

J. S. HEYWARD, Editor.

ORANGEBURG

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License Law

The theory of all government is that the necessity of the individual leads to political union... The better protection of the individual is achieved by natural political union, first, has its origin in the desire of the people to be established by the preservation of their natural rights of the individual to the contract. The governed in a supreme control in their representatives, with the mutual understanding that they shall only so use such supreme power as is necessary for the better preservation and protection of the liberties of the people, and any infringement of these natural rights, in other than is absolutely necessary to the welfare of the whole is a breach of the contract which is established between the governed and the governing.

This theory we see unmistakably set forth both in the original agreement of the old confederation as it was called, and the Constitution of the United States, as well as our present State Constitution.

The first says: "Article I. Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this confederation expressly delegated to the United States, in Congress assembled."

The second says: "Article IX. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. And, "Article X. The powers not delegated to the United States by the Constitution, nor prohibited to the States, are reserved to the States respectively, or to the people."

Our State Constitution says in Article I: "Section 1. The enumeration of rights in this Constitution shall not be construed to impair or deny others retained by the people, and all powers not herein delegated remain with the people. And, "Section 11. All political power is vested in and derived from the people only; therefore they have the right at all times to modify their form of government in such manner as they may deem expedient when the public good demands."

These are the protective clauses common to all constitutions. The safeguard of the people against legislative usurpation and tyranny, the animating virtue of the contract between our representatives and the people who are set forth as the fountain whence all political power must take its source.

The rest of a constitution is designed to set forth with jealous precision how many of and in how far the sovereign people are willing to forego the absolute exercise of these natural rights in exchange for political protection, protection and not robbery.

To this point the State Constitution limit to the power of taxation the General Assembly, and any excess beyond the limit is unconstitutional. The act by which is proposed to increase the capitation tax, together with the capitation tax, was enacted the same day as this license law, and is from an separate act. The constitution requires that it shall be sufficient. What then can be the design of this general license law which demands money for the use of the State? already legally and constitutionally sufficiently provided for? Why discourage enterprise by fining capital and strangle success by stealing profits? Why tax the same employment differently in different localities in some instances, and in other cases tax employments identical indifferently, under similar circumstances? Why appropriate the same day, tax them on their salaries? Why appropriate the same day, tax them on their salaries? This latter we may answer from the historical constitution of political affairs. It is evidently an "ante in tax" proposed in anticipation of having a "fall hard" to "show" in a reckless game of political "brag" by all concerned in the "shuffling" of the political cards.

Section 36.—All property subject to taxation shall be taxed in proportion. Each individual of society has a right to be protected in the enjoyment of life, liberty and property, according to standing laws. He should also contribute his share to the expense of his protection, and give his personal services when necessary.

Section 21.—No bill of any kind, except a bill of appropriation, shall be passed which shall be a law, until the obligation of contracts, shall have been enacted.

Section 1.—The General Assembly shall provide by law for a uniform and equal rate of taxation.

Section 11.—The General Assembly shall provide for an annual tax sufficient to defray the expenses of the State for each year.

Section 14.—No tax shall be levied except in pursuance of a law which shall distinctly state the object of the same; the object of which shall be applied to the property taxed.

Article IX.—Section 1.—Every proposed amendment shall be submitted to the qualified electors of the State. These are the safeguards afforded us by the Constitution against legislative robbery. And we confidently assert that there is not one of these which is not either directly or indirectly violated by this infernal license law.

First, it is either taxes in disguise or it is not taxes. If not, then the Legislature has the right, delegated by the Constitution to raise money by establishing a general license system and such right remains in the people until ceded by them, which can only be done in amendment by vote of the qualified electors polled at a general election, and until such time the execution of such laws is an illegal robbing of man of his property as he has a right to acquire and possess as contributing to his safety and happiness, and that also of his family.

The question is not whether the Assembly are prohibited in the Constitution from passing a license law; but, whether the passage of such law is an infringement upon the rights reserved by the people, not being delegated in the Constitution. We think it is an infringement of reserved rights; for the money proposed to be raised is declared in each section of the law to be for the use of the State, and the only means permitted the General Assembly in the Constitution by which they can raise money to "defray the expenses of the State" is by "annual tax sufficient." It therefore seems to us plain that this license law must be a tax, as the money is for the State, or it is an unconstitutional imposition, a bare-faced attempt to legalize robbery.

