

A COMPLETE REVIEW

OF THE WORK ACCOMPLISHED

So far by the Constitutional Convention. The Article on Suffrage. The Convention Only Half Through Its Work.

The constitutional convention, after two months' solid work, not including the time allowed for recesses is now exactly half through with its work, so far as articles adopted are concerned, 8 out of the 16 articles proposed having been completed and sent beyond the control of the convention.

The debate that ensued made some of the most interesting pages of South Carolina history and will doubtless be often heard of in the future.

The convention has much work ahead of it yet and if the idea of exhaustively debating everything continues to prevail there will be a session continuing for several more weeks yet.

During the past week Senator Tillman made what is considered by every one to be the most remarkable speech he ever made in his life.

All are interested to know what the convention has done in the matter of constructing the new constitution. It can be compactly stated.

Only eight of the sixteen articles proposed have been entirely completed as yet and referred to the committee on style and revision. They are the articles:

- 1. On executive department.
2. On impeachments.
3. On municipal corporations and police regulations.
4. On amendment and revision of the constitution.
5. On miscellaneous matters.
6. On penal and charitable institutions.
7. On suffrage.

All the sections of the article on legislative department have been passed to their third reading save that relating to the homestead, discussed a whole day and then laid over, and the section relating to inter-marriages. So this article is almost complete.

All the sections of the article on finance and taxation have likewise been passed to a third reading, save five. Sections 2 and 3 were continued, and the further consideration of Sections 6, 8 and 17 were postponed until later. Section 16 was stricken out entirely.

The same thing applies to the article on the declaration of rights, four of its sections being unacted upon as yet. Sections 12 and 13 are to be taken up along with the report of the suffrage committee. Section 20 is to be taken up along with the article on judicial department. Section 22 was merely passed over to be taken up later. So all the sections of this article have been disposed of save four.

The article on counties and county government has been passed to a third reading. Some amendments will be offered on the third reading and there may be a considerable fight.

Of the article on jurisdiction, all the sections have passed their third reading save one—the last—that relating to lynchings, which is now under discussion.

THOSE UNTOUCHED AS YET. The following articles have not even been taken up on their second reading yet:

- 1. On education.
2. On judicial department.
3. On eminent domain.
4. On corporations.

The first two and the last of these are loaded with dynamite and will be productive of notable debates.

THE NEGRO BLOOD MATTER. The committee on the article on legislative department, has reported it back, recommending that it be passed as originally reported. There will be a big fight over it.

THE HOMESTEAD. The homestead section of this article, the only other one not yet sent to

its third reading, stands as amended, as follows:

Section 29. The general assembly shall enact such laws as will exempt from attachment and sale under any writ or final process issued from any court to the head of any family residing in this State, homestead of lands, either held in fee or any lesser estate, not to exceed in value \$1,000, with the yearly products thereof, and every head of a family residing in this State, whether having a homestead exemption in lands or not, personal property not to exceed in value the sum of \$500. The title to the homestead to be set off and assigned shall be absolute and be forever discharged from all debts of said debtor then existing or thereafter contracted except as hereinafter provided. Provided, that in case any woman having a separate estate shall be married to the head of a family who has not of his own sufficient property to constitute a homestead as herebefore provided, said married woman shall be entitled to a like exemption as provided for a head of a family. Provided further, that there shall not be an allowance of more than \$1,000 worth of real estate and more than \$500 worth of personal property to the husband and wife jointly. Provided, that no property shall be exempt from attachment, levy or sale for taxes, or for payment of obligations contracted for the purchase of said homestead or the erection of improvement thereon. Provided further, that the yearly proceeds of said homestead shall not be exempt from attachment, levy or sale for the payment of obligations contracted in the production of the same. Provided further, that no woman shall defeat the right of homestead, except by a deed or mortgage, and only as against the mortgage debt, and no judgment creditor or other creditor whose lien does not bind the homestead shall have any right or equity to require a mortgage which embraces the homestead and other property to first exhaust the homestead.

THE SUFFRAGE ARTICLE.

Reviewing the results of the past week, one notes that the suffrage article and Mr. Kennedy's special railroad bond ordinance were the only matters that became finalities during the week.

The suffrage article has been finally adopted as follows:

Section 1. All elections by the people shall be by ballot and elections shall never be held or the ballots counted in secret.

Section 2. Every qualified elector shall be eligible to any office to be voted for, unless disqualified by age, as prescribed in this Constitution. But no person shall hold two offices of honor or profit at the same time, except an officer in the militia and a notary public.

