The Herald and News ELBERT H. AULL, EDITOR.

ELBERT H. AULL, Proprietors. WM. P. HOUSEAL,

NEWBERRY, S. C.

WEDNESDAY, BECEMBER 9, 1891.

THE LEGISLATURE.

For two weeks I have witched the processes of legislation in South Carolina. So far I have not missed a single session of the upper branch of the General Assembly. In this end of the capitol there has been little outside of routine work Lieut. Governor Gary presides with ease and the work glides smoothly along under his direction. He impresses me as being fair and impartial in his rulings. I have received the utmost courtesy at the hands of the presiding officer and the Senators. Yet I have not felt any special longing or desire to occupy the position of Senator.

Half of this legislative session is over. Two weeks more of work and an adjournment will be had. The reader, no doubt, is anxious to know what has been done and what is likely to be done. That is the question about which I want to write.

Before going to that point however, I want to say one thing, of which I have long been convinced, but which has been more forcibly brought to my mind during the past two weeks than ever before. We have entirely too much legislation of a local nature and all of our legislation is entirely too hastily done. Of the great "raft" of bills that have been introduced up to this time, at least two-thirds are of a local nature. Up to this time literally nothing has been done, and yet within the next two weeks a volume of five or six hundred pages will be filled with new laws. I believe it would be better to have biennial sessions and sit for two or three months. It takes a new member at least the first two weeks to get the "hang" of things, as it were, and some do not get it in that time.

The reader must bear in mind that these are "strange times and strange proceedings are in order." And further that the present administration went into power on the plea that this State had been ruled by an oligarchy, and that now the people want to try their hands, and that we, the administration, are the people. And further, that there was need and room for great and miraculous reforms in the conduct of public affairs. And further, that one session of the present Legislature of history. If any great reforms have sion. True some new men have come to the front and now occrpy high places who might never have risen from obscurity but for their mounting the wave of popular discontent, but the question recurs to the ordinary voter, the toiling masses and all those who helped to bring about this great revolution. How have we been benefitted? What have we gotten out of all this? The last Legislature retired to private life, that greatest of Carolinians, who stood by his State when she needed true manhood, and who never sought public office-Wade Hampton-and put a new man in his place. What benefit have the masses reaped from this? Just the other day William H. Wallace was defeated for a place on the Supreme bench. Than whom an abler jurist, a purer man never wore the ermine nor adorned the bench of South Carolina. Against whose character there has never rested even a shadow of a suspicion. But these are strange times. Some men are grander in defeat than others are in victory. In these times, experience, past services to the State in times of trial and trouble count for nothing. Service to faction is the slogan now. I do not wish to be misunderstood. I have naught to say against either of the gentlemen who have been successful in the two

But what has been done and what is likely to be done at the present session? What reforms have been wrought and what are proposed to be wrought? Wherein have taxes been reduced and the expenses of government curtailed? No doubt many readers will remember that candidate Tillman in his speech at Newberry, when talking about the reduction of salaries, said he would save the people \$100,000 annually if he was elected Gavernor. Well, he has been Governor for one year, and is starting upon his second term.

election of Judges to the Supreme bench. As I telegraphed you last week Associate Justice McIver was elected Chief Justice in place of the late Chief Justice Simpson. A deal was made between his friends and those of Gen. Pope and he was elected unanimously. His place was then to be filled and the candidates were William H. Wallace, Judge of the Seventh Circuit, and Young John Pope, Attorney General.

The details of the election you can get from the daily papers. Gen. Pope was elected. It was a close run. Strong pressure was brought to bear by the administration in favor of Gen. Pope. I am free to admit that Judge Wallace was my first choice for the position. It seems to me that it would have been more in accordance with the eternal fitness of things to have promoted Judge Wallace, and that is the view many of the administration members especially partial to Judge Wallace.

friends in all parts of the State.

present Assistant Attorney-General, leaders of the opposition. Then there are other administration lawyers who want it, and there may be be held on Wednesday.

mentioned. The bill excepts from its the Superintendent of Education. There was considerable debate over the bill but it finally passed. Candidate Tillman had a good deal to say in his campaign about the railroads "tamlegislators by giving them free passes, and very soon after the present officers went into power they had been "tamed so to speak," or at least they all had free passes. But now that taming process will be stopped by law. Senator Woodward, however, has been in favor of such a law for sometime.

