such corporation, shall consolidate the

you wish to reach the outside compa-

Mr. Glenn-All judgments come be-

the local plaintiff.

the gentleman from York.

about the United States courts.

from coming in in the future.

agreed to.

to table the section was voted down.

operate or lease any railroad in this

State; but in all cases where a railroad

is to be built or operated or is now be-

ing operated in the State and the same

shall be partly in this State and partly

of this State; nor shall any foreign

corporation or association lease or op-

erate any railroad in this State unless

passed for the benefit of any foreign

corporation operating a railroad under

an existing license of this state or un-

made to any such foreign corporation

except upon the condition that the

SECTION NINE.

doing business within this State.

made a most favorable impression.

Dr. Smith of Barnwell thought the

idea was a good one. His little town

it section 20.

said domestic charter.

## VOL. XI.

COLUMBIA. Nov. 11.-Special: When the Convention passed off from the article on corporations. Section 1

SECTION TWO.

he moved to strike the section out. Mr. Johnstone said that this was the

most important section in the whole

Mr. Gage.

The section was then adopted as fol-

zation of all corporations hereafter to be created, and any such law so passed as well as all charters now existing or hereafter created, shall be subject to future repeal or alteration.

When section 3 was taken up, Mr. Haynsworth moved to strike out the words "and telephone." Telephone companies did not transmit messages. Dr. Stokes moved to table the amendment, which the convention refused to

Mr. Haynsworth's amendment was then adopted by a vote of 52 to 37. Mr. Stokes then amended it by placing after the word "companies" on the

The whole section was then adopted, reading as follows: Section 3. All railroads and canals

shall be public highway, and all rail. subject to liability as such. No such corporation shall be permitted to make any contract relieving it from its common law liability and taxation.

Pending discussion of this amendment, the Convention, on motion of Dr. Stokes, took a recess till 5:30, p.

motion of Dr. Stokes, was passed over till to-morrow.

ject to liability and taxation as such.

amendment thereto, which was also ordered to be printed in the journal Add "or permitting the same." The section was then passed over till today.

SECTION FIVE was amended on motion of Dr. Stokes.

and passed in the following shape: transportation of persons and property of the same class, in the same direction, to any more distant station, landing or port. Excursion and commutation tickets may be issued at spe-

was then called up, and Dr. Stokes of-

fered this substitute: Sec. 6. Any railroad or any other telegraph or other transmitting corporation organized under the laws of this of Mr. Stanyarne Wilson. State shall have the right to connect its roads or lines at the State line with go at the end of the section: those in other States, and shall have the right to intersect with or cross any for the section of a State bank examother railroad, street railway, trans- iner, and define the duties and powers the freight, passengers, cars (loaded or fixed by law. empty), and measages delivered to it

The substitute was adopted.

Sec. 7. No railroad or other transportation company, and no telegraph had lost \$11,000 in a wildcat scheme mend matters by adopting provisions or other transmitting company, or the about which it could get no informal manifestly unjust. He was opposed lessees, purchasers or managers of any tion.

MANNING, S. C., WEDNESDAY, NOVEMBER 20.

telegraph or other transmitting com- restrictions thrown around the office. aside from

Section 8 was called up, and Mr. J. State bank examiner, and define the much on the corporations. as may be fixed by law.

SECTION TEN Mr. W. B. Wilson then moved to Was slightly amended, and was passed in the following shape: Sec. 10. Stock or bonds shall not be Mr. Glenn-My position is not as he issued by any corporation save for would have you believe. If a corpolabor done or money or property actually received or subscribed, and all fictiration owning or leasing a railroad under the decisions of our courts that cious increase of stock or indebtedcorporation can be sued and held reness shall be void.

Mr. Henderson—Suppose the corporation in this State is insolvent and Section 11 was then called up, Dr. Stokes explaining the meaning of the section, which he said was to allow minority representation in voting. This had been found in a good many fore bonds and mortgages and I have constitutions. The section was adopted

said that there were really only two dates.

SECTION TWELVE Sec. 12. Corporations shall not engage in any business except that spewanted to know why they wanted to cifically authorized by their take the cases to the United States cifically authorized by their charter or SECTION THIRTEEN

Mr. Prince answered that it was to was adopted as reported by the com let a railroad get justice in a country mittee as follows: where the jury was not influenced by Mr. Johnstone said that the other day Mr. Paince was an earnest supporter of local self government.

Mr. Prince—In criminal matters,
which are very different indeed. Mr. Johnstone was heartily with They should not think that he was a vulgarian opponent to either corporations or capital. There was quite a tilt beif necessary for that purpose, of forfeittween Messrs. Johnstone and Prince ure of their franchises.

