The Anrens Advertiser.

Constitutional Convention.

THE WORK BEGUN IN EARNEST.

The Executive Department Under Review.

Thirteenth Day.

The convention entered upon hard work this morning in the consideration of matters connected with the executive department, relating to the estab-lishment of a pardoning board and the power of removat from public office by the Governor. A little by-play began the session in an effort to unlock the wheels of the committee on county gov-

LIVELY TIMES IN A SPLIT COMMITTEE. Mr. Otts rose to a question of high privilege immediately after the cor-rection of the journal has been com-pleted and offered the following reso-

Whereas, the committee on counties and county government has been in-creased from 11 to 12 members—an even number—by order of this conven-tion, which has frequently caused a deadlock and now a permanent dead-lock; therefore, be it resolved, that the Hon. J.W.Floyd, of Kershaw, be added to the committee on countles and coun-ty government. ty government.

Mr. Austin, of Greenville, had risen as soon as he saw Mr. Otts on the floor. The latter declined to yield and proceeded to speak, urging and beseeching the convention to give the cummittee an odd number to break the dea

Mr. Austin offered the following Whereas, the committee on counties

and county government is composed of twelve members, and whereas, with this number the committee is unable to agree; therefore, be it resolved, that the president of this convention be authorized to add one additional member to said committee.

Mr. Austin said be was entirely will-

man to the chairman of the convention. He thought it preposterous and presumptuous for a member of one of the two sides in the committee to try to name the odd man.

Mr. Johnson concurred in this view.
Mr. Moore thought the fairest way
would be to withdraw the last man ap-

George D. Tillman moved to table Mr. Austin's substitute and gravely and pathetically gave an account of the situation in his committee, which elicited roars of laughter. He suggested that thirteen is an urlucky number. The committee had been going on smoothly with six manners for successions. with six members for new counties and five or thead system of monopoly in court how hen this newcomer, who favors the old county system, came in and created a deadlock in which the committee had continued ever since. If the debate on the report was half as exciting, fierce and bitter as it had been in committee he could promise that it would be a very interesting oc-

casion.

The chair asked leave to make a statement. The name of the gentleman who was made the twelfth member of the committee had been omitted from the newspaper roll used in making up the committees. When the mistake was discovered, as a matter of courtesy to the gentleman he was allowed to select his own committees. As he chose that on counties it was necessary to obtain permission from the convention to add one to the number of that commit-

tee, which had been done. Mr. Prince, of Anderson, favored Mr Austin's substitute. He was willing to leave the appointment of the odd man to the president or to the convention, but he did not think one of the con testing halves of the committee should name the man or decide the point at

Mr. Breazeale offered a substitute instructing the two halves of the commit-tee to make two reports and allow the question to be fought out on the floor

of the convention.

Mr. George D. Tillman said the committee could not agree on anything, not even on its points of disagreement

Mr. Otts proposed that each half o the committee put up a man and let the convention elect one of them to fill out the committee.
Mr. Stanyarne Wilson objected to

this on the ground that it would force the convention to a test vote before it was informed of the merits of the ques

Mr. Otts moved to table Mr. Brea zeale's substitute. Lost. Mr. Breazeale's substitute was then

THE BOARD OF PARDONS. The report on the executive depart-

ment was taken up, and the pending question was on Mr. Derham's amenument as follows: 'Amend section 11, line 8, by strik-

ing out all after the word 'pardons, down to and including the word 'peni tentiary,' and insert in lieu thereof 'to be provided by the General Assem-bly."

Mr. Efird opposed the amendment. He thought the members of the proposed board should be persons who live in Columbia and who are elected by and responsible to the people. He wanted the composition fixed in the Constitution, and not left to any future possible vagaries of the General As-

sembly.

Mr. Derham, in supporting his amendment, said it to be an assumption that the governor is worked to death, while the other State officers had nothing to do, and should therefore be required to help him in his work. As a matter of fact, the State officers are harassed to death by their membership on boards. Members should remember that the action taken here would be final. If the General Assembly made a mistake in composing the board it could be easily corrected. If experiments were to be tried they should not be put in the

constitution.

Mr. W. J. Montgomery offered a substitute that the board of directors of the State penitentiary constitute the board of pardons, and proceeded to over the people. He had spoken especially of sheriffs, but other officers had charge of money—clerks, treasurers, masters, judges of probate. When he was Governor a report came to him that a clerk of court, who was

speak in its favor.

Mr. B. R. Tillman said the matter of pardons affected men whose lives are at stake and whose cases the board would frequently be unable to consider in time without special meetings. Mr. Montgomery withdrew his substitute. Mr. Derham's amendment was then adopted, without debate, leaving the

section as follows '
"Section 11. He shall have power to grant reprieves, commutations and pardons after conviction (except in cases of impeachment) in such manner on such terms and under such restrict tions as he shall think proper; and he shall have power to remit fines and forfeitures, unless otherwise directed by law. It shall be his duty to report to the General Assembly, at the next regular session thereafter, all pardons granted by him with the report of the

board of pardon, to be provided by the General Assembly, which board shall hear all petitions, under such rules and regulations as the General Assembly may provide. The Governor may adopt the recommendation of said board, but in case he does not he shall submit his reasons therefor to the General Assembly.

submit his reasons therefor to the General Assembly.

