

TURNED DOWN!

THE DOUGLAS REGISTRATION CASE PUT OUT OF COURT.

Judge Goff's Injunction Dissolved by the Circuit Court of Appeals.

RICHMOND, Va., June 11.—The celebrated South Carolina registration case was decided in the United States Court of Appeals here to-day. The State wins, Judge Goff's famous injunction is dissolved and the original bill will be dismissed. The decision of the court was announced by Judge Hughes shortly before 3 o'clock and an outline of the court's decision was given. Judge Hughes submitted a strong individual opinion and the order reversing Judge Goff was entered at once. None of the counsel who took part in the argument were present. Judge Hughes, in announcing the court's decision, said:

"This case was heard by the Chief Justice, Judge Seymour and myself, on Friday last. We thought it was of a character to call for an early decision and it was determined after adjournment on Friday that the decision should be announced later and a decree entered. The case was exhaustively argued at the bar and nothing can be gained by waiting a further time for the examination of briefs. We are of the opinion that the injunction which was granted in the case ought to be dissolved and the bill dismissed. A decree to that effect will be entered at once. The opinion of the court on the important questions presented by the record will be prepared by the Chief Justice and filed and reported as soon as possible. Meantime, a brief statement of the grounds of the decision prepared by the Chief Justice is now filed."

The Chief Justice expresses his views as follows: "The judiciary act of March 3, 1891, contemplates prompt decision on appeals such as this and as we can not give extended expression to our views at this time, we content ourselves with a brief statement of our conclusions."

"Under section 7 of that act, where, upon a hearing in equity in a circuit court an injunction is granted or continued by an interlocutory order or decree in a cause in which appeal from the final decree may be taken under the provisions of this act to the circuit court of appeals, an appeal may be taken from such interlocutory order or decree granting or continuing such injunction to the circuit court of appeals, so by section 5, appeals or writs of error may be taken to the supreme court in any case in which the legislation or law of a state is claimed to be in contravention of the Constitution of the United States. But although the constitutionality of a State law may be drawn in question in the circuit court, yet if the case may be disposed of on other grounds not involving the validity of such law, we think this court has jurisdiction on appeal. Carry vs. Railway Company, 150 U. S. 170, U. S. vs. John 155, U. S. 109. If in the instance of appeals from interlocutory orders, on consideration it should appear that the question of the constitutionality of the law is controlling and must be decided, the cause can be remanded to the circuit court, so that petition to the supreme court for certiorari may be made. American Construction Company vs. Railway Company, 148 U. S., 372.

"In this case the bill of complaint challenged the constitutionality of certain laws of South Carolina, but the question was raised on the threshold whether the case made was one of the equitable cognizance, and this being so, we sustain the jurisdiction and overrule the motion to dismiss."

"The jurisprudence of the United States has always recognized the distinction between law and equity as under the constitutional matters of substance, as well as of form and procedure. Carter vs. Allen, 149 U. S. 451; Mississippi Mills vs. Cobb, 150 U. S. 202, 205. It is well settled that a court of chancery is conversant only with the questions of property and the maintenance of civil rights. The court has no jurisdiction in matters of a political nature, or to interfere with the duties of any department of the government, except under special circumstances, and when necessary for the protection of rights of property; or in matters merely criminal or merely informal which do not affect any right of property. In Sawyer, 124, U. S. 200; Fletcher vs. Tuttle, 151, 111; 41 Hardesty vs. Taft, 23 Maryland, 513; ex parte Lumsden, South Carolina, 19 S. E. Rep., 749.

"The equitable powers of the court can only be invoked by the presentation of a case of equitable cognizance and there can be no such case in the Federal courts where there is a plain and adequate remedy at law, nor does illegality alone afford ground for equitable interference. Shelton vs. Platt, 139, U. S. 591.

"Tested by these principles, the bill of complaint cannot be maintained, for it asserts no threatened infringement of rights of property or civil rights, and no adequate ground for equity intervention. Being of this opinion, the restraining order must be reversed and the cause remanded with directions to dismiss the bill."

The opinion filed by Judge Hughes is an exhaustive treatment of the questions raised in the case.

The other judges who sat have not had an opportunity to see the paper, so Judge Hughes is solely responsible for it.

JUDGE HUGHES' OPINION.

