BLACK WAS CONVICTED OTHERS ACQUITTED

CHESTER JURY RENDERS VERDICT IN GRAFT TRIAL.

Rawlinson and Solomons "Not Guilty" —Conviction for Black Only on Second Count.

News and Courier.

Chester, Nov. 11.—"Not guilty, as to Jodie M. Rawlinson and H. Lee Solomons. Guilty, as to John Black, on the second count; not guilty on the first count. W. O. Guy, foreman," was the verdict reached at 9.30 o'clock tonight, in the far-famed graft trial, concluded here this afternoon.

Upon the announcement of the verdict, counsel for Black announced intention to make a motion for a new trial, which the court will hear tomorrow morning. From this verdict two of the defendants go free.

The conviction of Black on the second count of the indictment means, virtually, that he has been guilty of conspiring to cheat and defraud the State of South Carolina, by divers false pretences and indirect means, of a large sum of money. The difference between this and the first count is, to the lay mind, hard to distinguish, the fine point being somewhat in this wise: That the first count charges conspiracy to receive and accept rebates for individual use by the board of directors of the State dispensary, contrary to the statutes. The second count is the more general, including "any means" of cheating or defrauding the State, not merely the acceptance of rebates.

Friday's Proceedings.

At 6.10 o'clock this afternoon, the case of Jodie M. Rawlinson, John Black and Lee Solomons, charged with conspiracy to defraud the State, went to the jury. The court took a recess, subject to call at any time during the first part of the night. The jury retired, supper was served them and deliberations as to the fate of the three men under indictment were begun.

The entire day was consumed in the arguments by counsel and the delivery of the charge to the jury, by Judge Moore. For the State the speakers today were: Acting Solicitor McLure, Attorney General Lyon and Attorney W. F. Stevenson, Col. B. L. Abney, having spoken yesterday afternoon. For the defence: Attorneys John M. Wise, of Chester; Madison P. Howell, of Walterboro; Robert H. Welch, of Columbia, and Arthur L. Gaston, of Chester.

Judge Moore's Charge.

Judge Moore, in his charge to the jury, clearly defined the elements of a conspiracy, its scope and limitations, stating that it was not necessary for all the alleged conspirators to come together and agree in terms; that assent was indicated by actual conformity to the plan or agreement; that a conspirator need not be a party to the orignal agreement, for coming in afterwards made him responsible for all the acts of the original conspirators, that if the conspiracy was formed here in Chester, or any other act committed by any of the defendants named in the indictment, in pursuance of the conspiracy, then the venue lay in this county and may properly be tried by this court.

Testimony of Accomplice.

The strikng feature of the charge was its variance from that in Farnum case, relative to the testimony of an accomplice. It is recalled that the preme court has ruled that the uncorroborated testimony of an accomplice in crime may be taken by the jury, whereas, in former trials, it has been charged that it is unsafe to act upon the uncorroborated testimony of a co-conspirator or an accomplice. Nor, said Judge Moore, is it to be taken that corroboration bolsters up the testimony of an accomplice. If any points of his testimony be corroborated, it may serve to warrant the jury in believing his entire testimony, continued the court.

Anti-Rebate Law Explained.

The law was cited in reference to officers of the State accepting extra compensation, derived through means of their office. The two counts of the indictments, the first of which states specifically the charge of conspiracy and schedule of rebates, and the second, which makes the charge general, similar to the Cardoza indictment, were dwelt upon, and conviction upon either or both, or acquittal upon either or both, of any one all or any two of the defendants, was explained by the presiding judge.

General comment was that the charge by Judge Moore was clear, forceful and strictly to the point, extraneous matter being studiously avoided. Strict attention was given by each member of the jury.

The Arguments.

As to the arguments, it may be safely said that they measured up to the occasion and did justice to the important issue at hand. However, the impression was that there was too much of the prejudiced and too much criticism of the attorneys engaged in the trial, too much politics and an unwarranted attack upon the attorney general, the winding-up commission and the conduct of the State's affairs in reference to the business of the old State dispensary; that there was too much villification of the witnesses and impugning the motives and methods of the prosecution.

Much ado was made over the alleged attempt of the State to lend dignity to the witnesses it produced; to bring out the fact that W. D. Roy was connected with some of the old established families of South Carolina. It is stated on the streets that Mr. Roy is a grandson of the late Rev. John A. Broaddus, one of the foremost figures of his day in the Baptist denomination, and that he is related to other prominent families.

Appeal to Sectional Prejudice.

Attorney Wise appealed to sectional prejudice when he urged the jury not to convict "real good, honorable South Carolinians" upon the testi- of "that red-handed, light-fingered Yankee, John T. Early." All the attorneys for the defence admitted in their arguments that Wylie was guilty of grafting. They arraigned him for his Judas-like betrayal of his friends and associates. Mr. Welch being particularly severe. During the speech Wylie was not in court.

Nor were counsel light on C. W. Dudley, who, on the stand, admitted that he had lied and that he scarcely believed the jury would believe his testimony.