Mr. Derham moved to strike out the last sentence of the section, the effect of which would be, he said, to make the action of the board of pardons final. Mr. Meares moved to substitute the

following for section 11 as reported: "He shall have power to grant re-prieves, commutations and pardons after conviction (except in cases of impeachment) in such manner, on such terms and under such restrictions as the General Assembly shall prescribe and he shall have power to remit fines and for eitures unless otherwise di-

"It shall be his duty to report to the General Assembly, at the next regular session thereafter, all pardons granted, with a full statement of each case and the reasons moving thereunder."

A point of order was raised against this on the ground that it was virtually the same proposition that the convention had refused to reconsider.

Mr. Johnstone explained that there

Mr. Johnstone explained that there was an important difference, in that Mr. Meares' amendment proposed to leave with the General Assembly the whole matter of regulating the granting of pardon. ng of pardons.

Mr. Meares spoke at some length in

Mr. Meares spoke at some length in support of his proposition, which was defeated by a large majority.

Mr. Derham argued in support of his amendment. To leave the final power of determining pardons with the Governor was to make the board a nullity after creating it.

Mr. Efird said the convention had acted on the same principle involved in this amendment and had decided that the final power should be in the by the executive or by the law, and in that question lay all the essential difference there is between a republihands of the Governor.

Mr. Derham's motion to strike out was tabled.

GOVERNOR'S POWER OF REMOVAL. When section 22 was reached Mr.

when section 22 was reached Mr. Efird moved to take up the minority report, which was as follows:
"We fully concur in the report of the committee so far as it goes, but think the committee has acted unwisely in declining to report the following section and recommend that it lowing section and recommend that it

tion 22. "Section 22. The governor shall have the right to investigate, or to order an investigation of all embezzle-ments or appropriations of public funds ments or appropriations of public funds to private use by any county officer entrusted with the care and disburse-ment thereof; and a case of a prima facie showing of embezzlement, or ap-propriation of funds to private use, he may suspend such officers pending a judicial investigation, and appoint some suitable person to perform the duties of such officer during such judicial investigation, and in case of conviction such appointment shall continue for the unexpired term. Respectfully submitted. "C. M. Efird,

L. S. Connor, J. N. Estridge, J. T. Douglass.

Mr. Gray moved to lay the minority report on the table: Mr. Efird argued in favor of the minority report. Without a provision of this kind there would be no check on county officers, no means of in-terfering with them in stealing public or private funds. Experience had proved that the average official bond was a poor dependence. A man might be worth \$50,000 today and nothing tomorrow and it was almost impossible

Mr. Gray renewed his motion to ta-ble the report just as Mr. B. R. Till-man rose and signified his purpose to speak. Mr. Tillman looked in astonish-

ment at Mr. Gray, who, however, in-sisted on his motion to table. When

was urged that this would cut off

debate, he replied that that was pre-cisely what he wished to do as the con-

vontion had heard each side of the

case strongly presented, and he wanted

to save time. In response to appealing looks from Senator Tillman and

too many expostulations, some of

which, as was subsequently developed.

were from gentlemen who were them-selves pregnant of orations, Mr. Gray

at last consented to withdraw his mo-tion and Senator Tillman proceeded to

with the Anglo-Saxon to be ever jeal-ous of his liberties and of all encroach-

ment. But in this special matter he

had had experience and as he expected

never to have any more of the same kind he could, perhaps, be given credit for disinterestedness. The gentle-

feeling and eloquence upon the in-justice that might be done by the ex-

ecutive should it wish to tyrannize over the people. He had spoken

convicted last week on a side issue because he could not be convicted on

the same main issue was in default. He found the Governor had no power

in the case and could do nothing to protect the people from continual rob-bery. He had called the attention of the General Assembly to the lack of

when he knew a man was stealing he

had no power to prevent or check him.

for disinterestedness. The g man from Sumter had dwelt

The Senator said

list of officers subject to suspension. Senator Tillman: "am willing t to realize on such bonds. Mr. Lee, of Sumter, opposed the minority report. It left the Governor include the State treasurer." Mr. Johnstone: "Then extend it to all the State officials, and in the name absolute, unrestricted power without investigation or time or notice for de of liberty tell me who is to suspend the fense. Under this section any future Governor on a showing or suspicion of Governor would have the power at one sweep on the mere report of some un-

Mr. Ragsdale objected strongly and derling to remove all the county and fiduciary officers chosen by the peoespecially to the manner of obtaining information of supposed malfeasance pie and replace them with his ap-pointees, chosen, perhaps, to aid him or defalcation by public officials likely to be developed under this section. Mr. Parrott, of Darlington, said the in robbing and plundering. He urged the convention to remember that it Federal government claimed and exercised the right not only to suspend, but to remove officials without judicial process. There was no talk of tyranny was creating dangers or safeguards for the future, making an instrument to endure for years, during all kinds of changes and contingencies, under which many kinds of men would hold or danger from that among those who seemed to be so sensitive on these subflice and power. The grand juries of jects. He had noticed that those who the counties always investigated the were always ready to jump on the conduct of the county offices thorough-State of South Carolina were the first to cringe and submit before the power ly and deliberately and could be trusted to detect and report wrong doing and to prosecute it to punishof the United States. All these State officials received their commissions ment and protect their communities. Under the section proposed in the minority report the sheriff of Sumter, a good and faithful officer, would have from the executive power and should be subject to it. Some of them were not elected by the people, but were appointed and they were as good as any elected. It had happened, and would en subject to instant suspension not long ago for an entirely innocent error happen again, that the honest you in crediting himself with fees on certain nulla bon, tax returns. He had manry were deceived, and had put in office men who betraved their trusts no doubt there had been and would be and there should be power to check the many similar instances in the ex-perience of other counties and officers.

