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BY HUGH WILSON. ABBEVILLE, S. C., WEDNESDAY, SEPTEMBER 14, 1887. VOLUME XXXII. NO. 18.

THE LITERARY CLUB.

THE FEDERAL CONSTITUTION COMPARED WITH OTHER FREE CONSTITUTIONS, ANCIENT AND MODERN.

An Essay Read Before the Abbeville Literary Club by W. A. Lee, Esq., at the House of General Bonham, on Friday Evening, September 2, 1887.

The subject selected for this essay may not seem inappropriate in this *Centennial year* o the adoption of the Federal Constitution, when elaborate preparations are being made to celebrate the event in that historic city where, from *Independence Hall*, on the 4th of July, 1776, the bold declaration of our freedom first rang out upon the air; where in the same building on the 9th of July, 1778, the Articles of Confederation were adopted; where, in the same place, on the 14th of May, 1787, the Convention, with Washington at its head, met to frame a Constitution; and where, on the 17th September, the work was finished, and the *fundamental law of the land was given to the world.*

BLESSINGS UNDERVALUED.

To us, who inherit as our birthright, the blessings of American freedom and the privileges of American citizenship, it is difficult to realize all that those words import, in their depth of meaning and wide significance; to view those blessings in the light of their past history: in the fierce struggles by which they were achieved: in the jealous care with which they have been preserved: and in the influence which, for ages past, they have exerted in fixing the thoughts and feelings of our people: and guarding alike our homes, and anchoring fast the habits of our daily life. They are, perhaps, like the thousand and one other blessings which surround us, whose magnitude we overlook in the tritenss of daily contact; like the air we breathe, the food we eat, and all those wonders of science and art which minister to our comfort; the press, the telegraph, the locomotive, the compass, the steam-ship, the spindle, the loom, and all the agencies of a complex and progressive civilization.

CARLYLE'S MODEL MAN—THE IDEAL REPUBLIC.

Perhaps this blissful unconsciousness of blesstngs enjoyed, is like that of Carlyle's model man, whose bodily organization was so perfect, that he was not aware that he had a system; but entirely unlike that of those French revolutionists who, according to Burke, made "the medicine of the State its daily bread." Not many fortunate men have reached the happy state depicted by the Scotch essayist and historian, not many commonwealths, the ideal of the Greek philosopher: but find alike the need of the reformer and the physician; and happy alike shall they be if they pursue alike the regimen of health and disease, guard alike the springs of life, liberty and happiness, and reform by renewing and invigorating the old, and breathing into the ancient forms the spirit of a new and more luxnriant growth.

ANALYSIS OF THE SUBJECT.

To furnish a brief analysis of our complex system of government, State and Federal, and of the numerous safeguards which the wise care of our ancestors has established for the protection of public and private liberty, as contrasted with the governments and institutions of the ancient republics, and of our own father-land may lead us to a higher appreciation of the forms of American government and the spirit of American liberty.

THE ORIGIN OF GOVERNMENT. OPINIONS OF CALHOUN AND ARISTOTLE.

And first, as to the origin of government: Aristotle and our own Calhoun alike discard the theory of a social compact, of a Hobbs, and a Locke, by which, according to the first, we emerge from a state of *war*, and according to the other from a state of *liberty and equality*, and show that government is a necessary consequence of society, and that society is divinely established, being necessary to man's existence and the perfection of his faculties. As Calhoun remarks, government is based upon man's social and selfish nature. Without the first, there would have been no society, and without the latter, there would have been no necessity for government.

CALHOUN'S MODEL GOVERNMENT.

The only perfect government, according to the Carolina statesman is one in which every interest in the State is protected by a veto upon all opposing interests; a conenurrent, as opposed to a numerical majority. Such a government he sought to find in the Federal Constitution, with its checks and balances; a government of limited powers, in which State rights formed a necessary element in its administration, and which in yielding to a "more perfect union," had abated nothing of their original integrity. A government of granted and well defined powers, a strict construction of its provisions, was necessary to mark clearly the boundaries of State and Federal jurisdiction and to preserve the reserved rights of the States from the encroachments of the general government.

HAMILTON'S MODEL.

Alexander Hamilton, his illnstrious predecessor, had in the Convention which adopted the Federal Constitution, advocated a strong government, and in his speeches before the New York Convention, and in his articles in the *Federalist*, gave especial prominence to those evils of the old Confederation, which resulted from the lack of a strong central power, clothed with sufficient authority to enforce its commands, and make itself respected at home and abroad. Hence the disciples of the school of Hamilton, with the examples of the Greek republics and the States under the articles of confederation constantly before them, and the abiding fear of disintegration, urged a liberal construction of the powers granted, for the purpose of increasing the authority of the general goverment. Hamilton himself in one of his speeches before the New York Convention, struck the key note of this liberal and centralizing construction in the following words: "After all our doubts, our speculations on the subject of government, we must return at last, to this important truth, that when we have founded a constitution on free principles, when we have given a proper balance to the different branches of administration, and fixed representation on pure and equal principles, we may with safety furnish it with all the powers, to answer in the most competent manner the purposes of government. The great *desiderata* are a free representation and mutual checks. When these are obtained, all our apprehensions of the extent of powers are unjust and imaginary."

