

**NEW TRIAL FOR BETHUNE.**

**SUPREME COURT DECIDES CASE OF CLARENDON NEGRO.**

Highest Tribunal Reverses Order Refusing New Trial on Ground of After Discovered Evidence in Affidavit by Jennings.

Columbia, June 6.—The supreme court in a decision by Chief Justice Cary yesterday granted a new trial to Willie Bethune, the Clarendon county negro who was convicted six years ago on the charge of murder and sentenced to death. The case has been before the supreme court on several occasions. The negro lost his appeal when the case was carried to the United States supreme court. The new trial has been granted on the ground of after discovered evidence. Bethune is alleged to have killed G. B. Mims, a well known white farmer of Clarendon county.

"It is the judgment of this court that the order be reversed and the case remanded to the circuit court for a new trial," concludes the opinion.

The following is the decision of the court:

"This is an appeal from an order refusing a motion for a new trial on the ground of after discovered evidence."

"On the 13th day of January, 1916, E. D. Jennings, an attorney at law, of Sumter, made an affidavit, stating the following facts:

"That he was of counsel for the prosecution in the case of the State against Willie Bethune, defendant. That he talked with the witness, Alfred McFadden, before the trial in a preliminary investigation of what his testimony would consist of. The said witness, Alfred McFadden, made a statement to me at that time in which he stated that he did not know who fired the first shot, and that he had not seen who fired the first shot. Upon examination by the solicitor he stated to the contrary, and stated that he had seen Bethune fire the first shot. McFadden was the only eye witness for the State, and the jury necessarily have rested their verdict of guilty upon his sworn testimony. His statement upon the stand was entirely different from the statement that he had made before the trial."

"The appellant was tried for murder before the Hon. George W. Gage, a circuit judge, and the jury rendered a verdict of guilty, whereupon he was sentenced to suffer the penalty of death."

"In refusing a motion for a new trial his honor Judge Gage said:

"Whether this verdict is right depends on the testimony of the witness, McFadden. I don't know him but the jury does. If he told the truth, it is right, if he told what is not the truth, he will have to answer for it before his Maker when he comes to die. Whether or not he told the truth is a matter for the jury, and they have accepted his testimony. The whole case rests upon McFadden's testimony."

"A motion was made before his honor G. W. G. Shipp for an order staying the execution of the sentence, in order that the defendant might make a motion for a new trial before his honor Judge DeVore on the ground of after discovered evidence. In refusing the motion to stay the execution of the sentence his honor Judge Shipp said: 'I do not hesitate to say that upon an examination of the evidence upon which the defendant was convicted, I would, if it were in my power, change the penalty from death to life imprisonment, and had I the power, without an abuse of my discretion, I would grant the stay asked for. However, under my view of the law and of my duty, I must refuse the motion, and it is so ordered.'

"Thereafter his excellency Gov. Manning granted a reprieve and his honor Judge DeVore heard the motion for a new trial, and in refusing it used this language: 'The testimony upon which this motion is made does nothing more than contradict a certain witness who testified in the case at the trial, to wit, McFadden; and the supreme court has laid down the rule that testimony that does not more than contradict a witness who testifies on the trial is not sufficient upon which to grant a new trial on after discovered evidence. It makes no difference who the witness is that proposes to contradict that one who testified in court. The rule must still obtain, and for that reason I am of the opinion that the motion for a new trial should be refused, and the same is hereby refused.'

"The vital question is whether the testimony of L. D. Jennings stands upon a different footing from that of the other witnesses by reason of the fact that he came into possession of information while discharging his duties as an assistant to the solicitor which he did not disclose when it became known to him during the progress of the trial that the tendency of the information was to destroy the credibility of the witness McFadden, which might have caused the jury to

**TO SETTLE SHORTAGE MATTER**

**TWO WAYS OF CLEARING MILITIA PROBLEM.**

Governor With Adjutant General Visits Washington to Arrange Pressing Question.

Washington, June 5.—Gov. R. I. Manning and Adjutant General W. W. Moore of South Carolina spent the day in Washington. They held an important conference with secretary Baker and Gen. Mills, chief of militia affairs of the department, regarding the old equipment shortage, amounting in the beginning to about \$104,000, but since reduced to about \$33,000. After the conference Gov. Manning authorized the statement to be made that it was most satisfactory. Secretary Baker advising him that either one of two ways could be used to get rid of this old indebtedness. One of these is for it to be arranged through the office of the judge advocate general, which though under the new law under a reapportionment plan will soon go into effect, and falling in that it may be arranged by a special bill to be introduced in congress and passed as the case has been with other States, wiping out the obligation. It is almost certain that one of these will be successful. Gov. Manning left immediately after the conference, entirely satisfied with what had been accomplished.

