom Cheek had been living was, when a girl of 16—some 10 years ago—taken to the home of Cheek and cared for a long time, she having no home, and later a permanent home was secured for the girl with Mrs. Cheek's sister living a few miles away from the Cheek homestead, which was then in a village about 20 miles from Atlanta.

After a stay of nearly a year, the girl who had given her name as Bertha Cross, but whose real name was Blanch Clayton left her new home and after visiting the Cheek family, where she spent a few days, left them, declaring her intention of returning to her home—somewhere in South Carolina.

And here begins the dual life of Sam Cheek. He had become infatuated with the girl; brought her to Atlanta and set up a second home. And, notwithstanding his family afterward moved to this city, for years Sam Cheek has managed to keep up his relations with this woman without ever exciting a breath of suspicion, either in the breast of his wife, or among those with whom he came in business contact.

Remorse and reverses, however finally so wrought him up, that he confessed all and wandered away in the night, a hunted criminal, and was afterward found by his son in an old house in the outskirts of the city dying from the self inflicted wounds.

The boy had his father removed to the hospital where he died without regaining consciousness.

Double-Dealing Daniel.

WASHINGTON, March 14.—I have just seen a card publised in the News and courier, from the Hon. D. A. J. Sullivan, announcing his withdrawal from the race in the First Congressional District. The publication of this card, as well as reports that have been circulated in South Carolina, to the effect that I promised him to keep Dr. Stokes out of the race, and the further fact, that some time ago while I was at home in Laurnes a report was publishod in the News and Courier that I had telegraphed for Mr. Sullivan to come to Laurens to get him to run for Congress in the First District, compels me to say that I have had no talk or communication with Mr. Sullivan upon this subject since he left Washington some time ago. Mr. Stokes was nominated for Congress at Summerville.

While Mr. Sullivan was here and upon learning it, the latter announced to me and others that he would not be a candidate. He left me fully impressed with that idea, and no man was more surprised than I was, when he announced his intention to run, which he followed up by frequent visits to, and conferences in, Columbia, with which the public must be familiar.

In reference to the Laurens incident, I will say that there is not a word of truth in that report. He came to my house after having telegraphed from Charleston, my permission to see me at my home in Laurens, to which I consented. In conclusion I wish to say, and I hope that every honest newspaper that has published these reports will do me the jussice to publish this letter, that I never promised Mr. Sullivan or any one else to keep Mr. Stokes from running at any time, or asked, encouraged or advised Mr. Sullivan to run for Congress in that Congressional District.

J. L. M. IRBY.

Fear Not the Guillotine.

PARIS, March 15.—At 2.30 o'clock this afternoon a bomb exploded just inside the main door of the church of the Madeleine. One person, supposed to be the author of the explosion, was killed and several others were wounded. The explosion which was evidently premature, mutilated in a horrible manner the man who was carrying the bomb. It is generally believed that it was the intention of the miscreant to throw the bomb into the midst of the worshippers, who were gathering for the afternoon service. Four persons have been taken into custody on suspicion of being accessories of the man who was killed. The police had the greatest difficulty in getting their prisoners to the station, the mob which had gathered making several attempts to seize the prisoners and lynch them. The Madeleine, or church of St. Mary Magdalene, one of the oldest places of worship in Paris, has a large congregation and is especially well attended during the devotions of the lent season. The afternoon or vesper services were about to begin and worshippers were rapidly filling the edifice when the explosion occurred.

Will Pound Rock.

PEORIA, Ill., March 10.—In the Circuit Court last night, Charles Wickert, heavy-weight pugilist, who, on December 15, brutally beat John Behrands, crippling him for life, was found guilty of assault with intent to kill, and sentenced to fourteen years in the penitentiary.

A ROW IN COLORADO.

GOV. WAITE IN DANGER OF BEING LYNCHED.

The Populist Governor's Stubbornness Causes the Outbreak—Police and Militia Antagonized—Uncle Sam to the Rescue.