WHICH THE TRUE PROPHET AND WISER STATESMAN.

Time and the stern "logic of events" have shown which was the true prophet, the Carolina or the New York statesman; what dangers were most to be feared, the reserved powers of the States or the controlling, centralizing forces of the General Government. The problem, indeed, has been worked out upon a wider field than either statesman contemplated. New territory, the fruit of purchase and the fruit of conquest, has extended our magnificent domain from the Atlantic to the Pacific, and from the lakes to the Gulf, bringing in new factors to complex and confound, and new ideas to confuse the lawgiver and the statesman; territorial governments calling for establishment and regulation, new States knocking at the door of the Union for admission; and in the meantime old issues fanning into a flame the fires of fratricidal war in which red-handed riot rode rampant over constitutional right; followed by those dark days of Reconstruction, when freedom seemed to be extinct and the heritage of our fathers forever lost. But in this we have but shared the fate of our English ancestors, and trust that like them, we have emerged from trial with principles tested as by fire, and all the safeguards of civil and constitutional liberty intact.

THE CONSTITUTION OF THR ORIGINAL THIRTEEN NOW THE CONSTITUTION OF THIRTY-EIGHT STATES. ITS EULOGY.

A Constitution framed for thirteen States has been made to do duty for an empire of thirty-eight States and sixty millions of people, with its complex government, State and Federal. And though some of you may think that the Constitution as interpreted by our fathers has been shorn of some of its fair proportions, yet we may all say of it with far greater truth than Fox said of the old French constitution of 1789, that it is "the most stupendous fabric of wisdom that the world ever saw;" which Gladstone eulogizes as "the most wonderful work ever struck off at a given time by the brain and purpose of man." and in which Freeman, the English historian, finds his ideal of Confederated government—"an ideal in its most elaborate and perfect "development, the most finished and the most "artificial product of political ingenuity, "which can only attain its perfect form in a "highly refined age, and among a people "whose political education has already "stretched over many years."

THE FRAMEWORK OF ANCIENT SOCIETY AND THE FORMS OF ANCIENT FREEDOM.

Before considering, the wise provisions of the Federal Constitution, which mark out the boundaries of the State and Federal jurisdiction, and that Complex System of checks and balances which preserves the equilibrium of the various departments of the Government, and those safeguards of life, liberty and property, which now form the boast of American civilization and the cherished heritage of American freemen; let us review for a moment, the framework of ancient society, and the spirit and forms of free institutions, among the best of the ancient republics. Those republics furnish a subject of unceasing interest to us, affording as they do, a contrast to the prevailing desof the East, and exibiting the first germs of those free institutions, which are associated with all that is best and brightest in the past history of our race, and which have reached their full development in the forms of American Government, the spirit of American freedom, and the safeguards of American liberty.

ARISTOTLE'S SURVEY OF THE GREEK FORMS GOVERNMENT.

Aristotle's survey of the Greek forms of government, embraced the history and constitution of more than one hundred and fifty States, in the mother country and the colonies, and furnish nearly all the information, that we have on the subject. This is necessarily scanty and fragmentary, giving but an imperfect view of their internal condition and changes. But we know, that in the heroic ages, the constitution universally prevalent, was a monarchy, limited by ancient custom, and a body of chiefs raised above the people—in other words, an aristocracy with a hereditary prince at its head. A monarchy abusing its powers, was designated by Aristotle, as a tyranny, an aristocricy, as an oligarchy, and a commonwealth or polity, as a democracy. The earlier forms passed by a natural transition, into the later, and whilst the ruling body was losing a part of its strength, the commonalty was constantly growing in numbers and wealth. "It must not be forgotten," says Thirlwall, "that the terms oligarchy and democracy, refer only to a small part of the population—the native freemen—and did not include slaves and free foreigners."

DEMOCRACIES OF SPARTA AND ATHENS.

A democracy which fully satisfied the Greek notion, was one in which every attribute of sovereignty, without respect to rank or property, might be attained by every freeman. Such was the constitution of Sparta, where the sovereign power, resided in the assembly of the people, established long before the days of Lycurgus, where there was an elective Senate of thirty members, charged with functions, deliberative, executive and judicial; two of whom exercised the kingly office, and to whom, assisted by a council of war, was entrusted the direction of military operations. Such, in a large measure, was the constitution of Athens, where the *fourth* class though excluded from the magistracy, which was divided among the *three* higher classes, ruled in the popular assembly and in the higher courts. To restrain the assembly and conduct its business there was the council of Four Hundred—there was also a Supreme Court of *six thousand citizens*, chosen by lot, and charged with the highest judicial functions—and besides, the august Court of the Anopagus, sitting in the open air, and exercising the highest powers of criminal jurisdiction—institutions re-modeled if not established by Solon, and with all their defects, showing the caution and ingenuity of a wise and experienced statesman.