This old indebtedness will soon be entirely wiped out, as a result of what Gov. Manning and Gen. Moore have done, thus relieving the State of South Carolina of the obligation which arose through loss and damage to equipment.

**STILL CATCHING BIG FISH.**

**Is Hooked at Georgetown Weigh 450 Pounds.**

Georgetown, June 5.—The bass continue to run and the fishermen are still after them in earnest. Albert Ford set the pace for numbers and total weight some days ago with nine big fellows totalling nearly three hundred pounds. This put the others to work and it appears that Charles Congdon has gone Mr. Ford one better. Mr. Congdon and Mr. Siau, the man with the record of a forty-eight-pounder, have just caught off the South Jetty sixteen big fish that weigh 450 pounds. Of these Mr. Congdon caught ten, the weight of which was 367 pounds; Mr. Siau six weighing 133. This sport is great and every day the fishermen are busy and the fish seem to get larger. Mr. Congdon caught a thirty-nine-pounder among his ten.

**GREECE FILES PROTEST.**

**Declaration of Martial Law Offends Government.**

Athens, June 6.—Greece has protested to the Allies against the declaration of martial law at Saloniki.

render a different verdict.

"The theory of the law is that the duties of the solicitor are quasi judicial and that, while it is more especially his duty to conduct the prosecution so as to present the facts upon which the State seeks a conviction, nevertheless the duty rests upon him to see that no act on his part shall prevent the prisoner from having a fair and impartial trial. The State does not desire a conviction in any case unless the prisoner has been accorded those rights that entitle him to a fair trial. When the assistant solicitor heard the witness McFadden testify differently from the statements which he had already made it was his duty to bring such facts to the attention of the solicitor in order that he might take such steps as might be necessary to enable the prisoner to have a fair trial."

"It is because of the quasi judicial nature of the duties imposed upon the solicitor that he should be most careful to retain control of the conduct of the case, as it is but reasonable to suppose that those employed to assist in the prosecution would not keep before them the quasi judicial duties of office as vividly as the solicitor. This is not said by way of criticism in the present case but to show that the zeal that may be displayed by able attorneys assisting in the prosecution requires the court to scrutinize his acts as carefully as the solicitor himself."

"His honor, therefore, was in error in ruling that the testimony of Mr. Jennings was not different in kind from the testimony of the other witnesses."

"As a matter of justice to Mr. Jennings, we take pleasure in stating that he is an attorney of marked ability and high professional ideals, and that while he unquestionably erred in failing to make the proper disclosure of his information, there was no intentional wrong on his part and he is to be commended for finally discharging his duty by making the affidavit in question."

"It is the judgment of this court that the order be reversed and the case remanded to the circuit court for a new trial."

**BISHOP NORTHROP DEAD.**

**HEAD OF ROMAN CATHOLIC DIOCESE OF STATE PASSES AWAY.**

Had Been Ill For Long Time and Death Was Not Unexpected—Bishop of Charleston for Thirty-three Years.

Charleston, June 7.—The Rt. Rev. H. P. Northrop, D. D., bishop of Charleston, after a long illness borne with Christian patience and resignation, died at ten minutes past noon today, surrounded by his friends and attended by the Sisters of Mercy.

The funeral services will be held in the cathedral on Tuesday, June 13. News of Bishop Northrop's demise was received with profound sorrow. His long illness had, in a measure, prepared the city for the end, but general grief was none the less deep, when the final summons came. For many months Bishop Northrop had suffered from failing health, the hope always being fostered that he would regain his strength, and once more resume his active work, directing the affairs of a large and important jurisdiction. His distinguished service in his church brought him more than Statewide prominence and affection, and his memory is widely revered.

Henry Pinckney Northrop was the fourth bishop in South Carolina since 1820, when the see was established.

Bishop Northrop, the son of C. E. Northrop and Hannah E. Anderson, was born in Charleston May 5, 1842. He was a student at Georgetown college and received his A. B. degree from Mount St. Mary's college, Emmittsville, Md. He studied four years at the theological seminary there and then went to the American college at Rome. He was ordained a Roman Catholic priest in 1865 and for a year was assistant at the Church of the Nativity in New York. In 1866 he became assistant pastor of St. Joseph's church in Charleston, where he stayed for two years. He then became missionary priest in North Carolina at New Berne, returning to Charleston in 1873 as assistant pastor of the pro-cathedral. He served as pastor at Sullivan's Island and St. Patrick's church in Charleston.