Section 3. Every male citizen of this State and of the United States, twenty-one years of age and upwards, not laboring under the disabilities named in this Constitution, and possessing the qualifications required by it, shall be an elector.

Section 4. The qualifications for suffrage shall be as follows:

- (a) Residence in the State for two years, and in the county one year, in the polling precinct in which the elector offers to vote four months, and the payment six months before any election of any poll tax then due and payable. Provided, however, that minors and teachers of public schools shall be entitled to vote after six months' residence in the State, if otherwise qualified.

(b) Registration, which shall provide for the enrollment of every elector once in 10 years, and also an enrollment during each and every year of every elector not previously registered under the provisions of this article.

(c) Up to January 1st, 1898, all male persons of voting age applying for registration, who can read any section in this Constitution submitted to them by the registration officer, or understand and explain it when read to them by the registration officer, shall be entitled to register and become electors. A separate record of all persons registered before January 1st, 1898, sworn to by the registration officer, shall be filed, one copy with the clerk of court and one in the office of the secretary of State, on or before February 1st, 1898, and such persons shall remain during life qualified electors, unless disqualified by the other provisions of this article. The certificate of the clerk of court or secretary of State shall be sufficient evidence to establish the right of said citizens to any future registration, and the franchise under the limitation herein imposed.

(d) Any person who shall apply for registration after January 1, 1898, if otherwise qualified shall be registered. Provided, That he can both read and write any section of this Constitution, or can show that he owns and has paid all taxes collectible during the previous year on property in this State assessed at \$300 or more.

(e) Managers of election shall require every elector offering to vote at any election, before allowing him to vote, proof of the payment of all taxes, including poll tax, assessed against him and collectible for the previous year. The production of a certificate, or of the receipt of the officer authorized to collect such taxes, shall be conclusive proof of the payment thereof.

(f) The general assembly shall provide for issuing to each duly registered elector a certificate of registration, and shall provide for the renewal of such certificate when lost, mutilated or destroyed, if the applicant is still a qualified elector under the provisions of this Constitution, or if he has been registered as provided in sub-section (c).

Section 5. Any person denied registration shall have the right to appeal to

the court of common pleas, or any judge thereof, and hence to the supreme court, to determine his right to vote under the limitations imposed in this article, and on such appeal the hearing shall be de novo, and the general assembly shall provide by law for such appeal and for the correction of illegal and fraudulent registration, voting and all other crimes against the election laws.

Section 6. The following persons are disqualified from being registered or voting:

First—Persons convicted of burglary, arson, obtaining goods or money under false pretense, perjury, forgery, robbery, bribery, adultery, bigamy, wife beating, house breaking, receiving stolen goods, breach of trust with fraudulent intent, formation, seduction, incest, assault with intent to ravish, or any other crime against the laws against the election laws: Provided, That the pardon of the governor shall remove such disqualification.

Second—Persons who are idiots, insane, paupers supported at the public expense, and persons confined in any public prison.

Section 7. For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas, nor while a student of any institution of learning.

Section 8. The general assembly shall provide by law for the registration of all qualified electors, and shall prescribe the manner of holding elections and of ascertaining the results of the same. Provided, That at the first registration under this Constitution and until the 1st of January, 1898, the registration shall be conducted by a board of three discreet persons in each county, to be appointed by the governor, by and with the advice and consent of the senate. For the first registration the registration books shall be kept open for at least six consecutive weeks, and thereafter from time to time at least one week in each month up to 30 days next preceding the first election to be held under this Constitution, the registration books shall be public records open to the inspection of any citizen at all times.

Section 9. The general assembly shall provide for the establishment of polling precincts in the several counties of the State, and those now existing shall so continue until abolished or changed. Each elector shall be required to vote at his own precinct, but provision shall be made for his transfer to another precinct upon his change of residence.

Section 10. The general assembly shall provide by law for the regulation of party primary elections and punish fraud at the same.

Section 11. The registration books shall close at least 30 days before an election, during which time transfers and registration shall not be legal, provided persons who will become of age during that period shall be entitled to registration.

Section 12. Electors in municipal elections shall possess the qualifications herein prescribed. The production of a certificate of registration from the registration officers of the county as an incorporated city or town in which the elector desires to vote is declared a condition prerequisite to its obtaining a certificate of registration for municipal elections, and in addition he must have been a resident within the incorporated limits at least four months before the election, and have paid all taxes due and collectible for the preceding fiscal year. The general assembly shall provide for the registration of all voters before each election in municipalities: Provided, That nothing herein contained shall apply to any municipal elections which may be held prior to the general election of the year 1896.

