

THE SUMNER BANNER.

SUMNERVILLE, S. C.

J. S. RICHARDSON, JR., } EDITORS.
JOHN R. LOGAN, }

WEDNESDAY, JUNE 7, 1854.

Persons wishing to see us upon business connected with the Paper or Law, can find us at any hour during the day, except from four to five in the afternoon, at our office, just back of Solomon's New Store. All business connected with the paper must be transacted with WILLIAM LEWIS, JOHN S. RICHARDSON, JR., or R. C. LOGAN. Mr. R. C. LOGAN, the Foreman of Banner Office, is our only authorized Agent to receive money and give receipts for the same, and may always be found at the Banner Office. All letters addressed to the Banner must be pre-paid to insure attention.

Our Correspondence.

Our usual letters from Washington and other cities failed to reach us this week in time for this issue of the Banner. We will endeavor to see to it, that this does not occur again.

F. J. Moses, J. D. Blanding and R. B. Heriot.

We state as a matter of justice to the above named gentlemen that their answers to the questions propounded, but in consequence of want of room they have had to be postponed for another issue.

The Weather.

Well, what of the weather? why a great deal of it and of all sorts too. Was it not as hot as abolitionism on Wednesday and on Thursday as cold as a church in December, was not fire comfortable, have we not had plenty of rain and is it not warm again? of course—well you see!

The Hard Road.

One of our militia officers offended at a recent editorial which appeared in this paper on the militia system, yesterday stopped his subscription. The country will indeed be in a deplorable condition, when the press cannot expose and abuse the rottenness of a State institution and advocate a change for the better, without giving personal offence. But in this case, we cannot imagine that any one could possibly take personal offence at, or arrogate to himself, remarks directed at the whole militia system. What then, is this an attempt to bridle the freedom of speech? It need not be attempted; for every subscriber thus lost, we have assurances, from the justice of our fellow citizens, of more than an equivalent.

The Candidates.

We publish to day Major A. C. SPAIN'S and Jas. E. WITHERSPOON'S answers to the questions propounded, in the last Banner, by "Freedom" and "ourselves." We say "ourselves" as the Major has so termed it, though in reality we but repeated (and so professed to do) what others had propounded or called upon us to propound for them. In Major SPAIN'S answer, it will be seen, that we are called upon "as witnesses" to say whether his "sentiments and principles do or do not fluctuate with the popular breath—or what is worse abide popular opinion." We can conceive of no reason why we should be called upon for such an answer except it be that the author construes our remarks editorial upon the silence of the candidates, or supposes that they would be construed by others as insinuating that such was the case with himself and the rest of the candidates—for our remarks were addressed to all. It would be difficult, we believe, after a fair, candid and impartial review of our remarks, to arrive at any such conclusion, yet to this supposition we answer that we intended no insinuation against himself or others but that our object was merely to call attention to the justice, the necessity and the policy of an early avowal of opinion and sentiments upon all proper matters, on the part of the candidates. Having made this explanation we deem that we have done all that could be expected or required of us, we are willing, however, to give the Major the benefit of our opinion and we might say *knowledg* edge upon this point and therefore we answer him frankly. We do not believe that your "sentiments and principles fluctuate with the popular breath—or what is worse abide popular opinion" and we have seldom known a man more bold and independent in the formation and advocacy of sentiment and principle than yourself. As long back as we have known your sentiments you have always maintained, as far as we are aware, the sentiments you now advocate.

We admit that there are "other modes of communicating ones sentiments than through the columns of a newspaper," but we still think that *the most public and effective of all others.* Persons frequently desire to know the sentiments of a Candidate and yet refrain from asking them, and many have not the opportunity of asking them, but once publish them in the columns of a newspaper and they are placarded before the face of the world. We congratulate the Major upon having adopted this best mode.

The End of all things.

The most sanguine of the Millerites predict that the end of all things must happen this year and perhaps in the month of June. Be that, as it may, the following advice from a cotemporary should be observed by believers and unbelievers. "In the mean time we advise the community not to be alarmed, but suggest, that each man so live, that whatever happens, he may meet

it with courage. The end of the world comes to thousands every day."

The Sumner Vigilant Society.