Bishop Northrop was consecrated January 8, 1882, and was transferred from the Vicariate apostolic of North Carolina by papal brief to See of Charleston in January, 1883, following the death of Bishop Lynch. The other two bishops were the Rt. Rev. John England and the Rt. Rev. Ignatius A. Reynolds.

The pro-cathedral and episcopal residence in Charleston was wrecked in the earthquake of August 31, 1886. Through funds from Northerners these were restored in a few years, under the direction of Bishop Northrop. Twelve churches were dedicated by him in addition to the large cathedral of St. John the Baptist in Charleston, fronting on Broad street, which was consecrated April 14, 1907.

Following the course of his predecessors Bishop Northrop gave a great deal of his attention to the care and education of the negroes, for whom a church had been built by Bishop Lynch in 1867. A school was later established in charge of the Sisters of Mercy, residing at St. Catherine's convent, attached to the church, established under Bishop Northrop and named for Mother Catherine Drexel. In 1907 Bishop Northrop introduced the Ladies of the Cenacle.

Solemn Pontifical mass will be said at Bishop Northrop's funeral services at the cathedral Tuesday morning at 10.30 o'clock. Cardinal Gibbons has been invited and may officiate. Arrangements for the interment had not been completed late this afternoon. The body will lie in state at the episcopal residence, No. 114 Broad street, until Sunday at noon, when it will be removed to the Cathedral to lie in state there until the time of the funeral.

All of the bishops of the province as well as Bishop Northrop's friends elsewhere are expected to attend the funeral services. An acceptance from Cardinal Gibbons of the invitation to officiate at the funeral services had not been received late today.

Of the many notable events in the career of Bishop Northrop the celebration of his silver jubilee combined with the consecration of the Cathedral of St. John the Baptist stands out most prominently in the memory of Charleston, for on that magnificent occasion ceremonies of appropriate splendor marked the rounding out of 25 years of Bishop Northrop's administration of an important see, crowned by the completion of a noble monument to his zealous labors, the handsome edifice noted for its stately beauty. Observing the actual date of his 25th year of service as bishop, January 8, 1907, with simple ceremonies, the formal celebration with the consecration of the cathedral occurred on April 14 of that year, the occasion being one of national interest, due to the presence of distinguished prelates and clergymen, and prominent laymen, from all parts of the country, with representation from Rome. Most elaborate and impres-

**AIKEN MAN SHOT.**

**CHESTER BOYD LIES AT POINT OF DEATH.**

Inez Berrie, Sixteen-year-old Sister-in-Law Fired Shots Which May Prove Fatal—Awaits Results in Jail.

Aiken, June 7.—Chester Boyd, fireman and driver of the Aiken fire department automobile truck, was shot and probably fatally wounded about 10.30 o'clock Tuesday night by his sister-in-law, Miss Inez Berrie, a 16-year-old school girl, who was living at his home. The girl fired three shots at Boyd from a 32 calibre revolver, two shots taking effect, and Boyd lies at the Aiken infirmary, where he was operated on this morning, at the point of death.

Immediately after the shooting the girl disappeared and the police searched all night and all this morning for her. This afternoon she gave herself up, having spent the night and morning at one of the winter resident's homes. She is in jail awaiting the outcome of the injury to Boyd.

The cause of the shooting is shrouded in mystery, but there are many rumors afloat. When questioned by the police Tuesday night as to the cause of the shooting, Boyd declared that the girl shot him about money matters. Her father died in April of this year.

Little hope is entertained by the attending physicians of the recovery of Boyd, who was shot twice through the groin, the intestines being punctured in two places. The girl has made no statement.

**SUMMERTON GALA DAY.**

**Masonic Lodge to Present Park to Amateur Athletic Association—Splendid Programme.**

Summerton, June 6.—Friday, June 9, will be a gala day for Summerton. The day is in appreciation of the work of the members of Summerton lodge No. 105, A. F. M., who have made it possible for the young folk to have a playground for all time. The programme will open at 9 o'clock with a basketball game. Summerton lodge will convene at 9:30 o'clock and march to the park at 10 o'clock. At 10:30 o'clock the park will be formally donated to the Summerton Amateur Athletic association with an address by W. C. Davis. A picnic dinner will be served at 1 o'clock with a baseball game at 4 o'clock. At 8 o'clock the Summerton Masonic lodge will be convened for a visit from William W. Wannamaker, district deputy grand worshipful master.

