

Special to The State:
Florence, S. C., July 31, 1896.
To the City Council:
On last Friday, J. Gary Evans, who holds the official position of governor of the State of South Carolina, and Joseph H. Earle, a judge of the circuit court of this State, each in his personal and private capacity, and exercising the right held by every citizen of this State, was addressing in public within this city, a large number of citizens, each endeavoring according to his own methods, to secure the votes of the people of this county. During the progress of this meeting these two political contestants became engaged in a personal combat.

Hundreds of men were present; some drew pistols, others made ready for their use, excitement ran high. One stray shot by an excited spectator would in all probability have precipitated a riot and many lives might have been sacrificed. The peace of the city was jeopardized and its laws violated.

I was communicated with by the mayor and advised him that these parties could and should be arrested, without regard to their official positions. Warrants were accordingly issued, charging them with fighting and breach of the peace. Joseph H. Earle rendered ready obedience, but J. Gary Evans resisted and defied the law. He told the chief of police to take the warrant back to the mayor "with the contempt it deserves," and that he considered it an insult.

He informed the mayor that he could not be arrested; that the only way to reach him was by impeachment. He threatened to use the power of his office to protect him from the consequences of the broken law. He threatened to "take charge of the mayor and the town," or words to this effect. We are left to conjecture as to precisely what J. Gary Evans meant by "taking charge of the town." As interpreted at the time by several of his constables, who were with him at the time of the attempted arrest it was an unworthy and unlawful threat to resort to the metropolitan police. J. Gary Evans was not arrested. He left the city, and has since boasted through the press that the town authorities apologized for the attempted affront to "his excellency."

I never advised that the governor could be arrested, but then advised, and still reiterate that J. Gary Evans could and should have been arrested, and that without regard to his official position and without regard to consequences, even if it required every man in the city to accomplish it, and even if it entailed the severe penalty of metropolitan police.

Is his novel position, that he is above the law, sound from point of law or reason? From the standpoint of reason such a position, in the expressive language of The News and Courier is "simply monstrous," and coming from the person claiming the exemption, can only be accounted for on the theory of total ignorance of the first principles of republican government or such a diseased imagination as approximates the condition of "dementia of egotism."

Such an exemption could only arise under the common law or by statute, including the Constitution. The common law can hardly be appealed to, for no such office is known to it, for it is a creation of the Constitution. It could arise from the common law on the theory of "kingly prerogative," inherited from the sovereigns of England, and it seems that our governor robs his case on this theory, for he is informed the mayor, that he could no more be arrested than the "king (sovereign) of England," or words to that effect, forgetting at the moment of this ridiculous assumption of "kingly prerogative," that the doctrine of "the king can do no wrong," has no place among republican simplicity; and in a monarch the sovereign power resides in the person of the king, but in a republic this sovereignty resides in the people.

Mr. E. A. Croston, formerly of Darlington, S. C., now of C. D. Reed & Co., Danville, Va., has given the names for the members of the committee residing in the latter city—Southern

particular in each case to expressly provide that these exemptions shall not apply to "treason, felony or breach of the peace." Article 15, section 3, provides that "the governor and all other executive and judicial officers shall be liable to impeachment; but judgement in such cases shall not extend further than removal from office. The persons convicted shall, nevertheless, be liable to indictment, trial and punishment according to law. It is obvious that this section does not fix the time in which an indictment may lie to after conviction on impeachment, but only intends to prevent a conviction on impeachment being plead in bar to an indictment and trial and punishment according to law." If this contention were true, then the governor could not alone claim this immunity, but every other "executive and judicial officer" could claim like exemption. Besides, if the house saw fit to refuse to prefer charges of impeachment for any offense, or the offense was one for which impeachment would not lie, then his excellency, the governor, would of necessity escape all punishment, because the alleged pre-requisite of conviction on impeachment could not be shown. Thus it shows the utter absurdity of such a contention. But it may be urged that if the governor could be arrested and put in jail there would be no one to exercise the functions of his office and the people would be without an executive head. Article 4, section 9, of the Constitution provides: "In case of the temporary disability of the governor, the lieutenant governor shall perform the duties of the governor." Thus it will be seen that in case his excellency should become temporarily disabled by preferring to go to jail rather than pay a small fine of a few dollars, the people's government would not go to ruin for want of an executive head.