RICHMOND, Va., June 11.—Judge Hughes' opinion in the South Carolina case is, in part, as follows: The Judge gives a careful review of the record, and continuing says: "There is nothing in the record to show that the complainant is a man of color or that those for whom he sues are colored persons. The bill contains no allegation that the parts of the law complained of were devised against the complainant or those for whom he sues on account of their race, color, or previous condition of servitude. There is nothing in the averments of the bill from which it may naturally, or must necessarily be inferred that the complainant and those for whom he sues are citizens of color. There are no averments in the bill which show that the case falls within the purview of the Fifteenth amendment of the Constitution of the United States. Nor does the bill contain any allegations which raise a Federal question under the clause of the Fourteenth amendment which forbids a State to deny any person the equal protection of the laws. It charges that the provisions of the registration acts complained of is to give unequal facilities of registration to different classes of citizens, but it does not point out how this is so. It leaves the discrimination as to the privilege of registering, if there be discrimination, to inference and research in sources other than its own averments. It charges that the provisions of law complained of discriminates, but does not describe the manner of discrimination, or define the classes affected, pro or con, nor does it show that the laws complained of in discriminating between classes as to the privilege of registering granted by them, violate the clause in the Fourteenth amendment which forbids a State to deny to any person within it, the equal protection of the law. It confounds privilege with protection."

"The bill has no reference to a Federal election in setting out complainant's case. The gravamen of the bill contemplates only a State election to be held for members of the State convention to convene in August next. It is not known that any Federal election is to be held in South Carolina before November, 1896."

To the bill thus described and to the order of injunction granted by the court below in pursuance of its prayers, several objections are urged in behalf of the State of South Carolina. In what follows I shall consider but one of these. In the ruling of the Circuit Court rendered on circuit, in this case, it was held that the court had jurisdiction to restrain a county supervisor of registration in the performance of his duties under the elections laws of South Carolina. The division of our government into the legislative, executive and judicial departments is a distinguishing feature of our American policy and it is essential to its existence that each of these departments shall be independent of the other. The division is fundamental and organic. It would be just as dangerous to its stability for the judicial department to override the others as for executive or legislative departments to do so. Hence, while the right of the judiciary to pass upon the constitutionality of the laws is undoubted, it has that right simply as an incident to its protection of private rights. It has not that right as a mere means of settling abstract questions and even in the enforcement of private rights it has not the power to interfere with the discretion vested in the other departments or with the exercise of political powers of this department. It seems to me that it is a dangerous encroachment upon the prerogatives of the other departments of the government, if the judiciary be entrusted to exercise the power of interfering with the holding of an election in a State. If the supervisor of one county can be enjoined from the performance of the duties imposed upon him by the election laws of the State from whom he holds his commission, those of the other counties can be also; thus a single citizen in each county, and if he is not even a qualified voter, can enjoin an election throughout the entire State, and thus deprive thousands of their right to vote. If a court has power to do this, free elections are at an end. If elections are improperly held, there are appropriate means provided by law for questioning their methods and remedying wrongs without the exercise of this dangerous power by the courts. A candidate who has been defeated may contest; a voter whose right to register has been denied may proceed to compel the enforcement of that right, and these provisions give what the Legislature deems sufficient protection to the injured, but in my judgment one citizen cannot, under pretense of righting his own wrongs, disfranchise others.

"I do not think that a court has jurisdiction to interfere by injunction or otherwise with enforcement of the laws by officers holding and deriving their power from these laws; certainly not to the extent attempted to be done by this bill. In arriving at this conclusion I have not considered the question whether or not the registration laws for South Carolina violate the Federal Constitution or laws. I prefer to rest my opinion upon the ground of the independence of the different departments of the government upon the impolicy of interference by the court in question which will result in dragging constantly into party politics, and upon the

general principle that each department of the government and each officer there, high or low, has the right to administer according to his best judgment the duties imposed upon him by the laws creating his office.

"As illustrating these general principles, I refer to the following decisions: Mississippi vs. Johnson, 4 Wall. 475, Gaines vs. Thompson, 7 Wall. 347; Louisiana vs. June, 107 United States, 711 Hagood vs. Southern, 117 United States; Arres in re 123 U. S., 443; in re Sawyer 124 U. S., 209. It is useless to cite the many cases which bear on the questions arising in this case and so profusely at bar.

