The Abbeville Press and Banner.

BY HUGH WILSON. ABBEVILLE, S. C., WEDNESDAY, FEBRUARY 12, 1896. ESTABLISHED 1844

CLOSING OUT SALE!

OF FALL AND WINTER CLOTHING.

FOR THE NEXT 30 DAYS

We will sell at PRIME COST our entire line of

Men's and Boy's Suits,

OVERCOATS AND UNDERWEAR.

Also a Nice Line of McINTOSHES.

This sale to begin at once to make room for our LARGE SPRING STOCK. Remember this is a CASH SALE and at Prime Cost.

YOURS TRULY,

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NICE PHOTOGRAPHS!

All Sizes All Prices.

IN LATEST STYLES OF FINISH. Also copying and enlarging done at reasonable rates.

I have GALLAGHER'S negatives and will make photographs from them.

M. V. LOMAX.

Over HADDON'S store.

House and Lot for Sale.

I OFFER MY HOUSE AND LOT in the town of Abbeville for sale. The lot contains two acres, the house eight rooms, and all the premises in perfect repair. Every improvement and easy terms.

Apply to W. C. McGOWAN,
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I also represent a number of Investment Companies. Loans made on Abbeville or Greenwood City real estate.

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Is the Place to Get Anything in the Line of

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Orders by Mail attended to at once.

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Abbeville Supply Co.

1896. *1896.*

WE ARE HERE! Encouraged by our success in our attempts to please the public in a first class all around stock. We are in the ring in GROCERIES, and can offer some special bargains in something to eat. In FROUR we lead with our two special brands

LEADER and EXCELSIOR.

We will keep a full stock of Flour, Meal, Bacon, Sugar, Coffee, Hams, Canned Goods of all kinds, Cheese, Maccaroni, Dried Fruits, Prunes, Raisins, Harveys Pure Leaf Lard, Cottolene. Some special bargains in White and Checked Homespuns and Drillings, Pants, Jeans, &c. Also in Shoes of all kinds. A few bargains all around our store. Our Plow Stocks, D. B. Plows, Gearing, etc., all complete. Come and see our stock and be convinced that we can save you money. Come and give us a chance when wanting anything.

Buists' Fresh Garden Seed

—SOLD BY—

H. W. LAWSON & CO.

We have just received a large stock of SCHOOL BOOKS. All kinds that are used in the public schools.

H. W. Lawson & Co.

ELECTION CONTEST.

From the Third Congressional District of South Carolina.

ROBT. MOORMAN AGAINST A. C. LATIMER.

Argument John Altheus Johnson, Attorney for A. C. Latimer, the Contestee.

As our readers know, but may have forgotten, the Hon. Robert Moorman, Republican candidate for Congress from this District is contesting the seat of the Hon. A. C. Latimer, who was declared elected and seated in the House of Representatives.

Mr. Latimer employed as his legal counsel Mr. John Altheus Johnson who stands high with the Washington Bar, and who is well known not only in his native county, but in all parts of the country. Mr. Johnson is a native of Abbeville county, and he has many friends who rejoice at his general success and who will be glad to learn that Mr. Latimer is in very little, if any, danger of losing his seat.

From private information, we are led to believe that none of South Carolina's delegation are in danger, except possibly Congressman Elliott. The Committee on Elections it is thought will report favorably on each of the Democratic Representatives, except Elliott, who represents the First District—(Beaufort and Charleston). In his case it is believed that if the report is not adverse to him it will be divided, in which event the question will have to be settled by the House of Representatives—a Republican House. And Murray, the negro, will likely get the place.

The following extracts from the able and convincing argument of Mr. Johnson will be of interest to the friends of both Mr. Latimer and his counsel. Mr. Johnson deserves the confidence which Mr. Latimer manifested by entrusting his interests to his care. Mr. Johnson is a worker and he strikes sledge hammer blows, when he takes a hand in the fray:

Moorman claimed that 8,595 persons had been denied their right to vote because of the registration law, and he filed lists containing 4,735 names that had been written up in various parts of the Congressional District. Commenting on this feature of the case Mr. Johnson said:

"No pretense is made at calling the individuals who were rejected, or any one who has personal knowledge of the rejections, except that now and then some one, who does not mention the names, will say he saw four or five or a dozen voters rejected; and forthwith a list is filed, containing from one hundred to five hundred names.