was discovered or there was good reason to suspect it. Mr. Haynsworth said at the proper time he intended to submit an amendment, which he would read as part of

his remarks, as follows:

"And in case of his being held by the committing officer to answer the charge before a court authorized to try the same, the Governor may, upon he recommendation of the judge of the circuit where the officer resides suspend such officer pending a judicia investigation, and appoint some suita-ble person to perform the duties of such officer during such judicial investigation, and in case of conviction such appointment shall continue for

the unexpired term." Mr. Haynsworth did not agree en tirely with the fears expressed by his friends of misuse of power by any ex-ecutive, but he thought this amendment would remove the dangers of which they were so much in dread.

Senator Tillman said he saw merit in

that amendment. All he wanted was that somebody should have the power to suspend an unfaithful official and his fraudulent operations. He objected, however, to having the suspension recommended by a judge, who might possibly have to try the case. If the judge was fit to recommend the suspension, why wasn't the Governor fit to effect it of his own motion. This was not a petty or personal matter. It was one involving the rights and in-

terests of the people.
Mr. D. S. Henderson asked Senator Tillman to submit his proposed amend-ments. They were read as follows:
"Amend by adding at the end:
'All papers in the case upon which action was based shall be sent immediately to the solicitor of the circuit

power in the Governor to protect even who shall at the next term of court for fiduciary trusts from plunder. Even said county prosecute the offender." said county prosecute the offender."
Amend by inserting on line 8, after 'funds,' the words, or 'money held in The Governor's power was not unlimited. He was required by the terms of the constitution to take care that the laws are executed in mercy. If he violated his trust and was tyrannihands private funds—the little alls,

opportunities for political advan-tages," he said passionately, "I do not see how you can object to the section with these amendments." Mr. Johnstone rose and began to say

that he, too, saw merit in the amend-ment offered by Mr. Haynsworth, when he was called to order by Mr. when he was called to order by Mr. Burn on the ground that he had already easy it was even for men whose crimes spoken on this subject. were matters of common notoriety to secure continuances and delays while all the time remaining in office and

cure convictions in these cases, how

men would actually take part in the drawing of the juries before which they were to be tried. In such cases

of some one person who should be held responsible for the faithful perform-

he proposed to offer at the proper time

and which he thought would improve

the minority report.

Mr. George Johnstone, who was far down in the centre aisle, got the floor

and made a very strong and energetic, and at times impassioned and eloquent speech. It was, he said, the duty of the convention not to determine if the exec-

utive may become tyrannical, but to provide that he shall not be tyranni-cal. The czar of Russia does not use

the power tyrannically, but in that great empire there is neither political

nor personal liberty because the form

can government and a despotism. It

was for the convention to decide here

legislative and judicial powers. If the Governor was to have this power of

ecute process or to perform any of the functions of his office, and thereby

in the State as the sheriff is their chief executive servant in the county.

Both were elected by the people. Neither should be liable to removal

from office, unless after conviction of

crime, except by the action of the peo-

Mr. Tillman: "This report gives

le the State treasurer in the

Some of these

plundering the public.

Mr. W. B. Wilson said the proposed amendment provided that men should be punished in advance of trial and with-out being informed of the accusation against them or being confronted with the witnesses.
Senator Tillman said that was strain-

convictions were actually impossible. The power to deal with embezzlers and defaulters should be in the hands ing the bill of rights pretty fine.

Mr. Wilson said there could be no worse puaishment to a self-respecting man than the open, public disgrace of being removed from his office and held responsible for the faithful performance of his trust, and who was better able, who was in better position than the Governor elected by and representing the whole people, responsible to them and expected to care for their interests. Mr. Tillman concluded by saying he had two amendments which he proposed to offer at the proper time. under a presumption of guilt and debarred from his emoluments and duties for weeks or months, pending investi-gation. The man appointed in the place of a suspended officer and most nearly interested in securing his conviction would be put in position to

manufacture evidence against him by having access to his books and papers.
Mr. Prince, of Anderson, said as far as that went suspension by the grand jury or a judge, which he understood Mr. Wilson to favor, would be as much punishment and disgrace in advance of trial as suspension by the Governor.

Mr. Johnstone said he, for one, would

be glad to agree to give the grand jury power to suspend officials. Mr. Sheppard suggested an amendment provided that officials be sus-

pended by the Governor on recommendation of the grand jury.

