



An Independent Family Journal---Devoted to Politics, Literature and General Intelligence.

HOYT & CO., Proprietors.

ANDERSON, S. C., THURSDAY, OCTOBER 7, 1869.

The Constitutionality of the Homestead property, as well as present, subjected to Editorial Correspondence of the Charles-Law. Uhere future acquisitions ton Daily News.

interest and deserve consideration :

each other. Some of these have been published. As nisi prius decisions, they have no general authority, and had better not been published, as they are calculated to mislead and disappoint. The writer of this has little doubt but that our Supreme Court will declare this Act unconstitutional, so far as it is retrospec. tive, as impairing the obligation of contracts. No authoritative decision can be found to sustain the Act. The decisions various ones of his creditors here unpaid. Congress upon that Constitution was different from that upon the Constitution of any other State. It is argued that at the before Judge Thomas and asks for an orany other State. It is argued that at the adoption of our Constitution, South Car-olina was not, in the purview of the United States Constitution, "a State." This question has passed the stage of ar-gument, for the United States Supreme Court has decided the precise point in Texas vs. White, 7 Howard, p. 726. I would call especial attention to these words in that decision: "The obligations and other household goods to join would in that decision: "The obligations and other household goods to join woulds in that decision: "The obligations and other household goods to join words in the the precise point in the busched in Atlanta, Ga., and set un a words in that decision : "The obligations her husband in Atlanta, Ga., and set up a of the State as a member of the Union homestead there. remained perfect and unimpaired. It But Congress did not assume (as is asserted) to make the Constitution of this testate would have to be sold for the pay-XV, United States Statutes, p. 73, and nothing can be found therein in the slightest to justify the assumption. The Now it is plain to us that these decispreamble recites that "whereas the peo-Republican.

are attempted to be exonerated, and the

not allowing an exemption to be made of might be, nor are the houses as outwardproperty which a debtor owns, but not ly fresh as paint and pence could make Our Judges have rendered decisions upon this Act greatly at variance with each other. Some of these have been is the case will be found in 6 Howard. page 328, where the court sustains itself Ridge of one whit of their solemn or

by ten authorities. Let us not tamper with the law and JUSTICE.

weeks, or more, ago, one Christian Meyer | ilies. Pendleton cannot now claim the absconded from this town taking with bim some valuable property, and leaving the war; but the people are gentle in 13th September, republished in the Co-various ones of his creditors here unpaid. manner as in blood, and look forward lumbia Phænix, of the 24th of the same of other States have no authority. If Last week the wife of the said Meyer with confidence to the time when the vilthe Acts construed are similar to ours, prepared to follow him, and had all their lage may see its own again. And, innothing more. Often the grounds of such decisions are entirely different. Georgia, for instance, has a different constitutional provision, and the action of furniture was attached in the freight cars marked to Atlanta, Georgia.

The wife of the absent debtor comes

Another case. A Bill is filed by an certainly follows that the State did not Administrator to marshall the assets of tease to be a State." This decision must his intestate's estate for the payment of have escaped the notice of some of our debts. A minor son, 16, years of age, answers by guardian ad litem and claims argued that the homestead provisions of that a homestead should be admeasured our Constitution are made of force by becoming, by adoption, an Act of Con-gress. Now, Congress could not give has no one but himself to occupy the any State the power to do what the Con- homestead if laid off. The accounting of stitution has forbidden. This proposi- the Administrator has not yet been had; tion cannot be seriously controverted, the debts against the said estate have not and is conclusive of the point raised. yet been proven; the Court, therefore, could not know that the lands of the in-State an Act of Congress. Read the Act, ment of debts. Yet the Court grants an

ions are very far beyond either the letter ple of South Carolina have framed a or spirit of the Homestead Act. And it Constitution of State Government that is is because we regard the homestead ex-* * * Therefore, emption as a wise law, and wish to see it be it enacted that South Carolina shall established and acquiesced in by all, credibe entitled to representation in Con tors as well as debtors, that we regret to gress." After all the stress that has been see such stretching decisions, as will necessarily have the effect to bring the law who read the Act will be surprised to itself into disrepute. The approaching and other like expenses. find that there is nothing else in it bear- session of the Legislature, together with ing at all upon this question. What, now, did Congress enact? Nothing, be-have no doubt, set at rest the many points