SECTION FOURTEEN. Mr. W. B. Wilson once more spoke Mr. Breazeale moved to strike out sec very earnestly on the same line. If tion 14. Lost yeas 54, nays 55. they passed this matter they would Dr. Stokes offered some prevent any such corporation coming

in in the future. It will restore old amendments, which being adopted the charters and get them into line again section passed in the following shape: Section 14. A commission is hereby domestic corporations. Mr. B. R. Tillman-Suppose you do established, to be known as the railnot, what is your remedy. It seems road commission, which shall than be composed of not less to me that if you get these roads back into line by this scheme, that is the very backbone of the whole article. three mem bers, whose powers over all transporting and transmitting corporations and duties, man-Mr. J. L. Glenn said what he wantner of election and term of office shall be regulated by law. Provided that the members thereof shall be elected marks and then Mr. Prince's motion at the expiration of the terms of the present railroad commission, who are hereby continued in office for the Mr. Glenn's amendment was then terms for which they were elected, and until otherwise provided by law, the said commissioners shall have the Senator Tillman offered to amend by inserting after the word "operated" same powers and jurisdiction, perform on line three the words "or is now bethe same duties and receive the same ing operated in the State" which was compensation as are now conferred, prescribed and allotted by law to the The section was then adopted as folxisting railroad commissioners.

Section 8. The general assembly shall not grant to any foreign corpo-Mr. Hamel, adjourned. ration or association a license to build

SECTION FIFTEEN COLUMBIA, Nov. 12.—Special: The Convention got promptly to work this morning-resuming the consideration of the article on coporations.

The pending question was the mo-tion of Mr. Fitch of Charleston to in another State, or in other States, the owners or projectors thereof shall first become incorporated under the laws follows:

corporations in this State with others shall be allowed only where the consolidated company shall become a domestic corporation of this state. No general or special law shall ever be tives of other persons. Any contract or agreement, expressed or implied made by any employee to waive the benefit of this section shall be null der any existing lease; and no grant and void. of any right or privilege, and no ex-emption from any burden, shall be

At the very outset Mr. W. B. Wil son offered the following substitute for section 15:

owners or stockholders thereof shall Section 15. Any employee of any first organize a corporation in this railroad corporation shall have the State under the laws thereof, and shall same rights and remedies from any inthereafter operate and manage the jury suffered by him from the acts or same and the business thereof under omissions of said corporations or its employees as are allowed by law to other persons not employees, when the Mr. Stokes moved the addition of the injury results from the negligence of a following:
Section 9. Nothing prohibited by this State shall be permitted to be done rect the services of a party injured, by any coporation or company or per- and also when the injury results from the negligence of a fellow servant enown benefit or otherwise, by its or gaged in another department of labor or coporation, shall be delivered at any station, landing or port at charges their own name or otherwise or on the fellow servant on another train of cars, not exceeding the charges for the name of any other person or persons or one engaged about a different piece or other coporation or company of work. Knowledge by such emplowhomsoever, a majority of the capital yee injured of the defect or unsafe stock or of bonds having voting power character or condition of any machinery, ways or appliances shall be no deof any railroad or transportation company or corporation created by or exfence to an action for injury caused isting under the laws of this State, or thereby, except as to conductors or engineers in charge of dangerous or unsafe cars or engines, voluntarily op-erated by them. When death ensues He withdrew this in order to make Section 9 was taken up and the word from any injury to employees, the "special" was put in before 'he word legal or personal representative of the "charter" in the first line, on motion rights and remedies as are allowed by law to such representatives of the other Mr. Oliver offered the following to persons. Any contract or agreement, express or implied, made by any em-The general assembly shall provide ployee to waive the benefit of this section shall be null and void and this portation road or transmitting line, of such office. Said officer shall re- section shall not be construed to deand shall each receive and transport ceive such compensation as may be prive any employee of a corporation or his legal or personal representative or advantage from the same, shall be Mr. Oliver related the dangers of of any right he now has by the law of

banking schemes being operated with-out such a provision. He made his The general assembly may extend first speech before the convention and the remedies herein provided for to any other cases of employees. SOME DEBATE.

to both the original and the sustitute.

At present corporations were liable should be left to the general assembly. should be no discrimination between had adopted this act because the radi-Mr. R. D. Lee wanted some further corporations. Look at the matter cal rag required it. The gentleman and from Spartanburg speaks of creditors. corporations, The amendment was agreed to and you will not hold a corporation liable The creditors inquire into the credit of the whole section was then adopted in for damages to a coservant. All that the person to whom they are extendcould be reasonably expected was alwhen demanded by the party com- corporations or associations may be corporation. The servant had ad- examiner to inquire into the condition the subject of lynching and lynchers, it proceeded to the consideration of the reivil causes.

when demanded by the party compositions of associations may be corporation. The servant had added to independ the composition of the corporations of associations may be corporation. The servant had added to independ the corporation. The servant had added to independ the corporations of associations may be corporation. The servant had added to independ the corporation. The servant had added to independ the corporation. The servant had added to independ the corporation of the corporations. That is the very independent of the corporations. The servant had added to independ the corporation of the corporation. The servant had added to independ the corporation of the corporation. The servant had added to independ the corporation of the corporation. The servant had added to independ the corporation of the corporation. The servant had added to independ the corporation of the corporation. The servant had added to independ the corporation of the corporation. The servant had added to independ the corporation of the corporation. The servant had added to independ the corporation of the corporation. The servant had added to independ the corporation of the corporation tent with this Constitution as it may that could not be helped. The rule as the orphans and widows and women! deem proper. The general assembly to negligence had been extended as far of your land; almost invariably their shall provide for the election of a as it should be. This was putting too scanty earnings are invested in these

too unjust to do any good. of a road protected in some way. every reason why the conductor, engineer and firemen should be protected and be allowed to recover.

