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The McDow Trial.

One of the Most Intensely Interesting Cases Heard in Lancaster in Years--Dr. E. S. McDow's Trial for the Shooting of Mr. Hasel Witherspoon --- A Verdict Rendered After Jury had been out Over Four Hours --Full Report of the Trial.

The only case that has been tried at the present term of court in which general interest was manifested was that of the State against Dr. E. S. McDow, charged with assault and battery with intent to kill and carrying concealed weapons—the shooting of Mr. Hasel Witherspoon in January last in front of the Lancaster Mercantile company's store. The trial began Thursday afternoon and the case was given to the jury yesterday afternoon. The testimony was concluded before adjournment Thursday evening, and the time of the court yesterday morning was taken up in hearing argument of counsel, which were unusually strong and forceful. The defendant was represented by Messrs W. D. Trantham and B. B. Clark, of the Camden bar; Solicitor Henry representing the state. The court room was crowded throughout the trial, a number of ladies being present.

The following jury was empaneled: R. H. Sapp, John I. Bowers, Saml. Loney, J. W. Mahaffey, W. L. Adams, B. R. Sapp, B. F. Baker, W. B. Craig, E. M. Hinson, G. E. McDow, J. E. Faulkenberry, E. R. Jenkins. Counsel for the defense first made a motion to quash indictment, which was overruled.

The following is the testimony taken:

J. H. Witherspoon—sworn for state—On 6th Jan., 1906, at Lancaster, on Saturday, E. S. McDow shot me. I was talking with S. B. Roberts—Had bought some cotton from Roberts. McDow asked why I had not sent lamp he had bought night before. I said because you had not treated us right about baby carriage. He commenced striking me and cursing me, at same time putting hand on his pistol. Mr. Brown ran out and knocked him down. He then commenced shooting at Brown and then turned his pistol on me and shot me twice—once under right shoulder blade and once in wrist. He was in 5 steps of me when I first noticed him. I had no weapon. Had been in bed for a week. Had only been out 2 days. I was weak; had eaten nothing scarcely for two weeks. I was laid up 3 or 4 weeks. I was spitting up blood during my sickness.

Cross-Ex: Told McDow he had not treated us right about baby carriage and we didn't care to have any further dealings with him. Baby carriage was new when McDow got it. He sent it back damaged—rubber tires worn and parasol damaged. He ordered lamp from store and I told clerk not to send it out. We refused him credit. He may have considered it a reflection on him. I did not strike at McDow. He

struck off Mr. Roberts' hat—Don't think I warded off his blows, because Roberts was between us. I was shot in two places. Saw McDow put his hand on his pistol first thing—then struck at me. Put his hand on his pistol half doz. different times—his right hand. He got baby carriage last summer. He had bought goods in meantime for cash, but nothing on credit.

Reply—Would sell him for cash. His wife bought goods for cash. He kept baby carriage 10 days. Had McDow's attention called to carriage I stopped him one day and told him we could not take carriage back—it had been used. He denied it and got mad then and said "What did you say?". I was manager of the Lancaster Mercantile company and responsible for credits of the company. He never paid for carriage.

Re-Cross: Carriage was taken out to McDow's by boy at night. It was raining when carried out. The carriage was sold outright. Tom Witherspoon carried carriage out to McDow's. Carriage would weigh 30 or 40 pounds.

S. B. Roberts, sworn for State—Saw trouble between McDow and Witherspoon. Was standing with Witherspoon on street, talking. Had just sold him 3 bales of cotton. Dr. McDow walked up between us before I noticed him and asked Witherspoon why he had not sent out lamp. Witherspoon told him he had not treated him right about carriage. McDow called him damn liar. They then threw up their hands as if to go together. McDow maddest man. Brown came out and knocked McDow down. When Dr. McDow got up he shot at Brown and then shot at Witherspoon—two last shots close together. I kept McDow back. Witherspoon seemed to be trying to get away from McDow. I said "Boys, no use of this—stop it." Did not see Witherspoon strike a lick. Mr. McDow struck at Witherspoon one time and knocked my hat off. Dr. McDow was up near wall of building when Brown struck. Witherspoon had gone 15 or 20 feet when McDow shot him. I was excited.

