VOL. XI.

DOWN TO HARD WORK.

THE CONSTITUTIONAL CONVENTION REASSEMBLES IN COLUMBIA.

The Unfinished Business Taken Promptly In Hand-Several Sections Adopted What Was Said and Done

COLUMBIA, Oct. 16.-Special: The constitutional convention reassembled yesterday pursuant to the resolution providing for the recess. Governor Evans, the president, was absent from the city attending the opening exercises of the Winthrop Normal and Industrial College. The body had just gotten through with the routine preliminaries, when attention was called to the death of Dr. J. O. Byrd, one of the members of the convention, and the body at once adjourned out of respect to his memory until 10 o'clock this morning, after passing resolutions

in regard to the sad occurrence.

When the convention was called to order, the proceedings of the day were opened with prayer by the Rev. Mr. Abney. There were exactly 65 members in their seats when the body was wrapped in order, but in a short time more came in and before the sudden adjournment came, 83 out of the 160 members were in the hall.

The journal of the last day's session was read and revised, only some immaterial changes being made. Mr. McCown then rose and stated that it was his sad duty to inform the

convention of the death of one of the members of the Florence delegation, Dr. J. O. Byrd, which occurred during the recess. He then sent up the following preamble and resolutions which were promptly adopted:
Whereas, it has pleased the All Wise

Ruler and president of the convention omnipotent to remove from our midst our friend and co-laborer in the work of this convention, Dr. J. O. Byrd, delegate from Florence county, and recognizing and appreciating his indomitable energy, sterling worth and earnest labor in the effort to secure magnificent results-a good constitu-

tion, therefore be it, Resolved, That in the death of Dr James O. Byrd, who departed this life suddenly on the afternoon of the 13th inst., at his home in Timmonsville, S. C., this convention has sustained a serious loss and the State is deprived of a valuable citizen and able legislator. Second, That we, his friends, while submissively bowing to the will of

Him, will cherish his memory and mourn his departure, our loss, and sympathize with his family.
Third, That a page of the proceed ings of this convention be dedicated to

his memory.

Fourth. That a copy of the foregoing preamble and resolutions be suitably engraved under the supervision of the clerk of this convention and given the delegation from Florence county to be by them transmitted to his wife and family. As a further mark of rethat this convention do now adjourn and that an hour on Thursday, the 22d, at 11 o'clock a. m. be set apart for the consideration of the above resolu-

When these resolutions were passed the convention stood adjourned After the reading of yesterday's journal this morning Mr. McWhite of

Florence offered the following: Whereas a vacancy has occurred in the delegation to this convention from the county of Florence, occasioned by the death of Hon. J. O. Byrd, which, under the law, must be filled by an election to be ordered by the secretary of state, and whereas it is not deemed necessaay to inflict upon the people of said county the expense incident to an election to fill said vacancy. Therefore

Resolved, That the secretary of state is hereby authorized to withhold a writ of election to fill the vacancy. On motion of Mr. McCown this res-

olution was laid over. The president then settled all doubt as to what the convention would take up by calling up section 36 of the article on legislative department, which prohibited the enactment of special laws by the general assembly on certain subjects.

The section as reported read as fol-Section 36. The general assembly of

this State shall not enact local or special laws concerning any of the following subjects, or for any of the following purposes, to wit: 1. To change the names of persons

2. To lay out, open, alter, or work roads or highways. 3. To incorporate cities, towns or

villages, or change, amend or extend the charter thereby. 4. To incorporate educational, religious, charitable, social manufacturing

or banking institutions. 5. To incorporate school districts. 6. To authorize the adoption of legit-

imization of children. 7. To provide for the protection of game. 8. To summon and empanel grand

or petit jurors. other public duty.

10. To fix the amount or manner of compensation to be paid to any county indictment any way they looked at it counties who would be in a fearful officer, except that the laws may be so made as to grade the compensation in bribery on all past legislation in this the best. The full-blooded Caucasian -proportion to the population and necessary service required.

11. In all other cases, where a general law can be made applicable no us look at one practical matter. The The first white man was a wild barbaspecial law shall be enacted.

than Mr. Gage offered the following 600 men and only about 30 of them 1 · be added to the section to be known have been on the people's side. We as subdivision 12:

12. The general assembly shall orthwith enact general laws concernng said subjects for said purposes, which shall be uniform in their opera-

Mr. Ragsdale thought it was unwise to have an iron-clad law. It was going enough alone. If a legislator was This "one-eighth" clause was nothing step too far to have absolute unifor made ineligible to office, the best men but the law South Carolina had lived The same conditions should the made to apply to smaller and was afraid this was a Trojan horse.

larger counties alike. Mr. Gage said he did not wish to make the matter too binding on the they were not going to place the elecgeneral assembly. The figures showed what the trouble was. In the last five years the legislature had passed 296 general laws and 1,149 special acts. Many counties had their domestic troubles regulated in the convention. His only object was to stop this. He

from the legislative records, which were entirely convincing. Mr. Ragsdale moved to amend the 'provided that nothing contained in had never known a dishonest member. this section shall prohibit the general assembly from enacting special provisions in general laws." You know how it is.

