

The Watchman and Southron.

THE SUMTER WATCHMAN, Established April, 1850.

'Be Just and Fear not—Let all the ends Thou Aims't at be thy Country's, Thy God's and Truth's.'

THE TRUE SOUTHRON, Established June, 1866

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THE MAGISTRATE WAR.

MAJOR KIRBY WRITES BLEASE HE WILL NOT GIVE UP.

Governor Sends Word That Matter Will be Attended to "At Proper Time and in Proper Way."

Spartanburg, March 10.—"Having been appointed for two years or until my successor is appointed by and with the consent of the senate, I regret that, under the existing circumstances, I do not feel authorized or duty bound to surrender the office of magistrate," said Maj. August H. Kirby in a letter which he wrote Gov. Cole L. Blease yesterday in answer to the executive's letter informing him that his commission was null and void.

"Go ahead and perform your duties as magistrate, and pay no attention to Mr. Kirby," is the advice received from Gov. Blease by J. Malcolm Bowden, who was appointed by the governor to succeed Maj. Kirby.

Another magistrate, W. C. Harrison of Readville, who was recommended for reappointment by the legislative delegation, declines to surrender his office to the governor's appointee, T. O. Fowler.

These were today's developments in the magistratical muddle in Spartanburg county.

Maj. Kirby's letter to the governor follows in full:

"Hon. Cole L. Blease, Governor, Columbia, S. C.

"Dear Sir: I am in receipt of yours of the 8th inst., in which you say 'your successor having been appointed, your commission as magistrate is hereby revoked and made null and void.'"

"Having been appointed for two years or until my successor is appointed by and with the consent and advice of the senate, I regret that, under the existing circumstances, I do not feel authorized or duty bound to surrender the office as magistrate."

"You having ignored the recommendations of the Spartanburg county delegation and the senate, I am advised that I should hold over as legal magistrate."

"Yours respectfully,

"A. H. Kirby,

"Magistrate."

Mr. Bowden wrote Gov. Blease that in compliance with the governor's instructions he had made formal demand of Maj. Kirby, in the presence of a witness, for the books and papers of the magistrate's office and that Maj. Kirby had refused to give them to him. Mr. Bowden has received a letter from Alexander Rowland, private secretary to the governor, stating:

"The governor is in receipt of your letter of March 6 and directs me to advise you to go ahead and perform your duties as magistrate and pay no attention to Mr. Kirby, that the matter will be attended to at the proper time and in the proper way."

Yours very truly,

"Alex. Rowland,

"Private Secretary."

There is considerable speculation as to what "the proper time and the proper way" will be. It is said that if the governor should now attempt to remove Maj. Kirby "for cause" it would be a virtual acknowledgement that he had no authority arbitrarily to revoke the commission as he has done.

It is expected that the matter will be adjudicated when the rival magistrates present their claims for salary.

Both are doing business, but not nearly so much as if there was no cloud on their titles to the office.

The other Spartanburg magistrate, Robert J. Gantt, whose right to the office is not disputed, is being swamped with business. Many litigants are fearful that decisions or judgments rendered by either of the other two might not hold.

Magistrate Harrison of Readville was in the city today in consultation with Maj. Kirby. He was commissioned as magistrate in 1910 by Gov. Ansel to fill out the unexpired term of R. L. Pearson, resigned.

The delegation recommended him for reappointment. Gov. Blease ignored the recommendation and appointed T. O. Fowler magistrate. Mr. Harrison has received a demand from Mr. Fowler for the official books. He has declined, however, to give up the books and is prepared to conduct all business that may arise.

COURT: HAYES NOT GUILTY

SLAYER OF FLOYD ACQUITTED OF MURDER CHARGE.

Verdict Rendered After one Hour and a Quarter's Deliberation Jury Declares its Belief in Story as Told by Mrs. Rosa D. Hayes of How and Why She Shot Young Medical Student—Mrs. Hayes Shows Emotion—Points in Judge Cooke's Charge.