GREEK SOCIETY FRAMED FOR WAR.

But the whole framework of society was based upon a system repugnant to our notions of individual liberty and personal independence—a system formed for war, which converted every commonwealth into an armed camp, and subordinated every individual right to the supremacy of the State—interfered with every association in life, and crushed out all independence and freedom of action—hence their sumptuary and agrarian laws—hence the universal practice of infanticide—hence the institution of domestic slavery,—and hence all the atrocities of the ancient warfare, which however mitigated among the Ionian races, was universally prevalent among the Greek States. And we must not forget too, that in ancient Athens 100,000 citizens ruled over 400,000 slaves, besides exercising jurisdiction over other Greek States. And what sort of a freedom was that enjoyed by the Athenean citizens, when the purse, and the sword, and the scales of justice were alike in the hands of a mob, which after the days of Pericles, became the tools of every designing demagogue, overriding all law and living upon confiscation and plunder; where there were none of the checks which our constitutions, State and Federal impose upon the various departments of the government—where there were none of the safeguards of Anglo-Saxon liberty, *Magna Carta, Trial by Jury, and Habeas Corpus*, and where life, liberty and property were at the mercy of a mob, whose name was Legion and whose will was the supreme law.

THE ARTICLES OF CONFEDERATION.

Well might Hamilton and the disciples of his school, stand aghast at the retrospect of States, "disserved, discordant and belligerent"—to adopt the language of Webster—torn by intestine discord and exhausted by continual war, and seek elsewhere for models of free and stable government. The Articles of Confederation could furnish no models, but rather a warning against the dangers, which threatened the life of the new republic. The Congress of the Confederation had the mere semblance of government, without power, either over the States or the people; the Confederation had no financial system, no judiciary, and its Congress was a mere representation of sovereign States, who might at any time recall their delegates, and disregard the action of the central authority. The evils of the old system are clearly pointed out, in those able articles of Hamilton, Madison and Jay which compose the Federalist and embody the profoundest lessons of wisdom for the student of political history.

THE BRITISH CONSTITUTION.

The leading statesmen of the convention, found in the British Constitution, with its threefold division of power, Legislative, Executive and Judicial, and in the twofold division of the Legislative Branch, a model of free institutions, which with modifications adapted to our changed condition, might protect our ancient rights, and adapt itself to our growing civilization.

THE FEDERAL CONSTITUTION A COMPROMISE.

A herculean task however awaited the framers of the Federal Constitution amid the jarring and conflicting interests of thirteen States, large and small; and the final result was only obtained by the compromise of many conflicting interests, and after long and earnest debate. Only eleven States were represented in the Convention, and the five larger States, Massachusetts, Connecticut, Virginia, North Carolina, and Georgia, came with a plan, submitted by Edmund Randolph, of Virginia, which provided for a Congress of two houses, an Executive, and a Judiciary, but both Houses were to be chosen in proportion to population; and Congress was to choose the Executive and the Judiciary; thus throwing it in the power of the large States to control the government. On the contrary, Wm. Patterson, of New Jersey, representing the smaller States, proposed a plan, which continued the Congress of the Confederation, giving a power to control commerce, and to coerce the States refusing to obey its commands. The Federal Constitution, as adopted, was a compromise between these opposing views, and so apparently irreconcilable were they, that the Convention was more than once, on the brink of dissolution, without effecting its purpose.

THE COMPROMISES OF THE FEDERAL CONSTITUTION.

The first great compromise was the present *Constitution of the Senate*, which as a compensation for proportionate representation in the Lower House, gave to the smaller States, equal representation in the Upper House, or Senate. This gave to the smaller States, that equality of representation in an important department of the government, which furnished a valuable safeguard to their power and independence. Another compromise was the grant to the South of *three-fifths representation of their slave population*. Another compromise, was *the extension of the slave trade for twenty years*. Another important provision was, as to *future ratification and amendment*. The ratification of nine States, was to be sufficient to put the Constitution in force; and an independent power of amendment, was given to *two-thirds* of Congress and convention or legislators of *three-fourths* of the States. Congress was given the power and has exercised it of admitting new States into the union; and under this power *twenty-five* new States have been admitted; and the time may come, when the new States shall furnish a *three-fourth's* vote over the adverse vote of the original *thirteen* States. Thus through the operation of national causes, and the liberal interpretation of constitutional powers, apart from the war of Secession, and the arbitrament of the sword, has the *sovereignty* of the States, in its original sense, been subordinated to the power of the Federal government.

THE LEGISLATIVE, EXECUTIVE AND JUDICIAL DEPARTMENTS.

The division of the government into the three great departments, Legislative, Executive and Judicial, first clearly pointed out by Montesquien, forms a leading provision of the British and American Constitutions, and finds it full and best development in the latter; commending itself alike to the reason and experience of the statesman and philosopher. The functions of each, being essentially distinct can better be discharged separately and independently. The Legislative with its two-fold divisions, properly represents the popular will, whilst the judiciary in its calm wisdom and severe judgment, is better fitted to decide between complex and conflicting interests; and the Executive, armed with the power and directness of a single will, can better maintain the dignity and efficiency of the law. Thus, liberty, progress, and material development have the finest scope for their exercise.