PENDLETON, S. C., September 28. The Charleston News publishes the fol-lowing communication, from one of the ablest lawyers of the State, in which the constitutionality of the Homestead Act is denied. His views will be read with tender beauty. Much of the society which made this

one of the pleasantest neighborhoods in the State still remains, and the seaboard HOMESTEAD DECISIONS .- Some three is represented by several prominent famwealth and brilliancy of the days before household goods hauled to the depot for deed, it must be a cosy place wherein to

COTTON MANUFACTURERS,

who will find in this vicinity water power enough to run all the mills of New England. What may be accomplished by cotton mifls in this State is again illustrated in the case of the Pendleton Cotton Factory, which is situated about three miles from the village. This facto-ry was built in 1836, and is 160 feet long y 60 feet broad, giving employment to about fifty hands and consuming 1000 pounds of cotton daily. The present proprietors, William Perry & Co., have put in new machinery since the war closed, and are making arrangements to put ap machinery for weaving plaids and woolen goods. The Pendleton Factory, in spite of the high price of cotton, is paying dividends of five per cent. a quarter, or at the rate of TWENTY PER CENT DOUBLES TO A STATE OF THE CENT DOUBLES AND A STATE the rate of TWENTY PER CENT. per annum. There is not, in truth, any spot in South Carolina, where the water power can be had, where a cotton mill might not be worked to handsome profit, while the Northern mills at the same prices would ting interest of South Carolina. lose money. The difference in our favor is made up by the lower cost of the raw

An Exposure of Official Ignorance. Some two months ago, we published a etter from the Commissioner of Agriculture in this State, and which originally appeared in a Cincinnati paper. We call- about recently, is based upon conditions ed attention to his extravagant assertions | that will continue to affect the price du at that time; but did not enter into de-tails concerning the standidty and ignor tails concerning the stupidity and ignorance of this official, believing that our readers would detect his manifold errors But is there as much cotton remainwithout any assistance. This letter has ing to be gathered as usual at this the Psalmist: recently been published in other newspapers, and a correspondent of the Columbia Phanix thus exposes the reliable sta- States. Not only has rust destroyed a

tistician: Henry Sparnick, Esq., Commissioner, &c. Sir :- Your remarkable communication in the Cincinnati Commercial, of the and there is now literally no "top crop"

month, demands an exposure of its absur- and bolls. The state of the weather that dities at the hands of some practical man, who knows, which evidently you do not, my Pendleton friends will throw off a such an extraordinary epistle—whether it little of their disinclination to praise were an attempt at Munchausenism or crop," and then we will see receipts fall-could stoop to a mean act, to carry party themselves, and will encourage some com- whether it was to inform the readers of ing off, at least in this part of the cotton petent person to open a good hotel, this the Commercial, that South Carolina had region. We do not advise planters to if not by the present generation. place may have next year a comforting array of visitors. The Air Line Railroad, which is expected to touch every village the present "black and tan" General As-which is expected to touch every village the present "black and tan" General As-the present to give rise to errors. been the census reports of the United the present true state of the cotton States. Can you, from those reports, get a single idea published as a fact in your letter?

You say, "over 100 bushels of corn and 60 bushels of wheat have, with ordinary of the business season. The extraordincultivation, frequently been made to an acre in this State." Has your credulity induced you to publish your total unfit-ment of the crop, and the price being ness for the office you presume to fill ? high, the planters strained every nerve Where have you ever known such yields to get it into market, and the conseto be harvested in this State "frequently," quence is unparalleled receipts. This even with "extraordinary labor?" Sev-eral years ago, one gentleman in Winns-how or dead of the balance of a time, in any portion of the State, been produced upon more than a single acre. with most extraordinary preparation, and exterior the second state of the second state of the second state. Nor at a fair price to any great extent, for produced upon more than a single acre. excellent scasons, is all news to the plan-

is made up by the lower cost of the raw material, wages and food, and by the saving in waste, cost of transportation and other like expenses.