The time for paying State and County taxes has been extended to the 20th of February 1892, at least it has passed both Houses and I presume Governor already done so.

has been discussed in the House. Its provisions were published in the last issue of The Herald and News. It has not yet been discussed in the Senate. In just what shape it is at present I am unable to say.

At the last general election the office of County Commissioner was abolished as a constitutional office. There is now a bill pending to provide a system of county government. It provides for one county supervisor who shall be elected by the people and gives the has been held and its actions are part Governor authority to appoint one road commissioner for each township, taken place, I have been unable to these together with the supervisor Some railroad bill is to be passed first, find them, and now we will search for shall constitute the county board of and just what will be done I am unaroad commissioners, who shall have charge of the roads bridges, and ferries. It also provides for the working of able bodied male convicts upon the public roads whose term of service is no longer than two years. It also gives the Governor the power to appoint three commissioners of the poor for each county. The salaries of the supervisors are left blank. This is an administration measure. The reader will remember that this administration went into power with the watchword that the people had been under the rule of an oligarchy and also observe that this bill confers a good deal of appointing power upon the Governor.

> Senator Jeremiah Smith, of Horry, introduced a bill to repeal the privilege tax on fertilizer, but it was summarily killed, not, however, without Senator Smith being allowed to give his reasons for the bill. It will be remembered that this tax is one of the main sources of revenue for Clemson College, the tax amounting to, gross, about \$53,000. Senator Smith said be did not introduce the bill on account fopposition to the college, because the support of that college was now a part of the settled policy of the State. But he was opposed to the tax because it was a class tax and paid by a class least able to pay it and without regard to property. It came out of the farmer. If it was right to raise a tax in this way why not extend the principle to every article of commerce and relieve the people of taxation altogether.

While on this subject I might state that an appropriation of \$65,000 is asked for the Clemson Agricultural College, in addition to the special funds fiction, I give herewith the exact figures set apart for this institution. The appropriation will no doubt be granted. It will be remembered that we have institution would not cost the State a cent. A pretty liberal appropriation is The biggest thing done so far is the asked this year, and I am not opposed of \$24,38, estimating our population at to it. I want to see a first class college 64,680,000. On the same date—Decemasked this year, and I am not opposed and want to see it liberally supported, only I felt sure that if that was done the taxpayers of the State would have to foot the bills.

> One of the biggest things of the past week was the bill providing for the new county of Calhoun out of portions of Orangeburg and Lexington. Senator Keitt, of Newberry, made a strong speech in favor of the new county, but the Senate was against him, and the bill was killed. There are two other new county schemes on the tapis, one to be know nas Tillman County and the other as Edisto. It is not probable that either will pass at this time.

The biggest thing of the past week. however, was the fight in the House on the prohibition question. A very rigid prohibition bill has been introduced by Representative Childs, of took of the situation. But then I am Richland. Its main features are published in this issue of The Herald and There is no man in South Carolina News. It has passed the House and for whom I have, a higher esteem than now the fight will be on in the Senate. Judge Wallace. There has already The question is what will the Senate been talk of Judge Wallace as a can- do? No one seems exactly to know. didate for Governor next year. But It will probably be a close fight. At that yet of course is only talk and no one time I did not think the bill would one knows whether or not it would be pass but now I am inclined to the agreeable to Judge Wallace. I am for him for any office he wants, aganist the field, although I am not urging the field, although I am not urging the field. What will Governor Tillman the field, although I am not urging the field. What will Governor Tillman the field, although I am not urging the field in the lead. The field on the introduction common that it will. If it does then opinion that it wi Pope. In this I do not concur. It is message is to take the revenue from its