To this time the president had held that the minority report could not be amended until after it had been adoptand laws of the government make ty-ranny possible. The question before the convention was of the deepest, the ed, but Mr. Sheppard argued that as now is. If the Legislature has not, the report was not offered as a substitute for a majority report, but was simply an additional section proposed, do so. He said that the protection of the widows and comband do so the said that the protection of the widows and comband do so. most supreme importance. It was whether this State is to be governed it was capable of amendment. The chair concurred in this view, and Mr. Johnstone immediately submitted the following amendment to Mr. Haynsworth's amendment. and now whether this State is to be ruled by the people or by the officials—whether it would make the executive by law supreme and above both the worth's amendment:

"Whenever a bill of indictment by a whenever a off of incitement by a grand jury shall have been found that the bonds were made of straw, against any county officer entrusted and that the bondsmen had in some with the care and disbursement of way transferred their property. He suspension over the county officers, why not give him the same power over all officials high and low? That would be pure militarism. Under this proposed section a sheriff might refuse to expublic tunds, charging him with the could see no possible harm in the pass-embezzlement of said funds or appropriation of them to private use, the Governor may suspend the said officer and shall appoint some suitable person to perform the duties of such office?

paralyze the administration of justice within his bailiwick, and for conduct Mr. Haynsworth claimed that his around the power of suspension, and argued that the grand jury is not always in session and that mischief might be done by a corrupt official in so monstrous there would be no punishment; but let him be, however innocently, but ten minutes behind in ac-counting for \$5 of public funds and he could be suspended without a moment's warning. If the justice of this princiintervening time.

Mr. Johnstone said the difference beple of summary suspension by the ex-ecutive was admitted in one instance it must be extended to all. What was tween his amendment and the origina proposition of the minority report was the difference between the Ameri- jury, he insisted, could be trusted. the Governor? He was merely the chief executive servant of the people can and the continental systems of government.

some more sarcasm into the discussion. He said gentlemen on the other side who were so fearful of future tyranny reminded him of Mr. Talbert's story of the old woman who nearly cried herself to death at the edge of a precipice thinking of the child she might the Governor power only to suspend on a prima facie case of guilt." have had which might have gone that way and fallen over.

Mr. W. D. Evans also made a some-

Mr. Johnstone: "A prima facie case to the satisfaction of a judicial officer? No. To the satisfaction of the Governor. I will go to any extent what humorous speech, introducing himself as a plain farmer fresh from the people, whereat there was laugh with you to provide suspension, removal or punishment after ju-dicial investigation." Continuing, Mr. ter. He contended that the minority report only proposed to give the Governor power to properly investigate re-Johnstone said it would be as proper cation.

Mr. Johnstone's amendment was then put and lost. Mr. Gage, who is a very unobtrusive member, bad the key to the whole problem and offered the following substitute for the minority's section

Whenever it shall be brought to the notice of the Governor that any county officer or any other officer who has the custody of public or trust funds is probably guilty of embezzlement or the appropriation of public or trust unds to private use, then the Gover nor shall direct the immediate prose cution of such officer by the proper officer of the circuit in which he resides and upon true bill being found the Governor shall suspend such officer and appoint one in his stead until he shall ave been acquitted by a verdict of

the jury."
As soon as this was read heads nod ed all over the hall and there was general expression of concurrence. substitute was put to the house nd adopted like a flash after baving been read half a dozen times for the enlightenment of members who were inattentive or who were prevented by he prevalent confusion from hearing. It being then three o'cleck, Senator Tillman, who had expressed his satis-faction with the substitute, moved that the section be passed over until it could

wrong doing of these men as soon as it Mr. Talbert moved to lay this on the able, complaining of waste of time and slow progress and Senator Tillman withdrew his motion, remarking that ne didn't want to have any row about

Mr. Efird renewed the motion to pass the section over when it could be seen in print and members could undertand it better than they could by hearing it read. He warned the convention that the section it was passing would have to undergo the test of the courts and that there would be found rock after rock in the way of the enforcement of the laws unless the utmost pains were taken. The convention voted to continue the section

The fight on the executive section of the constitution was again taken up on the suspension clause

Talbert, of Edgefield, took up the matter and argued that there was too much legislation attempted. The delegates were here to declare principles, and he saw no use to discuss either majority or minority reports as to the removal of officers. All that ought to be done was to let the Legis-lature attend to this matter. He through Chairman Henderson, had wanted all extraneous matter thrown out, and he moved to indefinitely postpone the entire matter.

Mr. Sheppard, of Edgefield, said that after reflecting on the matter all night he wanted to urge that the section should not be adopted. It was amend the end of the section so as proposed to legislate againstlone class of trustees. Those who had funds in trust outnumbered by a hundred-fold those aimed at in this section. There a principle that is dear to the heart of every citizen and that should stand as long as justice holds the scales evenly, and that principle is that ninety-nine guilty men should escape rather than that one innocent man should be convicted. Yet the moment the Governor issues the proclamation of suspension he puts on that man the brand of guilt. The proclamation would, he urged, tend to operate against the accused party. You will by this be establish-

charged with murder or larceny, is entitled to the presumption of innocence. You will establish a rule for office-holders, from which murderers and felons will be exempt. The Legislature may adopt a uniform law.

Dr. Timmerman, of Edgefield, said that there was a statute law requiring annual returns to be made of those holding trust funds. Any man who is conducting his office honestly will not

conducting his office honestly will not

mind investigation.