These amendments were then conidered and adopted in the following shape, as subdivision 12:

12. The general assembly forthwith enact general laws concerning said subjects for said purposes which shall be uniform in their operations. Provided, that nothing contained in this section shall prohibit the eneral assembly from enacting specal provisions in general laws.

Mr. Stokes moved to amend the section by striking out subdivision 4, which forbid legislation incorporating educational, religious, charitable, so cial, manufacturing institutions. He said these institutions might have to be incorporated at some time.

certain officers.

the best men at home?

people.

Mr. R. R. Hemphill could see no use

The legislature had elected Judge Mc-

Gowan, than whom no abler or better

word. And there was Judge Wither-

some things, but nothing could be said

The motion to strike out section 37 was carried by a vote of 72 to 42.

FUTURE CONVENTIONS.

lowing amendment to be known as sec

Section 38. The general assembly

shall submit to the qualified electors in

the year 1895 and every twentieth year

thereafter the question of calling a Constitutional convention; and if the

majority of the electors shall vote in

favor thereof, then, at its next session,

election for delegates to said Constitu-

After it was voted down Senator Till

man said he wanted to speak. He want-

ed to make a brief explanation. He

necessary to get amendments in or call

had had in getting this present conven-

Mr. Prince raised the point of order

Evans allowed the convention to take a

Mr. Haynsworth suggested that as

Governor Sheppard said he hoped

that this provision would not pass.

The two-thirds vote should remain

thereforever as a protection to the peo-

Tillman-Are you afraid to trust the

Sheppard-There has been no man

since the days of Thomas Jefferson

who has a higher regard for the opin-

The vote was then taken and the Till-

man section was killed, the vote being

Mr. Johnstone offered a substitute

for the amendment to section 38, which

made the section include allowing pen-

sions to be granted to naval veterans.

MEGRO BLOOD.

The amendment read as follows:

"Provided, that this section shall

not be so construed as to disqualify for

marriage with white persons any per-

son of his or her issue who shall have

at or before the adoption of this Con-

stitution the status of white persons.

This brought "Uncle George" Till

man to his feet. He was very unwell.

He wished he was able to speak. He

said ho felt humiliated the other day

when the negro delegate from Beau-

fort clapped his hands and said the

coons had the dogs up the tree. The

junior United States Senator and the

tion stands as it is the convention will

stultify itself. The Mississippi "one-

eighth" clause, he had found, was cop-

ied from the old South Carolina law.

terribly from this. Let this stand and

dian blood, negro blood, Arab blood

the lighter colored races. All knew

which belonged rightfully to other

premium for feuds and for shooting?

What man would stand and hear his

mother's name stigmatized by rascals,

who are hunting and seeking property?

under for years. He moved that the amendments offered by Messrs. B. R.

clincher had been put on those amend-

The legislature should be allowed to Tillman and Johnstone be laid on the

elect judges from its own number, if table. The point was raised that the

how people would fly after property

1915 was an off year they had best

make it read 1916. This was agreed to.

the matter or not.

islature to do this?

voted to do so.

people?

Senator Tillman then offered the fol

against them.

tional convention.

tion called.

These men he differed with on

4. "To incorporate educational, religious, charitable, social, manufacturing or banking institutions not under the control of the State."

Mr. VonKolnitz offered a further amendment by adding 'providing that three years in the house and eight existing charters may be amended or years in the senate. He never knew a altered." Mr. VonKolnitz cited an instance in which great hardship was being worked, involving a legacy of had been elected judges in the past.

Mr. Gage said he was willing to add the words "or amend the charters man ever occupied the bench—a man thereof," so that everything could be that was honest and conscientious. lone by general laws. Mr. Stokes thought that this was the

wrong place to bring this matter up. Mr. Sheppard moved to amend by spoon. adding "and to amend or extend the charter thereof. Mr. Bates moved to strike out sec

therefor. Mr. Gage hoped that this amendment would not prevail, as it would allow all the expensive corporations of towns, villages, etc., which they were trying to avoid. The legislature will pay no attention to a general law if they allow that body to pass special

tions 3, 4 and 5, giving his reasons

laws of incorporation. Mr. Bate's amendment was lost. The substitute offered by Governor Sheppard was then adopted

Mr. Meares moved to strike out subdivision 3 of section 36. He maintained that the subject matter was covered elsewhere. Mr. Gage said that there was no

harm in making the matter very em-phatic so there would be no trouble. Mr. Bates was in favor of Mr. Meares' amendment. Mr. Klugh offered the following

amendment: "Strike out lines 1, 2 and 3 of section 36 and insert the following: The general assembly shall as soon as possible after the adoption of this Constitution enact general laws, which shall be applicable on the several cases em-braced in this section, to wit."