The planters of South Carolina will

cherish so dearly, that you will do so truth-

grant to see what you never saw in South

he is of the Yeepoos of Tartary, and as

little entitled to be their spokesman as he

A PLANTER.

fleeced from them by unjust taxation.

The Decline in Cotton.

is not in Georgia and Alabama, and we

doubt much whether there is in other

localities, but the severe drought has pre-

on cotton that with more favorable sea

"We do not regard it is by any means

The Great are Dying. Recently three distinguished men have passed away-Hon. John Bell, of Tennessee, Senator Fessenden, and General the great decline that has been brought Rawlins, Secretary of War. The latter is said to have been the only friend of the South in Grant's Cabinet. Now that he is gone, the duty of trusting to God for protection is more apparent. "Vain 18 date are far ahead of receipts to corthe help that man supplies" at best, but responding dates of late previous years. when those that are friendly are taken out of the way, then we must say with

VOLUME 5 .--- NO. 15.

"God is our refuge and our strength, In straits a present aid."

Gen. Sherman is the successor of Rawconsiderable portion of the plant in many lins, pro. tem., and if he is disposed to make amends for the evils he has inflicted vented the formation of the later bolls, on us, the way is open ; let him show a friendly hand.

Senator Fessenden showed himself ä sons would now be full of young forms man in the impeachment of Andy Johnson. Doubtless he had a very poor opinhas prevented this later growth has hur-ried the maturity of the earlier cotton, and planters have taken advantage of it to be influenced by party considerations schemes, will be contemned by posterity,

and the war with all its horrors, would have been postponed indefinitely. But it appears to have been so ordered that three candidates were to take the field and weaken each other, and so open the way for Lincoln and the war and the ultimate

But let us hope for the best. Though the great men die, God lives and reigns, half gathered, into market in advance and may defeat the schemes of the weak and wicked .- A. R. Presbyterian.

THEY WON'T TROUBLE YOU LONG .---Children grow up-nothing grows so fast as children. It was but yesterday, and that lad playing with tops, a buoyant boy. He is a man and gone now. There is no more childhood for him or for us. Life has claimed him. When a beginning is made it is like ravelling a stocking, stitch by stitch gives way until all is gone. The house has not a child in it-there is no more noise in the hall-boys rushing pelltered it or even made their financial ar-rangements for the season's work. Nor now no more skates, sleds, balls or strings left scattered about. Things are neat now. There is no delay for sleepy folks ; there is no shipping to enable them to send it forward. Under these adverse circumstances, while cotton has almost "by good ploughing and a moderate use stood still in Liverpool, having declined no disputes to settle, nobody to get off to

certain," says the Columbus Enquirer, and we fully agree with it in opinion, "that

laid upon the action of Congress, those ing at all upon this question. What, now, did Congress enact? Nothing, be-yond allowing this State representation. And suppose we call the preamble an enactment, then what follows? Why, $\frac{1}{2}$ Why, $\frac{1}{2}$ Creek, $\frac{1}{2$ that the constitution is Republican. Noth-ing more. Will any Judge pretend that ing given its authority to a measure which is so directly in contravention of the Constitution of the United States. But, mirabile dictu, the Constitution of South Carolina does not make a retromake no provision that the exemption is principle of our system. Claiming statesthorities can be cited, ad nauseum, that in the construction of constitutional or they are the service slaves of a party caustatute law, all provisions are presumed cus. Pretending to invite criticism, they to be prospective, unless the contrary be stifle freedom of debate in Congress, by expressly enacted. Neither secession, then, Congress or the Constitution of blood. Insisting upon peace, they prolong the strife to stir up a new one Strife to store the second and the low rents. One of the best houses in the village, with, I be-lieve, ten rooms and a lot of eleven acres, 1868, authorized a retrospective home- the old strife to stir up a new one.-Sav. stead law. Nothing is now left but the News. naked Act of 9th September, 1868, XIV Stats., p. 19. The provisions of that Act are retrospective. The Act of 1868 at the prohibition of our own Constitution

