

The Watchman and Southron.

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 SOUTHRON, Established June, 1866.

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Anomalous Position.

Magistrates Without any Jurisdiction Whatever.

SO JUDGE EARLE DECIDES.

The Magistrates of this State are in an anomalous position. They are officers without any jurisdiction either civil or criminal. So Judge Earle has decided in Barnwell, according to the Sentinel of that county.

A case was brought before the Judge by Major L. T. Izlar, who raised the point that the Act providing for the appointment of Magistrates simply created the office without prescribing the jurisdiction of the officers, and that as the old Trial Justice system was constitutional and had not been repealed, that system was still of force, making an office in existence without any officers to fill them, for there are now no Trial Justices.

Judge Earle, according to the paper, decided that Major Izlar was right and dismissed the case against his client who had been arrested on order of a Magistrate.

This curious and unfortunate condition of affairs arose from the bill creating the office of Magistrate, which passed the last Legislature after a long and somewhat acrimonious debate. The bill took away from the Governor the power of removing Magistrates, and although a great fight was made to strike out that feature, it did not succeed. In accordance with a right given the Governor under the new Constitution he approved that portion of the bill which appointed Magistrates and named their salaries, but "held up" the other portion which took away the power of removal and which defined their duties, and thus it is that there are Magistrates holding office and drawing salaries who, according to the judicial opinion, have no right to absolutely do anything pertaining to the duties usually devolving upon such officers.

Major Izlar raised the point last spring and was about to begin habeas corpus proceedings before the Supreme Court to test the matter in the case of a certain prisoner in Barnwell County. Governor Evans, seeing the point and the complications that would arise, pardoned the negro and left Major Izlar high and dry with no case to proceed on. But he evidently didn't intend to be blocked and got up another one before Judge Earle and won it.

The same question came up before Judge Benet last spring, in which he rendered a decision which was generally thought to be of the same effect as that of Judge Earle's, but Governor Evans states that Judge Benet says his decision has been misunderstood by the public, and that he didn't decide that way.

It can be easily seen to what disastrous results such a state of affairs can lead. Law-breakers will only have to raise the point that the Magistrate has no jurisdiction and that will settle it as far as they are concerned, unless the lawyers can devise some means to hold them further. Those fellows who have already been sent to the chain gang or the jail will likely kick themselves that their lawyers didn't discover the flaw in the law and save them. But now they have no redress, as they submitted without raising the point of jurisdiction.

Governor Evans was asked yesterday what was to be done about it, and said nothing could be until the Legislature met—Columbia Register.

It is said that Col. Neal will have considerable opposition for reelection as superintendent of the penitentiary at the coming session of the general assembly. Rumor has it that he will be opposed by Mr. John T. Gaston, the present acting State liquor commissioner. Mr. Gaston, it is said, will be the candidate of those who are making the fight against Colonel Neal's reelection. It is also said that Mr. Wharton of Laurens will be a candidate for this office.

The Shrinkage in Cotton.

The Tumble in Prices Has Lost the South Fifty Millions of Dollars.

Atlanta Journal.

Cotton is worth \$5 60 per bale less than it was on the 10th of September. The price of January cotton in New York on that date was \$7 77. To-day it opened at 7 64. This makes a difference of \$50,000,000 in the market value of a crop estimated by the conservators at 9,000,000 bales.

The course of the market since the beginning of the cotton year has been erratic, and has so far departed from the estimates of the best posted operators, and has so confounded and contradicted what is known as "the best of opinion," that authorities have been several times reversed, while some of the great operators, who have been winners for years, and were believed to be almost infallible, were caught by the market coming and going and are heavy losers by the reversal of their judgements by the logic of events.

The long drought of the summer scorched the cotton fields and played such havoc with vegetation generally that about the opening of the cotton year a 7,000,000 bale crop was the estimate generally credited by cotton men. Under the influence of this belief cotton went up by leaps and bounds, reaching the high point of 8 77 for January in New York about Sept. 10.