This society held a meeting pursuant to the call of the President on Monday last in the Court House. The meeting a large and respectable one was organized by calling the President to the chair and appointing J. S. RICHARDSON, JR., secretary of the meeting. The minutes of an extra meeting held February 24th 1854 were read and approved. The chair announced the meeting ready for the transaction of business, whereupon Messrs. COGILAN, RICHARDSON and HANBURY severally addressed the meeting upon the progress the society had made in carrying out the objects of its organization and the necessity of renewed and increased exertion and diligence on the part of members. The chair announced that out of 17 indictments lodged by the society "true bills" had been found in 16 instances and the other was lost only in consequence of the absence of a material witness, who would be forth coming at the next term when the indictment would be renewed. He reported three or four new cases as ready for indictment. Major SPAIN called for the number of the members belonging to the Society and the call of their names—whereupon the Secretary read aloud their names and reported 85 in all. Dr. J. M. PIERCE moved to alter the Constitution of the Society so as to constitute a guard of six to do duty for 24 hours in lieu of the original guard of 10 which did duty for one week at a time. The motion was seconded and adopted. It was moved seconded and adopted that the proceedings of this meeting be published and the Society then adjourned.

I. P. LORING Pres't.
J. S. RICHARDSON, JR., Sec'y of M.

Columbia and Hamburg Railroad.

We learn from the *Carolinian* that Mr. J. G. GIBBS, the engineer in charge of this work, has completed a survey of a route from Columbia to Hamburg, and is now engaged in making a survey of another route from Hamburg. The difference of distance in the two roads proposed, is stated to be only five miles.

Wilmington N. C.

The completion of the bridge across the Pee Dee River, on the line of the Wilmington and Manchester Railroad cannot be long postponed, when there will be an unbroken connection with Wilmington, our nearest market and the one most easy of access. The ability of Wilmington to supply our demands and her power to offer inducements as a market for the sales of our products are questions already attracting attention in this section of the State. Wilmington is no doubt in a state of transition and improve ment, wanting but the enterprising hand of internal improvements freely and generously applied to make her able to compete with any Southern Seaport and take her stand amongst commercial cities.

The importance of such a course of action is by no means unappreciated in North Carolina: "Old Rip" is not only awake, but *ripping* ahead. As proof of this and a proper regard to their own interests, we notice the accounts and action of certain conventions recently held in Wilmington for deepening the Bar and forming new lines of railway connecting her with the rich fields of the State. A convention has also been called in Charlotte, having for its object the construction of a road to be called the Atlantic, Tennessee and Ohio railroad, which is to extend from Wilmington through Charlotte to Jonesboro in Tennessee and connect with the "Danville" and "Western Extension" roads. Such an undertaking, will doubtless attract the attention its importance merits and if feasible, will be carried out, certainly to the advantage of North Carolina, but not to the serious detriment of the interests of Charleston, as some of our cotemporaries seem to apprehend. A city claiming the trade that Charleston does, and is striving for, should be equal to any competition, if not, then she must recede; of this however we have no fear and hail with equal pleasure the evidences of the progressive march of improvement in Wilmington or Charleston.

The Fugitive Burns.

The United States commissioner at Boston has remanded the fugitive Slave Burns to his master—a telegraphic despatch to the Charleston *Mercury* says:

The feeling throughout the city upon the announcement of this decision, was intense. Many of the stores were closed and buildings were draped in mourning. The United States flag was hung at various points clothed in black. Every avenue leading to the Court square was densely thronged with the highly excited populace. The military every where were saluted with hisses. The fugitive will be taken down State-street, to Central wharf, about two o'clock, p. m. guarded by one hundred and fifty U. S. troops, with a nine pounder loaded with grape shot. A large force of police are stationed on

Central wharf, where an immense crowd is assembling. The bells are tolling in the neighboring villages.—The Mayor placed the city in charge of the military.

Abolition Excitement.