Mr. Henderson stated that in such cases the injured persons had a common law right and the flagman stood in the shoes of the railroad. The railroad conferred certain duties it had to discharge upon its flagman and that made the corporation responsible. MR. STANYARNE WILSON.

Mr. Stanyarne Wilson thought that Mr. McCaslan was correct. MR. PRINCE.

Mr. Prince said that the trouble was that it only applied to one class of corporations-railroads. Dr. Stokes thought the substitute overed this and all other objections, n his opinion.

The substitute was then put before the house by the president. There was further debate on both

Mr. Henderson submitted that if an engineer was obeying the orders of a conductor, the conductor stood in the attitude of the corportion and was re-Mr. Wilson said it only makes the

railroad liable when an employe could not protect himself from the acts of a Mr. J. L. Glenn said this substitute with a few amendments was the same thing as the present law. This was

simon-pure legislation. It was reguinimical to the public welfare and to lating the relation between employed prevent abuses, unjust discrimination and employer. If not amended, the matter would be unwise-it would be class legislation. Dr. Stokes wanted to know if the corporations didn't get special privil-Mr. Glenn said they got none so far

as the employes were concerned. The roads had no authority over their emloyes different from an individual. Mr. Wilson's plan went further in class legislation than all other schemes he had heard of; it wanted to discriminate between the corporations. Mr. Glenn then cited cases, assisted by Mr. D. S. Henderson, going to

show that even a section master occu pied the position of the company in regard to his little crew.

Mr. Howell then took the floo agreeing with Mr. Glenn, and said it was class legislation of a bad kind. There were farmers who had corpora-

tions of their own. Dr. Stokes-If you are satisfied with the law as it stands, why object to putting it in the Constitution? Mr. Howell said that he objected because he wanted no legislation placed in the Constitution. He would

vote against the section and the substitute also. Mr. Bates asked him if section 1 was strictly legislative also. Mr. Henderson asked Mr. Bates, as

member of the committee, why he had presented a report that he admitted to be purely legislative in nearly all particulars.
Mr. Stanyarne Wilson then argued that it was simply to put the employ es on the same plane as passengers.

Mr. D. S. Henderson moved to indefinitely postpone the whole. Lostyeas 52, nays 58. Mr. Henderson moved to strike out the last sentence to the substitute read-

ing "The general assembly may extend the remedies herein provided for to any other class of employees." Mr. Otts moved to table this amend ment, which was done.

Mr. Ragsdale said the substitute was less objectionable than the original and should pass for that reason. Mr. J. L. Glenn moved to strike out

the words "or one engaged in a separate piece of work." The motion was tabled on motion of Dr. Stokes. The substitute of Mr. W. B. Wilson vas then adopted and clinched on notion of Dr. Stokes. Section sixteen was then taken up

and Mr. Stanyarne Wilson moved to strike out all after the word "article" on the third line.

Mr. W. B. Wilson said there was nothing which they could put in this Constituion that would so frighten capital away from the State as this It was throwing an unnecessary block in the way of the march of progress upon which the State was just enter-

ng. The amendment was adopted and then the section went through in this keep such institutions out of the State. shape:

Section 16. All existing charters or grants of corporate franchise under which organizations have not in good aith takeh place at the adoption of this Constitution shall be subject to the provisions of this article. The portion of the section stricken

organizations shall not in good faith take place and business be commenced within one year from the adoption of this Constitution shall thereafter have no validity."

ollows: Section 17. The general assembly

shall never remit the forfeiture of the franchise of any corporation now again taken up, the pending question being Mr. Wilson's substitute. charter thereof, nor pass any general this article.