There was a mighty movement of great operators to corner the market, and they thought they had it cornered, but nature, "devising long and devious ways," set all their plans to naught. September ushered in an ideal autumn season for harvesting and maturing cotton. The cotton bolls opened rapidly and the staple spread its fleeces banners out beneath a genial sun which lingered long in its inspiring warmth upon the cotton fields. The staple poured into market early and with great volume. It was seen that estimates were at fault, and the price began first to fluctuate and then to fall.

Then the great operators began to hedge. They had lost heavily by buying August and they thought to even up by selling October. Later the shrinking price had the effect of slaking the stream of cotton that was pouring into market, and the staple went up a few points, paused and fluctuated. Then came the frosts of November 8, by which, according to first reports, the late bolls of the top crop in the Mississippi valley and Texas were killed. There was a revision of estimates and a reaction in prices and the bulls had their way for a few days.

Nature has again smiled, as if in derision of the fallibility of human judgment; the sunshine has warmed the bolls into new life, and it is found that the damage of the recent freeze is not so great as was at first supposed. In the Mississippi delta and in Texas there seems to be some life in the top crop yet, and estimates again range up toward 9,000,000 bales, while few put the number below 8,500,000. Only the ultra sanguine make it 8,250,000. So we have prices once more on a low level and the crop has shrunk \$50,000,000 in value.

Salem in Kershaw.

To the Editor of The State.

I notice in your issue of the 17th inst. a communication from Bishopville saying that the election held in Kershaw county for the new county (Salem) was illegal and great irregularities were reported. Please allow me space in your paper to say to your Bishopville correspondent that I was a manager at Turkey Creek precinct in Kershaw county and that the report is untrue. No person was allowed to vote at said precinct—except qualified electors, and I can prove by every voter who voted there that day that he saw the registration book and that his name was on the book, except two voters, who presented their registration certificates. If the election in Kershaw had resulted in a two thirds majority for the new county your correspondent would have reported the election all right. Always sweep around your own door first. S. T. GARNER, Tiller's Ferry, Nov. 23.

Tobacco Grower's Convention.

Governor Evans yesterday appointed delegates, as follows, to the National Tobacco Growers, and Dealers' convention to be held at Ocala, Fla., January 17, 1897:

First district, M. R. Cooper, Colleton; second district, S. G. Mayfield, Denmark; Third district, R. C. Kirsey Easley; Fourth district, T. J. Moore, Moore's; Fifth district, Joseph Edwards, York; Sixth district, F. M. Rodgers, Florence; Seventh district, Woodham, Sumter.

Sewing Machines and Organs cleaned and repaired at the Sumter Music House.

What Does Murray Mean?

The State board of canvassers practically finished all their work Monday. When they reconvened yesterday it only remained for them to declare the election of State and county officers and circuit solicitors against whom there were no protests. The tabulation of the returns as made by Mr. Booker was approved and the board adjourned.

The hosts of protestants who were at Monday's meeting seem to have silently got them hence as quickly as possible after the result was declared. Not one was to be seen on the streets yesterday. What hopes George Washington Murray and Colonels Jones and Johnston have of getting seated by the Republican house was not intimidated by any of them while in the city.

A gentleman, who is well up on politics, said yesterday that he believed their protests would experience the same fate before congress as before the board of canvassers.

He continued that it would hardly be the Republican plan to interfere in South Carolina elections, but to pursue a more farsighted and liberal policy in the hopes of weaning the State from her Democratic moorings. This could, in a large measure, be accomplished by non-interference with the election laws, he thought. There was one significant fact in Murray's protest before the board, said the gentleman, that was significant on account of its absence. That was all claims or reference to the registration laws of the State being unconstitutional. Murray was the first man to urge the fight against this law in the Republican convention last summer and even contributed \$100 to the cause.