of 1868. (Art. I, Sec. 21.) Do we hear any one bold enough to say that a retrospective homestead exemption does not impair the obligation (which is binding upon our Judges,) in the case of the Planters' Bank vs. Sharp, exempting a homestead and tools, &c., the court makes this qualification, which, we think, ought not to be overlooked, having a *slight* bearing upon the question. "Again, State insolvent laws, if made like this law, to apply to past contracts, and stop suits on them, have been held not to be constitutional, except so far as they discharge the person from imprisonment. When so restricted, they tleman of a belle. "To worry other wodo not impair the obligation of the con- men," was the diabolical reply. tract itself, because the obligation is left

spective homstead provision. I challenge caste, they clevate blacks above the whites to the end. These distances are nearly any one to point out the clause. Article in two-thirds of the country. Magnifying correct by the present high road. The fully. Do not invite the energetic immi-I, Section 20, and Article II, Section 32, loyalty, they trample out every worthy legend says further that the devoted woto apply to antecedent indebtedness. Au- manship, their officials are either conspira- a night, and that Fort George was saved.

- The Dismal Swamp, on the boundary line of Virginia and North Carolina, is are retrospective. The obligation of every year affected by the drought, so once falls as impairing the obligation of that the surface takes fire and burns until contracts, by virtue of the prohibition of extinguished by autumn rains. This the United States Constitution, and by extinguished by autumn rains. This year, on account of the long continued dry weather, the conflagration is of unprecedented magnitude, and has already burned for a distance of 16 miles, from northwest to southeast. Several fine of contracts, and is not violative of the farms have been burned out, and on fields institution is spoken of on all sides as one Constitution of the United States? If formerly rich with crops nothing is to be in which the pupils study rapidly and so, we merely reply by citing the decision scen but acres of ashes, the pits in some learn thoroughly, while, by constant comso, we merely reply by citing the decision cases being 15 feet deep. The surface of panionship with their teacher, they attain the swamp consists of decomposed vege- a moral dignity and elevation of sentiment table matter, held together by the roots worth in itself far more than any ordinathe case of the Planters' Bank vs. Sharp, wherein, after deciding (as quoted by one of our Judges) that States can pass laws surface, yet in many instances the fire con- is all that could be desired, and I am tinues to burn underneath, and thus forms pleased to learn that the number of pupils extensive hollows. The bed of Drummond Lake, in the centre of the Swamp, is supposed to have been burned out in this way, many hundred of years ago.

> - "Why do women spend so much time and money on dress?" asked a gen-tleman of a belle. "To worry other wo-your measure?"

- Editors ought to be able to live very in full force and actionable, and future cheap-they get "bored" for nothing.