It is impossible to disguise the fact, that never in the history of this continent has the anti-slavery party of the North been so violently excited and rampant as at this time. The press of the free States, with but a very few exceptions are grossly vindictive and most insolently abusive of the institutions of the South, and boldly declare, that anarchy war or incendiarism would be preferable to the present position of our government. What has called forth this spirit and where will it end? These are vital and most important questions, such as cannot fail to arrest the attention of every true patriot and cause him to pause and ponder. The passage of the compromise measures in 1850, bought a respite at the sacrifice of constitutional rights—a triumph of the constitution has brought upon its defenders a storm which has increased ten fold in violence from its short and delusive slumber.—In the ranks of religion, where peace and brotherly love alone should reign, the fires of enmity and hatred to the South burn with unparalleled fury, every class of citizens lending their voice and denunciations to fan the flame; even the merchant who sucks his sustenance from Southern products, in forgetfulness of self interests, would point the dagger against his own prosperity, and lend aid to abolition encroachments—these are the fruits of the Nebraska bill, a triumph, not of the South, but of the Union and the constitution! It must be so and brings to every candid mind conclusive proof of the utter inability of all compromises with such Northern principles, as are aimed in hatred and opposition to the welfare of the Southern sections of this Republic.

The question must be abolitionism or slavery, one that cannot be longer postponed, compromises do but increase a difficulty, which we can as well meet now, as at a future day.—Mr. DOVEY in closing his able remarks upon the Nebraska thus sums up our relations with the North:

"Before the North are two futures, one disunion, anarchy, chaos, loss of liberty, ignominious wars, a miserable plagiary of the South American Republic; the other union, a continuance in the moss-signal course of prosperity, unparalleled greatness and glory, and the preservation of free institutions. Who but a madman would hesitate which to choose. For my part, whatever melancholy forebodings I may have upon the subject, I ardently hope, as a lover of humanity, that the people of the North may be induced to choose the wiser course.—Every thing depends upon the North: we of the South are in the minority; we are passive; we make no war upon them or their institutions; we desire concord, if it be possible; we demand merely justice and the Constitution; less than that we could not demand with safety to ourselves."

The Hard Shell.

The following is an extract from an address of the "hard shell" democracy in congress, to their constituents in New York:

"Events daily transpiring constrain us to believe that the annulment of the Missouri Compromise of 1820, to be the first of a series of measures, long premeditated and deliberately persisted, having for their object the formation of a great sectional or southern party of which the present Executive designs to be the leader. In pursuance of the same political scheme, it was determined at an early day to acquire Cuba utterly reckless of consequences. The seizure of the steamer Black Warrior, by the authorities at Havana, afforded Mr. Soule, as we are credibly informed, the opportunity to address a communication to the Spanish government so insolent in tone so peremptory in manner, and couched in language of a character so insulting as to render compliance with his demands in the highest degree improbable. Whether the affair will be adjusted, or whether we are about to be precipitated into a war, are problems that time alone can solve. That an effort will be made, directly or indirectly, at the conquest of Cuba, and its incorporation into the Union as additional slave territory, admits, we think, of little doubt.

Under such grave and portentous circumstances we are unwilling to contribute, by our votes or otherwise, any aid or assistance to these selfish and destructive schemes, although under a different state of things, we would regard the annexation of Cuba with decided favor; and however calamitous a war might be, when satisfied that the rights of our citizens have been violated, and redress demanded in vain, we would enforce justice at whatever hazards."

AN INGENUOUS RIDDLE.—It was done when it was begun, it was done when it was half done, and yet wasn't done when it was finished. Now what was it? Of course you can't guess? Will this do?

Timothy Johnson courted Susannah Dunn. It was Dunn when it began, it was Dunn when it was half done, and yet wasn't Dunn when it was done—for it was Johnson.

For the Banner.

Messrs. Editors:—"Freedom" and yourselves in the last Banner call upon me, with others, to answer certain queries. I beg to say that I have sought no vote, conceding or misrepresenting my opinions, and that there are other modes of communicating one's sentiments than through the columns of a newspaper. No voter has sought from me an opinion, who has not received a full and frank response. My "sentiments and principles do not fluctuate with the popular breath," nor, "what is worse, abide popular opinion." On this point, gentlemen, I call you as witnesses.

First, the questions editorial: "Your views on establishing the Penitentiary system in the State."