The president stated that this was already covered. Mr. Klugh said it was merely prohibitive as it stood now; it should be made affirmative. Mr. Klugh's amendment was voted

Mr. VonKolni'z endeavored to get the relief he was after by offering the ollowing amendment to section 30 to be known as subdivision 13 of the section: "13. The provisions of this section

shall not apply to charitable and educational corporations where under the terms of a gift, devise or will special incorporations may be required. The amendment was adopted.

Mr. Johnstone offered the following to be known as subdivision 14 of section 36: "14. Nothing herein contained shall

prohibit the general assembly from incorporating by special enactment corporations of a character other than ion of the people than I have. But those herein named." Mr. Sligh said subdivision 11 cover

ed the subject matter of this amendment.

Mr. Sheppard moved to indefinitely ostpone. Mr. Johnstone explained why he of-

fered the amendment. The motion to ndefinitely postpone was then carried. Section 36 was then adopted as a

Sec. 37 was then taken np and the hairman of the committee, Mr. Sligh, moved to strike out the whole section. He thought it was a hardship to make a man ineligible to office for two years even though he may resign as a member of the general assembly.

This section read as follows: Sec. 37. No member of the general assembly of this State, during the term for which he was elected, shall be eligible to any office to be filled by an

election by the general assembly and no judge in this State during his term of office shall be eligible to any other than a judicial office. Mr. Buist wanted to introduce an amendment, but was ruled out of or-

Mr. Glenn was in favor of the section as it stood. He wanted purity among the members of the general assembly. He did not want to see temptation thrown in the way of any member of the general assembly. He gentleman from Newberry brought thought that this section would do this humiliating matter in. If the sec-

much to elevate the legislators. Senator Tillman said that the matter must be looked at practically. They were going on the supposition that the 9. To provide for the age at which legisluture would elect the judges. It He knew many families in Aiken, Colcitizens shall be subject to road or was by no means certain that it leton and Barnwell who would suffer He hoped the people would would. elect all officers. This section was an there are hundreds of families in these that there has been debauchery and condition-families regarded as among State. He was glad to see this ideal race has gone. You have either Inscheme to place the people on a higher plane. I dislike to mention it, but let or some other blood in your veins. legal fraternity has been in sympathy rian and was not civilized until he had It had no sooner been called up with the people. They number some crossed in some measure with one of have been simply forced to take men who were perhaps not the men we people, particularly against their own would have chosen, who were not as kin folks. Did they want to offer a able as the men we would have selected, and put them on the bench. He intended no partisan references here. He said they had better leave well

would be kept out of the body.

tion in the hands of the people. ments. Mr. Evans' amendment was then MR. BURNS TALKS OUT. read. Judge Fraser offered the follow-Mr. Burns respected the members of ing brief substitute, which Mr. Evans the legislature, but who were they-160 men chosen by the people. To be accepted; "Provided, the status of a person a lawmaker is the highest function of the individual. But the people were quoted some more statistics obtained the power behind the throne. What legally white shall in no way be afwas it that pulled down the high plane of public men? Who was it that tion. originated that word "bamboozie"? It

who has heretofore been recognized as fected by the provisions of this sec-Mr. Sheppard asked the unanimous amendment by adding the words has rung throughout the State. He consent of the convention to allow Mr. Tillman-I have never been a mem-

G. D. Tillman to have his motion entertained. The convention had clearber of the legislature, and you have. ly made a mistake. Mr. Johnstone was opposed to this. thorities of the penitentiary.

Mr. Burns—Yes, we took you up and opened the way for you, and now we the section back to the committee with want you to open the gates for the instructions to bring the matter back

people. The people were the real mas- in a shape covering the subject. Mr. Johnstone took the same positers and they didn't want to have to hold one office before they could hold tion he had presented in all debates on another. We are not going to take this question. There were perhaps the old party harness that has been 500 boys in Charleston classed as neworn all over and put it on ourselves. groes today, with less than one-eighth Wanted to elevate the legislative of negro blood in their veins. There branch of the government. The leg- are perhaps 200 in Columbia. Are you islature should not be allowed to elect going to turn them loose? He did not appointed and confirmed. want negro boys turned loose knocking at the doors of good white people Tillman-Can you get rid of the objection that if you prohibit men from asking for admission into their fami-

being eligible to office, you will keep lies with no power to deny it. One hundred years have passed and Mr. Gage-The best men in my we have 5,000 to 10,000 people of this Mr. Wilson's amendment was then adopted. This left subdivision 4 in this shape:

county do not go to the legislature. I class in this State. All he contended say this advisedly. They don't want to scramble for election.