Cross-Ex: Don't know McDow very well. I know Witherspoon. Have only bought some guano and a few goods. McDow asked Witherspoon why he had not sent out lamp. Witherspoon said you hadn't treated us right about carriage and I don't want any more dealings with you. They both threw up their hands. Only one lick passed. About 30 days after difficulty I didn't tell Burrell H. Truesdale I did not see McDow with a pistol until after Brown had struck McDow and that if it had not been for Brown there would not have been any shooting. Have never seen Burrell Truesdale.

W. B. Cauthen, sworn for state—Saw Dr. McDow 5 minutes before standing on Heath Jones corner. Asked me why lamp had not been sent out. I told him I had forgotten it. The night before shooting McDow bought lamp—Johnson told me about the sale. Next morning McDow asked me why I had not brought lamp out. I told him I had forgotten it, and there was some trouble about it. I saw that he was mad, and I went on to the store. In about 5 minutes I saw Brown running out and I followed. As I was going out heard pistol shot. Before I got out all shots fired. McDow was about to shoot at Brown, but turned his pistol on me and I stopped. He told Policeman Pardue to stand back. He then walked on down street with pistol in his hand.

Cross-Ex: Am called Billy Buck, but that's not my name. Dr. McDow is my neighbor—Live from McDow about distance across court room. Visit McDow occasionally. I had conversation

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Grand Jury's Report,

Made at Present Term of Court—An Exceptionally Able and Interesting Document—Reform in the Administration of County Affairs Urged—Condition of Public Buildings—Convictions in Dispensary Cases—Other Matters of Interest.

To His Honor J. C. Klugh, Presiding Judge:

Pursuant to instructions received from your Honor we have investigated and passed on all bills of indictment handed to us by the Solicitor except one bill which we return to him to be held until further evidence can be obtained if found proper to do so.

We have made a careful examination of the report submitted to our body by the County Supervisor and find that there is need of more rigid economy in the administration of the affairs of the county.

We find items amounting to several hundred dollars headed, simply, hauling rock or road work. We believe much of this is a useless expense and in some cases is a positive injury to the road unless the rock is beaten fine. On account of the closing of the County Dispensaries the loss of revenue to the county will be considerable and on this account we recommend that the indiscriminate paying out of money for work on the public roads of the county be discontinued. In our judgment it is the duty of the overseers to see to it that the holes and bad places are mended without cost to the county.

We think all warrants for pay for road work should show the nature and extent of the work. A pay warrant headed simply road work is too vague and indefinite and the Grand Jury cannot tell what work was done or whether or not they received too much pay.

We believe positive injury has been done by the indiscriminate paying for work done on the public roads as it has a tendency to cause overseers to neglect their roads in the hope of receiving pay for working the same.

All work beyond the reasonable ability of the road hands to do should be let by contract and should not be paid for until inspected and approved by the Supervisor.

We find that the Supervisor does not keep a record of the names of the overseers as required by law. Many of the overseers have not received a commission for several years and of course cannot be compelled to do duty as overseers.

We recommend that the Supervisor provide himself at once with a suitable book in which to enter the names of the overseers and the date of their appointment; that he issue commissions at once to all overseers that have not been commissioned during his term; that he take an inventory of all tools belonging to the county and used on the public roads, and charge the same to the different overseers; credit to be given them for the same when returned to the Supervisor, or when turned over by them to their successors in office.

Good roads are an index to the condition of the county—without them we cannot properly develop the resources of the county, and we earnestly recommend the authorities in charge to have the roads just in as good condition as possible with the means at command.

Through committees of our body we have visited and inspected the public buildings of the county.