DENVER, Col., March 15.—The political fight waged by Governor Waite culminated today in most exciting scenes and mob violence was imminent many times during the day. Fortunately the common citizen was calm and collected and the prompt action of leading citizens in leaving their business and appearing in solid bodies to beg for time to consider the situation carefully, caused a delay that probably prevented bloodshed, rioting and the assassination of Governor Waite. In all probability had a shot been fired, a mob would have quickly formed that would have captured the Governor before official assistance could have rescued him.

At 6 o'clock, the intelligence that the Governor had called upon Gen. McCook to preserve the peace, settled all fears of a contest between the militia and the police. "Soapy" Smith's crowd of sports had been sworn in as deputies and they were placed at the hall to await orders.

From 2 o'clock until long after dark, a dense mass of humanity was packed in front of the city hall and upon the streets adjacent. They cheered and chaffed and joked, yet did not hesitate to express indignation at the situation. On 14th street the first regiment of the Colorado National Guards stood, flanking the Chaffe light artillery, consisting of four Gatling guns, with caissons filled with ammunition. Their position commanded the entire front of the hall and at one time the militia was under motion to attack the hall, when the arrival of Secretary Lorenz with a message from the Governor, stayed the attack. This was for a half hour's delay to permit another conference looking toward a peaceful settlement. From that time on, until the United States troops were called out, the most intense anxiety prevailed. All sorts of rumors floated about. The sheriff issued an order to arrest the militia and take their arms away. A friend of the deposed members of the fire and police board went out of the city hall to apply for a warrant to arrest the Governor. The committee of the influential citizens were arguing with the board, with the militia, with the Governor and with the police, but nothing was accomplished. The Governor declared he would order the militia to fire upon the city hall regardless of the crowds of spectators, and the police board within, as solidly maintained their position to resist the attack.

The police stood with guns in hand ready to charge if necessary, and Chief of Police Stone said he would die before he would surrender. Meanwhile, business was practically suspended and the crowds gathered on every corner and upon the tops of adjacent buildings.

Soon after 6 o'clock this evening, Chief of Police Stone received a telephone message from Gen. McCook, stating that he had ordered troops from Fort Logan to protect the chief and aid in preserving order. Soon after T. M. Patterson, asked on behalf of the Governor, for a committee of arbitration, but the city hall people declined the offer, saying they had made a similar offer earlier in the day and it had been refused. Then the attorney for the Governor made a similar request and it was also refused.

It was not until morning that the people realized the extent of the trouble, and the determination of Governor Waite to have his way regardless of courts. When they read in the morning papers that he had ordered out the militia, they were loath to believe even then that any trouble of a serious nature would arise. But as the day passed, the fears of all began to rise. As early as 9 o'clock the more curious spectaters began to assemble around the city hall building, and by 11 o'clock Larimer and Fourteenth streets, for a block in each direction, were literally packed. At 10 o'clock two wagon loads of breech loading shot guns and ammunition were unloaded at police headquarters in the city hall. The department was now equipped with a shot gun and two forty-five Colt's revolvers for each man in addition to the regulation club. A quantity of dynamite cartridges was also stored in the police vaults in readiness for any emergency. "We will hold the city hall against all attacks from the outside, if it takes dynamite to do it," was the expression of Chief of Police Stone. "We have 110 men on duty and they will be here as long as they are needed. If the Governor wants 'blood to the bridles' we will give it to him, but he cannot have the city hall."

By noon the crowd about the armory was nearly or quite as great as that assembled at the city hall, and when the militiamen began to arrive they found it difficult to make their way to headquarters. The militia started from the armory promptly at 2 o'clock. Adjt Gen. Tarsney was in command, assisted by Brig. Gen. Brooks. At 3:15 p. m Brig. Gen. Brooks, accompanied by four aides de camp, rode up to the city hall, and stated that the Governor's orders must be obeyed. Governor Waite remained in his private rooms at the Douglass all day and admitted no one but his closest friends, until a committee of citizens from the chamber of commerce called upon him late in the day. The result was a failure to get him to consent to anything. "I shall order the militia to fire," he reiterated. "The people may assassinate me if they will, but I propose to have my way." This was the situation when Gen. McCook asserted his position, and prepared to preserve the peace.