It is no doubt true that the governor, in exercising the political functions of his office, is beyond the reach of the courts, but "in his person he is subject to judicial control, as other citizens." Eight American and English Encyclopaedia of Law (first edition), 1406.

The warrant in this case was not against the governor, but against the person of J. Gary Evans. If the contention of the governor were doubtful, I still maintain that he should have been arrested, as the only way to settle a disputed point of law of this kind is by resort to the courts, and the courts could not settle it without obtaining jurisdiction of his person by arrest. If such could by any possibility be the law, then it should be judicially determined, and give the people a chance of changing it to conform to republican institutions.

Surrounded by his myrmidons gathered about his person as rumors of his arrest reached them, John Gary Evans has sworn to see enforced; he has brought the government of this city into contempt in the eyes of all brave and free people who have not learned to "bend the supple knees of the knee," and until it is wiped out a blot rests upon her fair name forever. It has always been the boast of our people that "all men are equal before the law," that there are none too high to escape its punishment, and none too low to forfeit its protection. If this precedent is allowed to stand, hereafter any humble citizen, arrested without apology and dragged before our tribunals, can justly complain that our boast is false, and throw in our teeth the accusation that all men are not equal before the law.

I submit both the soundness and justice of my advice to the consideration of the city council, to whom I am responsible.

Respectfully,
GEORGE G. THOMPSON,
City Attorney.

Wear Cheraw knit socks.
The Big Tobacco Break.
Let all the tobacco planters in this section remember the great break which will take place at the Darlington warehouses Tuesday next. Messrs. Syster & Tredway, of the Darlington Warehouse Co., and Smoot & Walden, of the Farmers Warehouse Co., are determined to make the coming break a most successful occasion and hope the planters from far and near will bring their tobacco to Darlington on that day. Darlington is the leading tobacco market in the State and her tobacco men intend that she shall keep her position. So tobacco planters need only to watch and see for themselves.

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THE COUNTY NEWS.

ITEMS FROM SEVERAL SECTIONS AS TOLD BY CORRESPONDENTS.

CYPRESS.
Mr. S. M. Fuggins has the first open cotton that your correspondent has seen. Picking will soon commence.

Our road overseer, Mr. R. L. DuBose, is repairing Fields' Bridge which was so badly damaged by the last freshet.

The convicts are doing some excellent work on the roads near DuBose's bridge, cutting down the heavy sand hill and packing a hard clay foundation which will make a good road.

Miss Bessie J. Floyd, of Nicias, who has been spending some time at this place with Misses Mamie and Corrine Huggins, returned home on Wednesday. We hope Miss Bessie will come again soon.

A great many of the people in the western section of this county seem to be in favor of the new county scheme which would take off from Darlington county, Lamar, Cypress and Stokes Bridge townships.

A house on Miss Amanda Huggins' place was burnt on the 26th, Tuesday, morning at 1 o'clock. It was occupied by two colored women and they lost all they had as they were away sitting up with a corpse in the neighborhood. It was set on fire and if the guilty party is caught he will get his just punishment.

(Later, Aug. 2.)
Miss Janie Parham is spending some time at this place with Miss Ida DuBose.

A protracted meeting is in progress at this place and we hope to see much good come out of it.

Miss Eva Huggins, of this place, is spending some time in Darlington, with her uncle, Dr. W. Galloway.

Messrs. Josey & Co. are putting their machinery down and will be ready for the fleecy staple in a few days. This will be one of the largest gineries in this county and on the most improved style.

Mr. J. A. DuBose has bought heavily of furniture, groceries and dry goods and promises to undersell any one and pay more than any one else for cotton. He has also commenced to build a telephone line from Lamar to Cypress.

LAMAR.
Mr. Murray Wadford, an industrious farmer near this place, died last Sunday.

Miss Gurtrude Carroll, of Mayville, is spending some time with the family of Mr. T. F. Wilson.

A great deal of fever still prevails throughout our community and our Doctors are kept very busy day and night.

Miss Maud Thomas, of Union county, is spending a month with the family of Messrs. E. M. Rogers and E. L. Gray.

Last Wednesday was campaign day at this place, but, as your reporter could not attend, can give you nothing in relation thereto.

The weather is extremely hot and farmers are being hard pressed with their work. Tobacco and fodder all on hand at the same time.

Miss Hattie Starr, who has been spending a month or two with her brother Mr. S. C. Starr, returned to her home in Columbia on last Monday.

