THE ORANGEBURG TIMES.

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LARGEST CIRCULATION IN THE COUNTY.

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All articles intended for publication in the Times, must be accompanied with the real name of the author; not necessarily for publication but as a guarantee of good faith.

License Law

The theory of all government is that the necessity of the individual for political union, for the better protection of those rights which are inherent by nature. This political union, first, has its origin in the desire of the people, next, is established by the act of the people, and has for it object, the preservation of the natural rights of the individual. It is a contract. The governed reserve some 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, further than is absolutely necessary for the welfare of the whole is a breach of the contract, which therefore ceases to be in any way obligatory upon the governed. This is what we mean when we say that a law is unconstitutional; the Constitution being the terms on which the supreme power is by the governed entrusted and by the delegates accepted, it is to it that we look for the test of the legality of all laws. It is the protection of the people against the desire or edict of their delegates to encroach upon the natural rights of person, protection, personal freedom and unrestrained enjoyment of property; in the surrender of which rights the people are naturally very jealous.

This theory we see unmistakeably 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 II.—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 by it to the States, are reserved to the States respectively, or to the people."

Our State Constitution says in Article I:

"Section 11.—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 III.—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. They are the safeguards of the people against legislative usurpation and tyranny, the animavitae 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 our State Constitution says:

"Article I, Section III.—All men are born free and equally endowed by the Creator with certain inalienable rights among which are the rights of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property, and seeking their safety and happiness.

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, therefore, contribute his share to the expense of his protection, and give his personal service when necessary.

"Section 21.—No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be enacted;

"Article IX, Section I.—The general Assembly shall provide by law for a uniform and equal rate of taxation.

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

"Section IV.—No tax shall be levied except in pursuance of a law which shall distinctly state the object of the same to which object such tax shall be applied.

"Article XV, Section 1.—Says any 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 no 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 law is an illegal robbing a man of such 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 not 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 "an 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 barefaced 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 so, as it appears to us, 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." Such is the constitutional limit to the power of taxation in the matter of a poll tax, and any excess beyond this limit is unconstitutional. The act by which it is proposed to raise the sufficient funds necessary to defray the expenses of the State, together with the capitation tax, was enacted the same day as this license law, and is from the 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 apportion the pay of State officers in one act and in another, passed the same day, tax them on their salaries? This latter we may answer from the unwritten constitution of political affairs. It is evidently an "ante" in tax "conjured" in anticipation of having a "full hand" to "show" in a reckless game of political "brag," by all concerned in the shuffle 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 a head 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 Tournament.

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 emprise. 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, whose, then the [illegible] a very [illegible] house. From which we can learn the accident was owing to Mr. Sellers being too high [illegible] 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:

KNIGHTS.

Appomatox, S. D. Dantzler.
Greenwood, Dr. M. C. Salley.
Laurel Synes, Daniel Zimmerman.
Richard XIV, John Robinson.
Willie Baxter.
Yellow Plume, J. B. Patterson.
Southern Cross, N. M. Salley.
Fox Hunter, Charles Culler.
Lost Cause, E. G. Cannon.
Starry Cross, J. S. Salley.
Old Palmetto, A. M. Salley.
Blue Plume, E. G. Winter.
Berwick, Dr. E. B. Legare.
White Star, John L. Salley.
Frederick II, Willie Stokes.
Edisto, G. L. Salley.
Duke of Wellington, J. W. Patrick.
Dorchester, J. G. Vinsen.
Beaufort, James S. Heyward.
Ivanhoe, Geo. R. Sellers.
Indianfield, D. F. Moorer.
Black Plume, H. W. C. Petsch.
Down Hill, P. L. Moorer.
Four Holes, D. A. Bowyer.

We are glad to see that Mr. E. Ezekiel 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.

H. T. BEARD, Associate Editor.

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

Stop at Mercuey'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, Scovill & Pike 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 FOR ORANGEBURG POST OFFICE. Mail is opened at 10 o'clock A. M., and is closed at 1:30 P. M. Up mails close at [illegible] 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 E. Izlar, making the third which has taken place in his household in the last two months. His little boy, Edgar F., died [illegible] A. M., of pneumonia, at the age of 18 months and a few days. The deepest sympathy of the community is with the Captain and his family, in this their unusual affliction.

RELIGIOUS.

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

THE DISTRICT CONFERENCE.

The opening sermon 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 on Friday morning at 9 o'clock. Bishop Pierce is expected to arrive on Friday, and run in 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 invitation to attend the celebration was extended on last Sunday, to several congregations, through their respective pastors. The occasion promises to be of unusual interest.

THE OLDEST MASON.

MR. EDITOR: The papers by your paper yesterday morning, that New York claims to have the oldest Mason now living, he having been a Mason forty-three years. Marion County dispatches the claim, as she does one who has been a Mason 47 years. Why Orange Lodge, No. 14, in this City, can leave them both far behind. That Lodge has now our members, each older than the oldest mentioned.

Hon. B. F. Dunkin, ex-Chancellor, was raised May 1818; Dr. Samuel Henry Dickson, April, 1820; Dr. St. John Phillips, August, 1820; Rev. John H. Honour, June 1824.

Can any Lodge show better record?

HIRAM.

The above we clip from 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 for 62 to 63 years. Further, if he survives till June next, he will have completed 100 years of age. He is, we believe, still alive and hale.

Can anywhere beat this?

CHANGE.

We call attention to the change made in school advertisement of Mr. J. S. Hayward. The terms are changed, from what they have before been to English $40 and Classical $50.

The Easter holidays come with this week. Mr. Hayward will resume the exercises of his Male Academy on Monday next, and begs a continuation of patronage at the hands of 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 session.

Booth opened last Monday evening at the Charleston Academy of Music for a brief season.