"Now, what does the absence in his protest of all claims of the unconstitutionality of the registration law mean?" asked the gentleman. "Nothing more than that Murray was so instructed when he went on to Washington to get the endorsement of the national committee for congress over Cecil Cohen. If my theory is right as I believe it is, the contestants will have but a poor show before congress. Murray may have a chance of being seated, but I rather think he will be rewarded in some other way. Just what it is would be hard to say, but certainly not by giving him any office that could give offense to the people of this State."

"And," concluded the gentleman, "you will not see the foisting of office hungry politicians into fat jobs, who are simply Republicans for the money that's in it"—The State.

WASHINGTON, November 24.—The post office department has complaints against fifty or sixty Presidential postmasters throughout the country charged with violating the order of the President prohibiting them from taking an active part in politics. Most of these cases are in the West, particularly Illinois and Iowa. It is hardly probable that the Postmaster General will take action against all the offenders, but deal only with the most flagrant cases. The others will be left for the hatchet of the Postmaster General appointed by Mr. McKinley. The terms of office of a number of them will not expire for a year or two after March 4 next.

Cleveland's New Home.

PRINCETON, N. J., Nov. 27.—Prof. Andrew West of the university returned this afternoon from Washington, where he had been laying the claims of Princeton as a place of residence before President Cleveland. Prof. West, when seen this afternoon, authorized the following statement for publication: "President Cleveland has to-day purchased the residence of Mrs. Slidell, on Bayard avenue in Princeton, and will make Princeton his permanent home soon after the expiration of his term as President. Negotiations looking to this end have been in progress for about three weeks and were consummated to-day by the purchase of the property. A number of reasons have attracted President and Mrs. Cleveland to Princeton. "The President's father was educated for the Presbyterian ministry here. The quiet and independent home life of the place, its healthfulness, its convenience to New York, the attraction of a university society as well as other reasons have been influential in his decision."

The actual price paid for the property could not be learned tonight, but it is generally understood that the President paid between \$45,000 and \$60,000 for it. The property is beautifully located in the western part of the village and overlooks a picturesque stretch of farming country three or four miles in extent.

Alfred Daniels, alias Frank Williams, colored, was lynched near Gainesville, Fla., for arson.

The County Law.

Questions That Have Arisen Passed Upon.

The matter of the elections for the formation of new counties involves many issues which are being constantly presented in one form or another. Every time the people proceed with one of these elections certain questions as to the construction of the act governing the formation of new counties arise and the attorney general is called upon to construe the law.

Here, for instance, are a number of legal questions propounded to the attorney general yesterday by Mr. L. Baker, the chairman of a Limestone county committee. They are given together with the answers and will be of special interest to all concerned in the formation of new counties.

Will it be legal for persons living within the boundaries of the proposed new Limestone county to register December 7, it being one of the three days in each month required by law? Yes.

Will they by so doing be legally qualified to cast their votes for or against the new county; the election having been ordered for December 8? Yes.

Will it be legal to open the registration books on any day previous to the first Monday in each month? No.

Will a voter so registering be entitled to vote in the new county elections? No.

Can a person be registered at the county seat by another person if he will make oath that the person, or persons, he represents has all other legal qualifications? No.

Is it necessary to have three boxes at each polling precinct? The law having required a two-thirds majority, will it require a two-third majority as to name and place? No, one box; second, two-thirds on all questions.

Would a failure of a two-third majority as to name or place invalidate the whole election? No.

AN IMPORTANT OPINION. The attorney general has also rendered the following opinion which will likewise be of special interest to new county people:

Messrs. M. M. Tate and others, Managers of the new County Election, Gaffney, S. C.

Your telegram was received just as I was leaving Columbia and I delayed answering until I could investigate the question. I wired you my conclusion and now give you the reasons upon which it was based.

Section 3 of the act regulating the formation of the new counties provides that all persons entitled to vote under the Constitution and laws of this State at general elections shall be entitled to vote at such elections. (See acts 1896.)

It is evident that persons registered on December 7 are entitled to vote at general elections and that qualified them to vote at a new county election. It is true that section 7 of the registration act provides that the registration books shall be closed 30 days before a special election. (See acts 1896, page 381.)