Tillman-Well that is an indictment Gen. Robert Smalls hoped that the against Democracy and the rule of the matter would be referred back to the committee and that the committee of such a provision. He had served would not seud it back to the conven-

ion. (Laughter.) Mr. Sheppard's motion to recommi man there who could be influenced. He differed with Mr. Gage. Good men was then called. The further consideration of the ar-

postponed till 10 o'clock today. The report of the committee on fi nance and taxation was passed over along with several other matters of Then they elected Judge Hudson, an small moment. honorable man in every sense of the

The report of Mr. McWhite as to certain bills presented to his committee was tabled.

Section 1 of the article on penal and charitable institutions was adopted without debate, as also were the fol-

Section 2. The regents of the State nospital for the insane, and the superntendent thereof, who shall be a physician, shall be appointed by the gov ernor by and with the consent of the senate. All other physicians, officers and employes of the hospital shall be appointed by the regents unless by the general assembly.

Section 3. The respective counties of he general assembly shall order an this State shall make such provision, as may be determined by law, for all those inhabitants who, by reason of age, infirmities and misfortunes, may have a claim upon the sympathy and aid of society.
Section 4. The directors of the be

called attention to the two-thirds vote nevolent and penal institutions which a convention. The theory of the State's government was the rule of the mamay be hereafter created shall be appointed or elected as the general asjority. He referred to the trouble they embly may direct. Section 5. The directors and supinendent of the penitentiary shall be

that section 3 of the article on amendembly may direct. ments covered the same subject matter. Section 6. All convicts sentenced to President Evans sustained the point. hard labor by any of the courts in this He ruled that the only way it could State may be employed upon the pub-lic works of the State or counties and get in was for it to be adopted as a part of the legislative article and le upon the public highways. the committee on style and revision put (At the request of the committee sec it in its proper place or get that com ion 7 relating to the State board of mittee to report it to the convention.

charities was passed over until later. There was quite a kick against the Section 9, the last section took the ruling of the chair and President same course. vote as to whether they would consider

State of a reformatory for juvenile offenders, separate and apart from hardened criminals. Mr. Evans moved to strike out sec-

tion 8, but this was lost and the section was adopted. Mr. Evans then moved to reconsider

been adopted, but the convention refused to do so. REJECTED. The unfavorable report of the com-

following was adopted, and the ordinance rejected. "Be it ordained. That each public officer or person in the service of the State or any subdivision thereof shall be paid a stipulated salary, and that all fees collected by him shall be paid to the State treasurer or to the treasurer of such subdivision as the legisla-

ture may direct." The petition from the W. C. T. U. relating to the age of consent, with unfavorable report attached, was ta-

Mr. W. D. Evans offered an amendnent to section 34 which read as fol-Mr. Henderson's ordinance to authorize the issue of State bonds to enable "Section 34. The marriage of a white person with a negro or mulatto, or perwas passed over, its author being sick. son who shall have any negro blood At Mr. McMahan's request his ordishall be unlawful and void and punishnance, withunfavorable report attachable as the general assembly may died, to provide for a department of roads and forestry, was also passed over.

Mr. McMahan's jury ordinance, unfavorably reported, was called up. It read as follows: "Be it ordained, by the people of South Carolina, through their delegates in convention assembled, the general assembly may provide for the finding of a verdict in any class of cases upon

the concurrence of less than the whole number of a jury. Mr. McMahan advocated his measure at length. Mr. Burns made a good speech on the other side saying that in the 12 men jury lay the safety of the penalties all undue influences from people. On motion of Mr. Stanyarne Wilson, the unfavorable report was

adopted. Mr. Ragsdale subsequently had something to say in favor of the ordinance.

. The convention then took a recess till

THE NIGHT SESSION. When the convention reassembled the article on penal and charitable institutions was called, and section 7 passed in the morning was taken up. Mr. Gooding, the chairman of the

stitute for the section which was

adopted: Section 7. The governor, with four citizens of this State, to be appointed lished the Australian ballot system, if have compulsory process for obtainby the governor, shall constitute a State board of charities and corrections, of which the governor shall be ex-officio chairman. They shall ap- it did not prevent the passage and oppoint a secretary, whose compensation eration of the Australian ballot sysshall be fixed by law at the next session of the general assembly after the free government was in this clause, adoption of this Constitution. It shall which was in every Constitution in be the duty of the secretary to visit America. and inspect all the public and private Senator plan provided for the appointment of penal institutions of the State, including county and municipal almshouses, jails and prisoners, and report to the

shall not possess executive authority. Mr. Bellinger, at the request of the committee on jurisprudence, presented the following:

Section 8. The penitentiary and the convicts thereto sentenced shall forever be under the supervision and control of officers employed by the State; and in case any convicts are hired or farmed out, as may be provided by whole desire was to secure honest and law, their maintenance and discipline fair elections. shall be under the direction of officers detailed for those duties by the au-

This was adopted. Mr. Gooding offered as an amendment to Section 9 so that the section

would read: Section 9. The governor shall have power to fill all vacancies that may occur in the offices aforesaid, except where otherwise provided for, with the power of removal until the next session of the general assembly, and until a successor or successors shall be

This amendment was adopted. The whole article was then sent to its third reading.