So far as the rights of the individual complainant in the bill were concerned it may have been competent for the court to grant individual relief. The Supreme Court of the United States the other day granted relief from the payment of an income tax to the individual complainant in his suit against it but it went no further. On the authority of Mississippi vs. Johnson, supra, we may assume that it would not have entertained a bill for enjoining internal revenue officers of the government from collecting incomes taxes generally. The judicial power covered the right to grant individual relief, but did not extend to the general power of repealing the law imposing the tax as to the entire public.

"I repeat that in the case at bar it may have been competent for the court to grant individual relief, but the bill asked more. It asked similar relief for all other citizens of the country situated like complainant. It practically asked the relief for a numerous political party, forming a portion of people to whom the Legislature was solely responsible for its laws and to whom alone the genius of our institutions makes the Legislature responsible. Moreover, it brought the court into immediate and active contact with party contentions. It made the court a controlling factor in party strife. I can imagine nothing more pernicious than a direct participation by the judiciary by judicial action in politics of the people. The bill asked practically that the process of registration under the laws of the States should be suspended in an entire county during the pleasure of the court and that all citizens of the county not then registered as voters should be denied the right of suffrage during that pleasure. It seems to me that the mere statement of this view of the case shows that the injunctions was improvidently granted. "I think the bill should be dismissed."

A Colored Conference.

The Call Issued Before the Reversal of Judge Goff Was Known.

The following address, making a call for a convention of the negroes of the State to be held in Columbia, was issued yesterday by the committee from the Colored Ministerial Union, prior to the news of the reversal of Judge Goff's decision in the registration matter. The convention will, however, doubtless be held anyway, as the programme outlined for the convention is not interfered with by the decision of the United States Court of Appeals:

To the Colored Citizens: There are times in the affairs of men when silence is golden. But to remain silent under the present crisis, our position may be wrongly interpreted. Therefore, we, the committee of seven appointed by the citizens of Columbia and vicinity in May 1895, call a conference of the leading colored men of the State to meet in the city of Columbia on July 10, at 12 o'clock noon, for the purpose of considering the following questions and to prepare and issue an address to the people of this State and the United States setting forth our position in the present trouble in the State of South Carolina:

1. Shall we manifest any interest in the Constitutional convention, and if so to what extent?
2. Will we vote for any delegates to the Constitutional convention, and on what conditions?
3. What course will we pursue in the event of such an election?

Therefore, the citizens of the several counties in the State are asked to canvass carefully and meet at their county seats on July 4, and elect their best men as delegates to represent them in this conference in proportion to the number of representatives in the General Assembly.

We recommend that the election be independent of politics and that they work for the best interests of the people and the State.

The meeting may be called by any free citizen or by as many as may be practical.

- E. H. Coit,
- R. E. Hart,
- J. W. Morris,
- W. D. Chappell,
- M. G. Johnson,
- A. P. Dunbar.

Sometime ago I was troubled with an attack of rheumatism. I used Chamberlain's Pain Balm and was completely cured. I have since advised many of my friends and customers to try the remedy and all speak highly of it. Simon Goldbaum, San Luis Rey, Cal. For sale by Dr. A. J. China.

Spain Beggars to be Saved.

She Fully Realizes the Danger of Cuba's Loss.

WASHINGTON, June 11.—The Navy Department is co-operating with the State Department in preventing filibustering expeditions from leaving the United States to aid the Cuban rebels. In addition to ordering the United States cruiser Raleigh to guard the Southern coast to look out for filibustering craft, Secretary Olney of the State Department has asked the Treasury Department to aid in preventing filibusters from shipping arms, men and ammunition from Southern ports to the Cuban rebels. The Spanish minister, Senor Dupuy DeLorme, has had several interviews with Secretary Olney during the past two days on the subject and has given him the information furnished by his agents who are stationed along the Southern seacoast and at New York. The delicacy of the situation makes it difficult for the United States to act effectually. As pointed out in these dispatches some weeks ago, the mere fact that a vessel has arms aboard is not prima facie evidence that those arms are intended for the Cuban rebels and would not be so regarded even if the vessels cleared for Cuban ports. The most indisputable proof must be obtained that the arms are to be delivered to those who will use them against a country friendly to the United States before United States customs officials can interfere. This proof is very difficult to obtain and already the United States have a suit on hand for seizing arms on vessels which it was charged at the time were intended for the Cuban cause.