Attorney Gaston, in his argument this afternoon, was particularly caustic in his arraignment of Dr. W. J. Murray, chairman of the winding-up commission, whom he designated as a "hypocrite, brought here to lend respectability to the trial." He spoke of him as having conducted a star chamber inquisition and sought to discredit his entire testimony.

Eloquent Speeches.

Eloquence unconfined filled the air within the court house here today, when the sins and virtues of Jodie M. Rawlinson, John Black and Lee Solomons were alternately portrayed by counsel for the State and for the defence, in the so-called graft trial, concluded tonight. The trio was designated first as the "blackest of thieves and scoundrels," then as "pure and spotless" sacrificial offerings to the ambitious lusts of the attorney general.

"Poor little Solomons" would not look so well in stripes as the fine figure of Joe Wylie, argued Attorney Welch. Black and Rawlinson, if they went to prison cells, would go there with the consciousness that they had not "peached" on their friends and companions.

Stevenson Scores.

Here was a point that Attorney Stevenson pounced on with all the force and fury in his thoroughly aggressive and energetic nature, and the fire of his Irish nature. "Companions and friends, Wylie's associates; associates; associates in what? This conspiracy, of course," argued counsel. Attorney Welch was accused of ransacking Heaven and earth, the Old Testament and the New for simile and metaphor to portray the spotless innocence of his clients, of dragging gutters and the deepest sloughs for language to describe to "slimy hide" of Joe Wylie, the Judas of the board.

Attorney Stevenson thought Mr. Welch missed his calling, that his eloquence would adorn the pulpit. The same criticism was passed on his figure of speech, likening Black and Rawlinson to the Christ, being made a propitiation for the guilt of the State.

Defense's Plea.

The basic plea of the defence appeared to be that Wylie, the "arch conspirator," together with Farnum, Early and Goodman, had been allowed to go free, therefore, these other men should not be punished. "Why single out poor little Solomons, the only South Carolina whiskey drummer in the bunch?" was a key note appeal. The defence admitted the guilt of Wylie, "guilty as hell," they said. "Then why let him off." Attorney Welch also argued that, although the acceptance of rebates might be unlawful, such a charge was not preferred in the indictment; that these defendants were charged with "a conspiracy to defraud the State," and this had not been proved.

The arguments of Attorneys Abney, Lyon and Stevenson tended to show that there was "an agreement," the adoption and acceptance of a rebate schedule; proving such, that the State was defrauded in that the rebates were not turned into the State treasury, but into the pockets of the board members; hence the fraud, pursuant to the agreement, confederation or conspiracy.

Politics, apparently, played some part in the arguments today. The attorney general came in for a lambasting right and left. The acts of the winding-up commission were criticised. The appeal to sectional prejudice was set forth and the expense of this trial being uselessly thrust on Chester county was shoved in edgewise.

his opening, that it appeared that he and Abney and Stevenson appeared to be the ones on trial instead of those indicted. One attorney had referred to the Southern railway counsel, asking why he appeared in this case; then again he referred to Mr. Stevenson's fees in this litigation. Attorney Madison P. Howell, of Walterboro, and John M. Wise, of Chester, asked the question why these cases were not tried in Richland instead of Chester?

This was frankly answered by the attorney general, who said:

Attorney General's Reason.

"A jury in Richland county ruthlessly, wantonly, impudently and without shame, in spite of the evidence and the law, acquitted Jim Farnum. I thought I had a good chance to get a just verdict in Chester county, that's why I brought this case here."

Attorney Arthur L. Gaston seemed to think that the attorney general and his associates had some "diabolical scheme, pursuing John Black with relentless fury." He also asked if the courts of justice were going to be used to carry out the campaign promises of Mr. Lyon. Mr. Gaston spoke of C. W. Dudley as a "moral and physical leper," and of W. D. Roy as "stealing the livery of Heaven to serve the devil."

Attorney W. F. Stevenson made what has been commented upon as probably the most powerful address heard in the court house here in years. Sharp, keen, incisive, crowding a world of facts into a small compass and marshalling them with wonderful generalship, adhering to the issue and pitilessly exposing the guilty, as he saw it, of the three defendants.

Black's Stock Business.

Considerable merriment was occasioned when Mr. Stevenson ridiculed the idea of Black's being engaged in the stock business in Walterboro. It was in Columbia, he declared, that John Black did his stock business; it was in the capital city that he had his collection of trotters and pacers, and it was there that he did all his driving. Jodie Rawlinson might have been allowed to handle one or two of the gentlest, in the outfit, but his spanking team of Kentucky trotters, Dudley and Roy, were for his own exclusive use, except as he chose to turn them over to Joe Wylie, who is big and rawboned and possessed of more muscle than Rawlinson, said Mr. Stevenson.

The "big, bald face stallion, Henry Samuels," was another of his "string" that only he and Wylie used. When they had any need for "stock" some gentle little pony was trotted out for his benefit, and not the high steppers already spoken of, or the "pink faced pacer, Farnum," he said.

Mr. Stevenson added, "but when settlement was to be made by any of them, it was in the captain's office, in Columbia, that they had to come, not Walterboro."