"Moorman needs 4,794 votes to overcome Latimer's majority, fifty-nine more than appear in these lists. It was probably an oversight that omitted these fifty-nine names. Certainly the lists with fifty-nine more names added would have been as competent as they are at present. Indeed, if writing down names as was done in this case removes them from the region of conjecture, the operation might as well have been continued until it had embraced the full 8,595 that is claimed, or, since the rules of evidence were not to be called in to support these lists, the operation might have been continued until it embraced 17,893, the number permitted by the census figures."

Counsel for Moorman were very bitter in their attacks upon the registration law, their hope being that the Elections Committee, having brushed that law aside as a nullity, would count for Moorman a sufficient number of the rejected votes to entitle him to the seat. Referring to this aspect of the case and to Judge Goff's decision, Mr. Johnson said:

"The vice of Judge Goff's decision is the assumption, underlying its every part, that because a large class of the citizens of the United States came into the enjoyment of suffrage by virtue of the fifteenth amendment, that, therefore, any legislation by a State is invalid which seems to have been the occasion of causing a large part of the citizens of that class to lose the ballot. If we will bear in mind that the right to vote is not a right inherent in citizens of the United States, a principle first expressly declared by the Supreme Court in 1874 in Minor vs. Happersett, 21 Wallace, 162; if we will also bear in mind that the right is wholly within the control of the several States, subject only to the inhibition that they shall not deny or abridge it on account of race, color or previous condition of servitude (United States vs. Reese, 92 U. S., 214, 217); and if we will further bear in mind that the registration and election laws of South Carolina nowhere discriminate on account of race, color or previous condition of servitude, but that by their terms they operate upon every class and condition alike, we shall see why it was that Judge Goff, wearing the ermine of the Federal Judiciary, was without authority or jurisdiction to interpose in the affairs of South Carolina. And when he delivered the political tirade from the bench that he did, the Circuit Court of Appeals had no alternative but to tell him that the Federal ermine could not be the cloak for such utterances.

"This law of South Carolina of which the contestant complains, went upon the statute books of 1892. For thirteen years it has been accepted as the law of the State. All elections during that time have been conducted under it. Men have occupied seats in this House for a dozen years as the result of elections held under it. Members of the State legislature, elected under its provisions, have sent men to the other branch of the Congress as Senators who have there exercised their functions without let or hindrance. During all these years this law has remained undisturbed by the courts; and it stands now unimpaired by the judgment or decree of any court competent to pass upon it.

"And yet this contestant, after all these years, comes here and asks the House of Representatives to inquire whether the law does not deny the right of suffrage to persons who are entitled to it. Despite the fact that the United States have never assumed to say what shall constitute the qualifications of electors, declaring merely that the electors in each State for members of the House of Representatives "shall have the qualifications requisite for electors of the most numerous branch of the State legislature;" and despite the further fact that it is not the qualification of the electors that is under the control of the Congress, but only "the times, places and manner of holding the elections," the contestant has, nevertheless, come to this House and asked it to disregard a law of the State, which declares that compliance with its provisions shall be a prerequisite to voting. Under the plea that each House of Congress is "the judge of the elections of its own members" this House is asked to judge, not merely of the manner in which an election was held, but also of the law which determined the qualification of the electors; to judge, not merely whether a fraud was perpetrated upon voters and upon the law, but whether the law, which for thirteen years has been accepted and enforced as the law of the State, is itself a fraud.