Nevertheless the United States cannot disregard the warning of the Spanish minister as we are on friendly terms with Spain and cannot omit all proper precautions to prevent an act by our citizens which Spain would regard as unfriendly. Acting on the request of Secretary Olney these instructions were issued late this evening to collectors of customs:

Treasury Department, Washington, D. C., June 11.—To collectors of customs and others: It is a matter of rumor that at various points in the United States attempts are making to enlist men, to equip and arm vessels, and by other illegal measures, to aid the insurrection now in progress in the Island of Cuba. While this department has not been furnished with tangible evidence confirmatory of such rumors, deems it of great importance that no possible opportunity be given for complaints that the Government of the United States has in any respect fallen short of its full duty as a friendly nation. Collectors of customs of the several districts between New York and Brownsville are especially enjoined to see to it that the neutrality laws of the United States, particularly sections 5,289 and 5,290 of the Revised Statutes, are fully complied with.

(Signed) "S. WIRE,"
"Acting Secretary."

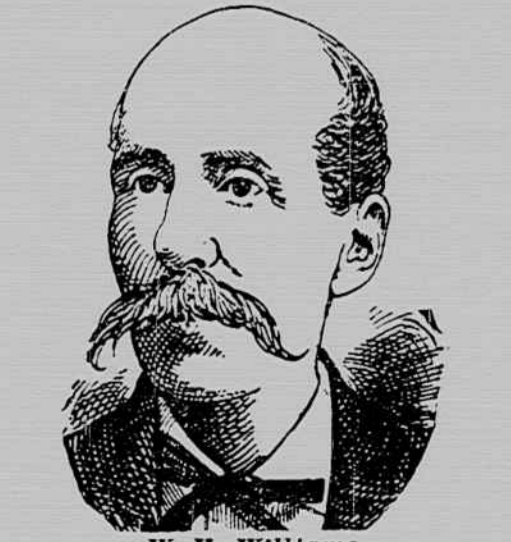
H. G. Osteen & Co., make a specialty of paper, and now have the finest and most complete selection of paper ever in Sumter. They sell more paper for the same money than can be bought elsewhere. Store on Liberty street, next to the Watchman and Southron office.

For Sale at a Bargain.
A large assortment of Fashionable Tinted Writing Papers will be sold at a bargain within the next ten days. H. G. Osteen & Co.

Good paper at 14cts, 15cts, 20cts, 25cts 30cts per box. Fine paper at 35 cts, 40 cts 45cts, 50cts, 55cts, 60cts, 65cts, 70cts, 75cts per box at H. G. Osteen & Co.

Death Was Preferable

To Prostration After the Grip
Hood's Sarsaparilla Built Up and Gave Perfect Health.



W. H. Williams
This is a well-known merchant at Key West, Florida. His account of his condition after the grip, and how it was cured, should be read by all:

"I had the grip twice, which came near ending my existence on the earth, and left me in a condition to which

Death Was Preferable

About five months back I started to take Hood's Sarsaparilla. I felt the good effects from the first bottle and by the time I had taken three bottles I was 50 per cent, a better man physically than before. I am now full of ambition and feel that had I not taken Hood's Sarsaparilla I should have been dead and buried. I am thankful for the Sarsaparilla, which has been so successful in curing me, and I would like to see thousands of others cured in the same way. W. H. Williams, Key West, Florida.

Hood's Sarsaparilla Cures

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Where Are You Going This Summer?

To The Most Beautiful Spot on Earth.

CHIMNEY ROCK, N. C.

WHY? Because it is not only the most beautiful spot on earth with its grand water falls, pretty little glens, towering mountains and magnificent views, but it is the most pleasant place in the mountains.

It is away from the bustle and noise of railroads, and is, therefore, the best place to gain health and see real pleasure.

How do you get there from Atlanta, Ga., Norfolk, Va., Wilmington, N. C., or intermediate points? Parties going to Chimney Rock take the Seaboard Air Line Trains, which are the best equipped of any line of Road in the South. The Seaboard Air Line carries Chimney Rock visitors to Rutherfordton, from which point a connecting line of stages carries them over a splendid mountain road, through valleys, and by a beautiful river with its ever changing scenery.

What Hotel Shall I Stop At?

By all means stop at the Mountain View Inn, conducted by Mr. George P. Horton and his estimable wife. The hotel is new, the furniture and fittings of the best, and the surroundings well kept. From the hotel is a grand view of the most wonderful waterfalls in the United States, the famous Chimney Rock towering hundreds of feet into space.