but fair to him to say that he is as sale from the towns or cities and put it good lawyer as some others who have into the county treasury. A bill carapply himself and will not bring dis- Senate and has been twice killed tut credit to the bench in this State. This each time has been restored to the calcriticism, which is the result mainly of endar. I believe the bill would be a partisan politics, can do no good. He | dead letter on the statute books if it is now Associate Justice of the Supreme passed, but it may be as well to give it was the recipient of many telegrams this question from our politics, if this and letters of congratulations from his will do it. I have never been convinced of the wisdom of statutory prohibition, but then I shall urge no ob-The next election will be that of his jections to a trial of it if the people successor in the Attorney-General's want it. But this bill does not leave it office. It is said that the administra- to the people. Of the Newberry deletion has sent forth the edict that it gation Messrs. Scott and Hardy voted must be Maj. D. A. Townsend, the for it, while Mr. Blease was one of the

The Senate has decided in favor of a triangular fight. The election will holding a constitutional convention. That is, the question as I understand it is to be submitted to the people to vote Senator Woodward, of Fairfield, has on as to whether they want such a succeeded in getting through the Sen- convention or not. Senator Smylhe, ate a bill prohibiting the use of free of Charleston, proposed an amendment passes on railroads by members of the to the resolution for a constitutional Legislature, State and County officers convention providing that in case a and Congressmen, and imposing a pen- convention was held and a constitution alty not to exceed a fine of \$500. It adopted that the new constitution be makes it a misdemeanor for a railroad submitted to the people for ratification to offer a free pass to any of the officials or rejection. This amendment was not agreed to. The resolution will no provisions Railroad Commissioners and doubt pass the House. I have never seen the need of a constitutional convention. The objectional features of the present constitution, it seems to me, could be remedied easily by amendment. This is a reform that will cost ing so to speak," State officers and the State about \$100,000. And in the present condition of the public mind it does not seem to me to be a propitious time for framing a new organic law.

This is a day of investigations, and the present Legislature has appointed several committees of investigation. What is known as the treasury reserve fund which Governor Tillman refers to in his message as a myth, is to be investigated. Ex-Treasurer McIver asks management of the phosphate interests Tillman will approve it if he has not of the State for the past year is also to be investigated. And what is commonly termed the "Circulation Fraud" A bill for taxing mortgages, notes and is also to be investigated. None of other evidences of indebtedness has these investigations have yet been completed.

> A bill has been introduced constituting what is known as the World's Fair managers to consist of the Governor from each Congressional District, and one from the State at large, to be elected by the General Assambly. An appropriattion is provided in the bill South Carolina exhibit at the World's

The time for the election of railroad commissioner has not yet been fixed. A. Sligh, of Newberry, is a prominent candidate, and has been in Columbia a good portion of the time since the convening of the Legislature looking after his interests.

Mr. Blease has withdrawn his billamending the Graded School bill for Newberry. He says he was requested by a number of citizens to propose the amendment, and in consequence introduced the bill. But upon the representation to him by Mr. W. H. Wallace and others that the change was not desired by the Graded School trustees, and would probably work injury to the school he withdrew the bill from the files of the House.

The salary reduction bill has not yet been acted upon, but it is hardly probable that any such measure will pass.

Well, what has been done and what is likely to be done? I have written about two columns in, I am afraid, a fruitless effort to answer that question, but I trust the reader is satisfied. E. H. A. Columbia, S. C.

Congress met on Monday. Congressman Crisp, of Georgia, has been elected Speaker. There were thirty ballots in the Democratic caucus before a choice was reached. Mills made a good race, but Crisp "got there."

Our townsman, Congressman Johnstone, voted for Crisp. The Amount of Money in Circulation.

To the Editor of The Herald and News: For the sake of those who would like to have the official facts as to our money in circulation, instead of mere visionary as taken from the official monthly statement of the Treasury Department to December !st instant.

It shows the general stock carried or been told on several occasions that this issued to be \$2,176,364,569. Of this amount there was in the Treasury \$599,-102,499, and in actual circulaton \$1,577 262,070, that being a per capita circulation cember 1st, 1890-our circulation was \$1,504,736,605. Thus we see there was an actual increase of circulation during the twelve months of \$72,525,467. During the month of November alone—that is from November 1, 1891 to December 1, 1891, the net increase was \$12,769,909-and yet in spite of this showing we will no doubt continue to hear the same old stories of the government and banks conspiring to diminish the currency and op-

press the farmers.