This section fixed the liability stockholders at the amount of their shares. Mr. Stanyarne Wilson moved to add "and five per cent. additional." Mr. Ira B. Jones thought the matter

Mr. George Johnstone said he could give them the history of this act known as the "5 per cent. act." They ing it. Can't the individual inquire into the condition of the corporation Certainly they can. Yesterday we incorporated a provision for a public There was corporations, because they cannot beduties and powers of such office. Said great danger of a unfair liability unoffice shall receive such compensation der the section. The proposition was from Spartanburg to have the invest-Mr. McCaslan wanted the employees ors responsible, almost entirely re-of a road protected in some way. Take sponsible, for the dishonesty of the the case of a rear end collision when the corporations. The creditor takes rear train follows; orders; there was everything. What more does he want? I am with the gentleman from

> Mr. Gage-The Constitution of '68 leaves the matter with the legislature. If our Constitution provides that the stockholder shall not be responsible above the value of his stock, the world knows it and it will be no injustice. As to the other consideration, if a man looks after to save the \$100, to save the 100 cents and not the 5 per cent. The clause submitted should be adopted. Mr. Haynsworth said: There is another reason why this should be de I don't think the liability is feated. proper without incorporating with it

York and again move to lay it on the

these provisions that protect the innocent creditor. Mr. Stanyarne Wilson moved to strike out section 18, but the convention refused to strike it out. Mr. Bryan moved to add the follow-

ng to the end of the section: Provided, that the stockholders of every corporation or joint stock association for banking purposes shall also be individually responsible to the amount of their respective share or

Bogan, Henderson and Sheppard. Ir. Sheppard moved to table, but withdrew the motion.

Mr. Gage thought the matter should e investigated fully. No one would leny that stockholders were liable for 00 per cent. The difference between banks and other corporations is this: You start a factory with a capital of \$100,000 and the plant is liable, but a bank has a capital of \$25,000 and has deposits of \$75,000. I think those depositors should be secured. In order to make it secure, that people should all these minor offices to the legislago there and deposit this money, I offer this substitute for the amendment: Provided, That stockholders in banks or banking institutions shall be liable to depositors therein, in a sum

bove the same. This amendment was subsequently rithdrawn. Mr. Bryan's amendment was tabled y a vote of 55 to 41.

Mr. Ragsdale then spoke. Why do the banks want to be relieved of the responsibility? It is a sound trust fund, and they ought to be liable for something more than their stock. If hey get in a shaky condition the stockholders are the first who know anything about it. What consideration does the depositor receive for depositing his money? Very rarely for by the general assembly. anything. These stockholders are the owners of the bank, and if they take a was, after a brief discussion, passed man's money and lend it they should over for the present. be responsible for it.

Dr. Timmerman-As a rule banks don't do business on the money of the depositors. They do it on the capital stock, and when we undertake to say that stockholders shall be responsible man of sense would put his money in ion of counties into school districts. a bank if this prevailed. Mr. Stanyarne Wilson offered the

following as a substitute for the whole matter:

Section 18. Debts of corporations hall be secured by such individual liability of the stockholders and other means as may be prescribed by law. Mr. Wilson spoke in favor of his ubstitute.

Mr. W. J. Montgomery thought no stockholder would take stock in a bank if this provision was in force. He was in favor of Mr. Stanvarne Wilson's amendment. We could not tell what restrictions would have to be placed upon banking institutions in the future. They were doing as much for the State today as any one thing in the State. Every one would acknowledge that the establishment of local banks had been the means of doing away with the ruinous commission business, enabling the farmers to run on a cash basis.

Mr. Montgomery said he was always in favor of regulating so as to control corporations, but he did not wish to pass measures to choke them off. At the banquet last night there was much talk about the future prosperity of the State. They should not now try to do so. It was a part of the history of South Carolina that without a bank examin er, there were fewer failures of banks in South Carolina than anywhere else. The other point was that these institutions are not making more than a reasonable rate of interest on their money investment. If they made less money the people would not go in them at all The people were afraid of taking stock in which there was any considerable liability. This puts every corporation -and we ought to have more of them could find it.

The convention at this juncture took a recess antil 7:30 p. m. At the night session section 18 was

Dr. Stokes moved to table the Wilson substitute-which was done. There was then further debate, by Messrs. Henderson, Stokes, Johnstone, Gage and Lee.

Dr. Smith moved to lay Mr. W. B. he withdrew to allow Mr. W. B. Wilson to speak. Mr. Gage was just saying the question had been beclouded by injecting into it the matter of the probabilty of Thr

the State banking system being reestablished, when Dr. Stokes interrupted and the previous question was then ordered, Mr. Johnstone first offering this amendment: Section 18. Every stockholder in a

PUBLIC EDUCATION.

THE CONVENTION TAKES UP THAT IMPORTANT MATTER.

COLUMBIA, Nov. 13.-The conven-

the other State officers are elected; his urer to the county treasurers of the powers, duties and compensation shall respective counties on the warrant of he defined by the general assembly. The comptroller general and shall be man putting his hand into another's SECTION TWO. When section 2 was taken up, Mr.