Mr. Klugh, of Abbeville, who is a member of the committee, said that at first the minority report impressed him favorably, but he was satisfied that the whole case was covered in the legislative report. The metter present that the whole case was covered in the legislative report. The matter property belongs in the General Statutes and not in the constitution. The legislative report provides that the General Assembly may pass laws to remove for cause, and he wanted to give the right of suspension in addition to the right of removal the right of removal.
Mr. B. R. Tillman, in his customary

forcible manner, said that he did not intend to weary the convention and would have had but little to say, but it appeared that contains appeared that certain members had slept over the matter and come in with new ideas, and he wished only te

reply.

He said that no matter what might be said about the desires of the people, there was no question about it that they did not want a thief in office. He said that he could see no reason why the Governor of the State should be liable to suspension and an ordinary liable to suspension and an ordinary county official should not be. He said that ever since 1868 the provision in the constitution which gave the Legisthe constitution which gave the Legis-lature the right to pass regulations for the removal of officials had existed, but had never been used. The pre-sumption is that it will be left as it it was only after some deficiency was found to exist that it was discovered age of such a regulation, and it would

relieve the Legislature of the matter. The convention, he said, was not subject to the same influences that too often affected the Legis'ature. He said that every one knew of the influence that county officials had over Mr. Haynsworth claimed that his muence that county of the state amendment threw sufficient safeguards members, and thought it best to get rid of the whole matter at once. The bate adopt the substitute of Mr. Gage.
Mr. Rags'lale, of Fairfield, urged that the section as reported by Mr. Gage should be adopted. The grand was wrong to presume that a grand

jury would not act with the best mo Mr. Parrott took another turn at the postoffice comparison, and injected some more sarcasm into the discussion. He said gentlemen on the other side the section was to pass it was now in its very best shape. Constitutions originated in the efforts of the people to protect themselves against their rulers. He wanted to know what be-comes of the rights of the bondsmen. The bondsmen have a right to protect themselves and yet they are required to take any man appointed by the

Mr. Talbert insisted that the convention had no right to consider this matter. He wanted to see all matters discussed on their merits and regard-less of factions. He wanted a pure, plain and simple, common-sense constitution and no legislation.

Mr. Rogers resumed his argument and said that there was law, and law sufficient to protect trust funds. He insisted that the proposed ction would work a hardship on the condsmen of the suspended official. He said that he would be unworthy of his peo-ple if he did not represent all his constituency, regardless of all factions. He was a follower of no faction and would do his full duty regardless of

factions.

Mr. Wilson and a great many others had had an abundance of talking and when Mr. Wilson called for the previous question every one was quit willing to accept the suggestion. Mr. Bellinger called for the ave and

nay vote on the motion to indefinitely postpone the whole matter. The convention, by a vote of 83 to 57, refused to indefinitely postpone, and after Mr Howell had an amendment making an affidavit requisite before action was It was adopted in the following shape "Whenever it shall be brought to the notice of the Governor by affidavit

that any county officer or any other officer who has the custody of public or trust funds is probably guilty of em-bezzlement or the appropriation of public or trust funds to private use, then the Governor shall direct the immediate prosecution of such officer by the proper officer of the circuit in which he resides, and upod true bill found the Governor shall suspend such officer and appoint one n his stead until he shall have been acquitted by the verdict of a jury; and if he shall be convicted the office shall be declared vacant and shall be filled as may be provided by law."

This seemed to be satisfactory to all.

Then came miscellaneous amendments after the two days' fight on the removal clause. Mr. Derham, of Horry, wanted to change the word "shall" to "may," as to referring petitions for pardons

and commutations to the board o Mr. Derham urged that, as final action rested on the Governor, he may not want to refer petitions to the

Mr. Efird and Mr. Aldrich saw no occasion for the change, as the right to grant reprieves was already permissi ble without reference of petitions to the board.

The proposed amendment was adopted, and the board of pardons will be still further weakened MUNICIPAL CHARTERS.

The proposed section on municipal corporations and police regulations

Fifteenth Day. made a unanimous report. When the first section came up, which provided for the classification of municipal charters, Major Barker called attention to the fact that the provision was amend the end of the section so as to read, "Cities and towns now existing under special charters may reorganize under the general laws of the and when so reorganized their specia charters shall cease and determine

There was no objection to this amendment and the section had been practically agreed upon when Senator Fillman said that so far as he could see Sections 1 and 2 made no provision for the incorporation of factory villages such as Piedmont, Pacolet, Granite ville and others, and he urged that

the postponement of those sections that related to suffrage in any way until after the suffrage committee had made its report. This was satisfactory

to every one.

Section 3, which related to the contraction of debt in pursuance to law, was passed without trouble, but the convention found a stumbling block in Section 4 as reported, which originally read: "No law shall be passed by the General Assembly granting the right to construct and operate a street or to construct and operate a street or other railway, telegraph, telephone or electric plant or to erect water or gas works for public uses, or to lay mains for any purpose, without first obtaining the consent of the local authorities in control of the streets or public places proposed to be occupied for any such or like purposes."

by a policy that will bring capital nere and not run it away.

In answer to Mr. W. D. Evans be said the mills were coming South in order to get nearer cotton fields, and other States are receiving them with open arms and let not South Carolina be laggard in the race.

Mr. Patton said that the section proposed to do exactly what some cities in

Mr. Henderson explained the purpose of the committee.