CIVIS.

St. Luke's Dots. Three Newberry and three Edgefield portsmen went hunting in the Little Mountain section of Edgefield County recently. In one day's time they killed 33 squirrels, 3 rabbits, 5 partridges and caught 3 opossums.

The first land of this communi. has been sold at public auction at Newberry for a long time was sold Monday, saleday. Four tracts of a certain estate were sold: S. B. Hawkins purchased tract 1; W. T. Gibson, 2; W. P. Bedenbaugh, 3; J. M. Taylor, 4.

A tenant house on Dr. A. A. Kibler's Matthew Hall place was consumed by fire last Wednesday morning about o'clock. Mr. G. S. Merchant and a cropper had from \$125 to \$150 worth of crops in the house, all of which was lost, as the fire was under good headway when discovered-it is thought the house was set on fire by an incendiary. Mr. P. L. Nichols is building a resi- holding the Courts of the Seventh Cirdence near his father-in-law's, Mr. John Whitman's.

him for Governor- There has been do? The Governor's idea of the prosone very severe criticism of Gen. hibition matter as contained in his the "Reliable." Always on hand and that in reserving further time in which to file a written opinion, I had reserved to file a written opinion and and a written opinion.

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THE BANK CASE AGAIN.

His Former Decision Inoperative-The Writ of Mandamus Issued.

a new turn. Judge Hudson has filed Court of South Carolina. General Pope a trial now as any time, and eliminate another order. He finds he was mistaken and acknowledges his error in a manly way. The writ of mandamus, the Sheriff

The Herald and News called upon Auditor Cromer yesterday afternoon, soon after the service of the writ, and asked him what he was going to do about it. Auditor Cromer said he was too busy thinking about it to give as yet any opinion on the subject.

Treasurer Boyd says the Auditor

cannot have his book or make any changes in the taxes charged thereon, unless he can get a receipt for the amount of the reduction. He has given a receipt for the total amount of the taxes charged on his book and if the charge against the bank is reduced, he is still responsible for the amount of the reduction unless he can have the receipt that he has already given changed to correspond is an interesting question and the end probably is not yet.

the Attorney-General by telegram of the order before the writ of mandamus was issued. Below we give the decision of Judge Hudson and also the writ of manda-

mus served upon the Auditor:

General.

HUDGE HUDSON'S DECISION. On the 18th day of November last, while holding the Court of Common Pleas for the County of Newberry, I heard this application for a writ of mandamus, to compel the Auditor of the County, W. C. Cromer, to restore to his tax list and duplicate the assessment of the property of the Bank of Mewberry, as lawfully fixed by the county boards and afterwards increascounty boards and afterwards increased upon the order of the Comptroller-

The prayer of the petitioning bank was granted and final judgment signed, directing the writ to issue. I announced my reasons for this judgment orally and reserved time to reduce the same that the investigation be had. The to writing. Soon thereafter Court was adjourned sine die and I started for home. On the morning of November 20, at Sumter, as I was about to take the hack for the depot, I was met by D. A. Townsend, Esq., Assistant Attorney-General, with notice of appeal and application for an order stayng the execution of the final judgment of November 18, pending the appeal. He stated that in his opinion the notice of appeal operated a stay of execution, but as there might be a question upon this point the Attorney-General preferred an order from me. It struck me and one member to be appointed by him at the time that noticeof appeal stayed further proceedings below, and without hesitation and without doubting for a moment, I signed the order and hastened to the train. No statutes were asked for and no argument was made, of \$15,000 for the cost of making the as none was deemed necessary. In the hurry of the moment I signed what I regarded a superfluous, but harmless, order under the view I took of the provisions of the Code, and the amendment of 1889, relying upon my recol-

