

# The Watchman and Southerner.

THE SUMTER WATCHMAN, Established April, 1850.

"Be Just and Fear not—Let all the Ends thou Aims't at, be thy Country's, thy God's and Truth's."

THE TRUE SOUTHERN, Established June, 1866

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—BY—

N. G. Osteen,

SUMTER, S. C.

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## Constitutional Convention.

### THE CONVENTION HARD AT WORK.

Delegates to Receive Only \$2 Per Day and Mileage.

The first work after the convention assembled was the announcement of committees which are as follows:

Declaration of Rights—J L M Irby, chairman, J E Elberbe, J O Bryd, J F Cantej, J M Sullivan, W H Timmerman, Geo S Mower, Geo F Von Kohntz, F P Taylor, W T Bobo, W R Singletary.

Executive Department—C M Efrid, chairman, J Walter Gray, M P Howell, J C Klugh, L S Connor, J H Estridge, J T Douglas, R D Lee, A J Smith, G W Ragsdale, J H Scarborough.

Legislative Department—J A Sligh, chairman, John C Sheppard, B B McWhite, S E White, H B Buist, W L Rosborough, J N Parrott, T M Gilland, Geo D Tillman, G W Gage, J D McDermott.

Judicial—Stanyarne Wilson, chairman, Robert Aldrich, J E Breazeale, Geo Johnstone, I W Bowman, Theo G Barker, W C McGowan, C L Winkler, C H Peake, G W Gage, W J Stribling.

Jurisprudence—G Duncan Bellinger, chairman, E J Dennis, Frank B Gary, A S Farrow, C H Peake, R D Lee, J Lyles Glenn, W M Fitch, J C Klugh, T I Rogers, Geo Johnstone.

Impeachment—M R Cooper, chairman, J T Hay, G J Graham, R P Stackhouse, J L Shuler, J McDermott, E H Houser, A S Waters, Geo Von Kohntz, G W Ragsdale, R B Anderson.

Eminent Domain—D H Russell, H H Murray, J F Ashe, Geo P McKagen, Jos Oliver, C H Peake, J B Dent, F P Woodward, E J Kennedy, D J Bradham, John Reed.

Right of Suffrage—B R Tillman, chairman, A H Patterson, J P K Bryan, R B Hodges, C W Garris, D J Bradham, H J Haynsworth, L E Harris, W C McGowan, C J C Hutson, M O Rowland.

Finance and Taxation—W D Evans, chairman, G E Prince, W J Talbert, J P Derham, J H Wharton, F P Woodward, Jos L Keitt, O R Lowman, T J Cunningham, C A Barry, E J Dennis.

Charitable and Penal Institutions—W J Gooding, chairman, J P Glenn, T J Cunningham, O M Doyle, H C Burn, W T Bowen, J H Read, J M Sprott, Sheppard Nash, W S Gamble, Jeremiah Smith.

Education—Julian Mitchell, chairman, R B Watson, E H Houser, R L Gunter, Geo S Mower, H C Patton, A H Patterson, John J McMahan, T I Rogers, E L Lybrand, E J Kennedy.

Municipal Corporations and Police Regulations—D S Henderson, chairman, W C Smith, W F Clayton, J N Nathaus, W A Nicholson, G G Wells, Willie Jones, J D Montgomery, J T Hay, J Perry Glenn, R A Meares.

Corporations—J W Stokes, chairman; G D Bellinger, J L Shuler, W B Wilson, Geo D. Bates, L E Parlor, Ira B Jones, J D Montgomery, Hugh Barton, Jeremiah Smith, T E Dudley.

Militia—J W Floyd, chairman; J C Otts, J B Wiggins, Jos Oliver, D H Behre, J P Derham, O R Lowman, A J Smith, J W Gray, Robert Smalls, Sheppard Nash.

Amendments—J B Morrison, chairman; J M Hiers, A J Perritt, G J Graham, A S Walters, J S Brice, R F McCaslan, E F Matthews, R D Atkinson, R M McCown, W J Whipper.

Engrossed Resolutions and Ordinances—W J Montgomery, chairman; R M McCown, William Henderson, A S Farrow, M P Howell, I W Bowman, T E Dudley, H H Murray, L E Parler, T M Gilland, Thomas Miller.