Mr. Otts moved to make the reports

of the committee on counties and county government the special order for Saturday. Mr. Patterson moved to amend by making it Monday next.

amended the motion prevailed. THE BILL OF RIGHTS. The report of the committee on declaration of rights was taken up.

Mr. Ragsdale of Fairfield moved to

amend section 1 by making it read that they shall have the right to change the form of government in such manner as is prescribed by law, ticle on legislative department was and not "as they may deem expedi-Mr. Ragsdale called attention to

where an attempt was made to change the form of government by resolution. He did not think the rights of the people should be abridged, but he thought they should be required to proceed according to the forms of

The amendment was adopted. The section as adopted reads as fol-

Section 1. All political powers are vested in and derived from the people Therefore they have the right at all times to modify their form of government in such manner as is prescribed by law when the public good demands.

Section 2. All powers not herein delegated are reserved to the people, nor shall the enumeration of certain rights herein be construed to deny or disparage others retained by the peo-

The following sections were adopted without debate: Sec. 3. Representation in the house of representatives shall be apportioned

according to population.

Sec. 4. The general assembly ought frequently to assemble for the redress of grievances and for making new laws as the common good may require.

Sec. 5. The general assembly shall make no law respecting an establishappointed or elected as the general asment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government, or any department thereof for

for a redress of grievances. Sec. 6. The privileges and immuni-ties of citizens of this State and of the United States, under this Constitution. same course.

Section 8. Provision may be made person be deprived of life, liberty or Section 17 and 19 the general assembly for the estab- property without due process of law, ishment and maintenance by the nor shall any person be denied the equal protection of the laws.
Sec. 7. All property subject to taxa-

tion shall be taxed in proportion to its Sec. S. No tax, subsidy, charge, impost tax or duties shall be established, fixed, laid or levied, under any pre-

the vote whereby sections 4 and 5 had text whatsoever, without the consent of the people or their representatives lawfully assembled. Sec. 9. No bill of attainder, ex post facto law, law impairing the obligamittee on judcial department on the tion of contractf, nor law granting

any title of nobility or hereditary emolument shall be passed, and no conviction shall work corruption of blood or forfeiture of estate. THE RACE MATTER AGAIN. Mr. Bellinger imoved to strike out section 10, which read as follows:

Section 10. The right of citizens of this State to vote shall not be denied or abridged on account of race, color or previous condition of servitude. The convention agreed to the proposition to sike out.

Mr. Ragsdale moved to reconsider. This matter would cast a shadow over the work of the convention. There counties to do business on a cash basis | could be no trouble about leaving it in there. He thought the convention was acting most unwisely in this mat-

Mr. Haysworth took the same posi-

Mr. Bellinger said that there was no reason in putting two sections from the Nnited States Consitution in here. It was a place of political hypocrisy to put there, for it announced a doctrine they didn't favor. The motion to reconsider was then

lost. Section 11 was then adopted, this: Section 11. The right of suffrage as regulated in this Constitution shall be protected by the laws regulating elections and prohibiting under adequate power, bribery, tumult or improper

conduct. FIRST ELECTION DISCUSSION. Section 12, which was as follows, was called up and it turned loose a

a flood of the first election laws talk: Section 12. All elections shall be free and open, and each inhabitant of this State possessing the qualifications provided for in this Constitution shell have an equal right to elect officers and be elected to fill public officers. Senator Tillman moved to strike out the section, because the article on sufcommittee, offered the following sub- frage covered the matter. If you left the provision that the elections should to be informed of the nature and cause be held openly, then the legislature of the accusation; to be confronted it had the desire to do so.

Mr. Johnstone replied that this provision was absolutely necessary; that fense. tem. The fundamental principle of Senator Tillman said the suffrage

equal managers from the two parties. Therein lay the preservation of the board, who shall report annually to purity of the ballot.
the general assembly the state and Mr. Johnstone replied that the last condition of the several institutions thing to do was to trust the ballots of fully and particularly. The said the people to managers. Never take which allows a change of venue before board shall be advisory only, and the management and inspection of the the grand jury passes on the case. count out of the hands of the people. The managers could up stairs, if they wanted to, and count the ballots.