Section 13. In authorizing a special election in any incorporated city or town in this State for the purpose of bonding the same, the ordinance shall be a condition precedent to the holding of said election a petition from a majority of the holders of said city or town, as assessed by its tax books, and at such elections all electors of such city or town who are duly qualified for voting under section 12 of this article, and who have paid all taxes—State, county and municipal—for the previous year, shall be allowed to vote, and the vote of a majority of those voting in said election shall be necessary to authorize the issue of said bonds.

Section 14. Electors shall in all cases, except treason, felony or a breach of the peace, be privileged from arrest on the days of election during their attendance at the polls and going to and returning therefrom.

Section 15. No power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage in this State.

When the vote was taken on the suffrage article, several members voting, asked to be allowed to spread the reasons for their votes on the journal. The following were given:

Mr. Dudley—I voted "no" on the article on the right of suffrage for the following reasons:

1. It places the eligibility of electors within the arbitrary will, possibly of a partisan, and requires qualifications of electors, if fairly applied, which will exclude a large number of worthy men, who will be deprived of the privilege enjoyed in the past from no fault of their own.

2. And for the further reason: White supremacy may be secured without resorting to the perhaps questionable means adopted by the convention.

Mr. McDermott—I voted "no" on the adoption of this section of the Con-

stitution because I am opposed to the educational and property qualifications.

Mr. Hamel—I voted "aye" on the adoption of the report of the committee on suffrage, but still entertain the same objections presented by me on page 13 of the journal of the 38th day.

Mr. Derham—I voted "no" on the amendment because the provision could not be complied with in some instances in Horry county, and we need no constitutional provision to make us count all votes cast.

Mr. W. D. Evans: I vote "no" on the final passage of this article for the reason that I am opposed to the property qualification.

Mr. Talbert—After offering every objection in my power to the property qualification, and having failed to strike out the provision in the report of the committee on suffrage, I feel constrained to vote for the adoption of the plan in obedience to the majority vote of the Democratic members of the convention.

Mr. Gray—I cannot vote for the article on right of suffrage for the following reasons:

First, because the article requires an educational and property qualification for voting.

Second, because the educational qualification prescribed discriminates in favor of one class and against another class of citizens.

Third, because the Reform faction, which dominates this convention, and of which faction I am a member, is pledged "not to disfranchise any white man except for crime."

Fourth, because the article subjects this convention to the charge of conspiracy to defraud a certain class of American citizens in the exercise of the elective franchise, and I greatly fear this charge may be sustained in the United States supreme court.

Fifth, because if this charge be sustained by the State or Federal court, at least 15,000 illiterate white men registered under the understanding clause of the article will be disfranchised.

Mr. T. E. Johnson votes "no" because of his pledges that he would oppose an educational or property qualification for voting.

ANOTHER FINAL ORDINANCE.

The following ordinance offered by Mr. J. E. Kennedy has been adopted finally:

Be it ordained by the people of South Carolina, in regular convention assembled:

That nothing in this Constitution ordained and established by the people of the State of South Carolina, now in regular convention assembled, shall prohibit the general assembly from enacting all such laws as may be necessary to validate and carry into effect the subscriptions to the capital stock of the Charleston and Lancaster Railroad company, and to the Charleston and Keowee Railroad company, heretofore voted for and authorized by the qualified voters of said county, and to validate and authorize the issue of the bonds of said county in payment of the same; or from enacting all such laws as may be necessary to validate and carry into effect the subscription by the city of Spartanburg to the capital stock of the Spartanburg and Rutherfordton Railroad company, heretofore voted for and authorized by the qualified voters of Spartanburg city, and to validate and authorize the issue of the bonds of said city in payment of the same.

THE CASH BASIS IDEA.

Mr. Henderson's ordinance providing for an issue of State bonds to enable counties to do business on a cash basis has been killed outright, and Mr. Connor has introduced the following ordinance to try and give the relief sought.

An ordinance to authorize the general assembly to provide for a sinking fund in the several counties of the State to enable them to do business on a cash basis:

Whereas, in most, if not all of the counties of the State, the taxes are never realized until a year after the levy, and consequently the contracts for ordinary county purposes and for the running of the schools have to be made on a credit instead of a cash basis; and whereas, this is an evil which ought to be remedied.