The history of this trouble dates back some weeks. The crisis was delayed because the Governor preferred to wait until the extra session was ended before he acted. To understand the situation it must be known that some years ago, the citizens of Denver asked the Legislature to give them a new charter that would take the police, fire and public works departments out of the hands of the municipality and put it in the hands of the boards appointed by the Governor. It was believed that would result in removing the matter from the corruption of politics. Governor Waite had shown a desire to make these departments subserve his political ambitions and has tried to make them all political boards filled with Populist followers. The board of fire and police has been changed repeatedly to suit his whims. Two resisted, but the Governor won his case before the supreme Court, which declared he could remove for cause. When he demanded the removal of members Martin and Orr recently they refused to go until the courts should so decide. Governor Waite, relying upon the decision of the Supreme Court in the first case, did not ask of the courts how to proceed. He declared that the members had violated their trust by placing special policemen at gambling houses, contrary to law, and he appointed two new members. The deposed members applied to the district court and obtained a temporary injunction to restrain the Governor, the mayor and the new members from taking possession of the office of the police and fire board by force. This was objected to, but after arguments had been heard, Juge Graham declined to remove the injunction. Then, after several days deliberation, the Governor decided to ignore the injunction, and so issued last night, his order to the militia.

During the excitement around the city hall, a man named Hyles, fell from his perch on a storm door entrance to the hall striking head first upon the pavement, fracturing his skull. He will die.

It is said that a warrant for the arrest of Governor Waite has been sworn out and will be served by a posse of deputy sheriffs tonight.

Denver, March 15.—8:45 p. m.—The United States troops have arrived from Fort Logan and are under command of Gen. McCook. Gen. Brooks, of the State troops, says the old fire and police board will be given an opportunity to fight or quit.

THIS IS SERIOUS.

Late tonight Governor Waite issued an order calling out every company of militia in the State. They are to come to Denver immediately, ready to act. The Colorado National Guard consists of two regiments, one with headquarters here and the other in Pueblo. The entire force can muster probably 1,200 men. The Governor says the companies here are not sufficient to cope with the crowds and police force. They cannot reach Denver before Satuday. The sheriff will attempt to cause the arrest of the Governor. Adjt. Gen. Tarsney and Brig. Gen. Brooks early tomorrow morning. The United States troops will remain in the city until peace is assured, and the prominent men will continue to urge peaceable means of settlement. As Governor Waite seems insensible to arguments looking to arbitration, peace can come only by the withdrawal of the city hall people, or by some action of the courts that will restrain the Governor. The situation now looks serious for tomorrow.

THIS STATE'S TROOPS.

The Military Organizations We Had in Two Big Battles.

COLUMBIA, S. C., March 16.—The veterans of the State are taking the deepest interest in the matter of the selection of the commissions of veterans from this State who are to act in concert with those of other States, visit the battlefields of Chickamauga and Chattanooga, and locate the spots on those two memorable fields which were occupied by the South Carolina troops during those engagements.

Adjt. Gen. Farley and Governor Tillman have been at word for some time endeavoring to secure the names of members of the several organization in the fights to be appointed on the commissions. Representatives from each organization, except the three batteries already referred to, have been secured. These names are expected in a few days, and then the announcement of the appointments will be made.

The following were the organizations this State had in the two fights, and which will be represented on the commissions:

South Carolina was represented in the battle of Chickamauga by one battery of artillery and seven regiments and one battalion of infantry, as follows:

Culpeper's Battery, Capt. James F. Culpeper, McNair's Brigade, Johnson's division.

Tenth Infantry and Nineteenth Infantry, Col. James F. Pressley, Manigault's Brigade, Hindman's division.

Twenty-four Infantry, Col. Clement H. Stevens, Lieut. Col. Ellison Capers, Gist's Brigade, Walker's division.

Second Infantry, Lieu. Col. Franklin Gaillard, Kershaw's Bridgade, McLew's division.

Third Infantry, Col. James D. Nance Kershaw's Brigade, McLaws' division.

