

The Watchman and Southern.

WEDNESDAY, MARCH 8, 1893.

The Faculty Declines to Reconsider.

The faculty of the South Carolina College are immovable in their stand in regard to the suspension of the young men who participated in the recent boisterous escapade.

"Gentlemen: As was promised at the close of our interview yesterday, the faculty of the college gave the most careful consideration to the views presented by you and to the petition from the students, of which you were the bearers.

"With sentiments of the highest respect, I am yours very truly, 'JAMES WOODROW, President.'"

Capt. DesPortes was seen later by a State reporter, but said that he had no comment to make except that the committee had been actuated solely by a kindly feeling and sympathy for the students in the matter, and had only to regret that they had accomplished no good.

The students are not exactly satisfied with the action of the faculty, but just what action they will take has not been determined.

They had a meeting last night, it is understood with the purpose of withdrawing from the institution in a body, but the proceedings of the meeting were kept very quiet.

Democracy on Trial.

There is one very important thing to be remembered: the Democratic party is now on trial. In North Carolina the present Legislature is making a record that may be for the good of the State and for the benefit of the party.

It may have done something to encourage and confirm public confidence or it may have acted as a handicap to the party in the next election. The Messenger will not now undertake to make a balance sheet, but it will be made and by the people and at the ballot-box in the next election.

If the vicious Homestead law is to continue; if the proffered creditors' business is to go on with its injustice and wrongs; if money is to be warped upon and its value limited to 6 per cent, which it put into all kinds of business it may bring 100 per cent and so harm done; if knowledge and learning are to be taxed as if they were a crime, when there is no over-plus of those precious articles in the State; if men with small earnings are to be discriminated against; if these and other follies are to be perpetrated and to mark the standard of the ability of the Legislature of 1893, to save the State and develop its resources and put it upon a higher plane of progress, then these things will be heard from hereafter and many a vote will be lost to the party.

In National matters the present Democratic House has done no little in record making. If it has done anything to increase public confidence in the party they represent we do not know what it is. Perhaps they have done better than we now think and have bided better than they knew.

The Democrats in 1890 made a big to-do over Tom Reed's Billion Dollar Congress. That was all right. It was just what should have been done, and the Democrats ought to have been honest in doing it, and have shown their faith by their works, and have proved their sincerity by their action.

A Bad Wreck.

A misunderstanding of orders, a shrill whistle and a fearful crash, resulting in a costly wreck of two engines and fifteen or twenty cars, was the misfortune of the Atlantic Coast Line on Wednesday afternoon. The wreck occurred near Monck's Corner and was a head end collision between a freight train and a material train.

The shill whistle of the engine warned the crews of the approaching danger and everybody jumped from both trains, thus avoiding death, which would inevitably have occurred in the wreck.

A wrecking train was sent to the scene of the wreck at once but the track was not cleared until Thursday. The fast trains north and south over the Northeastern road had to run over the South Carolina road around by Camden Junction, causing a delay of two hours or more to many passengers who are en route to the inaugural. The track was cleared on Thursday and all trains are now running on schedule time.

An Ill-Advised Proceeding.

CHARLESTON, March 1.—In the United States District Court today the question of the constitutionality of the State liquor dispensary law was argued, and disposed of by Judge Simonton.

The complainants in the case are A. and E. Cantoni, two Italian subjects engaged in the liquor business here. Their lawyers are T. W. Bacon and G. F. VonKoltz, members of the bar, neither of whom, however, have been retained by the State Liquor Dealers Association.

Judge Simonton's decision is very exhaustive. The following is a summary of the points made by the complainant and the ruling of the court thereon: First, It is alleged that the State dispensary act is in violation of Section 10, Article I, Constitution of the United States, forbidding States, without the consent of Congress, to levy any imports or duties on imports or exports except what may be absolutely necessary for executing its inspection laws.

The court rules that there is no provision of this act open to this objection. Second, That the act is in violation of section 2, article 4, and also the fourteenth amendment, which declares that no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

The court declares that there is no inherent right in a citizen to sell intoxicating liquors by retail; that the right to sell intoxicating liquors is not one of the rights growing out of citizenship of the United States.

Third, The complaint charges that the dispensary act is in violation of the fifth amendment of the Constitution of the United States, which forbids the taking of property without due process of law, and the taking of private property for public use without just compensation.

To this the court rules that acts done in the proper exercise of governmental powers, and not directly encroaching on private property, although their consequences may impair its use, do not entitle the owner of such property to compensation from the State.

Fourth, The complaint alleges that the law is in violation of the Constitution of the State, which requires that every act or resolution shall relate to but one subject, and that shall be expressed in its title.