Whiteville, N. C., March 11.—"Not guilty," so said the jury this afternoon at 5:30, in the case wherein Mrs. Rosa D. Hayes was charged with the murder of Robert M. Floyd, a young medical student of Charleston, at her home in Tabor, N. C., on the evening of February 4, and Neal Hayes, her husband, as accessory before the fact. While there was a slight demonstration by the friends of the defendant when the verdict was returned, which quickly quelled, great indignation was expressed by numerous people when the news spread on the streets that Hayes and his wife would go free. It was not believed that a verdict for a higher offence than manslaughter would be returned, and after hearing the charge of Judge Cooke this opinion became much stronger. That the verdict caused surprise is expressing it mildly. Shortly after the jurors left the court room several of them were met by a young lady who did not hesitate to express her opinion of them.

Solicitor Sinclair was the only attorney to speak when court convened this afternoon. He made a splendid speech and then Judge Cooke charged the jury as to the law. He did not read the evidence, this being waived. The charge to the jury was given in a very impressive manner. His Honor standing, which is something not often done. It was 4:10 when the jury was given the case.

For the first time this afternoon did Mrs. Hayes show weakness, but it was only for a few minutes and she regained the composure that has characterized her during the entire trial and has been one of the features of the case. Just as the solicitor concluded his speech she was seen to covertly wipe her eyes with her handkerchief and upon viewing her closely it was noticed that she was crying, but endeavoring to suppress her emotion. A solemn stillness pervaded the court room after the jury retired and every noise, no matter how slight caused the defendants and the few remaining there to eagerly look in the direction of the jury room. Pale, but perfectly calm, Mrs. Hayes looked vacantly in front of her, and those who viewed her could but think that at least the little woman, who had fired nine bullets into the body of Robert Floyd on that winter's eve, had awakened to the realization of the crime with which she was charged.

For one hour and fifteen minutes had the jury been out when a knock was heard on the door. Quickly learning that a verdict had been reached the officer rang the court house bell and the crowds hurriedly assembled. Neal Hayes was far more agitated than his wife. If it was expected that Mrs. Hayes would show weakness in this terrible ordeal those who believed it were disappointed. R. F. Covington, of Evergreen, was foreman of the jury, and announced the verdict. As the words were spoken there was a slight demonstration, but the sheriff rapped for order and the cheering quickly ceased. Hayes seemed to scarcely realize that he was a free man, but a smile crept over the face of Mrs. Hayes. The members of the jury quickly walked to the edge of the bar and shook hands with the defendants. A few minutes later Hayes and his wife walked from the court room and into the evening sunlight once more free. Thus ended the closing chapter in one of the most sensational murder trials ever heard in this county and in some respects one of the most unusual ever heard in the State.

The important part of the Judge's charge as relating to Mrs. Rosa D. Hayes was as follows: "Now, applying these principles of law to the facts in this case against Rosa D. Hayes as the jury shall find them, the court instructs the jury that the prisoner, having admitted that she killed the deceased with a deadly weapon, it is incumbent upon her, in order to excuse the killing, to satisfy the jury the evidence introduced for her defence, and such evidence introduced by the State as shall be for her benefit, not beyond a reasonable doubt, but satisfy the jury that the time she killed the deceased he had assaulted her, and she believed, and had reason to believe, that he in-

LISTENS TO RECOMMENDATION.

GOV. BLEASE SAYS HE CONSIDERED FLORENCE BAR ASSOCIATION.

Recommendation of Supreme Court Not Considered—Special Term in Horry County.

Columbia, March 13.—Gov. Blease announced yesterday that he had commissioned F. L. Willcox of Florence as special judge for the Florence county court, which commenced today, thus following the recommendations of the supreme court. He issued the commission, he said, upon the recommendation of the Florence County Bar Association. Mr. Willcox was not on the "eligible" list.

"Did you regard the recommendation of the supreme court in granting the commission to F. L. Willcox?" he was asked.

"No, I commissioned Mr. Willcox upon the appeal of W. F. Clayton, the chairman of the Florence County Bar Association," he replied.

F. L. Willcox is a well-known attorney of Florence and was endorsed by the bar association for special judge to Chief Justice Jones, who sent a recommendation to the governor.