Seventh Infantry, Lieut. Col. Elbert Bland, Maj. John S. Hard, Capt. E. J. Goggons.

Eighth Infantry, Col. John W. Henagan, Kershaw's Bridadge, Mc Laws' division.

Fifteenth Infantry, Joseph F. Gist Kershaw's Brigade, McLaws' division.

Third Battalion, Capt. Joshua M. Townsend, Kershaw's Brigade, McLaws' division.

At Chattanooga, South Carolina was represented by two batteries and thirteen regiments, and three battalions of infantry, as follers:

South Carolia Battery, Capt. Wm. W. Fickling.

South Carolina Batterp, Capt. T. B. Ferguson.

Tenth Infantry and Nineteenth Infantry, Maj. James L. White, Manigault's Brigade, Patton Andreson's division.

* Second Infantry, Col. John D. Kennedy, Kershaw's Brigade, McLaws' division.

* Third Infantry, Col. James D. Nance, Kershaw's Brigade, McLaws' division.

* Seventh Infantry, Col. D. Wyatt, Aiken, Kershaw's Bridge, McLaws' division.

Eighth Infantry, Col. John W. Henagan, Kershaw's Bridge, McLaws' division.

Fifteenth Infantry, Col. Joseph F. Gist, Kershaw's Bridge, McLaws' division.

Third South Carolina Battalion, Lieut. Col. William G. Rice, Kershaw's Brigade, McLaws' division.

First Infantry, Col. Franklin Kilpatrick, Jenkins's Brigade, Hood's division.

* Second Rifles, Col. Thomas Thomas, Jenkin's Brigade, Hood's division.

* Fifth Infantry, Col. A. Coward, Jenkin's Brigade, Hood's division.

* Sixth Infantry, Col. John Bratton, Jenkin's Brigade, Hood's division.

* Hampton Legion, Col. Martin W. Gary, Jenkin's Brigade, Hood's division.

* Palmetto Sharpshooter, Col. Joseph Walker, Jenkin's Brigade, Hood's division.

* Sixteenth Infantry, Col. James McCullough, Gist's Brigade, Walker's division.

* Twenty-fourth Infantry, Col. Clement H. Stevens, Gist's Brigade, Walker's division.

* Detached November 4 to Knoxville under Longstreet.

Fate of a Forger.

PHILADELPHIA, March 15.—Daniel C. Camp, who returded that he represented J. M. High & Co., of Atlanta, Ga., and through forgeries of that firm's name attempted to swindle John Wanamaker and other well known firms out of large sums of money was today convicted of forgery and sentencea to six years imprisonment.

A Heartrending Incident.

LAURENS, March 15.—A ten-year-old son of Mr. J. A. Madden was killed three miles from this city by lightning yesterday afternoon. Mr. Madden, the teacher, and several children were returning from school. The little fellow's hat was torn to pieces, his hair burned and his neck broken.

MURDER AT EASTOVER.

MR. J. F. GAYDEN KILLED BY THE THIEVES HE PURSUED.

Richland and Sumter Aroused by a Foul Murder—The Interesting Story of Gayden's Fatal Chase after the Robbers—Ready for a Lynching Bee.

WEDGEFIELD, Sumter County, March 10.—Mr. J. E. Gayden, a well-known and most popular citizen of Richland County, who lives at Eastover, was murdered late last night near this place. Mr. Gayden, had taken a young lady home from the 9 o'clock train on the Atlantic Coast Line, and was on his way back to his residence when he saw a light in the depot at Eastover. He called to the person in the depot thinking that it was the night watchman. The man in the depot ran and Mr. Gayden pursued him, but could not catch him. He aroused the whole town, but for various reasons no one would go with him to pursue the thief on account of the lateness of the hour. Mr. Gayden, is a very courageous man and determined to pursue him himself. He said he was going and he caught the next train. He got off at the Wateree junction and nothing more was heard of him until this morning, when his dead body was found lying along the railroad side a little distance above this place. He had a bullet in his neck and had been struck on the forehead by a heavy instrument. The people here were mystified, but they knew Mr. Gayden and telegraphed back to Eastover. They suspected at once that he had caught up with the thieves and had been murdered. There was great excitement about Eastover and a special coach was attached to a freight train, which brought a large crowd armed with shotguns and pistols to the place this afternoon for the purpose of searching for the murderer. Nothing was known as to who or where the murderers were, but there was a determination pictured on every face to bring the murderer to justice swift and sure, without the formality of a legal trial.