Mr. Wilson wanted the law to stand as at present. The section would give the towns and cities all the protection they wanted.

Mr. Patterson wanted the matter left

Mr. Patterson wanted the matter left to the General Assembly.

Mr. Patton, of Richland, thought there might be the danger of large corporations influencing the Legislature. He knew that applications for charters were rushed through the Legislature and often cities knew nothing of charters that were rushed through. He urged for concurrent action be-tween the Legislature and city coun-

oils.
Mr. Wilson said that it would be too great a burden to require railroads to get permission from a number of towns to get their consent in advance. He could not understand why there should be any change from the present laws. He did not think any local objections should prevent the granting of a char-

ter.
Mr. Patten urged that the Legislature should grant no charter unless the line was indicated. There is an existing statute on this line. The application for a charter should at least designate the towns through which it the benefit. would run. The very necessity for protection demands the passage of the section as it was reported.

Mr. Barker, of Charleston, had an amendment which he thought would straighten out the matter. He wanted the provision requiring "first obtaining conseat of the local authorities" changed so as to read, "requiring the grantee of such right to obtain the consent of the local authorities," etc.

Major Barker again settled a trouble-

some question and the section was, af-ter little further debate, adopted to the satisfaction of all in the following shape: "No law shall be passed by the General Assembly granting the right to conduct and operate a street railway, telegraph, telephone or electric plant, or to erect water or gas works for publie uses, and to lay mains for any purpose without requiring the grantee of for more. such right to obtain the consent of the

Sloan, of Richland, moved to strike out the whole of Section 5, which ead as follows: Section 5. The General Assembly

nay invest the authorities of cities and towns with power to make local improvements by special assessment or by special taxation of property benefited Col. Sloan argued that this section was unjust because it allowed the authorities of towns and cities to levy special taxes for the improvement of ertain parts of the municipality, when the residents of that section did not de-

sire the improvements.

Mr. Henderson, of Aiken, for the committee, said that the committee had framed the section because it desired to give the local authorities pow er to make improvements and to levy a special assessment for the purpos This power did not now exist in the Constitution, as had been decided in the case of Mauldin vs Greenville. Mr. Buist, of Greenville, offered an

amendment to strike out the words "Special assessment or by special."
The amendment was laid on the table. Mr. Ragsdale, of Fairfield, said that the whole spirit of the section was wrong and that it should be left to the property owners interested to ask for the special levy with which to make the improvements, and the authorities of the municipalities should not have the power to levy the special assess-ment without consulting the property owners. He moved to strike out th ection and the motion was carried by

Haynsworth, of Greenville hought that the powers conferred in Section 6 were vicious and moved to strike out the section. The section "Cities and towns may acquire by construction or purchase and may operate water-works systems and plants for furnishing lights, and may urnish water and lights to individuals, irms and private corporations for

a vote of 61 to 46.

reasonable compensation."
Mr. Henderson. of Aiken, thought that the municipalities should sllowed to exercise the powers conferred in order to protect themselves rom outrageous charges by private orporations. Mr. Wells, of Greenville, offered an

mendment, which read: "Provided. that no such construction or purchase shall be made except upon the vote of the majority of the qualified electors of said town or city." Mr. Wells argued that the section contained a dangerous principle and that the powers conferred should be limited and carefully guarded. The amendment was adopted

The convention was obsorbed in the consideration of municipal debts and taxation, and the exemption of manufacturing interests for five years. The section causing the greatest debate is as follows: "That cities and towns may exempt from taxation, except for school purposes, for five successive years, manufactories established within their limits, after the adoption of this constitution, whose paid up capital is not less than \$10,000." Stanyarne Wilson said there was no

public necessity or justice in the section. It makes a privileged class, and why should any such exception be made for capital? There is no principle of right and justice whereby which to de those who are able to pay taxes are to be exempt, while many a poor man has to starve himself almost to pay the

Mr. Henderson thought that the Legislature could, under the sections, provide for such corporations, but the committee were subject to the instructions of the convention.

Senator Tillman thought it would probably be best to recommit the sections to the committee so as to incorporate provisions for the factory villages, and as there was no objection on the part of the convention that action was taken.

Delegate Miller said as the questions of the sections on the ground that they are public improvements, why not exemptiall others? The farmer who builds a granary or a mill would be as much entitled to an exemption. If California, Colorada, Virginia, Alabama can induce manufactories of the county of Edgefield, which shall undergo such changes as are made neck stablished, except those of the county of Edgefield, which shall undergo such changes as are made neck stablished, except those of the county of Edgefield, which shall undergo such changes as are made neck stablished, except those of the county of Edgefield, which shall undergo such changes as are made neck stablished, except those of the county of Edgefield, which shall undergo such changes as are made neck stablished, except those of the county of Edgefield, which shall undergo such changes as are made neck stablished, except those of the county of Edgefield, which shall undergo such changes as are made neck stablished, except those of the county of Edgefield, which shall undergo such changes are made neck stablished, except those of the county of Edgefield, which shall undergo such changes are made neck stablished, except those of the county of Edgefield, which shall undergo such changes are made neck stablished, except those of the county of Edgefield, which shall undergo such changes as are made established, except those of the county of Edgefield, which shall undergo such changes as are made established. Delegate Miller said as the question of suffrage came up in this report he thought it best to hold the entire article until after the committee on suffrage had made its report.