"Before the contestant, however, is in a position to assail that law before the committee and the House he must show that the votes of persons qualified under the Constitution to vote were rejected to a number sufficient to change the result. When he shows that the votes of 4,794 persons who were possessed apparently of qualifications prescribed for voters in the State Constitution were rejected, he will then be in a position to be heard when he complains of the cause of such rejection. The elections committee, no more than a Court of justice, will indulge in discussions and opinions that would be obiter dicta the matter before them. There is no occasion to discuss the validity or invalidity of the registration law until the contestant shows that under the Constitution of the State he is entitled to a different result than the one obtained. It is indeed remarkable that counsel for the contestant should have been guilty of such a radical fault in the taking of testimony to support their case as to omit to prove the eligibility to vote under the requirements of the Constitution of the persons who, they claim, were refused the elective franchise.

"They write up lists of bare names and file them in the case, and then ask the committee to pass judgment on a statute of the State. Suppose the Committe should consider the statute and should regard it invalid. Indeed, for the purposes of the argument, and for the simplification of the case, let us admit that the registration law is invalid, and in what position are we then? The Contestant is asking that he be declared entitled to the seat. Very well, let us now constitute the members of the Committee the managers of the election which it is necessary to hold here in order to revise the returns which have been certified to by the regular election officers of the State. The Contestant says he has 5,000 adherents, and more, in the record who are willing and anxious to vote for him. Very well, let them come forward with their ballots. Remember they are all under challenge, for the presumption is in favor of the correctness of the official returns, and when the contestant comes here he comes with the burden upon him to modify those returns. Let the would be voters present themselves. The first on the list, page 273, is M. C. Brazman. Is M. C. Brazman a citizen of the United States? Is he of 21 years of age? Has he lived one year within the State of South Carolina? Has he lived 60 days within Newberry County? Has he ever been convicted of treason, of murder, of burglary, of larceny, of perjury, of forgery, or of any other infamous crime, or of duelling? Who answers these questions? Brazman does not speak for himself. He nowhere appears in the record as a witness. Does any man speak for for him? The record is as silent as the grave. Will the Committee allow Brazeman to deposit a ballot? To ask this question is to answer it. And so we can go through the lists of names one after another and how many show themselves competent to cast a ballot under the constitution of the State? Not a dozen. Why should the Contestant take up time contending before the Committee that the registration law of the State is unconstitutional when he doesn't show that an election conducted under the Constitution itself, without regard to the registration law, would have produced any different result? I have been amazed that respectable counsel in preparing the Contestant's case should have been so vitally remiss in making out their proof. In their zeal to attack the registration law they forgot to take notice of the Constitution and its requirements. They confined their proof to the result of the registration law—to the simple rejection of votes for want of registration certificates—and they neglected altogether to show the facts necessarry to establish their case under the Constitution. They haven't put it in the power of the Committee to determine to what extent, if any at all, the official returns should be modified; and they can't expect the Committee to act without the necessary facts to act upon. Why should the Committee waste its time considering an abstract question of law, to wit, whether the registration law of South Carolina is valid, when the determination of the question wouldn't enable them to change the result shown by the official returns?"

At another point in his argument, adverting to the character of the case as made out by Moorman, Mr. Johnson said: "It is hardly possible to treat the contestant and his claims, as they appear in this Record, with seriousness. He says, "If it hadn't been for this law of which I complain, I would have been elected to a seat in this House. There are more negroes than whites in that Congressional district, and a great many more negroes than the number of whites who voted for Latimer. Why Latimer received only 5,778 votes; and the colored people before the election held club meetings in a great many places, and pledged themselves to vote for me; and numbers of my tickets were distributed among them. A great many on the day of election went within sight of the polling place; and, everything being quiet, and no threats or intimidation of any kind interfering, some ventured to go up and pass through the house where the ballot box was, and they looked at the box as they passed through. (It was the duty of the managers, forsooth, to halt them as they went by and direct them to vote.) Others, bolder still, actually went up to the ballot box, faced the managers, and offered to vote; but the managers pleading this miserable law of which I complain, would let only those vote who had registration certificates. Of course all the negroes would have voted for me if they had voted at all; and I think it apparent from the census tables of the United States that I would have received more votes than Mr. Latimer if the managers of election had only disregarded that law of which I am complaining. Now declare that the legislature of South Carolina had no right to put such a law upon the statute books of the State, and the situation will be very much simplified. You will then have only to assume as necessary to my election that law kept 4,794 votes from being cast for me which were not cast; and really I think I have shown that negroes to very nearly that number went within sight of the polls on election day, or at least would have gone there if they had supposed that they were entitled to vote. At any rate, I have introduced in evidence the figures of the United States census, and I find very great comfort in them. They show that there are 16,818 negro men in the Congressional district over twenty-one years of age who did not vote for me. Surely there must be some means of extracting 4,794 votes from the number."