Efird offered this substitute: Section 2. The general assembly shall provide by law for the election or appointment of such county, township or principal school officers as occasion may require. Mr. Patterson then offered the fol-

lowing substitute: Section 2. The general assembly shall make provision for the election or ap-

puts \$100 into the corporation, he pointment of all additional school of-

out the last clause. Mr. Mitchell, the chairman of the ciencies therein and disbursed as other committee, asked that the amendment school funds. be tabled. The article left to the leg-

islature the selection of all officers save the school commissioner. These an additional tax for the support of its creased. They would vote to increase commissioners had never been paid schools. properly. The commissioners should be paid an adequate salary. These men had to visit over 4,000 separate ty report was then taken up and was schools. He thought they should be as follows: careful and provide a good system. Mr. Ragsdale thought the commit-

and Prince.
Mr. Efird inquired whether Mr. Patterson's amendment did not con-

flict with section 4. Mr. Patterson said he would move to to them and leave the appointment of

The motion to indefinitely postpone an additional tax for the support of its was lost—nays 69, yeas 53 Mr. Patterson then withdrew the latter part of his substitute reading equal to their stock, and over and "and also for a system of free public schools throughout the State. Mr. Patterson's substitute was adopted by a vote of 73 to "no further.

count demanded. SECTION THREE. When section 3 was called up, Mr. Patterson offered the following substitute, which was adopted: and county school officials and compensation of county treasurers for collecting and disbursing school moneys funds, but shall be otherwise provided

SECTION FIVE

was taken up, reading as follows: Mr. Ragsdale moved to strike out

tally disabled." Mr. Patterson thought the convention was on section 6 and he sent up forfeitures to be imposed for the nona substitute which he withdrew. Mr. Ragsdale amendment was adopt-

Senator Tillman then offered to amend by inserting after the words make provision for the levy and col-"as nearly square as practicable, not on the dollar on all of the taxable to exceed 49, nor be less than 16 square property of the State, which tax shall miles in area; provided, that in cities be levied, collected and paid into the the committee who opposed the threeof 10,000 inhabitants and over the State treasury in the same manner as mill tax, he felt it his duty to express limit shall not apply.

the amendment. There was further debate by Messrs. Rogers, Otts, Perritte, Smith, T. E. Johnson, Hamel and Woodward. Mr. Breazeale then offered the fol-

lowing amendment to the amendment. Provided: That school districts may an incorporated city or town which has erected school buildings for free school purposes by the issuance of bonds, or by taxation, or by donation by citizens, thereof who may desire to

The further consideration of section was continued till the night session. SECTION SIX. This section, as reported, was then taken up. Mr. Mitchell, the chairman of the

committee, made a strong speech explaining the features of the plan embodied in the section. He then, by permission, offered the section as adjourned. amended by his committee, as follows: Sec. 6. The existing county boards of commissioners of the several counties; and the county school commis--on its good behavior, and puts sioner hereafter be vested with the money in a shape that the taxgather same or similar powers and duties, the additional levy which the Legislathe dollar upon all taxable property one-half mill was adopted. in their respective counties; which tax shall be collected at the same time and of his substitute. He reviewed the Yeas 82, nays 41. So the amendment by the same officers as the other taxes | condition of the State's educational infor the same year and shall be held in terests and demanded that she should the county treasury of the respective go forward and not backward. He said counties and the county school commissioner shall apportion the said mills for the common schoolsfund among the school districts of his county in proportion to the respective number of pupils enrolled in the pub-Wilson's amendment on the table, but lic schools and notify the trustees of mill tax and this supplementary fund the respective school districts thereof, as well. The present system is a same as the general assembly may di-

> Three trustees for each school dis-There shall be assessed on all taxa-

tax shall be expended for school pur- schools. But I am willing to main- sixty years.

poses in the several school districts in | tain them if we can. You have adopt which it is collected. Whenever dured a pure educational qualification for ing the three next ensuing fiscal years '98, and the people will expect you to the tax levied by the said county board provide an education for our boys ca of commissioners or similar officers and the poll tax shall not yield an amount equal to \$3 per capita of the number of children enrolled in the public schools of each county for the public schools of each county for the thought that the tax for the schools the rescent of the Lagrangian county for the public schools of each county for the public schools of each county for the schools the rescent of the Lagrangian county for the schools the rescent of the Lagrangian county for the schools the rescent of the Lagrangian county for the schools the rescent of the Lagrangian county for the schools the schools of the Lagrangian county for the schools of the scho scholastic year ending October 31,1895, the reach of the Legislature. as it appears in the report of the state MR. PATTERSON'S SUBSTITUTE KILLED. superintendent of education for said Mr. Ragsdale, with a view of expetion this morning commenced the scholastic year, the comptroller gen- diting business, moved to indefinitely consideration of the article entitled eral shall for the aforesaid three next postpone the Patterson substitute.