AN INDIAN STORY. six Mile" Creek, now the name of a sta- identical crop in Columbia. THE RADICAL PARTY .- Some one has tion on the Greenville and Columbia word "republicant for to come more includence in the figures in this bill of indictment the figures. In this bill of indictment the George were cut off from their supports, wheat, 40 bushels of barley," &c., &c., and Constitution of South Carolina should summated and maintained disunion. Af- ans intended to make an attack in force erage has been largely increased." Is have the force of an Act of Congress. fecting economy, they have given us the at a certain time, and there was no hope this shameless ignorance on your part, or This would not sustain a homestead pro-vision antagonistic to the Constitution of Virtue, they made it the mest cor-vision antagonistic to the Constitution of Chemosina for could with the mest cor-vision antagonistic to the Constitution of Chemosina for could with the mest cor-vision antagonistic to the Constitution of Chemosina for could with the mest cor-vision antagonistic to the Constitution of Chemosina for could with the mest cor-vision antagonistic to the Constitution of Chemosina for could with the mest cor-vision antagonistic to the Constitution of Chemosina for could with the mest cor-vision antagonistic to the Constitution of Chemosina for could with the mest cor-vision antagonistic to the Constitution of Chemosina for could with the mest cor-vision antagonistic to the Constitution of Chemosina for could with the mest cor-vision antagonistic to the Constitution of Chemosina for could with the mest cor-vision antagonistic to the Constitution of Chemosina for could with the mest cor-vision antagonistic to the Constitution of Chemosina for could with the mest cor-vision antagonistic to the Constitution of Chemosina for could with the mest cor-vision antagonistic to the Constitution of the period with the mest cor-vision antagonistic to the constitution of the period with the mest cor-vision antagonistic to the constitution of the period with the mest cor-vision antagonistic to the constitution of the period with the mest cor-vision antagonistic to the constitution of the period with the mest cor-vision antagonistic to the constitution of the period with the mest cor-vision antagonistic to the constitution of the period with the mest cor-vision antagonistic to the constitution of the period with the mest cor-vision antagonistic to the constitution of the period with the mest cor-vision antagonistic to the constitution of the period with the mest cor-vision antagonistic to the constitution of the period with the mest cor-vision antagonistic to the constitution of the period with vision antagonistic to the Constitution of the United States, for the Constitution of rupt. Clamoring for equal rights, they 1868 itself provides that nothing in it "in contravention or subversion of the Constitution of the United States can have freedom, they established and maintained squaw, who had at a distance become proves their utter irreliability. any binding force." (Article I, Section 4, and the "oath," Article II, Section 30.) Professing toleration, they proclaim ac-terred to carry the momentous dispatch tecred to carry the momentous dispatch agree with you, that "we are blessed in on a plate, to be renewed every six hours. Let us hear no more about Congress hav- ceptance of their creed the alternative of to the distant fort. The squaw set out, the distribution of the seasons," and that ing given its authority to a measure ostracism and disfranchisement. Howl- following the old Indian trail, and as she our climate and soil enable us to grow

man ran the ninety-six miles in a day and

FOR THE SUMMER VISITOR

Pendleton has many attractions, and not the least of these are the moderate ing by honest labor, you make your'srates of board and the low rents. One of is rented for one hundred dollars a year. Other houses, suitable for families, are rented at sixty dollars. A large number of refugees lived in this place during the war, and have since moved away. There enjoy them. But at the same time, they keeps rents at the rates I have named.

A CHOICE SCHOOL.

Pendleton has also a school for young ladies, conducted by Miss Warley, a lady of large experience and ripe culture. The s steadily increasing.

- A photographer in one of the coun- for freedom. sweet simplicity asked, "How long does out the kindness of Boaz in commanding

made on one acre, within the corporate cents for the same period in New York, limits of thiscity last season, on land that and about the same in Savannah and

they have nothing to fear from delay, But you proceed : "Prior to 1860, our ing more. Will any sudge pretend that the function of the Greenvine and Columbia But you proceed : "Prior to 1860, our they nave nothing to teat from deay, and can well afford to "wait for the drawn up a very correct bill of indict-ment against the Radical party. It is names in this way. During the Cherokee the official reports of the United States, according to the them cease to press their the official reports of the United States, and can well afford to "wait for the ment against the restrict before it is reader." to receive and forward them. The prinnomestena clauses. Suppose, nowever, in this bin of indetinent the decige whet car of non their supports, wheat, 40 busnels of barley, "&c., &c., and "indetinent the print" is to receive and for and no flowers; a brook this too, "despite the carelessness of slave ling themselves Unionists. they have con- ty-Six. It was discovered that the Indi-without any foundation in fact,) that the Complime about the maintained displace being at Sine ling themselves Unionists. they have con- ty-Six. It was discovered that the Indi-through its channel. they do, money and ships will come