Mr. Henderson explained that it was the intention of the committee to move the intention of the committee to move the intention. There was no principal to account of a stable and equal system of taxation. They don't want such protective legislation. We condemn the United States tariff law, yet by this we propose to do exactly what we condemn in it. It is nothing but protection. There was no principal to account of a stable and equal system of taxation. They don't want such protective legislation.

but protection. There was no principle of right in it in any particular.

Mr. Henderson said the principle upon which the section was based is

posed to do exactly what some cities in the State are already doing. Columbia has acted on that principle and as the result shows she is one of the chief cotton manufacturing cities in the State.

If Columbia wants to exempt these factories from taxation what difference does it make to other people?

Mr. Haynsworth said that in Greenville they have an ordinance exempting factories, and although it was known that the ordinance was unconstitution.

that the ordinance was unconstitutional no one has asked that it be stricken off, because all recognized that it was for the best interests of the whole city. Factories help the poor to get needed work, it doing them good, they would favor the exemption.

Mr. Sheppard said the section only

referred to municipal taxes. The mo-ment a factory is established in a town, every taxpayer in the county will be directly benefited. It cannot injuriously affect the poor people in the towns for they pay little taxes anyway, but what they do pay will be materially reduced after the expiration of five

Mr. Buist said in towns and cities there is a dormant capital lying in banks and with this exemption it will come out and the people will receive

the benefit.

Col. Telbert said he was sick and tired of hearing speeches on the floor in the interest of corporations. Corporations and trusts have had the right of way in the national legislature and it seems that this convention was going to give them a chance to run rough shod over the people. Here we have a section which says that those who have the money may be expent from travition. empt from taxation. Where is the ustice in that? The poor blacksmith or the poor merchant must pay. The principle is wrong and he entered his protest against such legislation. Nineenths of the legislation now is against labor, the foundation of our prosperity.
The laborer is the man that he would protect. He entered a protest against giving privileges to men already rich and whose paws were stretching out

Mr. W. B. Wilson said in Rock Hill town exempts, all other towns are forced to do the same thing. He denied that any factory has ever been built on account of any exemption, because when a man wanted to invest noney he was not influenced by the little per centage in taxes he might save during five years.

Mr. W. D. Evans as a *representative of the agricultural classes opposed this section as being a pernicious act of protection. We would stupify our-selves if we would countenance any such principles as is contained in this section. Capital seeks its own channel and would go where it could make the greatest percentage. This pitiful exemption is not going to encourage capital. It is coming South anyway, because its facilities are superior to

any other section.

Mr. George Johnstone spoke against the system as being a protective one This little clause, innocent as it seems s the entering wedge for going fur ther and we should determine now whether taxation shall be equal and stable or subject to a mere whim. A motion to indefinitely postpone the motion to strike out the section was then put and carried by a vote of

76 to 74. At the evening session the matter of exemption came up again, when Mr loyd offered a resolution which he thought would settle the matter. Senator Tillman offered a similar resolution, which he allowed to be sup-planted by that of Mr. Floyd.

The resolution reads: "Provided,

The resolution reads: "Provided that before any such exemption is al lowed by any city or town in this State it shall be submitted to a vote of the people of said city or town for heir endorsement or rejection." Mr. W. B. Wilson beld that this same idea had been offered by Mr. S. C. White and had been killed. Mr.

White stated the resolution were about the same. The amendment was adopted decisively, and then there was trouble. Mr. Stribling moved strike out the

section. President Evans ruled that a motion to strike out the section having been defeated, as well as one to indefinitely postpone, he would not entertain the

Mr. Johnstone and Mr. W. B. Wil son were indignant.

President Evans insisted there had to be some limit to such motions or the convention would never be able to get along. Mr. Wilson insisted that the house could decide when it wanted to stop

such motions.

moved. THE COUNTY GOVERNMENTS. Under the regular call of the com-

The President suggested that ah ap-

mitteee at the morning session Mr.
Otts read the following report, the
introductory portion of which caused
much merriment: Report of George D. Tillman, A. K. Smoak, J. W. Kennedy, J. O. A. Moore, J. C. Otts, and R. B. Stack

house, who constitute the half of what once the whole committee counties and county government, and who have no chairman, no clerk, no papers, no resolutions and no name by which to designate their half of the Sec. 1. The several counties of this State are each declared a body politic

Sec. 3. The general assembly shall have power at any time to organize new counties, by changing the boundaries of old ones, but no new counties shall be hereafter formed of less area, than 400 square miles, nor shall any existing county be reduced to less extent; provided, that no old county shall be reduced to less than 10,000 inhabitants, as shown by the last State or national census, nor be reduced to less amount of taxable property than \$1,500,000 as shown by the last tax returns.

Mr. Henderson said the principle upon which the section was based is common sense, public spirit and economy. The exemption for five years brings in factories, which afterwards increases the taxable property of the towns and cities and ultimately reduces the taxation by increasing the taxable value of property. Mills are moving to the South and let us encourage them by a policy that will bring capital here and not run it away.

In answer to Mr. W. D. Evans he said the mills were coming South in order to get nearer cotton fields, and it open arms and let not South Carolina be laggard in the race.