Second, Cooley on constitutional limitations says: "License laws are of two kinds: those which require the payment of a license fee by way of raising a revenue, and are therefore the exercise of the power of taxation, and again, the exaction of a license fee with a view to revenue would be an exercise of the power of taxation." And it appears to us, if it is a tax, the Constitution prescribes the manner in which it must be raised, to wit: "The General Assembly shall provide by law for a uniform and equal rate of taxation; and again, "all property subject to taxation shall be taxed in proportion. Each individual having the right to protection should therefore contribute his share. And under these restrictions their power is further restricted to "one annual tax which shall be sufficient to meet the liabilities of the State, together with the "poll tax not to exceed one dollar, which shall be applied exclusively to the public school fund."

Each of the constitutional

limit to the power of taxation... The act by which is proposed to increase the capitation tax, together with the capitation tax, was enacted the same day as this license law, and is from an separate act. The constitution requires that it shall be sufficient. What then can be the design of this general license law which demands money for the use of the State? already legally and constitutionally sufficiently provided for? Why discourage enterprise by fining capital and strangle success by stealing profits? Why tax the same employment differently in different localities in some instances, and in other cases tax employments identical indifferently, under similar circumstances? Why appropriate the same day, tax them on their salaries? Why appropriate the same day, tax them on their salaries? This latter we may answer from the historical constitution of political affairs. It is evidently an "ante in tax" proposed in anticipation of having a "fall hard" to "show" in a reckless game of political "brag" by all concerned in the "shuffling" of the political cards.

It is with great diffidence that we perform our duty in setting before our readers our views of this vitally important matter. We feel that it is properly the province of much older and more experienced heads than we have at our editorial command. But we believe ourselves to be correct, and for truth are at all times willing to stand before the public. The law is usurpative in the extreme—conceived in the spirit of robbery, and enacted, we believe, mainly through ignorance on the part of the General Assembly. It should be resisted.

The Department

This is still the all absorbing topic of interest among the young people of the town and county. As we said last week, several names have been added to the list of parties who reside outside of the county. Other counties will also contribute a quota to the array of beauty and accomplishments which will grace the frolic and encourage the knights to their deeds of high enterprise. Some little degree of excitement, prevails among the softer sex, who are dubious, as to how they may acquit themselves in the role as round dances, for, be it known to the credit of this community, the prevalence of piety and a more strict observance of church doctrines has not permitted a too luxuriant growth of idle cards, and the giddy mazes of the light fantastic. Fortunately, however, for the lovers of the ball, the pleasant anticipation of Muller's Band, the natural desire of ladies to assist all man's efforts to make life happy, and the ease with which they attain all graceful combination of motion, have combined to induce them to practice, in order that they shall agreeably acquit themselves even in this part of the programme.

Last Wednesday, after the meeting of the knights, which was held by previous appointment, had taken place, an accident occurred by which a horse's neck was broken and the rider, Mr. George D. Sellers, it was at first feared, was seriously hurt. It appears that Mr. Sellers, not being satisfied at the time made by him during the tilt, determined to try it over, and see whether he could make the required distance in the allotted time. This he accomplished easily, but having pressed his horse to a pretty full speed, and being unacquainted with the ground, he reined him too shortly to the left, there the horse getting into soft ground under headway, and somewhat unbalanced by the short turn, was unable to recover himself, and in his effort to do so, fell forward on the side of his neck and broke it, turning completely over. Mr. Sellers came to the ground with him, and being quite a heavy man, the concussion was very severe. Fortunately, however, there was no contusion, and after suffering severely for some hours, and talking wildly, to the great relief of his friends, he has recovered, without

further serious result to himself, who hopes that the recovery will be a permanent one. From what we can learn, the accident was owing to Mr. Sellers not being thorough enough as to the nature of the field. We append below a list of the knights in the order in which they will ride, together with the characters, so far as decided. The order was decided by drawing:

- Apponator, S. D. Danziger. Greenwood, Dr. M. C. Salley. Haug Syner, Danl. Zimmerman. Richard XLV, John Robinson. Yellow Blume, J. B. O. Betterton. Struttin Gross, Sam. Salley, bit lit. Fox Hunter, Charles Collier. Last Cause, R. G. Cannon. Stryker, J. S. Salbergott. Old Palmetto, A. M. Salley. Blue Plume, E. C. Vinore. Jernick, Dan. E. B. Logan. White Star, John L. Salley. Edisto, G. L. Salley. Duke of Wellington, J. W. Paffek. Dogchester, J. G. Vinore. Ragout, James S. Heyward. Avonhoe, Geo. R. Soltes. Llanfair, D. F. Moore. Black Plume, H. W. C. Petch. Down Hill, R. L. Moore. Four Holes, Dr. A. Bowyer.

We are glad to see that Mr. E. Enzick has recognized the fact that his proposed enterprise was obnoxious to the community, and has suspended the erection of a store on the Court House Square.