**INQUIRY ON PEACE STORIES.**

**State Department Makes Inquiries About Interviews Credited to Ambassador in Berlin.**

Washington, June 6.—Secretary Lansing said late today that he had cabled Ambassador Gerard at Berlin asking whether he had given out interviews on the subject of peace which recently have been credited to him by newspapers in Germany and sent to this country in press dispatches.

divine rites were observed, the event being one long to be remembered by the great concourse participating.

Bishop Northrop was consecrated to his high office at Baltimore, January 8, 1882, the then Archbishop Gibbons saying mass, and the sermon being preached by the then Bishop Keane of Richmond. At the silver jubilee Archbishop Keane preached the sermon, and Cardinal Gibbons was present. Bishop Northrop was instituted at Wilmington on January 15, at St. Thomas church, celebrating pontifical high mass, as vicar apostolic and titular bishop of Rosalia.

By papal brief he came to the See of Charleston January 27, 1883, succeeding Bishop Lynch, and being the fourth bishop of the see. His installation here occurred on March 12, 1883. Bishop Moore of Florida preaching the sermon. The services were held at the pro-cathedral.

The golden jubilee of Bishop Northrop's priesthood was celebrated in a congratulatory way on June 25, 1915. Solemn high mass of thanksgiving was said by the Very Rev. P. L. Duffy, V. G., and many were the good wishes extended the bishop, whose health did not permit of an elaborate programme.

His work has been of splendid proportions. During his service in this see some 15 new churches were built the most prominent being the cathedral. He was devoted to the cause of education, originating many institutions for the teaching of youth. Other institutions of value to the church and to the community in which they arose were the result of the bishop's efficient labors. He was known and revered in the city of his birth by all, whatever their faith, and his scholarly accomplishments and zeal in his church office gave him high rank among the clergy of the nation.

**BETHEL AWAKE TO NEEDS.**

**ENTHUSIASTICALLY ENDORSE HEALTH CAMPAIGN PROPOSED BY DR. HOWELL.**

Heartily Pledge Themselves to Adopt Suggestions Offered to Produce Better Health in Community—Sanitary Survey Will Commence at Once.

From The Daily Item, June 7.

Between seventy-five and one hundred people of Bethel school neighborhood attended the first public health meeting at Bethel school last night at which Dr. J. T. Howell, director of rural sanitation of the State board of health, delivered an illustrated lecture on important questions of public health.

Rev. William Haynsworth, of Bethel church presided. Mr. Haynsworth in opening the meeting heartily endorsed the movement for improving the hygienic conditions of the rural districts by the State board of health, and assured Dr. Howell that he intended to put in every sanitary convenience recommended.

Dr. R. B. Furman, a well known and popular practicing physician of the Bethel section, in a few well chosen remarks endorsed everything said by Dr. Howell and advised his fellow citizens to install the sanitary closets, protect their homes from flies and mosquitoes, and otherwise safeguard their health conditions, as suggested by Dr. Howell.

Secretary E. I. Reardon, of the Sumter Chamber of Commerce was called upon next to make a short talk. He briefly outlined the plans of the Sumter city council, board of health, and citizens of Sumter in carrying out the suggestions made by Dr. Howell. The secretary suggested the organization of civic improvement clubs among the women of the rural districts, mothers in particular, to save lives of the babies, and hold regular meetings to study questions of public health, and how to make the homes more economical, hygienic, efficient and beautiful.

He stated that the Sumter Chamber of Commerce had induced the State Board of Health to send Dr. Howell and Dr. Brohun here to work in the rural districts to educate the masses of the people how to protect their health, and that while these sanitary officials were in this county the city authorities, Civic League, and Chamber of Commerce together with all Sumter citizens are utilizing the expert sanitary knowledge of these experienced government officials to improve the sanitary conditions of this city.

Dr. J. H. Haynsworth, county superintendent of education, in behalf of the educational department of Sumter county, heartily endorsed Dr. Howell's efforts for making the rural districts a more desirable place in which to live. Nothing better could be done in his opinion to contribute to the prosperity of the country than lowering the death rate, decreasing the amount of preventable diseases, and he hoped that hygiene would soon be a regularly established feature of the curriculum of the public schools.

He said that the county board of education was working with the Sumter Chamber of Commerce cheerfully to back up Dr. Howell in his work in the rural districts and that these two organized forces intended to put forth every available cooperative, educational, and get-together assistance in their power.

Dr. Howell then began his highly educational, comprehensive, and plain talk, illustrated by lantern slide pictures. The speaker eliminated every complicated technical phrase and spoke in plain English so that even the youngest school boy or girl could thoroughly understand the serious import of his remarks.