Till:nan-The gentleman's argument intimates that I am advocating fraud in elections. I deny it. Mr. Johnstone-Now, I have done nothing of the kind. Tillman went on to say that his

A LEGAL CONSTRUCTION. Governor Sheppard hoped that his colleague would not insist on his mo-

tion. The word "open" ment simply that it should not be secret. That was

all that could be done. A voice—How about Goff? Mr. Sheppard-He's been pretty erred, and his error was corrected. Mr. Parrott-What about the

come tax decision? do with this matter? Mr. Parrot-Was it not charged that the judges were bought up? Governor Sheppard-That's an opin-

mean minds. (Applause) Mr. W. B. Wilson spoke on Senator Tillman's side. He thought the managers gave all the protection wanted. It was not necessary to be put in there at all. This wos a dangerous proposi-

Mr. Johnstone said this dangerous provision had been in the Constitution | shall be preserved inviolate. for 30 years. Was it dangerous when in '76 it enabled us to keep the negroes from holding secret elections. They say it can be put in the suffrage article. Have they put it there? No, for the same reasons, no doubt, why they don't want it here. The roll was then demanded, and

was killed, the vote being: Yeas, 58; nays, 59. Mr. Wilson wanted to strike out the

Mr. Johnstone moved to table, saying "for God's sake don't make this mistake. They were all there to see that the white people remained in con-trol of the State." The motion to table was lost by a vote of 67 to 67 it being a tie, having of course that

There was apparently some mistake in the court; and a further count resulted as follows: Yeas, 64; nays, 56. The question then came up squarely on Mr. Wilson's amendment to strike out the words "and open." The roll was demanded and the vote resulted as follows, the amendment failing: Yeas, 59; nays, 60.

Sec. 16 was called up. The latter portion was stricken out on motion of Mr. Mower and the section was adopted as follows:

See. 16. In the government of this State, the legislative, executive and judicial powers of the government shall be forever separate and distinct from each other, and no person or persons exercising the functions of one of said departments shall assume or discharge the duties of any other. THE NEGRO QUESTION AGAIN.

Mr. Bellinger moved to strike out section 17. On a division vote of 65 to 12 the section was stricken out. The negro members wanted the roll call, but could not get the requisite 10 members to second the call. The section read as follows:

Sec. 17. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall Section 17 and 19 were adopted with- permissive by its own terms.

out dissent, as follows: Section 18. All courts shall be public and every person shall have speedy remedy therein for wrongs sustained Section 19. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated and no warrants shall issue but upon probable cause supported by oath or affirmation, and particularly

describing the place to be searched and the person or thing to be seized.

ANOTHER LIVELY DEBATE. Section 20 was taken up: Section 20. No person shall be held to answer for any crime where the punishment exceeds a fine of \$100 or imprisonment for 30 days, unless on a presentment or indictment of a grand jury of the county where the crime shall have been committed, except in cases arising in the land or naval forces or in the naval militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be put twice in jeopardy of life or liberty; nor shall be compelled in any criminal case to be a winess against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation. Mr. Stanyarne Wilson moved to strike out the words "where the pun-

ishment exceeds a fine of \$100 or imprisonment for 30 days," and insert in ieu thereof "before the court of general sessions." Mr. Johnstone said this amendment simply meant the initial movement in the establishment of a system of county courts that would cost the State \$70, 000. If this matter was carried through the legislature could allow trials for murder and arson by a jury of six men, without an indictment by a grand jury. There will be 72 new officials and what is to be gained? The

abolition of the right of trial by a jury of 12 men. Mr. Hutson moved to continue the debate on section 20 until the judici-ary article was taken up. This was

agreed to. CHANGES OF VENUE. Mr. Bellinger offered an amendment to section 21, allowing changes of

venue to made. The section was as follows: Section 21. In all criminal prosecutions the accused shall enjoy the right to speedy and public trial by an impartaial jury of the county where the crime shall have been committed and would be debarred the right to estab- with the witnesses against him; to eyes its fierce lord, the corn-stalk ing witnesses in his favor and to have the assistance of counsel in his de-

He wanted to strike out the words of the county where the crime shall

have been committed.' He wanted these words striken out. There had been ten lynchings in Barnwell county in his recollection. He was free to say that he believed each one cold-blooded murders. None were for unmentionable crimes. It was impossible to get a fair trial and conviction in such cases. He wanted it struck out. Another matter-there was a provision in the dispensary law This he did not think should be done in any event. His amendment prevailed and the

section was adopted as amended. Section 22 in regard to excessive bail was passed over. OTHER SECTIONS

The following were then adopted:

Section 23. All persons shall, before conviction, be bailable by sufficient sureties except for capital offenses, when the proof is evident or the presumption great. Sec. 24. In all indictments or prosecu- completely suspended.

tions for libel the truth of the alleged libel may be given in evidence and the

Times.