Mrs. Horton is an estimable lady, making every one feel at home as soon as they arrive. She gives her personal attention to her house-work, and superintends the cooking department, which insures the most perfect cleanliness. The kitchen is kept as clean and neat as the parlor under her management. Mr. Horton is a hustler and believes in having everything fixed to please his guests. He has lawn tennis and croquet grounds, quoit pitching grounds, a marble yard, [that is, a yard nicely graded, where the boys, men and ladies can play the old, but ever new games of marble, "roll-hole, knuckle down, &c."] He has swings, joggling boards, turning boards, and many amusements for the children. He has rustic seats over the beautiful grounds. Nowhere else can visitors find a place where they can get the comforts and pleasures that they do at Mr Horton's hotel.

But Is Not The Price Too High?

No! It is really a puzzle to the visitors how Mr. Horton furnishes the excellent fare and the amusements to visitors that he does for the small charges. Some of his visitors have insisted on paying him more, and this is the reverse of most cases, for it is usual to have visitors growl at high rates. He only charges seven dollars per week, or twenty-four dollars for a full calendar month.

This is valuable information to me, and a number of my friends who are going to take a vacation this summer, and I am certainly under obligations to you, and will see you during July and August at Mr. Horton's. By the way, how far is it from Asheville?

Only twenty miles. A three hour's drive with a good span of horses will take you to or from the beautiful mountain city, and to Vanderbilt's elegant summer home. In fact it is said that Vanderbilt is going to have a cottage built at a point near Chimney Rock. As to all these points you can write Mr. George P. Horton, Chimney Rock, N. C.

By-the-way, a party of prominent editors visited the place and selected the location as the best place to build an Editorial Club House, and they wrote many words of praise concerning the place and section. I will quote from the following papers:

RALEIGH NEWS AND OBSERVER.

"Here with lofty mountains on each side the most picturesque scenery east of the Rockies, we, a party of editors, have met to see for ourselves and tell the world something of the real grandeur and sublimity. * * * It is a revelation and yet how many are willing to live and die without putting forth one effort to view this wondrous scenery. * * * The view from the dome of Chimney Rock is superb. * * * It must be seen to be thoroughly understood."

CHARLOTTE OBSERVER.

"The shades of night were falling as we drew near our destination. The harvest moon hung in the sky as we rounded Chimney Rock. At our right was Old Baldy, under whose gigantic cliffs we insignificant mortals were creeping along. The river sang a vesper hymn, and it seemed as if nature was offering her evening prayer to the Creator. The view from Chimney Rock is glorious. * * * But it is useless to describe the beauties of this region. Go and see them for yourself."

WILMINGTON REVIEW.

"It was up hill and down dale; now in the valley shut in by high hills, an anon skirting the brow of a precipice hundreds of feet above the plain beneath. The country between Rutherfordton and Asheville is beautiful, rich, prosperous and happy. * * * We stood upon the summit of the rugged and picturesque Chimney and gazed abroad for sixty miles, the eye taking in almost at one glance the peaks of a hundred magnificent mountains. The view is simply sublime."

RICHMOND DISPATCH.

"There is not a missing element in this beautiful mountain scenery. There is a succession of grand views all the way for six miles. No language can depict the grandeur of the scenery all along the route. The Broad River certainly is as picturesque as the famed Swanoona; and larger and much more turbulent."

NORFOLK VIRGINIAN.

"At every turn of the road as we approach, the mountains unfold, panoram like displaying wild grandeur almost and yet fascinating in the extreme. Peak after peak seemingly reaching skyward after supremacy as though spurring the placidity of the valley, and defying the arts of the city builders of the plains. * * * It is only a few years since man first stood upon the summit of Chimney Rock. The outlook was superb beyond description."

RICHMOND TIMES.

"Hickory Nut Gap is the most picturesque section of country to be found throughout the Appalachian chain. The Broad River, a restless crystal stream, divides the great gorge, leaving a towering, rugged height on either side. Members of our party were vieing with each other in the use of adjectives over the glorious landscape. To attempt a description of the great gray peaks, overlooking roaring cataracts and smiling vales below would be but sacrilege when once a glimpse has been obtained."

A stay at Chimney Rock will cure malarial diseases, Blood Poison, Indigestion and Dyspepsia. Without doubt Chimney Rock has the finest air and scenery to be found. Write to Geo. P. Horton, Chimney Rock, N. C. and get any further information desired.