\$1,500,000 as shown by the last tax returns.

Sec. 4. Whenever 300 freeholders within the area of a proposed new county shall petition for organization of a new county, the governor shall order an election within a reasonable time before the meeting of the next session of the legislature, and if a majority of the qualified electors voting in each part of the county or counties proposed to be dismembered and embraced in the new county shall separately vote therefor, it shall be the duty of the legislature to establish other States are receiving them with open arms and let not South Carolina be laggard in the race. not be held in any proposed county oftener than once in four year.

Sec. 5. All counties formed in accordance with the above sections shall

assume an equitable portion of the debts of the existing county or counties from which its territory is taken.

Sec. 6. The Legislatuae may provide for the consolidation of two or more existing counties if a majority of the qualified electors of such counties vot-ing at an election held for that purpose shall vote separately therefor

such elections shall not be held often than once in four years in the counties.
Sec. 7. Each county shall elect a sheriff, a clerk of the court and a cor-oner, whose respective 2, ms of office shall be four years, and whose duties and powers shall be defined by law; provided the sheriff shall not be eligile to re-election until the expiration

Sec. 8. A chaingang shall be established in every county in the State; provided that this section shall not prevent two or more counties from con-Sec. 9. Each of the several town-ships of this State, with names and boundaries as now established by law, shall constitute a body politic; but this shall not prevent the legislature

from organizing other townships.
Sec. 10. The freehold voters of each township shall elect at such times and for such terms of office as may be pre-scribed by law, three discreet persons, to be known as the board of township directors, who shall have charge of the township roads, bridges and ferries, the public schools, appoint the managers of all Federal, State, county and township elections, shall register all qualified voters of the township and shall discharge such other duties and receive such compensation for their services as the legislature may

prescribe.
Sec. 11. The general assembly may exempt any county from such town-ship system of government whenever a majority of the freehold voters of the county shall petition therefor.

Mr. Austin, representing the other

half of the committee, announced that local authorities in control of the there were six cotton factories and he day and moved a vote of thanks to Mr its report would be ready later in the streets or public places to be occupied for any such or like purpose."

did not believe one of them came there because of any exemption. If one Austin added, as an expression of indi vidual opinion, was an egregious fail-

ure. At the evening session Mr. Austin submitted the report of one-half of the county government committee did not concur in the report 1

the morning session, as follows: Price Section 1. The legislature may from time to time establish new counties in the following manner: Whenever one-third of the qualified oters within the area of a proposed

lew county shall petition the governor for the creation of a new county the governor shall order an election within reasonable time thereafter, by the qualified voters within the proposed area, in which election they shall vote yes or no upon the question of creating said new county. Sec. 2. If a majority of the qualified voters within the several sections pro-

posed to be formed into a new county

nuestion then the legislature shall es

hall separately vote "yes" upon such

ablish such new county. Provided. That an election upon such question shall not be ordered upon the same proposed new county oftener than once n four years. Sec. 3. No county hereafter formed shall contain less than the one hundred and twenty-fourth part of the whole number of the inhabitants of the State nor shall it have less assessed taxable property than two millions of dollars,

shall it contain less than four hundred square miles. Sec. 4. No old county shall be reduced o less area than five hundred square miles, to less assessed taxable property than two million dollars, nor to smal population than fifteen thousand in nabitants.
Sec. 5. No new county line shall be

run nearer to an established court house than ten miles. Provided, That this section shall not apply to court houses located in counties not proposed to be dismembered.
Sec. 6. All new counties hereafter

formed shall bear a just apportionment of the valid indebtedness of the old county or counties from which the have been formed. Signed by J. Thos. Austin, R. L. Hen-y, T. E. Johnson, E. N. Readfearn, A. J. Harrison and Frank B. Gary. Mr. Johnson and Mr. Klugh had

their resolutions laid over until tomor row and printed.

THE DISPENSARY CLAUSE. This subject came up in the report of the committee on miscellaneous matter, and the section as presented

In the exercise of the police power peal was in order.

Mr. Irby wanted to know if a motion right to prohibit the manufacture and sale and retail of intoxicating liquors or beverages within the State under such rules and restrictions as it deems proper; or the General Assembly may prohibit the manufacture and sale and retail or intoxicating liquors and beveages within the State, and may authorize and empower State and county officers, both or either, under the authority and in the name of the State, to buy in any market and retail within the State liquors and beverages in such packages and quantities. such rules and regulations, as it deems expedient."

> Mr. Clayton offered the following as 'In the excreise of the police power. General Assembly shall have no authority to license the sale of intoxi-

cating liquors or beverages by persons [CONTINUED ON FOURTH PAGE.]

some such provision may be incor-porated, as he did not want these towns denied the right of self-govboard of pardons. Every position for cal oppressive or corrupt, he was sub-pardon or commutation of sentence ject to impeachment or would certainly "Unless you are so biased by partisan poll tax. It cannot be sustained on any and corporate. Each county shall cona rule of evidence that will do no ernment or have to submit to d. Every man, whether he be and beck of a superintendent. principle of right. The only virtue in situte one election district. taxation is the necessity of it. If you Sec. 2. The bounds ernment or have to submit to the Sec. 2. The boundaries of the