Therefore be it ordained by the people of South Carolina in convention assembled and by the authority of the same:

Section 1. That the general assembly shall provide for an annual tax levy not to exceed 1-2 of 1 mill in each county not now on a cash basis, the proceeds of all such levies shall be used as a sinking fund for each and every county in which it is levied and collected and shall be invested as the general assembly shall direct until an amount sufficient shall have been collected to put such counties on a cash basis, then such annual levies shall cease.

ANOTHER NEW COUNTY.

The committee on counties and county government has introduced the following ordinance in regard to Seabrook county, petitions for the establishment of which were presented during the week:

An ordinance to relieve the contemplated new county of Seabrook from the provisions of this constitution:

Be it ordained by the people of South Carolina, in regular convention assembled, that nothing in the constitution ordained and established by the people of the State of South Carolina, now in regular convention assembled, shall prohibit the general assembly from organizing a new county from portions of Charleston and Berkeley counties, as will more fully appear by a map now on file in the office of the secretary of State made by Henry Morrison, said new county to be known as Seabrook county, with its county seat at Mount Pleasant.

PRESENT STATUS.

The present status of the article on jurisdiction has been stated above.

The important section relating to changes of venue has passed its third reading, with an amendment that the grand jury must ask for the change before it can be allowed.

SOME DAYS ago the committee on contingent accounts and expenses was instructed to prepare an ordinance providing for the disbursement of the appropriation made to defray the expenses of the convention. The committee has presented the ordinance, which provides for pay for the members at \$4 a day after Oct. 15 and until the final adjournment. The secretary is allowed \$600 for the session. His first assistant is given \$1 a day.

The bill, reading and journal clerks and the second assistant secretary are allowed \$3 a day; the downstairs doorkeeper \$2.50 a day, and all other clerks \$2 a day. It seems strange that the clerk who really has the whole work of the convention and no end of responsibility should be allowed only \$2.00, when the clerk of the house of representatives is allowed \$800 for 30 days work, which is nothing to compare with the work required by the convention.

CONVENTION PROCEEDINGS.

CONVENTION RE-ASSEMBLES.

IT DOESN'T DO MUCH, BUT IT TOOK A LONG TIME TO ADJOURN.

The constitutional convention re-assembled at 8 o'clock Tuesday evening after its three-day recess and once more resumed the consideration of the suffrage article, taking up the important sections. There was not more than a bare quorum of the members present, yet a late session resulted, an adjournment only being reached after it was found that there was "no quorum" in the hall.

The only matter of any consequence acted upon was the striking out of the provision for representation for both political parties on the boards of election managers and canvassers of returns. An attempt was made to allow property-owning women to vote in municipal elections on questions of increasing the public debt, but it failed. A proposition was introduced to defer the assembling of the legislature from the last Tuesday in this month to the second Tuesday in January.

A VITAL MATTER AT ISSUE. Shall the State Have the Right of Change of Venue?

On Wednesday, the 40th day, the convention completed the discussion of the suffrage article and the whole thing has now been sent to the third reading. A vigorous effort was made to prevent the possibility of fraud in the handling of the registration books, but a provision looking to this was killed. After an extended debate the ordinance providing for an issue of State bonds to enable the several counties of the State to do business on a cash basis was killed.

The convention at night took up the section of the article on jurisdiction, allowing the State to secure changes of venue from one county to another in criminal cases—giving the State the same right as is allowed the defendants. The real meaning of the proposition is that the State wishes to try men charged with violations of the dispensary law in counties other than their own. This was developed in the debate. All the lawyers have been turned loose on the vital question and until a late hour a lively debate was in progress.

"Uncle George" Tillman severely handled the dispensary law.

A "REFLECTIONAL" DEBATE. Barker, of Charleston, and Tillman, of Edgefield, made the Fur Fly add then Shake Hands Amid Applause—The Removal Clause Goes Through.

The convention spent the entire day of the 41st session on Thursday, over the important measure to allow the State to obtain changes of venue in civil and criminal cases, with a view of having the dispensary law enforced more rigidly. The convention at first struck out the clause. Then it turned around and adopted a clause to allow the Legislature to pass laws allowing changes in cases it would select. Now an effort is being made to qualify this so that a grand jury must recommend the change. There have been some lively passages.

At the night session there was quite a sensation. Mr. Barker, of Charleston, who had just started to speak when the hour for recess came and cut him off, took the floor when the convention re-assembled and severely handled the dispensary law from Alpha to Omega, relating many incidents in its enforcement which he regarded as outrageous and unjustifiable.