Sec. 25. Treason against the State well regulated by the courts. He shall consist alone in levying war or in giving aid or comfort to enemies against the State. No person shall be held guilty of treason except upon Mr. Sheppard-What's that got to testimony of at least two witnesses to the same overtact, or upon confession

in open court. Sec. 26. The privilege of the writ of nabeas corpus shall not be suspended ion that only originates in small and except when in cases of insurrection, rebellion or invasion the public safety

may require it. Section 27. No person shall be im-

fraud. as reported in this shape:

Sec. 29. A well regulated militia be-State, the right of the people to keep and bear arms shall not be infringed. Senator Tillman's motion to strike out of the State shall always be held in operation has been with the officers

> manner to be prescribed by law. be subject to martial law or to any and a source of pleasure to the great pains or penalties by virtue of that law crowd of visitors that are now sure to except by those employed in the army and navy of the United States and except the militia in actual service, but

Section 31 was then called up, read-

Sec. 31. No person who has conscienshall be compelled to do so, but he for the distance traveled. When a shall pay an equivalent for personal man can come fifty miles from home Mr. Aldrich moved to strike out all

nent to strike out the whole section. This was done.

any merchandies or commodity for profit. assembly

Sec. 33. The provisions of the Connumber and the variety of the exhibstitution shall be taken, deemed and its. The greater interest already shown, construed to be mandatory and pro- all over the State, in the success of the hibitory and not merely directory ex- fair, together with the efforts of the cept where expressly made directory or officers, has extended to those who

THE SUFFRAGE DISCUSSION. 12 m, on Tuesday next, and from day are ahead for the coming week.

10 o'clock this morning. for sowing oats—in the fall and in the osing the crop when sown in the fall he sowing is made at the proper time. naking their sowings in November tional pleasure for and some as late as December and as a shall be the recipients of October or early in November. But fair itself. if the oats cannot be put in properly in the early fall it is far better to wait

on it. The oat crop comes in at a very the organic law of South Carolina. opportune time, and as the grain is the the plow should be sown. It is a instances. We hope our farmers generally will give the crimson clover a trial this fall. Of course it will not do much on very poor land, but it will be worth a great deal to medium soil as an enricher. Like burr clover and vetch, it can be sown to advantage only in the fall.

The Sunflower State.

Kansas has often been called the sunflower state—a title more than ever appropriate since the foreman upon Motley's farm constructed his sunflower clock, says the Kansas city Journal. Choosing an enormous sunlower, he attached to its drooping head a tiny corn-stalk, not more than ten feet long. About the plant he drew a circle and divided it into twenty-four parts, each of which was sub-divided for minutes and seconds. And now as the faithful plant, from dawn to dusk pointer moves about the dial indicating the time. The sunflower clock can also be used as a stop watch to time races by holding over it a big umbrella, which checks the revolution upon the instant when the time to a fraction of a second may be read off upon the

Port Royal or Brooklyn.

WASHINGTON, Oct. 19.-After an inuiry, the navy department has decided that the depth of the water in the dry dock at the Norfolk navy yard will not permit the new battleship Texas to be docked there. The dock was found adequate for the Texas beforeshe was fitted with armament and ness for the month past and that he has other heavy material, but she is now enter. She will be sent for docking either to Port Royal, S. C., or Brooklyn navy yard with the probabilities strongly in favor of the latter place.

thio river reached the lowest point which he must return. The dispenser today it was ever known to be at this is also required to state on oath that time of the year. The marks here he has faithfully observed and comshow 11 inches, within 2 inches of the plied with the provisions on his bond lowest stage on record. Navigation is and oath, and with all the laws relating to his duties in the premises.

OUR STATE FAIR

EVERYTHING NOW POINTS TO A MOST

SUCCESSFUL EXHIBITION.

Good Work of the Agricultural and Me chanical Society--Cheap Fare on the Railroads--Columbia Interested--Every-

COLUMBIA, Oct. 19.-Special: The preparations for the coming fair of the State Agricultural and Mechanical Society all indicate that the exhibition will be in all respects the very best prisoned for debt except in cases of that has been held in very many years. The officers of the society began very Sections 28, 29 and 30 were adopted early to lay their plans, and just now there is every promise that great suc-Section 28. The right of trial by jury cess will crown their efforts. President Moore, himself one of the most successful and progressive farmers in ing necessary to the security of a free South Carolina, has taken special State, the right of the people to keep pains to perfect his plans for the fair this year. Secretary Holloway, a vet-As in times of peace armies are dangerous to liberty, they shall not be maintained without the consent of the directors have fully realized the situageneral assembly. The military power tion, and their zealous and active cosubordination to the civil authorities charged with carrying out their plans. and be governed by it. No soldiers The citizens of Columbia, too, have in shall in time of peace be quartered in a quiet but very business-like way, words "and open." It was the same any house without the consent of the done their part. With this combinamatter in another form. owner, nor in time of war but in the tion of interest and endeavor, there can be no doubt of a fine exhibition-Sec. 30. No person shall in any case, one that will be a credit to the Society