LEADING FEATURES OF THE ENGLISH CONSTITUTION.

The leading features of constitutional government, were first developed in England, out of Feudal conditions, and have served as a model for those of most of the European States, and for our Federal and State governments. There, instead of our elective President, is a hereditary king or queen; instead of our Senate, a hereditary House of Lords; whilst the real power of the government resides in the House of Commons, the popular branch of the Legislature. The most characteristic feature of the English government is the Cabinet or Ministry, and which like so much else that is English, is unknown to the written law, and is the creature of custom and precedent—a body concentrating in its hands, the whole power of the House of Commons, and directing the whole national policy, foreign and domestic. The power of the ministry depends upon its majority in the House of Commons; and its tenure of office is dependent on its ability to retain that majority. A defeated ministry must either resign, or appeal to the country, through a general election, on the dissolution of Parliament; and hence there is necessarily a harmony between the ministry, the Commons, and the people. Two great parties, Whig and Tory, with numberless shades of Liberalism and Conservatism, strive for the mastery of the Commons, which is the great battlefield of constitutional liberty; and a change of ministry is but the success, perhaps temporary, of one party over the other, evoked by some transient ebullition of popular feeling, grounded upon some imagined grievance, or some great national reverse of arms. The power of the Lords is only nominal and may be overcome by the creation of new peers; whilst a *veto* by the crown of a great popular measure has not been exercised since the days of Queen Anne; no ministry has been dismissed by the Crown, since 1834; the power of the Monarch, being exercised through his ministry, who are ultimately responsible to the House of Commons.

THE ENGLISH MINISTRY—OUR PRESIDENT, CABINET AND SENATE.

The English ministry are members of the House of Commons or Lords, and thus control the legislation of the country, whilst the functions of our President and Cabinet are chiefly executive; the President exercising however, a wholesome check, through his veto, upon hasty legislation; and the Senate which represents the dignity and power of the States, forming an integral part of the national legislature; and through its tenure of office, its age and experience, tempering the enthusiasm and excitement of the popular branch, by the wise conservatism of its more matured wisdom.

POWERS OF CONGRESS, THE EXECUTIVE, AND THE JUDICIARY.

The powers granted or denied to Congress, will show that it was not the design of our fathers to confer upon it the omnipotence of the English Parliament. Certain powers are granted, which are (1) either specially defined, or (2) which are necessary to carry out the foregoing. On the other hand, there are two classes of powers denied to Congress, specialiy or in general terms. Within the sphere of the powers granted, the general government is supreme, whilst all other powers rest with the States. With Legislative functions vested in two Houses, independent of each other and independent of the Executive, and having a different electoral constituency; the *House* representing the people in the proportion of one representative, according to the last apportionment, to every 154,000 of population; or thirty-three representatives as a maximum in one of the larger States, to one representative in one of the smaller; *the Senate* in which the balance is preserved, by giving two Senators to each of the States, thus making the number of the Senators double the number of the States; with a *President* vested with a power to veto all obnoxious legislation, except that any bill may be passed by a two-thirds vote over his veto; an *Executive Department*, with its seven subordinate divisions, exercising all the administrative functions of the government, and called upon every four years, to give an account of its stewardship; a *Judiciary Department*, with its *nine Supreme and nine Circuit, and one hundred and fifteen District Judges*, holding their offices during good behavior, and exercising jurisdiction in all cases in law and equity, arising under the Constitution, Laws and Treaties of the United States; except purely political questions, which come within the province of Congress or the President; we have a complex system with its manifold checks and balances, in which the wisdom of our ancestors sought to embody the best features of former systems, and to avoid their defects.

GOVERNMENTS, STATE AND FEDERAL, WITH POWERS OF EXPANSION OR ADAPTATION.

We have governments, State and Federal, each moving in its appointed orbit, and vested respectively with stipulated and residual powers, expanding and adapting themselves to the marvelous growth of our territory and population, with an elasticity of adaptation, which daily verifies the truth of Madison's assertion, that "extent of territory is not dangerous to the Union"; we have the heritage of the Common Law, and all the muniments of Anglo-American liberty—those safeguards of life, liberty and property,—the *dulce decus et praesidium* of our national life—which are alike the mainsprings and the bulwalks of our advancing civilization. We have above all, the instincts, the habits and the discipline of freemen—of men, "who know their rights and knowing dare maintain"—the wise conservatism of race, nourished and strengthened by the native air of independence, jealous of encronachment, impatient of wrong, and cherishing as our best birthright, the heritage of freemen.

THE END AND SCOPE OF GOVERNMENT.