But I do not consider a new county election a special election within the meaning of that act. I understand the term "special election," as used in this act, to mean a special election for officers or something of that sort, while a new county election is a regular election, pursuant to law. The general assembly could hardly have contemplated closing the registration books in any county when a new county election is to be held 30 days before such election. Such a course might seriously interfere with the registration of electors for the general election following. But the registration act and the new county act, being new, may not thoroughly harmonize; but I take the view that under them a person registered on December 7th and otherwise qualified to vote is entitled to vote in a new county election held December 8th. There is another and more serious question that might arise and which I merely call to your attention without expressing any opinion. You will observe that section 7 of the registration act requires the registration books to be opened on the first Monday in December, 1896, at the court house and kept open for three successive days. This will include the very day on which your election has been ordered and may complicate matters.

Yours very truly,
WILLIAM A. BARBER,
Attorney General.

SALEM'S CHANCE.

It is understood that the attorneys representing those favoring the proposed new county of Salem intend to proceed by mandamus in order to compel the board of canvassers for Kershaw county to count the votes in the boxes. The board, it seems, took the manager's return sheets simply, and did not can-

vass the returns. The friends of Salem declare that their case could not be made out save through the actual count of the members.

Last of the Bohemians.

The real Bohemian is gone—I refer to the besotted geniuses who used to tramp from one newspaper office to another, getting sober on the march; electrifying the readers of the next paper they came to; falling from grace the week after, and marching on again. And it is true that in provincial cities, the majority of the pencil pushers no longer gather after the strain of the day, and sit the evening through in the draught cool lager; overturning the world and cursing the evanescence of human hope and the rottenness of established institutions.

I was thinking the other night how fast the tribe was thinning out; how seldom the seedy garb and eye so genuine appeared incongruously together these times upon the door of the sanatorium. But as my memory ran the last few years, I recall a few who had lost neither the divine fire nor the taste for alcohol.

I remember well, for instance, a small, compact, swarthy man from the west, with a dark eye, luminous as phosphorus, a clear cut visage, with straight nose and square jaw. He was the soberest man I ever saw. He wanted work, and to prove that he could write he handed the editor some copy. He said he would sell it for any old thing at all. He needed food. He must have money. He was given two or three dollars. The story afterwards appeared under the title of "How to Live on \$1.50 a Week. The humor and pathos of it swept the town, and there were a thousand smiles, and a thousand tears in Atlanta that evening.

He was at once placed in the local staff, where his labors showed not only the skill of the trained newspaper man, but the plain earmarks of vigor and originality. At last the paper had got the man for whom it had been looking. He was clever, he was reliable, he was experienced. For four months, he was the bright particular pride of the shop. We wondered where he had been, and why he came here. We wondered if the name he had given us was not assumed. We wondered a lot of things, until one day.

He had been doing police work. A great murder story came to light. It was one of those crimes which set the imagination upon the strange circumstances. No eye had seen, nor ear had heard the smoke and shot which wrought the cruel death. It was a crime of darkest mystery. It was a chance for brilliant work. Our new jewel was the man. We would "beat" all contemporaries that day. It was our story. It came in our time. And we had the man for the job.

The swarthy man with the lustrous eye and the square jaws was given the assignment. We saw by his quiet demeanor and the increased pallor of his drawn face that there would be hot stuff in the paper that afternoon. By 9 o'clock he was out at work. Eleven o'clock came. Twelve o'clock came. Then came the Bohemian. A red hot stove was burning in the middle of the room. The man of genius entered. He had what I thought a look of intense earnestness. I thought I had seen the look on the faces of men of genius before. He sat down and thought. But did not write. He continued to think.

The telephone bell rang. "Want you at the telephone," said the devil.

The man of genius arose. He made three distinctive efforts to get around the stoves. He veered over against the wall, and finally ran hard against the telephone.