He showed by the lantern slides as well as by his talk, just how the flies scatter diseases. He told of the life history of flies. How to prevent them from infecting our food, and went into details about the various methods of preventing the introducing of disease into our homes, through the flies.

He advocated the building of fly-proof closets, protection of the milk and water supplies, and showed how the neglect of the negro tenant houses and premises by white landlords resulted in the families of the whites being infected from the unprotected outhouses of the darkies. Dr. Howell drew a very plain picture of what parsimonious and selfish methods of living mean when the well to do and intelligent white landlord allows his less intelligent and poorer fellow citizens to maintain a dangerous and unwholesome condition of affairs near the white landlord's home.

He showed by the illustrations and by scientific statistics that disease and death are no respectors of persons, social, or financial, and that the highly educated, wealthy and cultured families are infected by neglected and careless premises of the negro, as well as those of the poor. He proved that in matters of protecting the public health no man can live unto himself, but must suffer from the neg-

**THE DEMOCRATIC PLATFORM.**

**PRESIDENT'S ADVISERS HOLD INFORMAL CONFERENCES WITH CHIEF EXECUTIVE.**

Tone of Document Will be Influenced by Action of Chicago Convention.

Washington, June 6.—Plans for the National Democratic Convention, with particular reference to the platform, were discussed today by President Wilson and his advisers at the Cabinet meeting and at informal White House conferences.

Senator James, who is to be the permanent chairman of the convention, and Representative Doremus, chairman of the Democratic Congressional committee, participated in the discussion.

The president, who is preparing a draft of the platform, will not complete his work until after the Republican convention. The tone of the document will be influenced by the action of the Chicago convention.

Peace and prosperity will be the keynote of the platform, and special reference will be made to preparedness measures adopted and proposed by the administration. In the legislative achievements of the administration chief attention will be paid to the tariff, currency, the Alaskan railroad and trade commission bills, and mention will be made of the pending tariff commission, Philippines and rural credits bills.

Secretary Lansing will cooperate in the final drafting of the plank dealing with foreign affairs.

The president received a telegram today from James A. Bailey, chairman of the Democratic managing committee of Cook County, Illinois, saying the Republican convention had been welcomed to Chicago by the election of the entire judicial ticket of the Democratic party in Cook county by a majority of more than 25,000.

**ALL ENGLAND MOURNS.**

**Flags at Half Mast Everywhere in Honor of Lord Kitchener.**

London, June 7.—The cabinet meeting today discussed the situation produced by Lord Kitchener's death, the question of his successor being the chief topic. The names mentioned were Gen. William Robertson, Lloyd George and Lord Derby. A great memorial service will be held which will be attended by the King and representatives of the allied governments. Flags are at half mast everywhere today and silent throngs fill the streets. The belief is growing that the Hampshire was destroyed by a submarine.

**BOSTON CASHIER ARRESTED.**

**Harry A. Jones Charged with Taking \$41,000.**

Boston, June 7.—Harry A. Jones, assistant cashier of the Stoneham National bank has been arrested. He is charged with embezzling forty-one thousand dollars in cash and securities from the bank. Jones is married and has three children.

**THE BATTLE OF VERDUN.**

**Germans Continue Their Unrelenting Assaults on French Positions.**

Paris, June 7.—The Germans last night again launched a new assault against the French position at Fort Vaux. The French repulsed the attack. A bombardment by German guns preceded the attack. The Germans are again active in the sector of Hartmannswillerkopf. The Germans are also in action against the French positions at Hill 304 and Caillette forest.

lect of his fellow man.

When nature's laws are violated we have to pay the price, and the innocent suffer with the guilty, and even those who try to maintain proper sanitary conditions often suffer and meet premature death because of the ignorance, selfishness, and indifference of others.

At the conclusion of Dr. Howell's address the meeting unanimously and by a rising vote endorsed his proposed work and decided that those present would get busy cooperating with him by doing right away what he suggested, and getting to work to get others to do so. Upon this showing of cooperation Dr. Howell agreed to begin work in Bethel school district immediately. It was decided to hold a series of weekly public health meetings in that school district, beginning with Monday night next, June 19th, at 8 o'clock in Bethel school auditorium. The spirit of cooperation manifested by those at the meeting was fine and Dr. Howell and his associates from Sumter were delighted with the results of the meeting.

The Sumter Chamber of Commerce facilities were placed at the disposal of the people of Bethel neighborhood to keep in touch with Dr. Howell and Dr. Brohun, and the State health board, and for health bulletin service and cordially accepted by Rev. Haynsworth in behalf of his fellow citizens.