On this subject my mind has not attained a satisfactory conclusion. I am not in possession of the statistics of crime in this and other States, nor do I know how the system works where established. In Georgia it does not seem to have met the objects of its creation. It does not pay expenses, nor does it suppress crime. I believe, at one time, the Penitentiary was "to let," whether it has actually been rented I do not know. I doubt whether the terrors of a Penitentiary, with hard labor, shaven head, and striped pants, would more readily restrain an act of violence, on the part of an angry man, than those of the jail, fines and costs, or whether the effect on the party punished would be more wholesome. One beneficial effect of the system might be that, in the higher grades of crime, the infliction of punishment, in character with the offence, might be more certain; but whether the effect would be produced of decreasing crime, is a problem, I incline to think, rather resolved against the system. If a system could be devised that would effectually suppress crimes and misdemeanors, it should be adopted at any cost. But whenever it falls short of this, just to that extent, should the question of cost be considered. In the larger States with a population more dense and more criminal, the system may be necessary. But is there a sufficient amount of crime in this State to warrant the outlay?—The jails must be retained for the safe-keeping of prisoners till conviction.—Nothing, or but little, would therefore be saved on this head. Could Penitentiaries in this State, defray the expenses of its management, pay its superintendent and other officials? I know of very few cases in Sumter, for years, that could have furnished an inmate. But I shall not enlarge on this subject, being, as I said, undecided and open to conviction.

To your second, I do not suppose a serious answer is contemplated. I would lose my self-respect in holding office through the influence of the bottle, or the jug. I seek to represent freemen through open, honest portals. A vote bought to day with a pint, may be sold to-morrow for a gill.

The questions of "Freedom" in reverse order: "3. Will you, or will you not vote for a modification of the present militia system, so as to relieve the citizen of the onerous and unnecessary burdens that he is now called to bear?"

Yes, preserving the patrol and volunteer features.

"2. Will you, or will you not vote to continue the present appropriation of the Free School Fund for the purposes of popular education; and will you or will you not vote for some improvement on the present system?"

Yes, with all my heart would I vote for any improvement on the present system. I would pay as much, and vote to pay as much to instruct every citizen in the State to read, write, and think for himself, as any other citizen or representative.

Appearance, not intelligence is the bane of free institutions. I hope to live to see the day in South Carolina, when every voter will think, act, and vote for himself, and when the race of demagogues shall have descended to the tomb of the Capulets.

"1. If you are elected to the Legislature will you or will you not vote for a Bill to give the election of Electors of President and Vice President of the United States to the people?"

I prefer the present mode of appointing electors, to any mode suggested, and infinitely to the present mode in every State (except this) to wit, the general ticket system; a mode pronounced by Mr. Calhoun to be "utterly inadmissible" from "numerous and insurmountable objections."

I prefer it, because the people in effect, by it, control the election in this State, in exclusion of the demagogue, the officeholder, and the office-seeker. Mr. Calhoun says that in the other States "the usage of parties" has "virtually suspended the complex and refined machinery provided by the Constitution for the election of Presi-

dent and Vice President." "The nomination of the successful party, by irresponsible individuals makes, in reality, the choice." Speaking of the caucus nominations of electoral tickets by the different political parties, he says, "but the few of each, who form the ticket, actually make the appointment of the electors." * * Never was there a scheme better contrived to transfer power from the body of the community, to those whose occupation is to get or hold offices, and to merge the contests of party in a mere struggle for the spoils." I prefer the present mode because the agents employed are chosen by and responsible to the people, and because I do not desire to take the control of the election from the people.

I prefer the present mode to the District Ticket system, first, because the influence of the State is exerted as a unit, not subject to division; and secondly, because the District Ticket system has been abandoned by every State that has made the experiment of it.—Once in the history of our country did one District in North Carolina and one in Virginia control not only the choice of these States respectively, but of all the rest, and give to the Union in 1797 John Adams as President in stead of Thomas Jefferson. The latter received 20 out of the 21 votes of Virginia, and 11 out of the 12 votes of North Carolina. Thus by the District system small majorities in two Districts, representing small minorities of those respective States gave to the country its Chief Executive, who after one term was defeated by his former competitor. The division of the vote of the State led to the abandonment of the District system by all the States, and if South Carolina now changes to the District system, it will only be the prelude to the other.

I prefer the present mode because, in my judgment, it is not only constitutional, but because it is the mode intended to be pursued by the Patriots, who formed a constitutional government for 13 sovereign States.

If therefore the South Carolina mode of appointing electors is the one intended by the constitution, there is no usurpation on the part of the Legislature and no abridgement of the rights of the people. Such is my faith as "one of the people," and the argument is, in part, as follows: The very words of the constitution itself suggest the idea. Art. 2, Sec. 1, is in these words: "The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same time, be elected, as follows: "Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors," &c.