> before me. It is now moved before me by the attorney for the bank to rescind my order of November 20, upon the ground that it was granted without notice of the motion, and without proof of facts going to show the defendant to be entitled to it; and upon the further ground that under section 452 of the code, proceedings in mandanius are not affected by sections 345 and 357 of the Code in so far as a stay of proceedings pending appeal is concerned, nor by the act of 1889 amending section 356. After hearing argument upon this motion, and after examining the statutes, I am satisfied that I was in error in granting the stay of t' execution of final judgment, under a ciear misappre-

lection of these Acts, not having them

hension of the statutes regulating apneals to the Supreme Court. Section 452 of the Code is not affected by the Act of 1889, volume 20, page, 355 statutes at large. This Act is merely amendatory of sections 345 and 556; and in no manner affects section 452. Se

that proceedings in mandamus and prohibition still remain unaffected by the chapter regulating appeals to the Supreme Court. The wisdom of exempting judgments in such cases from the operation of section 356 is manifest. because ordinarily a stay of judgment in mandanus or prohibition pending appeal would destroy the remedy, or render it nugatory. The case under consideration is a striking illustration of the fruitlessness

of the judgment against the Auditor if the notice of appeal operates a stay, or if my order of November 20th is to stand, because before the appeal is perfected and heard by the Supreme Court, the Treasurer of Newberry will have enforced the payment of the illegally assessed tax, and the fruits of the udgment will have been lost to the bank. In signing the order at Sumter I did not regard it an act of judicial discretion, but simply an act of compliance with the statute. In this I was in error. If it is to be regarded as an act of judicial discretion, it is very clear that it was discretion improvidently and improperly exercised, being done upon an ex parte application and without affidavits of facts and circumstances showing the respondent to be entitled to the stay. It is pos ible if not probable that the order may deprive the bank of the benefit of the order for the writ of mandamus.

There is to my mind a more fatal obection to my order of November 20, than any which have been urged, and that is the question of jurisdiction. I had ceased to hold the Courts of the Seventh Circuit, and of course had no jurisdiction to sign an order affecting a final judgment of any court in that circuit. In this case I had ren-

dered the final judgment and placed it on file. The fact that I had reserved further time in which to reduce to writing the reasons which moved me to render the judgment did not give me further control of the case. When a Judge has ceased to hold the Courts of any circuit other than his own, his jurisdiction and authority therein are at an end. He may reserve his judgment in a case submitted, and after leaving the circuit may write his judgment and have it filed; or after his judgment has been filed he can direct the Clerk to correct a mere clerical error, see the case of Chafee & Co., vs Rainey, 21 S. C., page 11. Further than this he cannot go, except to hear from an adjoining circuit certain motions in certain

fore me at Sumter. The order I there signed on November 20 is, in my opinion, after a careful examination of the Statutes and decisions of the Supreme Court, an absolute nullity, and should be so regarded and treated by all parties to the proceeding in mandamus and by the officers of the

emergencies specially provided for by

Statute, but not the motion made be-

No order that I can now grant would have any more virtue, because I am entirely without jurisdiction to modify. reverse or stay any final judgment rendered by me and placed on file, while miles from the town of Edgefield. cuit. If this view be correct the order | Ouzts, of Edfiefield County, and two of for the writ of peremptory mandamus Edgefield's town marshals went to the any control whatever of the judgment raged the people of Edgefield.

on file. The present motion to recind the order of stay cannot be granted for worn the ermine. I am sure he will rying out that idea is now before the Judge Hudson Files a Decision Declaring want of jurisdiction, and I can do no in my opinion, null and void.

Master's Sales.

STATE OF SOUTH CAROLINA.

Louisa V. J. Farr, et al-

Relief.

BY ORDER OF THE COURT

before the Court House at Newberry

on the First Monday in January

1892, the real estate of Pettus W.

Tract No. 1 of the plantation lands

containing Two Hundred and Forty-six Acres and 98 100, more or less, and

bounded by Enoree River, tract No. 2, by lands of Mrs. M. C. Caldwell and

Tract No. 2. containing Two Hun-

dred and Forty-two Acres and 40 100,

more or less, lying on Enorce River, bounded by tracts No. 1 and No. 3 and

Tract No. 3, containing Two Hun-

dred and Twenty-eight Acres and

41-100, more or less, bounded by Enoree

River, tracts No. 2 and No. 4 and by

Tract No. 4, containing Two Hun-

dred and Twenty-three and 78 100

Acres, more or less, and bounded by

Tract No. 3. Enoree River, Mrs. F. A.