Order, Style and Revision—T B Fraser, chairman; B R Tillman, Stanyarne Wilson, C M Efrid, J W Stokes, Julian Mitchell, D S Henderson, J L M Irby, Robert Aldrich, C J C Hutson, J E Elberbe, I H McCalla, R R Hemphill, H Cowper Patton, W J Gooding.

Rules—J G Evans, ex officio; Ira

B Jones, J C Sheppard, C W Garris, J E Breazeale.

Printing—R R Hemphill, chairman; D H Behre, W F Clayton, J B Dent, J W Hamel

Contingent Accounts and Expenses—W F Field, chairman; A H White, W A Nicholson, J N Nathaus, R L Gunter, R C McMakin, H B Buist, F P Taylor, J L Keitt, W M Fitch, J J McMahan.

Miscellaneous Matters—J T Sloan, chairman; W H Timmerman, W E Carver, J C Alexander, T W Brice, A H DeHay, W St J Jervey, A H White, James Wigg, R F Smith, E B Berry.

County Government—J T Austin, chairman; George D Tillman, Frank B Gary, E N Redfeare, A K Smoak, T E Joanson, J W Kennedy, J O A Moore, J C Otts, A J Harrison, R R Stackhouse.

APPOINTMENTS ANNOUNCED.

President Evans also announced the appointment of the following additional employees:

First Assistant Secretary—P L Melton.

Journal Clerk—J T Gannt.

Doorkeeper—R M Jolly.

Assistant Doorkeeper—Jos Wither-spoon.

Gallery Doorkeeper—W J Shelton.

Postal Clerk—E P Jenkins

Pages—Glenn Smith, Joseph Robinson, J B Hughes, Belton Cauglman, J W McCall, U R Brooks, jr.

Laborers—W W Lazenburg and West Oliphant.

The first resolution that may become a part of the new constitution was introduced by Mr D S Henderson, and was as follows:

Be it resolved and ordained by the people of the State of South Carolina in convention assembled and by the authority of the same that the following provisions shall constitute section — of article — of the Constitution of the State:

Section 1. In all elections held by the people in incorporated cities, towns and villages of the State for officers thereof, electors shall vote by ballot; and every male inhabitant of such cities, towns and villages twenty-one years of age and upwards, except idiots, insane persons and paupers, and who shall have been a resident of the State for twelve months, and of the city, town or village in which he offers for six months, and of the voting precinct or ward for one month, and who has never been convicted of treason, murder, robbery, duelling, bribery, burglary, arson, obtaining money or goods under false pretenses, perjury, larceny, embezzlement, forgery or bigamy, and who shall be able to read any article of this Constitution, or any section of the statutes of this State, and who can write his own name, or who, in his own right, shall be possessed of taxable property in such city, town or village, of the value of \$1,000 as appears on the tax books, and who has paid all of his taxes to said city, town or village, shall be deemed qualified as a voter, and, on registering as provided by law, shall be entitled to vote at all elections by the people for the officers in such city, town or village.

Section 2. That in all elections in incorporated cities, towns or villages of this State for the purpose of bonding the same, or for raising revenue, the voters of said cities, towns or villages who are qualified according to the preceding section, and are real estate owners thereof, shall be deemed qualified to vote in such elections.

Section 3. The General Assembly shall provide by the law for the registration of all electors or persons qualified to vote in the elections to be held in incorporated cities, towns and villages, and suitable remedies by appeal or otherwise, shall be provided for the correction of improper registration and for securing registration to any to whom it may be improperly denied, and no person shall be allowed to vote who shall not be registered according to law; registration by the proper officer is hereby declared a condition prerequisite to the exercise of the suffrage in such elections.

Mr. Henderson introduced the following resolution also:

Be it resolved and ordained by the people of the State of South Carolina, in convention assembled and by the authority of the same, that the following provisions shall constitute section — of article — of the Constitution of the State:

In the courts of General Sessions there shall be a grand jury and such petit or trial jury as the General Assembly shall direct; the grand jury shall consist of eighteen members, twelve of whom must agree on a matter before it can be submitted to the court. Each petit or trial jury in the General Sessions shall consist of twelve men, all of whom must agree to a verdict or it shall not be binding.

In the courts of Common Pleas the juries shall each consist of twelve men and a verdict shall be good if agreed to by nine members thereof.

The term of the grand juries shall

be for one year and the General Assembly shall provide that at least one-third of the members of the outgoing grand jury shall be members of the incoming grand jury. Each juror must be a voter qualified under the provisions of this Constitution, between the ages of twenty-one and sixty-five years, and of good moral character.