The court is very positive in its ruling on this subject. It says it is a settled principle of parliamentary law in this State that so long as the enacting words remain in a bill it can be amended to any extent, even by striking out all up to the enacting words and inserting other words as a substitute.

Fifth, The complaint urges that the plaintiffs are Italian subjects, and are protected by the treaty, article 2 of which gives them the liberty to travel in the States and Territories, to carry on trade, wholesale and retail, to hire and occupy houses and warehouses, etc., upon the same terms as the natives of the country.

Judge Simonton says, under these articles the complainants have the same rights as citizens of the United States, and it would be absurd to say that they had greater rights. The right to sell intoxicating liquors is not a right inherent in a citizen, and is not one of the privileges of American citizenship.

The case of the State. The Columbia, March 3.—Attorney General Townsend will probably have his petition for habeas corpus and brief for the United States Supreme Court ready by tomorrow. It has been practically completed for some time with the exception of a few affidavits, but the Attorney General has not thought it proper to give it out to the public.

The petition for a habeas corpus is practically the only part of it that would be especially interesting to the public, so it would give the position to be taken by the State in the big fight. Although it cannot be taken to be absolutely correct, the following points raised will give a general idea of the position taken:

First, that the injunction is really against the State of South Carolina and is a suit against the State, which is contrary to the Constitution; and second, that to fine or imprison Sheriff Riser would make it impossible for the State to execute its laws by its agents.

So far as could be ascertained these two are among the chief points made, but the petition covers six or eight pages of the ordinary Supreme Court brief paper, and of course other and may be equally as strong points are raised on the Administration side.

The affidavits referred to are those of the auditors and sheriffs of various counties as well as of members of the State board of equalization, in which it is averred that the assessments were made according to the actual value of the property and that there was no discrimination against the railroads by either the county or the State board and that all were treated exactly right.

Major Townsend will go to Washington Sunday afternoon in time to reach there Monday morning, when the case will be called before the Supreme Court.—News and Courier.

The indications are quite strong that as soon as the question of federal patronage is disposed of the Alliance is "going into politics" again tooth and nail. There are a number of prominent Alliance men who believe that that lemon is not entirely squeezed dry yet, and they want a taste.—Newberry Observer.

The Next Senate.

The United States senate stands as follows: Democrats—Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, New Jersey, New York, North Carolina, South Carolina, Tennessee, Texas, Virginia, West Virginia, two each; California, Delaware, Kansas, North Dakota, Ohio and Wyoming, one each; total, 45.

Republican—Colorado, Connecticut, Idaho, Iowa, Maine, Massachusetts, Minnesota, Michigan, New Hampshire, Oregon, Pennsylvania, Rhode Island and Vermont, two each; California, Illinois, Montana, Nebraska, Nevada, North Dakota, Ohio, South Dakota, Washington and Wyoming, one each; total, 37.

Populists—Kansas, Nebraska, Nevada and South Dakota, one each; total, 4.

Two states have yet to choose senators. Montana will elect a democratic and Washington a republican, which will make the representation as follows: Republicans, 38; democrats, 46, populists, 4.

The country is safe.—Nashville American.

The Weekly Press.

The thanks of the weekly press are due to Bro. A. B. Williams for his kind expression of their value expressed in connection with comment on the recent insult of the News and Courier.

Brother Williams says: It is announced that the News and Courier will hereafter refuse to exchange for weekly newspapers unless the difference in subscription price is paid in cash or advertising. It is true that the arrangements for local correspondence now possible make the weekly newspapers almost valueless for news purposes.

They are valuable, however, as guides for shaping the policy and regulating the editorial tone of the daily newspapers. They are very close to the people and express what the people are thinking and saying. We read the neighborhood correspondence of our weekly exchanges with far more interest than the news columns of the New York dailies. They tell us the thoughts and feelings at the cross roads, the country store piazzas and the springs at the churches, and how to meet and deal with all the varying interests and sentiments among the voters.

The Greenville News, if it had to choose, would rather go without the New York and Chicago newspapers than the South Carolina weeklies.

With such papers as the Greenville News, Columbia State Register and Journal, Augusta Chronicle, and other papers at our hands the News and Courier might be sacrificed at little cost to the weeklies, but it is not likely that they will make the insult offered them felt by the News and Courier.

The News and Courier since the death of Capt. Dawson has never been within hailing distance of the thought and feeling of the people of the State. To it there has been no world outside of the News and Courier office, and it has lived simply because of the lack of real competition.—Florence Times.

Governor Tillman is not to blame after all; it was the Attorney General who got the State into a snarl with the railroads.—Clinton Gazette.

O, no; you are mistaken. If anybody is to blame he is the Governor: for he ordered the levies, not withholding the fact that the matter belonged to the Comptroller General's department and not his.—Newberry Observer.

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