The words "appoint" and "elect" are used in the constitution to convey different ideas, and even ideas of opposition. Whenever the framers of the constitution intended an election they used the word. And unless this clause forms the exception, it would be difficult to find in that instrument the word "appoint" used in the same sense with the word "elect."

Examples. Members of the House of Representatives are to be chosen every second year by the people of the several States, and no one shall be a Representative, who shall not when elected be an inhabitant of that State in which he shall be chosen. Two Senators are to be elected from each State by the Legislature, and in case of vacancies during the recess of the Legislature, the Executive may make temporary appointments.

No Senator or Representative can during the time for which he was elected, be appointed to any civil office, &c., created during his term.

The President has power by and with the advice of the Senate to nominate and appoint Ministers, Consuls, Judges, &c.

Besides, the constitution and amendments throughout speak of the office of an elector as an appointment—an appointment by a State in its political capacity, through its organ, the Legislature, as distinguished from the act of its separate members as individuals.

Such is the construction of the convention, by whom the constitution was originated. On the 17th of September 1787, the convention agreed to the constitution and ordered it to be sent with a letter and certain resolves to the Congress of the confederation then in session. The first Resolution expressed the opinion of the convention "that the constitution should be submitted to a convention of delegates, chosen in each State by the people thereof." The second expresses the opinion "that as soon as the convention of nine States shall have ratified this constitution, the United States in Congress assembled should fix a day on which electors should be appointed by the States, which shall have ratified the same." * * *

That after such publication the electors should be appointed, and the Senators and Representatives elected."

That by the word used, the constitution contemplated another than a popular appointment, is further exemplified by the use of the term prior to the 17th of September 1787, and the interpretation of its meaning by the practice of that period. The very convention, whose labors resulted in the constitution, was the creature of a recommendation of the 14th September 1786, of Commissioners, appointed by the Legislatures of New York, New Jersey, Pennsylvania, Delaware and Virginia, who met at Annapolis. They recommended to the other States, "the appointment of Commissioners to meet at Philadelphia on the second Monday in May, 1787, to take into consideration the situation of the United States." Congress, 21st February 1787, declared it expedient "that on the second Monday in May 1787, a convention of delegates, who shall have been appointed by the several States, be held at Philadelphia." Under these recommendations, delegates were appointed and did meet on the day named.—The Constitution and Government of the United States were the offsprings of that meeting. How were these delegates appointed? In every State, by the Legislature thereof, except Rhode Island, which never was represented. I claim their acts as commentaries on their words.

After this resume, one remark, perhaps not germane to the subject, may be pardoned. The Legislatures of the States were the promoters of the unity and liberty of the people, and not the usurpers of their rights. "Pre-existing bodies" were then bulwarks of liberty, order and union; not towers of tyranny, anarchy and confusion. Ingenious minds do not suspect wrong in those whose labor results in their good. Why should not the convention, originated and empowered as stated, entrust State Legislatures with electoral appointments?

But this is not all. On the 13th of September 1788, after eleven of the original States had ratified the constitution (North Carolina and Rhode Island not voting) Congress "Resolved, That, the first Wednesday in January next be the day for appointing electors in the several States, which before that day shall have ratified the said constitution." Every State, as I am informed, by her Legislatures appointed electors, just as South Carolina then and still does. Washington was unanimously elected, accepted and served. Latter day Prophets have discovered that he was the willing recipient of power conferred by the appointees of eleven usurping Legislatures. "Timeo Danaos, et Dona Ferentes."

Seventeen times has South Carolina unchallenged cast her vote for President. Seventeen times has it unchallenged been opened and counted in the Senate of the United States. New York cast her vote from the beginning in the same way down to '35 or '36, and Delaware down to 1844.

And still this is not all. Congress in 1845 by law directed the electors to be appointed on a certain Tuesday in November of every fourth year. It also provided that each State might by law provide for the filling of any vacancy that might occur in its electoral college before the vote was cast. And further that if any State should fail to make a choice of electors, on the afore-said day, "then the electors may be appointed on a subsequent day in such manner as the State shall by law provide." Here is a Congressional admission just as a Legislature may provide—the constitution confers no such power on Congress, it is true; but if a Legislature may appoint to fill a vacancy, why may it not fill the whole college at once. And why not do it as well without an election, as after a failure to elect? The different States have legal provisions on these subjects, and consequently admit that electors may vote for President, without an election by the people.