That the proper end of Government is to promote the happiness of the governed, is no longer a matter of controversy, but a received axiom in politics. According to Bentham, partial evil must yield to the general good, and the true theory is to pursue "the greatest good to the greatest number; and our own theory and practice teach that this is best effected by a government "of the people, for the people, and by the people." As to the true sphere and proper functions of government, there has been much controversy. *The non-interference theory* has found its strongest advocates in John Stuart Mill and Herbert Spencer, on the ground that State agency is less effective than that of individuals; and whilst the first would give to the State the power to regulate education, the hours of labor and kindred subjects, the latter would restrict the sphere of government to the protection of life, liberty and property.

LEGISLATION WITH US. STATE INTERFERENCE.

In our own country, the boundary of State Federal legislation, are in a large measure clearly defined, but the limits to which State intervention should properly go in the development of the industrial resources of the country, and the education and morals of the people is a question of more difficult solution. Works of great magnitude and of a public character and of national concern, nesessarily invoke the agency of the general government—the national defences, the regulation of inter-State commerce, the post office, the mint and perhaps the telegraph. Whether properly or not, State legislation has attempted to foster and regulate almost every material, social, moral, religious and educational interest. In many cases it has gone too far, repressing private enterprise and retarding social and industrial progress. The tendency seems to be on the side of excessive State interference.

WESTERN LEGISLATION.

A writer in the May number of the *Contemporary Review* cites the State of *Minnesota* as an example of this tendency, and as a fair sample of Western legislation. Every material and social interest, the grain traffic, the cattle business, insurance, pharmacy, fish and game, steam-boilers, toll for grinding, labor, the public schools with compulsory attendance, charitable establishments, prohibition and high license, all receive the attention of the Western law-giver. The subject is a wide one, and we shall not attempt to discuss it in its manifold bearings and complex relations. It would indeed in itself furnish material for an essay. But we may rest assured that there is rather danger of too much than too little legislation, and that Government best subserves the ends of its institution, which after furnishing all proper guarantees for the protection of person and property, interferes least with personal freedom and individual enterprise.

AMENDMENTS.

The Constitution of 1787 is substantially the Constitution of 1887, with certain amendments spreadded. In pursuance of the power conferred by the Constitution, and according to the mode prescribed by it, *Fifteen Amendments* have been ratified and added to it, as a supplement. The first *Ten Amendments* were the result of the struggles over the adoption of the Constitution, and form the guarantees of popular rights, having been proposed by the first Congress of 1789, and ratified in 1791. The *Eleventh Amendment* prohibiting a citizen from sueing a State was ratified in 1798: and the *Twelfth Amendment*, changing the Electoral system to its present form, was ratified in 1801. The *Thirteenth Amendment* abolishing slavery was ratified in 1865. The *Fourteenth Amendment* conferring citizenship on the blacks, but disfranchising the higher classes of Confederate officeholders, after being rejected by the legislatures of the Southern States held under "President Johnson's Policy," was adopted finally in 1868, under the *Reconstruction Acts*. The *Fifteenth Amendment* forbidding any discrimination in the right of citizens to vote, on account of "race color, or previous condition of servitude" was ratified in 1870.

THE CONFEDERATE CONSTITUTION.

The short-lived Monigomery Constitution adopted substantially the provisions of the Federal Constitution, but made some important changes. It formally recognized State sovereignty; gave the Cabinet seats without votes in Congress; lengthened the term of President and Vice President to six years, forbidding the re-election of the former; forbade appropriations for internal improvements, and the passage of a Protective Tariff; and gave Congress the power to protect slavery in the territories. The fall of the Confederacy deprived Southern statesmen of the opportunity of testing the value of these changes, and of realizing their dream of their ideal republic.

1787 AND 1887.

The Constitution of 1787, as we have said, is substantially the Constitution of 1887. *State Sovereignty* is indeed a thing of the past, but *States Rights* are interpreted and enforced by the highest judicial tribunal in the land. Slavery with its cherished traditions of Southern Home life has passed away with the echoes of the war that sought to maintain it; but new fields of enterprise have been opened to engage the active brains and busy hands of Suthern youth, and to the triumphs of statesmanship and diplomacy, of literature, science and art, they are called upon to add the mastery of material forces, in the development of material wealth.

A NEW SOUTH AND A NEW WEST.

We honor and cherish the memory of all that is best and brightest in our old civilization, and hold fast to those manly instincts and deep-rooted principles of honor, valor, integrity, patriotism and sectional pride, which formed the characteristic features of Southern civilization; but now we are prepared to join in the fierce competition and busy enterprises which se to give us not only a *new South* but a *new West*.

A NEW NORTH AND A NEW EAST.

To plant cities in the wilderness, and over all this broad land of ours from the seas to the lakes, to shower over a thousand happy homes the blessings of freedom and the richest fruits of civilized life

FELLOW CITIZENS! AND STILL FELLOW CITIZENS!

Adopting the sentiment and partly the language of the eloquent Prentiss, we may still say, I have stood on the shores of the *Golden Gate* of the Pacific and said *Fellow Citizens;* I have stood on the banks of the *Father of Waters* and said *Fellow Citizens!* I have stood among the bleak rocks of New England and said *Fellow Citizens.*

ANOTHER CENTENNARY.