'Education." The first section went ensuing years on the first day of each The motion prevailed. through without debate, in the follow- of said years levy such an annual tax Mr. Ragsdale brought up his amendon the taxable property of the State as ment to strike out three mills and in-Section 1. The supervision of pub- he may determine to be necessary to sert two mills. He proceeded to adlic instruction shall be vested in a make up such deficiency and apporlic instruction shall be vested in a make up such deficiency and appordress the convention, saying that the state superintendent of education, who tion same among the counties of the three-mill tax would ruin the graded shall be elected for a term of two years State in proportion to the respective schools. then, for the benefit of all the people?

school funds. And from and after the 31st day of December, 1898, the general assembly shall cause to be levied annually on levied by the said county board of commissioners, or similar officers and necessary to keep the school opens throughout the State for such length Mr. Efird was willing to accept the general assembly may prescribe; and Patterson substitute if he would strike said tax shall be apportioned among the counties in proportion to the defi-

> Any school district may, by the authority of the general assembly, levy

THE CENTRALIZATION SCHEMB. Section 6 of Mr. Kennedy's minori-

Section 6. The comptroller general shall levy at each regular session after tee's report was superior to either of the adption of this constitution an anthe substitutes. The office should be a nual tax of 3 mills on the dollar on constitutional, elective one. If any- all taxable property throughout the the immovable tax of three mills. He shares of stock in any such corporation or association for all its debts and liabilities of every kind.

There was a running debate on this motion between Messrs. Johnstone, Devolution of the property throughout the support of the public schools, which tax shall be collected at the same time and by the same with appointive offices and allow the motion between Messrs. Johnstone, people to elect their officers. There shall be paid into the State treasury.

Characteristic one. If any-all taxable property throughout the support of the public schools, which tax shall be collected at the same time and by the same say, 'Kindle lights on every hillton agents as the general State levy and in every valley in South Carolina that everybody may see them.' was no use in talking about appoint- There shall also be assessed on all tax ing them. It was not Democratic. He able polls in this State between the wanted the people to choose their of-ficers from the highest to the lowest. of \$1 on each poil, the proceeds of order that he might propose an There was further debate, by Mes- which shall be applied solely to the amendment, relating to the school age srs. Perritte, Field, Sheppard, Parrott support of the public schools. The and the area and shape of school dis school tax shall be distributed among the several counties in this State in proportion to the respective number of pupils enrolled in the public schools to be disbursed in the several school strike out those sections when he came districts of said counties as may be provided by the general assembly. Any school district may, by the au-

> schools. MR. PATTERSON'S PLAN. Mr. Patterson announced that he would offer the following sections as

tute: Section 6. The existing county board of commissioners of the several counties, or such officer or officers as may hereafter be vested with the same or similar powers and duties shall levy an annual tax of 3 mills on the dollar Section 3. The salaries of the State upon all the taxable property in their respective counties; which tay shall be collected at the same time and by the same officers as the other taxes for shall not be paid out of the school the same year, and shall be held in the county treasuries of the respective counties to be apportioned among the school districts of the counties in proportion to the respective number of pupils enrolled in the public schools

thereof. Sec. 8. The general assembly shall free public schools for all children be-tween the ages of 6 and 21 years, not tween the ages of 21 and 60 years who labor, the proceeds of which tax shall on lines 2 and 3 the words "not men- several school districts in which it is shall define the penalties, fines and payment of this tax.

Sec. S. In addition to the taxes here inafter required to be levied and collected, the general assembly shall 'school districts' on line 3, the words lection of an additional tax of 1 mill are other taxes, and which tax shall to the convention his reason. The peo-Senator Tillman spoke in favor of be expended in public school education among the schools of the several counties of the State according to the discretion of the State board of control under such regulations as the general assembly may prescribe.

Mr. Hutson-If you adopt that system why don't you abolish the whole be established with a less area than 16 county system and let this apply to put it at "not less than two mills," square miles in which there is located roads and bridges as well, and abolish and leave the rest to the people. They the office of county treasurer. Mr. Kennedy—I have no objection its into this fund. o that. It was the law up to 68.

Mr. Hutson-I think you have said that that system was a poor one. Mr. Kennedy—As to schools, it was very good one as to everything else. Are you going to have one rule for nigher education and another as to orimary? Mr. Watson moved to table Mr Kennedy's substitute. Motion adopted

-yeas 90, nays 26. Pending the consideration of Mr. Patterson's substitute, the convention THE DEBATE CONTINUED.

Convention lost no time in resuming of legislation, and should be left to debate on the educational article. Mr. Patterson's amendment to limit shall levy an annual tax of 3 mills on ture should be authorized to make to strong speech against it. Mr. Patterson then spoke in favor

> He concluded: "I hope this convention will not go back on the peo- killed. ple by refusing to give them a three

more funds, I will be sorry for our people. They are not afraid of a raise. trict shall be selected in such manner and for such terms as the general assembly may determine.

They are in favor of it, if it is necessadown.

They are in favor of it, if it is necessadown.

They are in favor of it, if it is necessadown.

They are in favor of it, if it is necessadown.

They are in favor of it, if it is necessadown.