The Poor House committee reports that the same appears to be well kept and the inmates properly cared for. They report that they are well fed, well clothed and have warm and comfortable beds.

In the opinion of the Grand Jury it might be well if a suitable site can be secured to remove the County Home near town. If the land could be sold for a sufficient sum to purchase a few acres near town and erect a suitable building thereon.

The committee that visited the Court House and Jail reports that the Jail while in a somewhat dilapidated condition seems secure and in no urgent need of repairs; but recommend that the Court House be repaired and repainted on the outside; the blinds to be repaired or replaced by new ones; all plastering to be repaired where it has fallen off, and recommend that this be done at once as the appearance of the Court House is rather shabby at present.

The committee on looks and bonds report that it is their intention to make a thorough and searching investigation of the books, bonds and records of all the offices of the county, and in view of this, do not attempt to make any report at this term; but will make an extended report at some future time.

A number of Bills of Indictment for violation of the Dispensary Law have been handed to us by the Solicitor. We returned true bills in all but one of these, and in every instance the parties charged have been convicted. Formerly it was of little use to return true bills in such cases, as it was almost an impossibility to secure a conviction.

We note with pleasure the change of sentiment, and feel that the readiness which the juries have shown to convict and the heavy sentences imposed by your honor will have a most salutary effect. When this class of offenders realize the fixed determination of the people to put a stop to their lawlessness and feel the strong hand of the law as they have been made to feel it during this term of court, then this form of lawlessness so demoralizing in its effects will cease.

The bridge on the river road between Miss Beckham's and the Gibson place over Waxhaw Creek has been reported to us as being in a very dangerous condition, and we recommend that it be replaced by a new one at once.

In conclusion, we thank your honor for the uniform kindness and courtesy you have shown us and for the very able assistance you have given us while in the discharge of our official duties.

L. C. HOUGH,
Foreman.

—Policeman R. R. Riddle captured a party of colored trapshooters last Sunday afternoon, in the grove by the Catholic cemetery. The haul added about \$45. to the town's funds.

The Postoffice.

A Citizen and Patron of the Office Who Thinks that there should be Improvement both Inside and Outside.

Mr. Editor: I have been reading for some time in The News about the postoffice and express office and depot, and there is not a man or woman in Lancaster county but what very well understands that the people need all of them. And I am very glad that we have a paper that is not afraid to speak out against these things.

Now, Mr. Editor, you know that the two last things spoken of are about settled; that is, according to the news report, Lancaster is to have a new depot and an up-town express office. So that the next thing, you say, the people want is a better postoffice.

Oh, that would be so nice, for Lancaster to have one. I think we will get one by and by.

But it is not the postoffice that is at fault altogether. If the postoffice department at Washington were to build one in Lancaster as large as the one in New York city, and with no better management than the one here has been for a number of years, what good would that be for the people, except to look at? If I go and buy a watch and the case is pure gold and it does not keep good time, it is not the fault of the case, but the fault is on the inside.

And while I for one would like to see a new postoffice at Lancaster, it seems to me, from the general talk that one hears every day, that better management in the present place would improve conditions. So you see that it is not the postoffice building alone. Now I don't claim to know it all, neither do I charge the mismanagement to any one, but there is something wrong, bad wrong somewhere. If it gets much worse, I think standing room will be at a premium on Saturday afternoons.

I would like to hear from others through The News and see what they think about the postoffice at Lancaster.

This is not written for any personal harm at all, but it is from one who has had a great deal of trouble about getting his mail, and very often finds it in others' hands that have no right with it at all. So let all pull together and see within the next six months if Lancaster can't have a better postoffice all around.

Yours truly,
3 13-'06. Paper Man.

—All parties interested in the Exchange Stock of Red Hill Sub-Alliance, are urgently requested to meet at Heath Springs, Saturday March 17th, at 3 o'clock p. m. D. W. Hendrix.