How Mr. Gayden came to be shot is not positively know, but the theory is that after getting off the train he came up with the robber or robbers and they shot him. The murderer fired five shots at him and then jumped out of the railroad cut and went some distance in an adjoining field. He came back to where his victim lay, probably to see what damage his bullets had done. All this is from tracks which were carefully traced from where Mr. Gayden fell. At a certain point in the field the murderer had emptied the shells from his pistol and left them lying there. Mr. Gayden, before he left Eastover, borrowed two pistols and both of them were found on his person. One of them was in his hand but had not been fired. One chamber was empty, but it was so when he got it. There are two theories advanced as to who the murderers are. One is, and it is the most plausible theory, that a negro named John Cloud did the killing.

When the robber was in the depot he was trying to break open the safe. He had pulled off his coat and laid it on the floor, and when Mr. Gayden called to him he ran and forgot to take it away. It was found there last night, and the negro pump hand at Eastover positively identified it as a coat that he had seen Cloud wearing about sundown that afternoon. He had talked to Cloud and had no doubts as to the identity of the coat. Cloud is from Sumter, but has been living near Eastover lately. He has suddenly disappeared, and this in itself is a suspicious circumstance. Some gentlemen at this place are inclined to believe that two white men were connected with the killing. Two tramps and a negro were seen at the junction yesterday and they said they were going to Eastover, but would be back that night. The tracks leading from the place where the murder occurred show that the man had about a number 7 shoe and had a high instep. The coroner has been holding an inquest here today, but so far the above are in substance facts as developed.

Mr. Gayden's body was brought to this place and was prepared for burial. It now lies in a box car on a side track, but will be taken back to Eastover to night. The crowd from Eastover that came down are the best citizen of the community. They are quiet but determined, and should they catch the right man or men short work will be made of them. Mr. Gayden was a universally popular man and was prominent citizen of the vicinity. He was at one time county commissoner, and was postmaster at Eastover when killed. He leaves a wife and a large family. It should have been mentioned before that Mr. Gayden knew the direction the robber took, and that is why he took the train to overtake him. He carried a lantern, and this probably gave the robber the best opportunity to shoot with fatal effect. The lantern was found a short distance from Mr. Gayden and it was still burning, only one shot hit him on the left side of the neck. The bullet was a 38-calibre and went clear through. It was picked up on the embankment this morning covered with blood. John Cloud, the suspected man, is about five feet six inches tall and is rather heavy set. He is of a dark ginger cake color, and has one tooth out on the right side. Telegrams have been sent to Sumter and other points asking that a close watch be kept for such a man.—News and Courier.

Fell Dead in Court.

UNION, March 10.—Mr. Charles C. Culp, one of the most prominent and able lawyers of the Union Bar, died very suddenly to night. While sitting in the bar listening to judge Melton's speech in the Sims case he fainted. Doctors were summoned and he was taken in one of the jury rooms, where he died in ten minutes. Mr. Culp was just in the prime of life and apparently enjoying the best of health. He was one of the plaintiff's attorneys in the Sims Jones case, which is now on trial here. He had about an hour before completed his argument before the jury, and it has been commented upon by many porsons as one of the ablest efforts of his life. He was an impressive speaker and was a born orator. He was about 38 year old and has been practicing at the Union Bar since his graduation. He leaves several brothers and a host of friends to mourn his untimely end. Court proceedings were immediately suspended and loving hands conveyed the remains to his home. The sympathy of the entire community is with the family in their sad bereavement.—News and Courier.

Dynamite.

MADRID, March 10.—A dynamite cartridge was exploded today in Funte-Reboll, province of Segovia, old castle, killing the alcade, or local judge, and also killing the sacristan of the local church. The explosion is believed to be the work of the Anarcesist.