They are in favor of it, if it is necessadown. ail fines, forteits, escheats, etc., should ble polls in the State between the ages | go into the public school fund. If we

Mr. Patterson-Don't you think it vill be best to let the graded schools go

apportioned among the school districts pocket either by authority of law or of the counties and disbursed as other otherwise. Mr. Patton-Isn't the imposition of the two-mill tax doing just that?

Mr. Ragsdale—It is to some extent. Mr. Patton—Well, you are willing all the taxable property of the State to steal, but don't want to take as such a tax, in addition to the said tax much as the rest of us? (Laughter.) Senator Watson asked him if he thought the two mill tax injured the poll tax above provided, as may be graded schools. He said he did not. Mr. Ragsdale thought the whole system of schools was revolutionaryof time in each scholastic year as the even the appropriations for the coleges. He was kept answering questions for a quarter of an hour. He then went on to say the convention could give nothing that it did not take from the people. The people had never

been given any intimation that the

constitutional school tax was to be in-

it. There was no use in bringing irevelent issues into the matter. Mr. Barton moved to table, but with drew the motion and Mr. Lowman moved to amend the amendment by substituting for Mr. Ragsdale's "2" the words "not less than 2

Mr. Watson of Edgefield made an earnest and forcible speech in favor of BACK TO SECTION FIVE

On motion of Senator Tillman the Convention recurred to section 5, in

The amendment prevailed-year 76. navs 52. At the night session, after some verbal changes, section five was regular-ly adopted in the following shape:

Sec. 5. The general assembly shall provide for a liberal system of free public schools for all children between thority of the general assembly, levy the ages of 6 and 21 years, and for the division of the counties into school districts as compact as possible, not to exceed 49 nor to be less than 9 square miles, provided that in cities of 10,000 inhabitants and over, these limitation a substitute for Mr. Kennedy's substishall not apply.

THE THREE-MILL TAX Debate was then resumed on M Ragsdale's amendment to reduce the constitutional tax, as reported by the committee fr mills to two.

Mr. Talbert favored the two-mill tax n a înost earnest speech.

"Men are liable to make cheap taxes one of these campaign issues. It aught not to be so fixed that any man can undermine the system of education. There is no telling who may come here in the future to legislate for you. There are always some people who kick up Harry about anything you do and confuse matters perhaps, and they may mix up matters to a great extent. The rich men often have control over Section 5. The general assembly make provision for the assessment and them not to issue special taxes. He shall provide for a liberal system of collection of an annual tax of \$1 on wanted to support 3 mills and would the poorer ones and may influence support 4 if anybody offered it. He was in the fight for the great masses. we virtually drive out banks. No mentally disabled, and for the divisis able to perform ordinary manual For higher education there was appropriated \$196,000, and when you go be expended for school purposes in the back and tell them you have given the collected, and the general assembly they will justly protest against such a poor people the pitiful sum of 2 mills condition."

He was questioned a little by Mr. Ragsdale and he replied to each ques-

Mr. Howell's time was extended for 10 minutes and he, continuing, said that he wished to plead with the con vention for the education of the masses. Mr. Gunter said as the only one on

ple were crying out under excessive taxation. In his county they were in favor of the two-mill tax if the white people could get the benefit of it. Was it right that the white people should pay the tax to educate the negro? If was not right. Cry after cry had been raised against fraud. They should were proposing to put the liquor prof-

A SUBSTITUTE. Mr. Ira B. Jones offered a substitute requiring the General Assembly to authorize and direct the proper officers of each county to levy the annual tax of three mills for the support of the common schools. Mr. Jones spoke in favor of the

amendment. Senator Tillman spoke in opposi-

Governor Evans resigning the chair temporarily to Vice-President Jones. spoke warmly and at length in favor of the Jones amendment. He thought COLUMBIA, Nov. 14.—Special: The a tax levy was strictly in the domain the discretion of the Legislature. Mr. Mitchell closed the debate on

the Jones amendment, making a The vote was then taken on a mo tion to table the Jones amendment. leaving the school tax to the Legisla-

ture, was killed. Next came the motion to table Mr. Ragsdale's amendment. Yeas 76, nays 47. So the proposition to put the constitutional tax at two mills was also

The Convention then adjourned. THE POLL TAX.

COLUMBIA, Nov. 15 .- Special: The who shall expend and disburse the stench in the nostrils of the State. If Session of the Convention today was we do not increase this levy and raise consumed in discussing the poll tax. First came the proposition to make the tax two dollars This was voted Then it was proposed to make the

figure \$1.50. This too was defeated. So the tax is to remain at one dollar. Some discussion was also liad on of 21 and 60 years an annual tax of \$1 cannot maintain our common schools the age at which citizens should cease on each poll, the proceeds of which I am willing to blot out the higher to pay the tax. It was finally fixed at

## CORPORATIONS

THE CONVENTION DISCUSSES THE the works or franchises of, or in any banks to keep a "bank examiner" em- ple and should come out. way control, any other railroad or ployed. ARTICLE THEREON. other transportation company and no pany owning or having under its con-Several New and Important Provisions trol a parallel or competing line; and Carefully Reviewed--What Was Said and the question whether railroads or oth-

was adopted, as follows: L. Glenn offered to amend by insert-Section 1. The term corporation as ing after the word "State" on line six, used in this article includes all assothe words "unless the railroad so opciations and joint stock companies erated or leased is owned by a corporahaving powers and privileges not pos- tion chartered by the laws of the sessed by individuals or partnerships State. and excludes municipal corporations. table amendment, after stating his reasons therefor.