Senator Tillman took the floor in reply, and announcing that his administration of the dispensary law had been attacked, he went for Mr. Barker with gloves off. The whole dispensary history was recounted and the Darlington war was fought all over again.

Unparliamentary language was used and a reflectional debate ensued. Things were extremely lively for about two hours, the running debate between Senator Tillman and Mr. Barker being dramatic at times. The debate heated as it was finally ended by Tillman and Mr. Barker shaking hands, the former dramatically declaring that henceforth Edgefield and Charleston would be counties of the same State. This took place amid a storm of applause and ten war was fought all over again.

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to another county, and that no case should be transferred to a county not in the same district as the county in which it originated.

Mr. Patton at a late hour offered a new section to the removal provision as a provision private against crime. This is after another feature of the dispensary law, one that has caused a man to be imprisoned in the penitentiary without a trial by jury. Mr. Patton made a powerful speech on the subject. The convention voted down his measure. A motion to reconsider this was pending when the convention adjourned. A motion to table the motion to reconsider was lost on an aye and no vote just before the adjournment.

TILLMAN GETS LEFT ONCE.

He Wants the Minority Party to Have Representation at the Polling Precincts, But the Convention Votes Him Down.

The convention occupied all of Friday's session (the 42d day) in a lively dispensary debate, the issue being Mr. Patton's proposition to prevent the issuing of injunctions by judges to prevent the commission of a crime. The dispensary law permits a judge upon affidavit to put a man under a perpetual injunction not to sell liquor. The matter was most exhaustively argued throughout, all the "heavy weights" of the convention taking a hand. Mr. George D. Tillman scathingly recounted the deeds done under this provision of the dispensary law. Senator Tillman defended the dispensary law in his most pronounced style. The advocate of Mr. Patton's measure argued for the preservation of the established principle of the right of trial by jury for a crime. The measure was finally killed by a vote of 37 to 25.

At the night session the suffrage article was called up for a third reading, and the most remarkable session since the convention convention ensued. After several insignificant amendments had been made, Senator Tillman offered this amendment to section 1: "Each of the two political parties casting the highest number of votes at the preceding election shall have representation on the board of managers of election at each polling precinct and on the board of county canvassers in each county." As soon as he put this in he called the previous question on the whole article. This was the measure that had been stricken out before after a big fight. Tillman made the most remarkable speech he ever made in his life. He said:

"Mr. President: I do not desire to make a speech. I merely wish to make a statement. The convention will remember that the article as reported by the committee had this identical provision in a different place. The other evening on the motion, I believe, of the gentleman from Marlboro, and with only one speech from the committee, the section was stricken out. The committee met yesterday afternoon and after the careful consideration of the entire subject, not in connection only with South Carolina, but in connection with the matter from a national standpoint, decided that this convention cannot afford to put itself on record, the article having been brought in here with this provision in it, and we cannot keep it there, and the committee are unanimous in this that it should be an integral part of the constitution. But it is not only in deference to public opinion, but for our own self-respect and protection that we desire to put it back there. Such a provision is in almost every constitution of the United States north of Mason and Dixon's line. Every man who has been reading the Northern papers must realize that we are being watched from one end of this country to another. We are already twitted with proposing to perpetrate trickery and fraud and to strike down free American voters by our machinations and machinery. We have openly avowed our purpose to do certain things, but we cannot openly avow this purpose. We ask you not to stultify this body to put it on record that we propose to perpetrate the conditions that have existed in the past and we think ought to give us some consideration. You invite attack from Congress, from the Supreme Court of the United States and from all the enemies of South Carolina and all the enemies of the South and all the friends of the negroes. But there is another consideration. We have been laboring so long under the incubus of negro domination that in our efforts here to rectify our constitution and throw a safeguard around our suffrage and the elections of this country, we have been oblivious to the fact that we are making a constitution that is unalterable and we would leave it to the hands of every party in South Carolina that might in the future get possession of the machinery to elect white men—our equals and our fellow citizens."

"I believe it is almost inevitable, seeing that men are born different, that they look at things through different spectacles, that we will have division among the whites in this State, as there is even here. Elsewhere there is freedom, and in the future we will have it—white man against white man—and the question is, are we going to put it in the power of one set of white men to see that their votes are put in the proper box, and that they are honestly counted?"

"We are here with 30,000 odd on the one side and 55,000 on the other and nothing but the patriotism of the one side has kept it from appealing to those corrupt votes to overthrow us. God forbid that we should so far divide as to bring in this vote as a balance amid a storm of applause and ten war was fought all over again."

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