Mrs. Dr. Watson is having her mother and sister of N. C., with her for a month or two. We hope that all these ladies will have a pleasant time in our village and community.

Cotton has gone off, in our opinion, at least 25 per cent. within the past week, and the falling off still continues. Tobacco crops are inferior in quality. Before it is fully ripe it becomes frog eyed and rots in the field. Farmers are very blue over the situation.

RIVERDALE.
Mr. J. S. W. Blackman has been on a visit to relatives near Hartsville.

Mrs. Whilden, of Charleston, is visiting her daughter, Mrs. C. J. Milling.

The majority of our farmers are engaged in gathering and curing fodder at present.

Mrs. Smith and children, of Charleston, are spending some time with the family of Dr. A. E. Hayden.

Mr. E. Hay and daughter, Miss Allie, have returned from a short, but pleasant visit to relatives in North Carolina.

Miss Amanda Morris of Darlington, and Connie White, of Centre Hill, were the guests of Mrs. Mary Middleton last week.

We are sorry to report Mrs. C. J. Milling and Mrs. Mary Poston, on the sick list this week. We hope for their speedy recovery.

One of Dr. A. C. Spain's tobacco barns was consumed by fire on Monday of last week. Miss Eloise Fountain, also lost one quite recently.

Quite a large number attended the Sunday School picnic given at Mechanicsville last Saturday, and everything passed off very pleasantly.

Miss Eva Lee, of Lydia, Misses Rosa and Daisy Pearce, of Kershaw, and Mr. W. H. Garland, of Valparaiso, Indiana, visited relatives here last week.

Best 10c socks in the world, Cheraw knit.

SOCIETY HILL.
Miss Netie Winters is home again.

Miss Mary Lucas has returned home from Wedgefield.

Miss Pearl Malloy, of Cheraw, is visiting Miss Edith Coker.

Society Hill's Democratic club met and re-organized last Friday afternoon. Mr. E. T. Coker was elected president.

JASPER.
Dr. P. A. Wilson and wife, of High Hill, attended services at Lake Swamp last Sunday.

Miss Amber Wilkes, of Florence, is visiting relations in this section.

Mr. J. C. Clements, of Oats, spent last week in this section. Come again, Mr. Clements, your friends in this section are always glad to see you.

Your printer last week made us say Rockersville for Rackererville and J. T. Thomas for J. I. Thornal, now Bro. Jim Ira you know exactly who and what we mean.

We venture the assertion that we have one of the cleverest men in this section there is in the county; he shakes hands with all he gets in reach and smiles on those he sees, but cannot reach, and is looking for all he has not seen. He's a candidate.

HIGH HILL.
Mr. Conner Stokes paid a flying visit to his girl near Sardis last Sunday.

Mr. Sidney Carter, of Timmonsville, is grading tobacco for Mr. S. E. Hill.

Mr. S. E. Hill is curing his last barn of tobacco and says he is not sorry of it.

The singing class will meet again at Dr. P. A. Wilson's Sunday after church.

The Rev. T. G. Philips preached a fine sermon at High Hill last Sunday and will preach again next Sunday at 11 o'clock.

Some of the young folks of this place expect to attend the protracted meeting at Swift Creek which will commence the first week in September.

Bucklen's Arnica Salve.
The Best Salve in the world for Cuts, Bruises, Sores, Ulcers, Salt Rheum, Fever Sores, Tetter, Chapped Hands, Chills, Burns, and all Skin Eruptions, and positively cures Piles, or no pay required. It is guaranteed to give perfect satisfaction, or money refunded. Price 25 cents per box. For sale at Dr. J. A. Boyd's drugstore.

ANTIOCH.
The watermelon crop is almost spent in this section.

Curing tobacco, pulling fodder and going to preaching is the latest for this week.

The corn, tobacco and forage crops are the best they have been in this vicinity in four years.

Messrs. W. M. Byrd and D. A. Maness left this point on the 30th for Peachland, N. C., after making a visit of a week.

Mr. C. Williams, of North Carolina, a popular tobaccoist among us, paid us a call of a couple of hours on Sunday morning.

A couple of Mormon Elders conducted a series of services at Cedar Creek last week. We haven't been able to learn the results of their work.

Mr. E. Boswell, of Green Plain, remembered your correspondent and a friend with a lot of nice ripe pears recently. We expect to repeat our call again later in the season.

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