Without exhausting the argument, or touching any of the various other considerations of a more practical kind, I conclude my vindication of thirty three Legislatures of South Carolina from the charge of usurpation, by quoting the most eminent Jurist of the United States, and one of the most eminent Judges of South Carolina.—Judge Story wrote three volumes on the constitution and speaking on this very subject says, "the appointment of electors has been variously provided for by the State Legislatures. In some States the Legislature have directly chosen the electors by themselves, in others they have been chosen by a general ticket throughout the whole State, and in others by the people in electoral districts, fixed by the Legislature, a certain number of elec-

tors being appointed to each district. No question has ever arisen, as to the constitutionality of either mode, except that of a direct choice by the Legislature. But this, though often doubted by able and ingenious minds, has been firmly established in practice, ever since the adoption of the constitution, and does not now seem to admit of controversy, even if a suitable tribunal existed to adjudicate upon it. At present, in nearly all the States, the electors are chosen either by the people by a general ticket, or by the State Legislature. The choice in Districts has been gradually abandoned, and is now persevered in, but by two States." These have since changed.

Governor Johnson, long an ornament of the Bench in this State, in his message of November '47, says, "The present system has worked well heretofore, and I am, upon principle, opposed to any changes, unless certain and practical advantages are to result from them. This certainly has no advantage. The members of the Legislature have greater facilities of ascertaining the qualifications and claims of the candidates than the great masses of the people, and are therefore less liable to be imposed on by the artful misrepresentations of designing men. If you should think otherwise, it will be for you to determine whether to elect them by Districts or a general ticket. It is obvious that if the general ticket system is adopted, the up country will, on account of the greater number of voters, have the entire control of these elections." Then speaking of the compromises between the up and low country he says, "The principle of this compromise, has generally governed in the election of Senators to Congress, and good faith requires that it should be carried out in the election of electors."

"The constitution of the United States authorizes the Legislatures of the several States to prescribe the manner of appointing electors, and I have heard it urged that as the power was limited to prescribing the manner, the Legislatures themselves had not the power to appoint. Our long continual usage gives the answer to this argument; but if the question was now open, I do not think there would be room for much controversy about it. The power to appoint, necessarily involves the right to direct the manner in which the power is to be executed, and the idea that one may authorize that to be done, which he himself is prohibited to do, would seem to involve a contradiction."

Mr. Madison says, "Without the intervention of the State Legislatures, the President of the United States cannot be elected at all. They must in all cases have a great share in his appointment, and, will, perhaps, in most cases, of themselves determine it."

These are my views and authority for them. But if the people will have a change, predicate that change upon a special issue, made up and decided at the ballot box. That much at least, is due to the present mode for its age and the good it has done. I repel the allegation that I desire "to withhold their rights from the people." "Constitutional checks are necessary for the preservation of popular governments," so said John Rutledge, and added, "the people want to be protected against themselves; no man is so absurd as to suppose the people collectively will consent to the prostration of their liberties; but if they be not shielded by some constitutional checks they will suffer them to be destroyed; to be destroyed by demagogues, who flit the confidence of the people by pretending to be their friends; demagogues, who at the time they are soothing and cajoling the people with bland and captivating speeches, are forging chains for them; demagogues, who array daggers in their hearts, and seductive smiles in their hypocritical faces; who are dooming the people to despotism, when they profess to be exclusively the friends of the people, against such designs and artifices were our constitutional checks made to preserve the people of this country," and against such "Good Lord deliver us."

Respectfully,

A. C. SPAIN.

For the Banner.

Messrs. Editors:—Through your columns there have been recently a series of questions propounded to the candidates for the Legislature, more particularly as regards the propriety of giving the Election of Electors of President and Vice President to the people; and I will seek the same medium to express briefly my views to the voters of Charleston Election County. For two years past, I have been in favor of such a change, believing that it would enlighten the public mind on matters of Federal policy, and that the people would feel an increased interest in the action of the General Government. This change proposed involves no constitutional objection,