The chief of police wanted to see him. He stuck the wrong end of the ear trumpet to his ear. He couldn't hear. The jag was out of the bag. He knew it. He exclaimed:

"Gentlemen I'm drunk." He was sent home in a hack. He never came back. We had a diabolical time with the notes he had brought in, and he became very near ruining us. But, we knew why this man of genius had come upon us so forlorn, had worked for us so cheaply, had been so utterly silent. He was the last of the tribe of Bohemia I have seen in Atlanta.—Atlanta Journal.

Lamp shades when artistically made of crepe tissue are things of beauty. If you want to make shades to beautify your homes, H. G. Osteen & Co. can supply the materials. A large stock of crepe tissue in ten foot rolls and received.

The South's Thanksgiving.

A Symposium in the Manufacturers' Record.

BALTIMORE, Nov. 24.—The Manufacturers' Record publishes this week as appropriate to Thanksgiving Day several hundred letters from leading business men, manufacturers, merchants and railroad officials throughout the South, giving their views as to why the South especially has many reasons for giving thanks for material blessings.

With only two or three exceptions these letters give a very hopeful outlook as to the general feeling of improvement that exists in business circles in all the Southern States, and show that the prospects are everywhere favorable for increasing activity on the part of the manufacturing interests, for a large movement of population to the South from the North and West, and liberal investments of outside capital in Southern enterprises. Many railroad and industrial undertakings that have been held in abeyance for months are now being taken up and plans matured for early construction. Farmers are reported to be less in debt than for many years, the very heavy grain crops and large production of meat during the past few years having made the South almost self-sustaining in the way of food stuffs, and thus kept at home the millions of dollars that have heretofore gone West for corn and provisions. Particular emphasis is laid upon the growing power of commerce from Southern ports, the magnitude of this business showing that the South is to hold as commanding a position in our foreign trade by virtue of the proximity of its ports to the Central Western regions that produce the grain and provisions for export as it now holds in iron and cotton manufacturing.

While two out of the several hundred letters take an unfavorable view of the situation and do not look for much improvement, the others are of a most cheerful and hopeful character and are expressive of the many reasons why the South has reason to give thanks for blessings enjoyed, for dangers escaped and for the bright promises of great industrial, commercial development, and also for the assurance of a great Southward movement of population.

The War In Cuba.

HAVANA, November 26.—The Official Gazette will shortly publish a decree issued by Captain General Weyler ordering the redemption of the present gold bills in fifteen days and a new issue of \$20,000,000 in silver bills in place of them.

A number of planters consulted Gen. Weyler to-day in order to obtain permission to grind sugarcane at their own risk. Their request was refused on the ground that the order stopping grinding was of a general character, and would be enforced without any exception being made.

Lopez Coloma, who it was announced would be shot this morning for the crime of rebellion, was kept in the chapel for the condemned for twenty-four hours. He was executed this evening. No reason is given for the unusual delay.

Two trains on the Western Railroad were fired upon by rebels yesterday in the Province of Pinar Del Rio. The conductor of one of the trains was wounded.

DALLAS, Nov. 26.—Three hundred West Texas raised horses occupying two special trains of eight cars each passed through Dallas today over the Texas and Pacific railway for New Orleans. They were in charge of Senor Alberta Utget of Habana for use in the Spanish cavalry and artillery service. The average price paid for the horses, which are of the average ranch raised species, was \$40 per head.

Marvelous Results.

From a letter written by Rev. J. Gunderman of Dimondale, Mich., we are permitted to make this extract: "I have no hesitation in recommending Dr. King's New Discovery, as the results were almost marvelous in the case of my wife. While I was pastor of the Baptist Church at Rives Junction she was brought down with Pneumonia succeeding La Grippe. Terrible prostrations of coughing would last hours with little interruption and it seemed as if she could not survive them. A friend recommended Dr. King's New Discovery; it was quick in its work and highly satisfactory in results." Trial bottles free at J. F. W. De Lorme's Drug Store. Regular size 50c. and \$1.00.

Highest of all in Leavening Power.—Latest U. S. Gov't Report

Royal Baking Powder

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