Calmes and by road which separates it

from Joseph Caldwell's land and Mrs.

The home place, containing Three

Hundred and Eighty-seven and 30-100

Acres, more or less, and bounded by

State road, by Oxner's land, Mrs. Sarah E. T. Chick, W. Whitner, and by lands of Mrs. W. B. Chaplin.

and bounded by lands of William B.

Whitney, Hannah Henderson and

TERMS: The purchaser will be re-

quired to pay one-third of the pur-

chase money in cash and to secure the

balance payable in one and two years,

and mortgage of the premises.

Purchaser to pay for papers.

SILAS JOHNSTONE, Master.

STATE OF SOUTH CAROLINA— COUNTY OF NEWBERRY—IN COMMON PLEAS.

John M. Mars and others vs. Missouri

Mars and others

UNDER ORDER OF COURT

cry at Newberry C. H., on saleday in

January, 892, the balauce of the lands in No. 4 Township, of which James A. Mars, Robert Mars and Nathan Mars died possessed,

containing eleven hundred and seven-

ty-eight acres, more or less, (1178) and

bounded by lands of J. C. Hargrove

W. C. Cromer, Thos. P. Abrams, estate

of J. G. Houseal and others. They will

be sold in four tracts, by plats-as fol-

No. 3. Known as the Oxner Tract,

No. 4. Known as the Robert Mars

Tract, containing 370 acres, more or

ess.
Terms: One-third cash; balance in one

and two years, with interest from the

day of sale, secured by bond of pur-

TATE OF SOUTH CAROLIN

COUNTY OF NEWBERRY-IN

Silas Johnstone, Master, vs. E. J.

Holman.

Foreclosure.

BY ORDER OF THE COURT

will sell at public outcry, before the

Court House at Newberry, S. C., on

the first Monday in Jan., 1892, all that lot of land (known as No. 1, of the real

estate of Henry Carwile, deceased,) in

the State aforesaid, containing four-

tenths of an acre, more or less and bounded by lots No. 3 and 4 of the said

real estate, and by the street and road to Newberry.

Terms Cash. Purchaser to pay for

SILAS JOHNSTONE, Master.

Master's Office, 8th Dec., 1891.

AUDITOR'S NOTICE

I OR AN AUTHORIZED A ENT will be at the following places at

the times named for the purpose of

taking returns of personal property for

At Newberry, from January 1st to

Prosperity, January 20th and 21st.

William Long's, January 22nd.

C. D. Spearman's, January 26th.

St. Luke's, January 23d.

Dead Fall, January 25th.

Chappel's, January 27th.

Jalapa, January 29th.

Walton, February 3d.

Pomaria, February 4th.

Jolly Street, February 5th.

Rev. J. A. Sligh's, Februar ofth.

And at Newberry until February

20th, after which time the law requires

a penalty of 50 per cent. to be added

All notes and mortgages and moneys

are taxable, and all persons between

the ages of 21 and 50 years are liable to

Sale of Personal Prop

erty.

WE WILL SELL ON THE MILL Lot, in the town of Newberry,

on Tuesday, December 29th, beginning

1 Engine and Boiler, 2 Gins, 1 Press,

J. L. DOMINICK,

THOS. M. 1 LEL. GEO. B. CROMER,

Qualified Executors.

KUE

Lot Shafting, Pulleys and Belting.

Carpenter's Tools, Blacksmith Tools, I

Desk, 1 Pair Plat-form Scales, &c.

nick, deceased:

Terms Cash.

W. C. CROMER, A. N. C.

poll tax, unless exempt by law.

Cromer's, January 30th

Maybinton, February 1st.

Glymphville, February 2nd.

Longshore's, January 28th.

the year 1892:

19th, 1892.

herein, dated November 1891. I

SILAS JOHNTONE, Master.

chaser and mortgage of premises.

Purchaser to pay for papers.

Masters' Office, 8 Dec., 1891.

COMMON PLEAS.

containing 2821 acres, more or less:

herein, I will sell at public out-

Master's Office, 8 Dec., 1891.

lands of Mrs. M. C. Caldwell.

lands of Mrs. M. C. Caldwell.