"There are some things referred to, or hinted at, in the evidence which are hardly deserving of serious mention as affecting the result in this case. For instance, only 5,778 votes were cast for Latimer, and the census figures produced by the contestant show 14,280 whites in the district of voting age. A great many questions are accordingly asked, intended to suggest that Latimer was not a popular man with his party, and, further, that the party was bitterly divided into hostile camps; the Tillmanites, or reformers: and the Straightouts, or conservatives. The fact is, as everybody conversant with affairs in South Carolina knows, the primary election is the great event with the Democratic party in the State. It is in that election, provided for by law, that the Democrat party discusses within itself its plans, determines its policies, and selects its candidates. Interest in politics among the Democrats reaches its climax in their primary election, at which time all questions affecting party action are settled, the members of the party being thereafter pledged to unity of action. The vote at the general election is often smaller than at the primary, for the simple reason that the voters do not feel it to be necessary to turn out. Everything is settled at the primary, and, unless there is an exigency requiring it, the voters are not so particular about going to the polls on the day of the general election.

"But the coloring that the contestant has sought to infuse into the case by directing attention to what he calls the light vote that was cast for Latimer is destroyed by the fact, developed by every witness interrogated on the subject, that the vote for Latimer was about the same as the vote for the State ticket at the same places. Instead of trying to criticise Latimer's vote as small, the contestant might better have put in his time trying to produce competent testimony to swell his own vote of 985 to the dimensions of Latimer's.

"Equally without meaning or effect is the hullabaloo which the contestant tries to raise about the Congressional and State boxes having been in some instances in the same building. The boxes were always widely separated from each other, with different sets of books and different sets of managers; the arrangement in each case, as the law provides, is to be "such as the managers of election shall deem fit and sufficient." And yet the contestant is anxious to criticise because the same hall in some instances is made to accommodate both sets. Verily the contestant is not pleased with the last election in the third Congressional district of South Carolina!"

CLARENCE HADDON.

A Friend Pays a Tribute to His Memory.

Clarence, second son of R. A. Haddon, departed this life January 5, 1896, aged 22 years.

He sleepeth in Jesus. How comforting the thought. These words come to me just now as a message from heaven, wafted upon the breeze from the bowers of paradise. Sleep, nature's balmy restorer, how sweet after the toils of the day! But asleep in Jesus is awake in heaven. So sleep Clarence; a child of the covenant, born of Christian parents, reared in a Christian home, born again of the Spirit, and early in life by a profession of faith in Christ, consecrated his life to the service of God.

But how short the race, how soon ends the life so full of promise; the sun goes down while it is yet morning. The bud so full of sweetness had just expanded into the rose, the young man just verging manhood. Oh! how soon in the night of the grave. Yet we will not complain. The joys of Heaven are more than the realization of earth's fondest hopes.

Clarence, we miss you in the Sabbath school, but we will not murmur. He has entered a higher school where eternal Sabbath reigns and congregations never break up.

Not long did he tarry in this uncongenial clime. The flower was too delicate for the rude winds of earth, and the all-wise husbandman transferred it to a more congenial clime.

It is sad. He will come no more to the earthly home so full of tender affections, but it is even more comforting to know he has exchanged the earthly for the heavenly home. When the old die we accept the result as a matter of course, but when the young die we exclaim, "how sad."