The following form of oath for incorporation in the new Constitution was introduced by Mr. Henderson:

Be it resolved and ordained by the people of the State of South Carolina in convention assembled and by the authority of the same, that the following provisions shall constitute section — of article — of the Constitution of the State:

Members of the General Assembly and all officers before they enter upon the execution of the duties of their respective offices, and all members of the bar before they enter upon the practice of their profession, shall take and subscribe to the following oaths:

"I do solemnly swear (or affirm, as the case may be) that I am duly qualified, according to the Constitution of the United States and of this State to exercise the duties of the office to which I have been elected (or appointed) and that I will faithfully discharge to the best of my abilities, the duties thereof; that I recognize the supremacy of the Constitution and the laws of the United States to those of any State, and that I will support, protect and defend the Constitution of the United States, and the Constitution of South Carolina.

2. I do solemnly swear (or affirm, as the case may be) that I have not since the first day of January, A. D. 1881, engaged in a duel within or without the State, either as a principal or a second, or have been present thereat as a party thereto in behalf of either of the principals in such duel, and that I will not during the term of the office to which I have been elected (or appointed) as the case may be, engage in a duel as principal, or aid and abet in such duel as a second or as a party thereto, in behalf of either principal or otherwise," to which shall be added in the case of all officers charged with the preservation of the peace, the following, "and I will, to the extent of my ability, enforce the penalties prescribed by law against duelling and will not fail to bring to justice all persons offending against the said laws that may come within my view or knowledge."

President Evans announced that the delegates had not taken the oath, and he would proceed to swear them in as prescribed in the Constitution.

A number of the delegates objected to taking the oath and there was considerable debate. After being referred to the judiciary committee it was decided that the oath was unnecessary.

An effort was made to increase the pay to \$4 per day, but it was voted down.

The following resolution looking towards divorce was introduced and referred to the proper committee:

Be it resolved and ordained by the people of the State of South Carolina in convention assembled and by the authority of the same that the following provisions shall constitute section — of article — of the Constitution of the State:

Divorces from the bonds of matrimony shall not be allowed except by the judgment of a court upon the verdict of a jury; and no divorces shall be granted except for adultery; and the guilty party shall not be permitted to marry again;

Mr. Efrid offered the following, defining the suffrage requirements:

Section 1. All elections shall be by ballot.

Section 2. Every male citizen of the United States and every male person of foreign birth who has lawfully expressed his intention of becoming a citizen of the United States, who has attained the age of 21 years and who shall have resided in the State for three years and in the county and precinct in which he offers to vote for two years next preceding the election at which he offers to vote; and who shall have paid all State and county, and poll taxes legally assessed against him for the two years next preceding the election at which he offers to vote, within the time allowed by law for payment without penalty, shall be permitted to vote at any election in this State; provided such elector, as a further qualification, possesses either one of the following qualifications.

First. He shall be able to read in the English language and give a reasonable interpretation to any section of this Constitution, or

Second. He shall be able to copy in legible English writing any section of this Constitution, or

Third. He must pay tax on three hundred dollars worth of property, real or personal, or both, or

Fourth. He must own in fee simple for life, in trust, or as tenant for years a lot or piece of land in the

county in which he offers to vote, or

Fifth. He must have been entitled to vote under the laws of this State on the first day of November, A. D., 1890.

Section 3. It shall be the duty of the Legislature from time to time to provide for the registration of electors, and such registration shall be conclusive evidence to all election officers, judges and courts of the qualifications of the elector to vote under this Constitution.

Section 4. The General Assembly shall never pass any law that will deprive any of the citizens of the right of suffrage, except for treason, murder, burglary, larceny, perjury, forgery or any other infamous crime, or duelling, whereof the person shall have been duly tried and convicted excepting also as above provided in this article; also the following classes of persons shall not be allowed to vote in this State:

1. Persons under 21 years of age.

2. Idiots and lunatics.

3. All paupers supported by any county.

4. All soldiers, marines and seamen employed in the service of the army or navy of the United States.

Section 5. For the purpose of voting no person shall be deemed to have lost his residence by reason of absence while employed in the service of the United States, nor while engaged upon waters of this State or the United States, or of the high seas, nor while temporarily from the State.