William Wallace.

herein, I will sell at public outery

PROBATE COURT.

COUNTY OF NEWBERRY-IN

In conclusion, I will remark that even if the order granting a stay Sarah R. T. Chick, executrix, vs. was valid, it expires by the limitation of The Newberry Bank case has taken subdivision 6, section 402 of the Code, after twenty days, having been granted upon an ex parte application, if that section affects orders in mandamus, but according to section 452 it does not, in accordance with his original decision, the object of the Legislature being to requiring the Auditor to change his tax | leave proceedings in mandamus and duplicates and tax lists, has been issued, and was yesterday afternoon served by mon law and former rules of practice aforesaid, in the following parcels to until otherwise specially provided by the Legislature. I deem the order of November 20, signed by me at Sumter, to be inoperative and void for want of

> Judge of the Fourth Judicial Circuit. At Chambers, Dec. 7, 1891. WRIT OF MANDAMUS.

The following is the writ of mandamus served yesterday upon Auditor W. C. Cromer:

Whereas, complaint was heretofore

made to the said Court of Common Pleas for the said county, at November term, 1891, by the National Bank of Newberry, against you the above named Wallace C. Cromer, as Audi oof the said County of Newberry, chargwith the amount of the reduction. It | ing that you as auditor aforesaid had unlawfully assessed the personal property of said bank, relator, for taxation for the fiscal year commencing on the M. C. Caldwell's land. The Clerk of Court yesterday notified first day of November, 1890, at the valuation of two hundred and thirty thousand dollars, while the value of the said property was lawfully fixed and established at one hundred and fifty thousand dollars, and that you had so unlawfully entered the valuation of the said property on your tax lists; Theee Hundred Acres, more or less, and charging that you as Auditor as aforesaid had unlawfully entered upon voar tax duplicates the sum of three others. thousand and one hundred and five dollars as the amount of taxes payable on the said personal property for the said fiscal year, instead of two thous-

> And whereas, to an order by the said Court requiring you as Auditor aforesaid, to show cause whyla peremptory writ of mandamus should not issue commanding you to correct your said tax list and tax duplicates in conformity with the said alleged lawful state of facts, you made a return, and upon hearing that return, and on argugument of counsel, the said Court (the Honorable J. H. Hudson, a Circuit Judge of said State, presiding,) ordered that a peremptory writ of mandamus be issued by the Clerk of the said Court, requiring you to correct forthwith your said tax list and your said tax duplicates in conformity with the Now, therefore, in pursuance of the said last mentioned order of the said

the said property.

facts alleged in the said complaint. Court, you are required and commanded to correct forthwith your said tax list, so as to place the personal property of the said bank at the valuation of one hundred and fifty thousand dollars, and also to correct your said tax duplicates for the said fiscal year, so as to fix the tax collectible on the said personal property to correspond with the said reduction in the valuation of the said property.

By order of the said Honorable J. H. Hudson, presiding Judge of the

Seventh Judicial Circuit of the said State, dated the eighteenth day of November, A. D. 1891. In witness whereof I, Juo. M. Kis id county, have hereunto set my signature and the seal of the said Court this eighth day of December, in the

hundred and ninety-one. JOHN M. KINARD. Clerk of Court for Newberry, Co., S. C. The above form of writ is sufficient J. H. HUDSON, and proper. Presiding Judge.

year of our Lord, one thousand eight

LYNCHING IN EDGEFIELD. Sheriff Ouzts' Son Killed by a Negro-The

Murderer Arrested and Afterwards

Shot to Death by a Mob. [Special to News and Courier.] Columbia. December 7.-Governo

Fillman received a telegram to-day advising him of the killing of the son of Sheriff Ouz's by Dick Lundy at Edge-The following telegrams were sent in reply thereto: "To Sheriff Ouzts: Do your duty and protect Dick Lundy. The law will

punish the murderer. Call on the Edgefield Rifles if necessary. I rely on you. "B. R. Tillman, Governor." "To Capt. Adams, Edgefield Rifles: Put your command at sheriff's disposal and protect Dick Lundy at all hazards.