A special judge was needed for the regular term of court.

Gov. Blease takes the position that the law requiring the governor to commission special judges upon the recommendation of the supreme court is unconstitutional.

There are 16 prisoners in the Florence county jail awaiting trial.

Gov. Blease has ordered a special term of court for Horry county to commence on April 3 to take the place of the court that was not held on account of the need of a judge. Gov. Blease refused to commission C. P. Quattlebaum as special judge for Horry county, although Chief Justice Jones on three occasions called his attention to the fact that there was not a disengaged circuit judge. The special term of court was ordered upon the request of Solicitor Wells.

tended to commit a rape upon her, and that it was necessary for her to fire the fatal shot in order to prevent him from carrying out his purpose and if the jury shall so find the facts to their satisfaction, then she would not be guilty, and the jury should so say; but if the jury should not so find them, it should proceed to consider as to whether or not she has reduced the offence from murder in the second degree to manslaughter. And upon that the court instructs the jury that, if they are satisfied, as explained to them above, by the evidence that the deceased had solicited her to submit herself to him, and merely laid his hands upon her, and that the defendant, because of such indignity, and in the heat of passion, killed the deceased, that would be manslaughter, and they should so find; but if they shall not so find either of these state of facts not beyond reasonable doubt, but to their satisfaction, then the defendant would be guilty of murder in the second degree, and the jury should so find, unless they should find, beyond a reasonable doubt, that the killing was done with premeditation and deliberation, in which event they should find the defendant guilty of murder in the first degree; but if they should not so find, beyond a reasonable doubt, that the killing was done with premeditation and deliberation, then they would not find her guilty of murder in the first degree.

"There is another aspect of this case to be considered by the jury; and upon which the solicitor contends that the defendant is at least guilty of manslaughter. It is that the defendant had fired all of the balls of one pistol at the deceased, that he had escaped to the piazza and had been shot down and totally disabled of carrying out any purpose of harm to the defendant, if he had any, and that she, not for her defence, but because of her anger and in a spirit of revenge, went into the house and possessed herself another pistol and went out on the porch and shot the deceased, who was prostrate on the floor and that such shot ended his life or hastened his death. And upon this the court instructs the jury that if they shall find, beyond a reasonable doubt, that these are the facts, then, although they shall find that the defendant was justified for the firing of the shots before that time, she would be guilty of manslaughter, but if they should not so find them, she would not be guilty of said count." In regard to the testimony of Mrs. Hayes, he charged that it should be scrutinized with caution and care, but if, after doing so,

MEXICO NOT ALARMED.

HAS GRANTED NO PRIVILEGES TO JAPAN.

Citizens and Officials Seem to Unite in Believing America's Protestations of Good Faith.

Mexico City, March 10.—That Mexico has granted to Japan no concession for the maintenance of a naval station and no privileges on the Teuantepec railway are the statements which Enrique C. Creel, minister of foreign affairs, this afternoon authorized Francisco L. De La Barra, Mexican ambassador at Washington to make.

The increasing rumor in the United States that Mexico had entered into an agreement with Japan whereby the latter was to be permitted to use certain ports along the coast of Lower California and to be granted special privileges for the transportation of supplies over the isthmian railroad, caused Senor De La Barra to send to the foreign office today a request that he be permitted to make a definite statement regarding the charges.

Senor Creel, has also asked Senor De La Barra to extend to President Taft his thanks for the latter's friendly attitude and for the explanation he sent to President Diaz relative to the mobilization of American troops.

"Mexico could not expect anything else from a country which has shown herself to be such a friend during so many trials, and which so efficiently aided in her economic development," Mr. Creel says his telegram to Senor La Barra, adding: "The words of the president will no doubt tranquillize Mexican opinion."

Mexican officials and private citizens appear to have accepted the view that the mobilization of troops along the border is no invasion of their country. President Taft's assurance that there was no menace in the step has apparently been accepted without reserve and with a feeling of satisfaction.

The health of President Diaz which appears to have been made a factor in the situation, has not been impaired in the slightest degree during the past few months.