When section 2 was called up, Mr. Gage said that section 36 in the article on the legislative department covered the same matter much more fully and sponsible

Considerable objection was made to the motion and it was withdrawn by

cases in the United States courts. Section 2. No charter of incorporation shall be granted, changed or amended by special law except in the case of such charitable, penal or reformatory corporations as may be under the control of the State, or may be provided for in this Constitution; but son for this measure. the legislature shall provide by general laws for changing or amending existing charters and for the organiconstitutional principles involved in the whole article. One was the section embedying the statue of 1841. He

SECTION THREE.

third line the words "and other transmitting companies." Senator Tillman moved to amend by adding at the end of the section the words "and taxation." Senator Tillman said they were not now getting any taxes from the Pullman carcompanies, and he wanted to reach it. His amendment was then adopted.

road, express, sleeping car, canal and other transportation companies and all telegraph companies and other transmitting companies are declared to be common carriers in their respective lines of business, and ed to do was to keep any road system

At the afternoon session section 4. was discussed at some length, but, on

Section 3 was then recurred to, and Dr. Stokes offered the following substitute, to be printed in the journal: Sec. 3. All railroads and road ways, canals and other waterways used in whole or in part by corporation for the transportation of persons or freight for hire and public highways, all railroad express, sleeping car, canal and other corporations engaged in transportation for hire and all telegraph and other coporations engaged in the business of transmitting intelligence for hire are common carriers on their respective lines of business and are sub-

the railroad so operated or leased is owned by a corporation chartered by It shall be unlawful for any such corthe laws of this state, or purchase the poration to make any contract relievsame, or any interest therein. Coning it of its common law liability. solidation of any railroad lines and Mr. Lee then sent up the following

Sec. 5. No discrimination in charges or facilities for transportation for the same class of freight or passengers within this State for the transmission of intelligence, or coming from or going to any other State, shall be made by any railroad or other transportation or transmission company between places or persons and no railroad or transportation company shall charge a higher rate per ton per mile to any station, landing or port in the State. for the transportation of any class of freight, than the said company or corporation charges on the same class of freight to any station or landing or port of this State. Persons and property transported over any railroad, or son or persons, either for its or their by any other transportation company

cial rates. SECTION SIX

transportation corporation, and any by another without delay or discrimination.

SECTION SEVEN was then adopted as follows:

stock, property or franchises of such corporation with, or lease or purchase that the State did not have sufficient The whole thing was wrong in princi-

er transportation companies or telegraph or other transmitting companies are parallel or competing lines shall, cial charter for banking purposes, but man had the best claim against a

SECTION ELEVEN.

no idea whatever of throwing those in the following shape: Sec. 11. The general assembly shall Mr. Johnstone-I would not for a provide by law for the election of dimoment seek to throttle the rail oads rectors, trustees or managers of all of this State, but I am opposed to corporations by the cumulative them becoming the masters of our peoplan; that is to say, so that each stock-holder shall be allowed to cast, in perple, and I agree with the gentleman from York that we should force them son or by proxy, as many votes as the number of shares he owns multiplied to take out charters in this State so number of shares he owns multiplied that they will be amenable to our laws. Mr. Prince said he could see no reaor managers to be elected, the same to be cast for any one candidate or to be Mr. Johnstone then spoke again and distributed among two or more caudi

Sec. 13. The general assembly shall enact laws to prevent all trusts, combinations, contracts and agreements prevent abuses, unjust discrimination and extortion in all charges of transporting and transmitting companies, and shall pass laws for the supervision and regulation of such companies, by commission or otherwise and shall previde adequate penalties, to the extent,

Pending the consideration of section 15, the Convention, on motion of

strike out section 15, which read as Section 15. Every employee of any corporation doing business in this State shall have the rights and remedies for injury suffered by him from the act or omission of such corporation or its employees as are allowed by law to other persons not employees. And when death ensuses from any injury to an employee the legal or personal representative of such employee shall have the same rights and remedies as are allowed by law to such representa-

A SUBSTITUTE.

Mr. Ragsdale said they could not

out read as follows:
"And all such charters under which Section seventeen was adopted as

or especial law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter and franchise subject to the provisions of this Constitution; and the reception by any corporation of any provision of any such laws, or the taking of any benefit conclusively held an agreement by such corporation to hold its charter and franchise under the provisions of SECTION EIGHTEEN.

CONTINUED ON PAGE FOUR.