Section 6. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of having been stationed therein.

Section 7. Electors shall in all cases except treason, felony, or breach of the peace, be privileged from arrest and civil process during their attendance at elections and in going to and returning from the same.

Section 8. Every person entitled to vote at any election shall be eligible to any office which now is, or hereafter shall be, elective by the people in the county where he shall have resided two years previous to such election, except as otherwise provided in this Constitution and laws of the United States.

Section 9. Presidential electors shall be elected by the people.

Section 10. In all elections held by the people under this Constitution, the person or persons who shall receive the highest number of votes shall be declared elected.

The following in relation to counties and county courts was introduced:

COUNTIES.

Section 1. Each county shall form one election district.

Section 2. The precinct boundaries of the counties of the State shall remain as now established until otherwise provided by law.

Section 3. In each county shall be elected by the qualified electors thereof, on the first Tuesday after the first Monday in November, A. D. 1896, and on the same day in every fourth year thereafter, a clerk of the Court of Common Pleas and General Sessions, a sheriff, a county judge, who shall hold their offices for the term of four years and until their successors are elected and qualified, and such other officers as may be provided by law.

Section 4. The General Assembly shall prescribe the duties and compensation of all county officers.

Section 5. In case of death, resignation or removal of any county officer, or of a vacancy from any other cause the Governor shall appoint some suitable person to fill out the unexpired term.

COURTS.

Section 7. There shall be established in each county a county court with jurisdiction in all matters testamentary, and of administration, in business pertaining to minors, and the allotment of dower, in cases of idiocy and lunacy and persons non compos mentis, in all misdemeanors, in all matter of contract, debt, fines, forfeitures and damages when the amount involved does not exceed \$500; in all actions for the partition of real estate only; in actions between landlord and tenant, when the title to the land is not in dispute and such other matters as the General Assembly may designate; provided that this court shall not have jurisdiction in actions involving the title to real estate.

Section 8. That a sufficient number of committing magistrates may be appointed by the Governor in each county for the convenience of the citizens in having criminals apprehended and committed for trial.

NEW COUNTIES.

Section 9. The General Assembly shall provide by general laws for organizing new counties, locating the county seats temporarily, and changing county lines. But no new county shall be formed unless it shall contain within the limits thereof property of the valuation of \$2,000,000, as shown by last preceding tax returns, and not then unless the remaining portion of the old county, or counties, shall each contain

property of at least \$3,000,000, of assessable valuation by the last assessment; and no county shall be organized, nor shall any organized county be so reduced as to contain less than one-sixtieth part of the inhabitants of the whole State, both to be determined by the last National and State census, and in case any portion of an organized county or counties is stricken off to form a new county shall assume and be holden for an equitable proportion of the indebtedness of county or counties so reduced. No county shall be divided unless a majority of the qualified electors of the territory proposed to be cut off shall vote in favor of such division.

Section 10. No new county shall be formed of less than 500 square miles, nor shall any organized county be reduced in area below 500 square miles, and no county lines shall be run nearer any existing court house than ten miles.

Mr. Russell offered a resolution giving Charles A. Calvo, Jr. the Convention printing upon the same terms and under the provision of the Revised Statutes of 1893, relating to public printing.

The Convention did not wish to shut out other competitors, and Mr. Russell's little scheme failed.

Friday's Proceedings.

The session of the Convention yesterday was the most interesting to date. The rules under which the Convention will work were reported by the committee on rules and were discussed at some length.

The contest from Williamsburg county came up but after some talk was postponed until to-day. The matter of printing the proceedings was discussed by a large number of delegates, but no final action was taken.

The most important resolutions and ordinances introduced were:

Mr. J. Wm Stokes offered an outline of a proposed new judicial system providing:

1. Taking the existing system as a basis, to abolish the Supreme Court as such.

2. Substitute a court of appeals to consist of all the circuit judges save that one whose court is under review by appeal.

3. To elect in each county one county judge to preside in all misdemeanors, and in cases involving less than \$100—except matters of probate, testamentary and guardianship, of which he shall have original and exclusive jurisdiction.

4. In felonies, and cases involving \$100 or more, other than matters testamentary, or guardianship, or probate, let the circuit judge sit with the county judge.

5. In cases of an aggravated nature, like rape and murder, provide by law for a speedy trial of the cause at special session.

6. Elect one county attorney in each county to perform the duties of solicitor and to act as State counsel to all officers of the county.