MUSIC FESTIVAL TO BE BEST EVER.

Many Well Known Great Artists in Musical World Engaged.

Columbia, March 10.—Thursday, Friday and Saturday of Easter week, April 20, 21, and 22, are the dates set for the Columbia Music Festival, when Victor Herbert with his famous orchestra and a number of well known artists will give a series of fine concerts in Columbia theatre under the auspices of the Columbia Music Festival Association. This festival will, it is confidently believed, be the best ever given in this city, and preparations are being made to accommodate visitors from all parts of the State.

While a number of artists have been engaged, the name of Victor Herbert alone is enough to attract the attention of the music loving world. His orchestra contains sixty pieces. Other artists engaged are Agnes Kimball, soprano; Lillia Snelling, contralto; Harry J. Fellows, tenor; Evan Williams, tenor; Frank Croxton, bass. The chorus for the festival is rehearsing and nothing is being left undone to make the event a success.

THE POTASH CONTROVERSY.

Satisfactory Adjustment of Differences Between United States and Germany is Probable.

Washington, March 10.—With the American reply to the German note on the potash controversy in the hands of the German ambassador, it was declared in official quarters here today that the dispute was capable of amicable settlement. It was denied that there was any friction between the two governments in connection with the diplomatic interchange and state department officials said that the way was well open for any adjustment. Officials of the department declined, however, to discuss the nature of the American reply.

The controversy, it is understood here, probably will be settled by a compromise between the private interests involved, and such an adjustment is reported to be under consideration by the parties concerned.

The jury should find she told the truth, then it should be given the same weight as any other creditable witness."

PRESIDENT TAFT AIDS DIAZ.

PRESIDENT ADMITS AMERICAN FORCE IS BEING MOBILIZED TO HELP MEXICO.

Thought That With Frontier Well Guarded Rebels' Supplies Will be Cut Off — If Not Army is There Ready for Further Eventualities.

Washington, March 9.—That the administration has decided no longer to dissemble its reasons for the sudden and unprecedented movement of troops to the Mexican border is indicated by a dispatch received tonight from the staff correspondent of the Associated Press, who is accompanying President Taft on his journey to Atlanta. The dispatch, dated Charlottesville, Va., through which place the president's train passed tonight at 7:10 o'clock, follows:

"All doubt as to the purpose of the government in sending 20,000 troops to the Mexican border has at last been swept away. The United States has determined that the revolution in the republic at the south must end. The American troops have been sent to form a solid military wall along the Rio Grande to stop filibustering and to see that there is no further smuggling of arms and men across the international boundary.

"It is believed that with source of contraband supplies cut off, the insurrectionary movement which has disturbed conditions generally for nearly a year without accomplishing anything like the formation of a responsible independent government will speedily come to a close.

"President Taft, on his way to Atlanta and Augusta for a 10 days' vacation, passed through here at 7:10 o'clock tonight. He appeared well satisfied with the run. There is a general belief that the movement of troops into Texas and southern California will so speedily accomplish its purpose that the net result in the end will constitute a valuable lesson in quick mobilization of an effective fighting force that will prove a revelation to the country at large, to the critics of the army in particular, and a justification of the diplomatically worded explanations that have been given out from official sources in Washington.

"There no longer is reason to doubt that the sudden move on the part of the American government was the result either of unofficial representations of foreign governments regarding the situation in Mexico or the intimation that several of the European powers were sounding each other as to the desirability of making representations to the United States at an early date. At any rate the matter was put up to the administration in such a way as to call for the quickest sort of action. The necessity for this speed of mobilization was seized upon by the war department as a heaven-sent opportunity to answer critics both in and out of congress and that interpretation was put upon the movement.

"There was little doubt in the mind of these officials that the true meaning of the 'manoeuvres' soon would be known and the logical interpretation so quickly put on the movement of the troops unquestionably disconcerted the administration officials from President Taft down. Then Washington unexpectedly found itself confronted by the necessity of throwing an army along the border line of Mexico to stop the sources of supply to the revolutionists and to be in a position to invade Mexico at a moment's notice in the event of the death of President Diaz or any other untoward circumstance which might precipitate general fighting or rioting.