And now at the close of the first hundred drad years of the life of tha republic, we may indulge the hope that having survived the perils of its infancy, it may, with renewed youth and unimpaired strength, enter upon a new career of honor, usefulness and renown. And when another hundred years have rolled by may we still be able to adopt the stirring words of Milton: "Methinks I see in my mind a noble and puissant nation rousing herself like a strong man after sleep, and shaking her invincible locks; methinks I see her as an eagle mewing her mighty youth, and kindling her undazzled eyes at the full mid-day beam, purging and unsealing her long abused sight at the fountain itself of heavenly radiance.

JURIES WHO CULTIVATE CRIME WILL NOT CONVICT FOR MURDER.

We Will Hang for Murder when Men are Elected to Office who Will Not Tamper with Whiskey and the Jury Box.

Editor Press and Banner:

In the absence of news of stirring interests, will you allow in its stead a few lines upon a subject touching the welfare of every community, more especially this one, and for the safety of the young men just growing up, may the writer be permitted to present a few facts that may arrest the attention of all parties interested in the good work. These lines are suggested by what we may read in nearly every paper, but more recently in the *Berkley Gazette, News and Courier* and *Abbeville Press and Banner.*

Murders are becoming too frequent, especially in Berkeley County. This is too true, and it can be attributed to the natural outgrowth of evils to which we have been exposed, the fruit of seed sown. Some may say whiskey! We are free to admit that it is whiskey drinking, but is it only whiskey that is heaping up our troubles upon us? We are now reaping the fruit of seed sown many years ago when our young men were led into crime of many kinds, feeling it to be of public necessity, and gradually we have become indifferent to the enormity of the crime of murder. In more than one instance the murderer has been lauded publicly for taking human lifef and we have been led on until step by step crime has crept into our midst, and we regard it an accomplishment. We are now brought face to face with this growing evil. Now the cry is: "It must be stopped!" Every case of murder is attributed to whiskey or an old feud. We may look about us at any time and see drunkenness. Some of the most prominent men in public life stalk about, supported by a good Samaritan leading him into some secluded spot. Others who are held up in the community as leading men, in State and church, (setting the example to young men) staggering about, yet shaping public opinion, who have become prominent in State affairs by their unblushing methods done in whiskey, who lead the youth in their ways by their example.

With these facts staring us full in the face we are blandly told murder must cease. It can never be as long as these evils continue. If you cultivate and encourage vice, will not murder follow? Can you expect the parties who cultivate every form of vice, to convict for murder? No, sir. It is customary in some sections under this great Government to select such men to put in to fill the offices of trust and responsibility. It would be expecting too much of human nature to ask conviction for murder, when they have the preparing of the jury for assault or petit larceny. You can depend upon full support from officials—these petty offences and larceny seem to be the only offences against the law. Many times we have listened with surprise to an admiration expressed for the ability of one man to outwink another. Our young men have in more than one instance yielded to temptation offered by these unfortunates and are on the same road that the older ones have blazed out for them. Can anything be done to stop this wholesale system of debauchery? While this state of things go on in high life, what are we to expect of the negro? Reform the party methods, and elect men to office who will not tamper with whiskey and jury boxes, and we will soon be able to hang for murder, and it will not stop until that is done. Begin at once and start in the right place. How often do we hear: "He will never be hung, or punished, for killing that man! We will fix that."

Now, Mr. Editor, you think that the Government should protect its citizens. I do think if there is not respectability enough in our party (the Democratic party) to turn out all men from office who tamper with whiskey, witnesses and jurors, we had better find some other party (not the Republican party.) Let a better element assert its power and stop this ballot box fraud, and putting men in office who do not receive the intelligent support in their own party. This is what is dragging us into disgrace. I am an advocate for but one party, but if we cannot do better we must have another party in the same ranks. We cannot afford to recognize the Republican party. We want two Democratic candidates in every county and State. This will be our only chance to correct the many evils from which we suffer.

T. S. GAILLARD.

A gallant form is passing by,
The plume bends o'er his lordly brow;
A thousand congues have raised on high
His song of triumph now.
Young knees are bending round his way,
And age makes bare his locks of gray.

Fair forms have lent their gladdest smile;
White hands have waved the conqueror on,
And flowers have decked his path the while
By gentle fingers strown.
Soft tones have cheered him, and the brow
Of beauty beams, uncovered now.

The gallant steed treads proudly on;
His foot falls firmly now, as when
In strife that iron heel went down
Upon the breasts of men;
And foremost in the ranks of strife,
Trod out the last dim spark of life.

Dream they of these—the glad, the gay,
That bend around the conqueror's path—
The horrors of the conflict day—
The gloomy field of death—
The ghostly slain—the severed head,
The raven swooping o'er the dead?

Dark thoughts and fearful! yet they bring
No terrors to the triumph hour,
Nor stay the reckless worshiping
Of blinded crime and power;
The fair of form, the mild of mood,
Do honor to the men of blood.