"B. R. Tillman, Governor.." Later in the day the Governor telegraphed O. F. Cheatham at Edgefield to keep him posted as to the situation. Mr. Cheatham replied that all was quiet, but it was expected that Lundy would be lynched before night. The Governor then, by telegraph, appointed J.S. Durisoe State constable, and directed him to take charge of the jail. At a few minutes after 5 o'clock a telegram was received from Mr. Cheatham: "The negro has been lynched. A crowd has just been in the jail and shot him." Later the following dispatch was received from G. B. Lake: "About 430 o'clock a mob got into the jail and shot Dick Lundy to death.

Governor Tillman's further action in the matter is given in the following letter from him to Solicitor Nelson.

"Sir: Information has just reached this office that a negro, Dick Lundy by name, has been lynched in Edgefield jail. You will please go at once to Edgefield Court House and make a rigid and searching examination of the matter and report in writing as to the following facts

"First, What steps if any had Sher-if Ouzts taken to protect the prisoner?" at 11 o'clock, the following personal property of the estate of F. H. Domiiff Ouzts taken to protect the prisoner? "Second. Did the military company, he Edgefield Rifles, receive any orders from the sheriff to assist him in upholding the law.

"Of course you will take the most vigorous steps to ferret out the men who did this lawless deed and have them arrested, and if it shall become necessary, as many State constables or militiamen as you need may be placed at your disposal. I shall expect you to do your whole duty and to see that the majesty of the law is vindicated." WHAT SHERIFF OUTZS SAYS.

The following telegram was received here to-night:

HOW YOUNG OUZTS WAS KILLED.

[Augusta Chronicle, 7th.]

among the negroes on a plantation a few

Mr. James D. Ouzts, son of Sheriff

Saturday night there was a hot supper

ready sent.

Has secured during 1892 "To Governor Tillman: While awaiting the burial of my son to-day, be-W. D. Howells, H. Rider Haggard, tween 4 and 5 o'clock p. m., a body of George Meredith, Norman Lockyer, men forced entrance into the jail here. and shot and killed Dick Lundy, who Andrew Lang, Conan Doyle, killed my son. I regret and very much St. George Mivart, Mark Twain, deplore the lynching. I had ordered Rudyard Kipling, J. Chandler Harris, the Edgefield Rifles, to go to the jail at p. m. and guard it, but 'the lynching R. Louis Stevenson, William Black, took place before they could get there. "W. H. Ouzts, Sheriff." W. Clark Russell, Mary E. Wilkins, Frances Hodgson Burnett. No detailed account of the killing of

And many other dissinguished Writers Mr. James Ouzts by Dick Lundy has been sent to the Governor. All that is known here is the correspondence al-

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NOTICE.

A LL PERSONS INDEBTED TO me will settle their accounts at

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No Goods to be Charged During this Sale. Remember that all of OUR GOODS ARE NEW and that

WE ARE NOT TO BE UNDERSOLD. \$5,000 WORTH OF CLOTHING which must be sold

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Fiety to select from. These large and well assorted so your stock.

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Newberry, S. C.

can't help thinking he hasn't half tried. Must have got into careless hands. Lots come in here thinking that way, but to the best of my knowledge, I never had any to leave still feeling prejudiced after trying on these 38-Inch All-W.ol Tricots 40; one be anything but pleased when I do as much as any tailor in the city, and figure a good deal finer. More than one road leads to satisfaction. It isn't all with a "tape line" and a "long

tion during Fair Week. Quite a

stir is made over the large stock of

of Tailor Made Garments that is show 1

at the emporium this season. The best

dressed men and boys are coming here

as they know the merits, styles and

quality of goods I am showing this

season, in Foreign and Domestic

Clothes. Lots of patterns have been

sold out, but have got them in stock

When I hear a man declare he can't

We're fitting lots of these suits in all shades. There's style in them, that's why everything can improve, you know, and if you feel a little bitter toward ready-to-wear clothes, give 'ey another chance. Let it be here try this time, and you will h; cause for complaint. My Hat, Furnishing

Boy's Departments are ful

wait."

Watch for the Gold Star &