"It was represented at the state department that the United States must act, and act quickly, if the Monroe doctrine was to be maintained. Foreign interests in Mexico naturally look to the United States for protection under that doctrine. The foreign interests in the republic, however, are not to be compared with the American capital invested there, so, after all, the move to bring about more tranquil conditions in Mexico has to do principally with Americans and American interests.

"Just what part the Diaz government has played in recent events has not yet been disclosed. From time to time protests have been made to Washington regarding the violation of the neutrality laws along the border.

"Such protests, however, would not ordinarily call out such a force as has been rushed toward Texas and the Mexican frontier during the past 48 hours. It is considered probable that the Mexican government may have indicated to European powers its inability to put an end to the disorderly state of affairs."

TILLMAN BACKS BAILY.

SAYS TEXAN SHOULD BE DEMOCRATIC LEADER.

Senator Talks About National and State Affairs—Pleased with Election of Riggs as President of Clemson.

Columbia, March 10.—Senator Tillman says the Democratic leadership in the Senate should be given to Senator Bailey. There is a coterie in the upper house which is jealous of the Texan. It is not likely he will secure an honor. Senator Culberson retain the leadership.

Senator Tillman is much pleased with the Clemson college trustees agreed with him that Prof. Riggs was the best man for the presidency of the college. He is satisfied there is no violation of law in being trustee of a State college and holding another office, but is glad the courts are to pass on the question.

At the request of Gov. Blease Senator Tillman called on the governor in passing through Columbia and they had a "brief but friendly chat."

Senator Tillman was accompanied home from Washington by Mrs. Tillman and it is their present expectation to remain at Trenton during the spring, as their two daughters are to be married within the next few months.

Senator Tillman says nothing but swearing in of a new Democratic senator from Maine interests him especially about the extra session. "There is nothing new in a tariff fight," says the Senator, "I have no desire to gnaw an old bone."

TO PREACH AT LANDER.

Bishop Kilgo to Deliver Commencement Sermon at Lander Female College.

Columbia, March 11.—Bishop John C. Kilgo of Durham, N. C., who was elected a bishop in the Southern Methodist church at the general conference at Asheville last year, has accepted an invitation to deliver the commencement sermon at Lander college (for girls) at Greenwood. Dr. Stonewall Jackson will preach the missionary sermon and Mr. Joseph A. McCullough of Greenville will deliver the address. Dr. Kilgo is a native of South Carolina. He has achieved fame as a pulpit orator and lecturer and college president.

GOV. WOODROW WILSON COMING.

Will Make Address Before State Press Association June 1.

Columbia, March 10.—The South Carolina editors, when they meet in Columbia May 30 to June 1, will have many pleasures, but probably the most interesting feature of the meeting will be the address by Dr. Woodrow Wilson, governor of New Jersey, and a likely candidate for president on the Democratic ticket. The Columbia ball team will be playing at home then, and the editors will be given an opportunity of seeing the games. A trip to New York is part of the program, though this is by no means certain.

ders so long as succor was given to the revolutionists' forces from the United States.

"Whatever the inner and diplomatic moves may have been there no longer is any purpose on the part of the administration to cloak the movement of troops with mystery.

"The Mexican government, whether it asked help of this government or not, has been given the greatest assistance it could possibly have desired. The official note from Washington, made public in Mexico last night, assuring Gen. Diaz that there was nothing in the movement of troops that should cause uneasiness on the part of the Mexican government, was more than justified by the administration's announcement made today. There is no telling at this time how long the big army sent to the Mexican frontier will have to remain there. It will not be withdrawn until the revolution has been crushed out and until conditions in Mexico are much more stable than they now are believed to be.

"The situation in Lower California is said to have given more concern to the United States than at any other point. It was reported that the revolutionists were exceptionally active there and threatened to set up a government independent of either that of Diaz or of the revolutionists in the east. The line between the United States and Lower California is but an imaginary one and a revolutionary government there would be a source of constant worry."