> be on hand. A very serious drawback to the fair last fall was the fact that the railroad by the authority of the general assem- rates were not so low as to tempt people to make the trip. There is now nothing wanting in this respect. For three days at least, during fair week, the rate will be low enough for any ious scruples against bearing arms body to come—only one cent per mile and go back for a single dollar, he ought not to complain of railroad fare after the word "but." Mr. Ragdale The rate now offered is as cheap as any moved as a substitute to the amend offered in South Carolina in many a ment to strike out the whole section. year. Indeed, the "oldest inhabitant" finds himself unable to recall the oc-Section 32 and 33 were then adopted casion when any more liberal arrangeas reported in this shape, leaving only ment was ever made for any gathering one section of the article unacted upon: in South Carolina. The schedules, Sec. 32. All navigable waters shall too, will be arranged with due regard orever remain public highways free to the convenience and comfort of to the citizens of the State and the those who wish to see one of the most Inited States without tax, impost or attractive exhibitions that have ever toll imposed; and no tax, toll, impost been afforded to the people of the State or wharfage shall be imposed, de- -the men, women and children that manded or received from the owner of like to come together for pleasure and

> the use of the shores or any wharf Judging from the number of applica-erected on the shores or in or over the tions that Col. Holloway has already waters of any navigable stream unless received, we may say that there will the same be authorized by the general be a very decided improvement, over the fairs of the past three years, in the have cattle, horses, products and implements whose merits they want to Senator Tillman then moved to show to the world. And thus there is, as make the consideration of the article already stated, every assurance that on the suffrage the special order for there will be a fine exhibition in every particular. In fine stock, more espec to day thereafter till the article shall ally there is now promise of an exhibibe disposed of. Interesting sessions ion that must prove of great value to those who would see excellent speci-The convention then adjourned till mens in this line, and who desire themselves to diversify their operations on the farm by raising blooded horses and cattle. A good programme In the south there are two periods for the race-course is also arranged.

> ng oats—in the fall and in the While there is some risk of will be much to interest, entertain and amuse. The exact plans have not vet t is well enough to take that risk if been made public. But the active and liberal efforts of the merchants and Many farmers as high up as Middle other business men of Columbia may Georgia have gotten into the habit of be relied upon to provide addi result the crop is damaged, if not bia hospitality during fair week. ruined, two years out of three. We be- The details have not yet been all arieve there is a gain in sowing in the ranged. But there will be no lack of fall if the sowing is made early enough that sort of amusement which will to show a solid green by the last of supplement what is to be had at the

> Present indications are that the session of the Constitutional Convention until February, then put them in land will extend into fair week-thus afthat has been well plowed. For this fording numbers of the people the opsowing it is well to plow the land in portunity to witness the work of the November or December, turning un- men to whom they have committed der any vegetable matter that may be the important task of framing anew

> From all parts of the State come the best food for working stock, no far-mer should attempt to get along with-out a crop of it. At least 5 acres to prices together with the promise of a report of bountiful harvests of corn and good lot of home-raised bacon. The good plan to set apart 5 acres to grow farmers are in better heart. In no betthe double crop of peas and oats or if ter way can they expend a little time clover is sown with the oats in October and money than in making a visit to t will be better, still, in a great many Columbia for fair week. Let everybody

come and bring his wife and children. Next to Reading Matter

A Bucyrus, O., clergyman, with an eye to business, publishes a weekly programme of the church services. interspersed with advertisements. A paragraph exhorting the people to praise the Lord is followed by a ratting ad of a hardware house. An ad beginning "Good butter a specialty. follows a paragraph beginning "What owest thou unto the Lord?" exhortation that ends, next world no offerings are needed," comes an ad beginning "Trade with Myer & Hirsch." And after a paragraph referring to the world to come. there is an ad about "Fresh and smoked meats."The advertisers probably pay extra for a position next to "pure reading matter." Talking of pure reading matter suggests an incident that occurred not long since in this city. An advertiser was in the publishing office of a sensational journal, which makes a specialty of printing scandals, to get rates for an ad. "Why not have your ad next to pure reading matter? asked the clerk "Great Scott!" was the reply "I didn't know you had any pure eading matter..

Dispensers Must Report. The State board of control has sent out circulars to all the county auditors

requiring the county dispensers to return all their request books filed for the proceding month. The dispensers must state on oath that the requests for liquors returned are all that were received and filled at his place of busicarefully preserved the same and that too deep in the water to permit her to they were filled up, signed and attested at the date shown thereon, as provided by law. And further, that said requests were tilled by delivering the quantity and kind of liquors required. and that no liquors have been sold or dispensed under his permit for said WHEELING, West Va., Oct. 16.-The month, except as shown by the request