Bereaved parents, sisters and brother and all mourning friends, let this fact comfort you and smiling through your tears look away to that happy home whither he has gone and where by the grace of God you soon may be.

A Friend.

Sunday School Resolutions.

Whereas, God in His wisdom has seen fit to call Bro. Clarence E. Haddon from the sorrows of this life as we fondly hope, to the joys of Heaven, we bow submission to this will, knowing that what He wills is best. He was a young man of unassuming manners, cultivated in mind and heart, pure in principle, gentlemanly in bearing, cheerful in disposition, an obedient and affectionate son, a devoted and loving brother, sincere in his friendship, loyal to his church and Sunday school, therefore, be it

Resolved 1st. That the Sunday school and membership of Shiloh church express their unfeigned sorrow that Brother Haddon has been taken from us, and that his association with us and the deep concern he manifested in our spiritual welfare on his death bed will ever be remembered by us.

2nd. That we present our tender sympathy to his sorely bereaved parents, brother and sisters, while they sorrow for their departed loved one.

3rd. That a copy of these resolutions be presented to the family, and also copies be sent to the Abbeville Press and Banner and the Abbeville Medium for publication.

L. P. Harkness,
J. C. Daniel,
C. A. Suber.

We have a variety of odds and ends in dry goods which will be closed during January regardless of cost at Haddon's.

Bargains. A few fine shoes left which will be sold very cheap at Haddon's.

DENTAL NOTICE.

S. F. Killingsworth,

No. 4 Seal Block, Abbeville, S. C.

DENTAL NOTICE.

Dr. S. G. Thomson,

OFFICE UP-STAIRS ON McILWAIN Corner, Abbeville, S. C.

Eggs for Sale.

EGGS FOR SALE FROM PURE BREED S. C. B. Leghorns, and Barred Plymouth Rocks.

Jan. 15, 1896. 2m J. R. GLENN, Abbeville, S. C.

Desirable Place for Sale.

WE offer our homeplace at Cokesbury for sale or exchange. Premises in fine repair. 93 acres of firstclass land. Land well adapted to fruit and all crops. Pure cold water and perfectly healthy location.

Wyatt Aiken, Abbeville, S. C.
J. S. Aiken, Cokesbury, S. C.
Sept. 3d, '95. tf.

E. F. GILLIARD,

∴ TAILOR, ∴

HAS moved, and occupies the room recently occupied by J. L. Clark, the gunsmith, and is now prepared to do all kinds of repairing and cleaning of gentlemen's clothes on short notice.

Samples of suits always on hand. Charges reasonable

Livery, Feed and Sale Stables.

HAVING BOUGHT THE INTEREST OF W. S. Cothran in the Livery, Feed and Sale Stables,

I Will Continue Business at the Old Stand.

Thanking my friends for the support in the past, I solicit a continuance of the same.

J. S. STARK.

School Books

AT COST FOR CASH.

The Days When the School Commissioner Will be in his Office.

THE COUNTY BOARD of Examiners have bought for Abbeville County SCHOOL TEXT BOOKS and placed them in the care of School Commissioner who will sell them AT COST FOR CASH.

I will be in the School Commissioner's office during the next scholastic year as heretofore ON EACH SATURDAY OF THE MONTH, except the 1st Saturday. Also on all Sale Days or other public days, for the purpose of transacting all official business; and selling school books that are purchased by the County Board during the year.

In order to accommodate the people every day in the week, I have made arrangements with Dr. S. F. Killingsworth who may be found at his office in "No. 4 SEAL BLOCK" to attend to sale of books for me, during the times that I am absent from the office. All books will be sold for CASH.

W. T. MILFORD,
Oct. 26th, 1895—tf. School Com. A. C.

If you want a genuine old Grerrs almanac for 1896 you can get it free of charge at Speed's drug Store.

We are closing out 120 pair ladies fine shoes regardless of the cost, at Haddon's.

School claims wanted. Will pay cash or merchandise, at Haddon's.

If you wish a fine button shoe very cheap call at Haddon's.