Men—Christians! pause—the air you breathe
Is poisoned by your idol now;
And will ye turn to him, and wreathe
Your chaplets round his brow?
Nay, call his darkest deeds sublime?
And smile assent to giant crime?

[*Chambers' Edinburg Journal.*

Training Schools for the Penitentiary.

As an argument against reformatories, it is well known that they are scarcely more than training schools for the Penitentiary. When a youth is once sent to a reformatory, his character is as assuredly, gone as if he had been sent to the Penitentiary in the first instance. Outside of the vicious contact with precocious criminals, the mere fact of having been an inmate of such an institution will be fatal to his future usefulness as a citizen, destructive alike to his own self respect and of the confidence of others.—*Marion Star.*

HAWTHORNE'S PLAGIARISM.

EXCORIATION OF HAWTHORNE AND VINDICATION OF BENET.

A Crushing Criticism Published in Hawthorne's Former Home, Richmond, and Republished in His Present Home, Atlanta---It Wont do to go Back on the Printer and Reporter--The Unfortunate Quotation Marks.

The following editorial of the *Richmond State* we copy from the *Atlanta Constitution.* Rev. Dr. Hawthorne was for several years in charge of a church in Richmond, Va., before he was called to Atlanta. In both cities he has occupied a very high position as a preacher and as a leader in the prohibition movement; and he has had the misfortune, it seems, to be accused of plagiarism before.

From the Richmond State.

The Rev. J. B. Hawthorne has no claims whatsoever upon the courtesy of the State; but as this paper has already published the Hon. W. C. Benet's complete exposure of Dr. Hawthorne's glaring plagiarism, it gives space, for the sake of fair play, as well as for the public's better understanding of this question, to Dr. Hawthorne letter in the Dispatch of yesterday. As is seen, the letter opens with Dr. Hawthorne's characteristic abuse. It is a very cheap sort of misrepresentation that speaks of those who have aided in the detection and exposure of Dr. Hawthorne's literary dishonesty as "paid slanderers in the service of the doggery keepers." For it is very probable that no man whose hand has helped to unmask this loud declaimer of other men's ideas has ever received or will ever receive for his services any compensation save the knowledge that he has done his duty to a deceived public. But this is not the first time that this intolerant speaker and writer has attributed mercenary motives to those who have honestly differed with him as to the means he advocated for promoting temperance—temperance professedly the object of his speeches and writings, but leaving so little impress on his spoken or written language. That vigorous opposition to prohibition should be taken as proof that those engaged in it are paid for their help by the liquor dealers is just as reasonable as to say that those who favor prohibition are the secret agents of the dealers in limeade and soda-water.

There is a fact that must be fully taken in mind in the beginning and borne constantly in mind in the whole consideration of this question—that not once, but on several different occasions, has Dr. Hawthorne been accused of plagiarism. Whilst other men are not even suspected he is accused again and again. Is it possible that a cruel fate has selected Dr. Hawthorne as the particular object of its wrath? Is he more than any other man the peculiar victim of circumstances? In short, is it only accidential that the lightning of criticism strikes his speeches so often, or is it the foreign metal in them that inevitably attracts the fatal fluid?

First Dr. Hawthorne abuses the Atlanta correspondent of the Dispatch and in his defense against numerous charges of plagiarism cites a single case in which he was accused and happened—according to the opinion of those whom he chose as his judges—to be declared not guilty. The remaineder of his defense is his own unsupported statements—unsupported by testimony, unsupported by circumstance. It need only be said in reply to them all that if he be guilty of plagiarism, as Mr. Benet has clearly shown he is guilty, it will not be difficult to determine the value of any statement he may make in his own behalf. The man who pilfers other men's ideas and palms them off as his own will hardly be found exhibiting any delicate scrupulousness in his efforts to escape public condemnation.

Dr. Hawthorne says that when accused of "stealing" his speech he referred the matter to Dr. Strong himself and Dr. Strong replied by thanking him for "stealing his words. Generous, forgiving Dr. Strong! But how was the matter referred? Mr. Benet's exposure was his second letter, and if Dr. Hawthorne laid his case before Dr. Strong as soon as he was accused in Mr. Benet's first letter, then, as there was an interval of more than two weeks between the publication of Mr. Benet's first letter and the publication of his second letter, Dr. Hawthorne had no opportunity, even if he had wished it, to send to Dr. Strong at that time a copy of the *Augusta Chronicle* containing that second letter with its startling and convincing parallel columns, in which appeared side by side quotations from "Our Country," as they are written by Strong and as they were quoted by Hawthorne. If Dr. Hawthorne had submitted a copy of Benet's second letter to Dr. Strong, and the author of "Our Country" after reading it, had thanked Dr. Hawthorne for "stealing" his words, then Dr. Strong would stand out single and alone as the only man in the world so generous, so humble, so forgiving as to thank another for taking away his ideas, and after garbling his language, using the ideas as his own.