LOCAL

F. T. BEARD, Associate Editor.

We publish for the benefit of our sporting friends, a synopsis of the recent game law.

Stop at Mercury's Hotel when you come to Orangeburg. His tables are furnished in the best style.

W. M. Sain & Co., have just received a lot of fine Kentucky mules, which may be examined by calling at their stables.

The card of Mr. McMaster, the dry goods man, appears in this week's issue. Bargains can be had by purchasing from this house.

Persons in want of building material will find it to their advantage to call on or communicate with Capt. J. A. Hamilton, who is prepared to furnish these goods at Baltimore prices.

We invite the attention of our readers to the advertisement of Dr. A. C. Dukes, proprietor of the well-known and long established Drug House, who, as heretofore supplies all demands for choice drugs, medicines, &c. We can confidently vouch for the purity of all goods sold by him.

The secret of success in selling goods and retaining customers, is not involved in a great mystery, but is simply selling good articles at moderate prices. This is why Messrs. Bull, Seovill & Piko have received so large a share of patronage. They now have an elegant stock of goods in store for inspection.

Mr. W. T. Muller, the proprietor of the "Store around the Corner," has been and is still receiving one of the choicest stock of goods that has ever been brought to this market. He assures his patrons of his intention to continue selling the best goods at a very small profit. Don't fail to give him a call when you want anything in his line of business.

RAIN. After a few days of warm, sultry weather, we had yesterday a fine shower of rain.

COMMUNION SERVICE.

The sacrament of the Lord's Supper was observed at the Presbyterian Church at this place on last Sunday, Rev. J. D. A. Brown, the pastor, presiding.

SCHEDULE OF ORANGEBURG POST OFFICE. Mails are sent at 10 o'clock A. M., and at 3 P. M. Mails are closed at 11 A. M. and is opened at 11 A. M.—Daily excepting Sunday.

DEATH.

Again it becomes our sad duty to chronicle a death in the family of our esteemed townsman, Captain James F. Lutzar, making the third which has taken place in his household in the last few months. His little boy, Edgar F., aged 18 months and a few days. The deepest sympathy of the community is with the Captain and his family, in their untimely affliction.

RELIGIOUS.

Rev. W. S. Heyward, the Lutheran minister from Charleston, will preach on the third Sunday of this month, on the Presbyterian Church has been kindly put at the disposal of the German Lutheran and their pastor, there being no Presbyterian service that day. The several churches of the city, in confirmation of a sacrament, we understand, will be administered on this occasion. Those interested are requested to take notice.

THE DISTRICT CONFERENCE.

The opening session of the Orangeburg District Methodist Conference will be preached by Rev. J. M. Zimmerman in the Methodist Church on Thursday evening, the 11th inst.

The District Conference will convene in the church of Perry on the 12th inst. at 10 o'clock. Bishop Payne is expected to arrive on the 13th, and remain until the close of the meeting.

Sabbath afternoon will be devoted to the Sunday School with appropriate exercises and an address from the Bishop.

An inquiry into, and the celebration was extended on last Sunday, with several congregations, through their respective pastors. The exercises promise to be of unusual interest.

THE OLDEST MASON.

Master: appears in your paper yesterday in rain, that New York claims to have the oldest Mason now by age, he having been a year in forty three years. Marion County dispatches the claim to a man who has been a Mason 77 years. Why Orange Lodge No. 14, in this city, can have their claim, that Lodge has now four members, each older than the oldest mentioned.

Don B. F. Dunkin, ex-Chancellor, was raised May 1818, Dr. Samuel Henry Dickson, April, 1820, Dr. St. John Phillips, August, 1825, Rev. John L. Loomis, June, 1824.

Can any one show better record? H. H. H.

The above was in the Charleston Courier, and in answer say, that we are advised that Mr. Peter Rowe, who lives within five miles of our village, was made a Mason in 1809, and has consequently been a Mason 112 to 113 years. Further, if he survives till June next, he will have completed 114 years of age. He is, we believe, still a live and healthy man. Can any where beat this?

CHANGE

We call attention to the change made in school advertisements of Mr. J. S. Heyward. The terms are changed from what they have before been, to English \$1.00 and Classical \$5.00.

The Easter holidays came with this week. Mr. Heyward will resume the exercises of his school on Monday next, and begs a continuation of patronage from all his many friends, who desire to have their sons carefully instructed for business or professional pursuits. He hopes to have a fine show of youthful intelligence at the summer examination, which will be public, and at the end of the year, will have a booth opened last Monday evening at the Charleston Academy of Music for a brief season.