> DISINFECTANTS .- Some one says that noxious effluvia are absorbed in an in- proof. That is the Chirstian family day. credibly short space of time, if two or three orions are cut in thin slices, and put of peace. The tamily seems made up This is just as true as that the smarting you can lay your hands upon their heads. from the scratch of a pin becomes instantaneously unfelt if the person is knocked ly dry and clean; instantly remove every at the hearth. The bedrooms are a world too orderly. There is too much leisure . an atom of dampness or moisture upon it; do not allow even pure water to stand a these things? Is somebody growing old? stamp from yours, and he will be driven off rather than induced to come, by your exaggerations. He comes to make a liv-ing by honset labor to make a liv-the fresh signature of the pure water to stand a place be always kept open, with a fre-quent and free admission of the pure and the fresh signature of the pure and the fresh signature of the pure and the fresh signature of the pure and be done every two or three hours during King of Prussia, while visiting a village

hands they hold them out, and invite the pint of air they displace just as many them. Then taking an orange from a plate, he asked: "To what kingdom does (save Afric's sunny sands,) to come and gar, cologne-water, or the sulphuretted this belong?" hydrogen of the out-house; for be it remembered, it is not the odor which does the little girl. the mischief so much as the deficiency of nutrititous particles of the atmosphere pocket, and helding it up, asked, "And to misrepresented abroad by one as ignor-ant of their agricultural statistics as which it takes the place of. The greatest what kingdom does this belong ?" humanity we can show the sick is to secure to them the most important reme- girl. is to the enjoyment of his annual salary dies ever known-to wit : quietness, cleanliness, and pure air. These alone would then ?" asked the king. cure three fourths of all our diseases, bat we will not use them ; yet they are every-

- Recently, Mrs. Denny, a resident of Princeton, Ky., purchased a lot of duck eggs, carried them home, and, for convenittle trouble .- Hall's Journal of Health.

to the bureau by an unusual noise therein. Upon pulling out the drawer, to her utter and watch the bubbles arise without dis-stood in his eye. He placed his hand on astonishment, she found three young turbing the coffee. If the bubbles collect the child's head, and said, most devoutly : ducks hatched out and scratching around in the middle, the weather will be fine ; God grant that 1 may be accounted if they adhere to the cup. forming a ring, worthy of that kingdom !" — A Sunday school teacher was giving it will be rainy; and if the bubbles sepa- Thus did the words of a c

your measure?" — Law is like a sieve; you may see through it, but you must be considerably reduced before you can get through it. wheat. "Now, onlidered," sne said, "Boaz did another very nice thing for Ruth; can ycu tell me what it was?" 'Married her!" reduced before you can get through it. wheat. "Now, onlidered," sne said, "Boaz their corner. The following sign hangs in their window: "Wanted a few more loafers to stand on this corner." word from a child may wound the heart of a mother; a loving one may make it glad. My little children, let your words be kind, true and right.

such peace in the house ! It would sound like music to have some feet to clatter

slamming and banging the doors. We wish our neighbors would only lend us an urchin or two, to make a little noise on these premises. A home without children ! It is like a lantern and no

We want to be tried, to be vexed, to be run over; to hear children at work with all its varieties. During the secular days this is enough marked. But it is the Sabbath that puts our homes to the The intervals of public worship are spaces that day. The children are at home, and They seem to recognize the greater and lesser love-to God and to friends. The house is peaceful, but not still. There is a silence that echoes in the ear. There is foo much room at the table, too much and too little care. Alas! what mean

ers of South Carolina appreciate the ad-vantages presented by her soil and cli-mate to the imministration of the place. After their speaker

"The vegetable kingdom. sire," replied

"To the mineral kingdom," said the

"And to what kingdom do I belong,

The little girl colored deeply, for she did not like to say "the animal kingdom," where attainable, and cost nothing but a as he thought she would, lest his majesty should be offended. Just then it flashed into her mind that "God made man in iont use, placed them in her bureau draw-er, where they remained undisturbed for some days, when her attention was called to the following: It is said that a cup of coffee is a sure barometer, if you allow kingdom, sire."

Thus did the words of a child move the visited by a young woman, who with a lesson on Ruth. She wanted to bring rate without assuming any fixed position, heart of a king. Little children will learn from this that even their words - A Cleveland dry goods firm has at may do both good and harm. A pert last found a remedy against loafers on word from a child may wound the heart