It is generally accepted that if a man cannot successfully defend any given point the less he says about it the better. It is significant that, although Dr. Hawthorne claims to have spattered his manuscript with quotation marks, he has not yet explained why it was that he changed the wording of the quotations! Surely this is a novel practice—using quotation marks and yet changing the quotations within them. To quote from an author without giving him due credit is the same thing as borrowing a man's property without his consent; to change the quotation, besides, is the same thing as hiding or trying to alter the appearance of the property when it has been taken. To appropriate and try to conceal the property of another is not more worthy of condemnation when the property is material property than when it is intellectual properly. Then what is the explanation of this unwarrantable tampering with another man's written language? Was it intended that the language should be improved upon and that yet credit should be given to the author, whose name is now mysteriously withheld by Dr. Hawthorne for some occult reason that he does not divulge, but promises to divulge hereafter? Surely Dr. Hawthorne was not ashamed "to acknowledge his indebtedness" to Dr. Strong because the mention of Dr. Strong's name would detract from the effulgence of his quoted language; and if this be true, was it due to any imagined unpopularity of Dr. Strong? Or was it due to the desire of Dr. Hawthorne to make his speech appear as original at Dr. Strong's expense? Which seems the more probable?

Dr. Hawthorne says that the *Chronicle* only published that part of his speech which was in writing, that in this he used quotation marks, and that they appeared in the *Chronicle's* report except "in two or three trivial instances." Let us refer to Mr. Benet's letter of exposure, which The State republished from the *Augusta Chronicle* on Saturday, August 20th. That any of Dr. Hawthorne's quotation marks were arbitrarily omitted by the compositors on the *Chronicle* is an excuse at which those familiar with the discipline of a composing room will dubiously shake their heads. "Go back on" the printer and the reported is a device that has been worn threadbare by public speakers who imagine that their greater requtations will give their statements of those who are less well known and possess less influence; it is a device that for small is quickly recognized and heartily despised in every newspaper office.

Even granting that Dr. Hawthorne used some quotation marks in his manuscript why did he wish to deprive Dr. Strong of due credit for his labor? But what is far more important—what is far more significant—why did he change the wording of these quotations?

* * * * *

Was ever an attempt to produce that dissimilarity which would bespeak originality so weak? Was ever plagiarism more flagrant, more unpardonable, more worthy of the severest condemnation and the most righteous contempt? If there be any who, in the face of these facts, would still claim that there was innocence where guilt is so plain, then they are either too blind and sodden with prejudice to be able to tell right from wrong, or, preferring to look upon what is false rather than upon what is true, they would vainly seek to whiten this sepulchre.

"A Gentleman and a Scholar."

Augusta Evening News.

There remains nothing else to be said. The reading public will sustain our opinion of the Hon. W. C. Benet expressed in the brief laudation above recited. He has indeed proven himself "a gentleman and a scholar." He has said all that is necessary to be stated in closing up accounts with the Rev. Dr. Hawthorne, and he has said it in a manner so courteous and parliamentary and withal so withering, as to leave no doubt of a final settlement of the question and also of the plagiaristic divine. Dr. Hawthorne himself, in the midst of his rambling and raving, has by this time evidently discovered that he has run against a master of the English language "as she are spoke," and we verily believe that away down in his secret soul he is sorry that he ever tackled "a man by the name of Benet" from Scotland.

The *Evening News* does not feel justified in publishing Mr. Benet's communication, however much we should like to lay such a master piece of language before its readers. It will be read, however, and enjoyed by all our people in the columns of our morning contemporary. The *Evening News* has simply been an interested observer and a judicial commentator of the discussion as it proceeded, and has dealt as fairly by Dr. Hawthorne as by Mr. Benet. In proof that we have no ill feeling against Dr. Hawthorne or that we are not paid by the "whisky ring" to attack him, we will add that the columns of the *Evening News* have always been open to the cause in which he visited Augusta. In voicing the verdict of guilt in the matter of plagiarism, the only issue in the present discussion, the *Evening News* has simply echoed the universal popular sentiment. Our previously high opinion of Dr. Hawthorne has suffered a severe collapse, but this sentiment is also generally shared in by the community. Our opinion of Mr. Benet has, on the other hand, been raised with every word he has written; and although the *Evening News* has not the honor of his personal acquaintance, knowing him only in the good will of all our people and in his extended reputation as a gentleman and a jurist, we doff our cap to him and welcome him and all foreigners like him to free and fair America.

HAWTHORNE AGAIN ADDRESSES "ANXIOUS INQUIRER."

Harsh Words of Denunciation From the Pulpit---The Divine Preaching to His People---The Literary Sensation Again.

Augusta Chronicle.

ATLANTA, GA., Sept. 11.—Dr. Hawthorne preached a remarkable sermon to-day, on Revelations 2:10 as his text—"Be ye faithful unto death and I will give thee a crown of life." The sermon began as follows:

These words are not my own. They are quoted. They are taken from the Bible. They appear in the last book of the Bible. That book is called the Revelations. The words occur in the second chapter and tenth verse. They are God's words. They