7. County courts to sit at least once a month, and as often as the exigency may arise for a special session.

Geo. D Tillman offered a resolution proposing "an amendment to Section 6, Article 3 of the Constitution relating to an apportionment of representatives to the General Assembly, to wit: That where two or more representatives shall be assigned to the same county, such county shall be subdivided into as many election districts of as nearly equal population as possible and one representative shall be assigned to each. The subdivision shall be made up of whole townships and no township shall be divided in forming subdivisions."

Col. Willie Jones, of Richland, introduced the following:

Section 1. The militia of this State shall consist of all able-bodied male citizens of the State between the ages of eighteen and forty-five years, except such persons as are now, or may hereafter be exempted by the laws of the United States, or who may be adverse to bearing arms, as provided for in this Constitution; and shall be organized, armed, equipped and disciplined as the General Assembly may by law provide.

Sec 2. The Governor shall have power to call out the militia to execute the laws; repel invasion, repress insurrection and preserve the public peace.

Sec 3. There shall be an adjutant and inspector general elected by the qualified electors of the State, at the same time and in the same manner as other State officers, who shall rank as a brigadier general, and whose duties and compensation shall be prescribed by law.

The Governor shall appoint, by and

with the advice and consent of the Senate, such other staff officers as the General Assembly may direct.

Sec 4. All active members of the militia who are enlisted may be exempt from serving on juries and performing road duty and street duty.

George Tillman proposed the following resolution:

1. New counties may be formed, but in doing it, no existing county seat shall be abolished, nor shall any new county line be run nearer than five miles to an established court house.

2. No county seat shall be removed unless such removal be authorized by two-thirds of the electors of the county voting therefor; but when the proposed seat shall be towards the centre of the county, it may be made when a majority of the electors participating in the election shall vote therefor.

3. No new county shall be formed unless 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. The elections provided for in this and the section next preceding shall not be held in any county oftener than once in four years.

4. The Legislature may provide for the consolidation of existing counties if a majority of the qualified electors of such counties vote therefor.

Mr. Patton introduced the following suffrage scheme:

1. Every male citizen of the State of South Carolina of the age of twenty-one years of age, not laboring under disabilities named in this Constitution who shall have resided in the State two years and in the county in which he offers to vote ninety days next preceding any election, and who shall have paid all poll or other tax due by him to the State for the fiscal year preceding that in which he shall offer to vote; and who, in addition thereto,

(a) Shall be able to read the Constitution in English print and sign his name; or

(b) Shall own in his own name and return for taxation property in this State to the amount of \$300; or

(c) Shall have engaged in the active military or naval service of the late Confederate States of America; or

(d) Shall be the lawful lineal descendant of a person who was engaged in such service and shall be alive at the time of the adoption of this Constitution.

Shall be a qualified elector of this State, and, when duly registered, shall be entitled to vote for all officers that are now or may hereafter be elected by the people, and upon all questions submitted to the electors at any election.

2. The General Assembly shall enact just and equal laws for the accurate registry of the qualified electors of this State, and they shall also establish convenient, fair and impartial tribunals to pass upon and determine the qualifications of persons offering themselves for registration as qualified electors.

3. The popular government cannot exist without a pure ballot; the General Assembly, therefore, shall enact stringent laws for the regulation of the registry and elections of this State with several penalties for the violation of the same. Any persons who shall wilfully violate such laws shall upon conviction, in addition to such penalties as the General Assembly may impose be forever disqualified from voting and debarred from holding public office in this State; and the disabilities imposed by this section shall not be removed by the pardon of the Governor or by act of the General Assembly.

Senator Tillman introduced the following smaller county scheme:

"The Legislature may from time to time establish smaller counties in the following manner:

"First—Whenever a majority of the qualified voters within the area of the proposed new county shall petition the Governor for the creation of a new county, the Governor shall order an election 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.

"Second—If two-thirds of the qualified voters within the area of the proposed new county shall vote 'yes' upon such question, then the Legislature at its ensuing session, shall establish said new county.

"Third—That the proposed new county shall not contain less than the one hundred and twenty fourth part of the whole number of the inhabitants of the State.

"Fourth—That no proposed new county shall contain less than four hundred square miles.

"Fifth—No new county shall contain property of the assessed value of more than one million dollars.

"Sixth—No old county is to be re-

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