

THE PICKENS SENTINEL.

DEVOTED TO POLITICS, MORALITY, EDUCATION AND TO THE GENERAL INTEREST OF THE COUNTRY.

VOL. V.

PICKENS, S. C., THURSDAY, OCTOBER 21, 1875.

NO. 8.

The Term of Office of the Circuit Judges—An Important Question.

The decision of the Supreme Court of this State in the case of Wright vs. Charles (4th volume of Richardson's Reports, page 178) has an important bearing it seems to us, upon the election of Circuit Judges, in establishing the principle that where a term of office is fixed by the constitution a person elected to such office, whether to fill a vacancy or not, must hold office for the full term. Under this decision (if it be applicable to circuit judges) the term of Judge Carpenter (elected December 13, 1872) does not expire until December, 1876; that of Judge Cooke (elected January 14, 1872) until January, 1877; that of Judge Reed, (elected December, 1874) until December, 1878; and that of Judge Shaw (elected January, 1875) until January, 1879. The Judges named were elected to fill vacancies caused by death or resignation of office, and were elected for the unexpired terms of those whom they succeeded; but, as we understand it, the decision in Wright vs. Charles gives them, nevertheless, the right to hold office for the full term of four years, fixed by the constitution.

In June, 1868, a man, named Moss, was elected Clerk of the Court in Darlington county, but failed to qualify. An election was held on May 25th, 1869, to fill the vacancy, and Wm. E. Charles was elected. At the general election in October, 1872, Jonathan Wright was elected to the office, and on Nov. 29 was commissioned by the Governor. Wright qualified on November 28, and demanded possession of the office, which was refused, and the question before the court was whether Charles should have surrendered possession.

The State Constitution provides (Article 4, Section 27) for the election in each county of one Clerk of the Court of Common Pleas, "who shall hold his office for the term of four years." And in the case of Circuit Judges the constitutional provision (Article 4, Section 13) is that "for each Circuit a Judge shall be elected by joint ballot of the General Assembly, who shall hold his office for a term of four years." We shall see that the decision in Wright vs. Charles covers the case of a Circuit Judge as fully as that of the Clerk of Court.

The Supreme Court say: "The term of office being fixed by the constitution, the party holding it by election is entitled to all the rights, powers and incidents which belong or pertain to it, and, by what course of reasoning the duration of the term is not to be included among them, it is difficult to perceive. The person elected to fill a vacancy does not succeed to the unexpired portion of the term of his predecessor, but holds by a determinate tenure prescribed by the constitution. The vacancy exists in the office, the term is the duration of it, not dependent on the death or resignation of the person holding it, but on the law. No matter how the office becomes vacant, the party elected to succeed to it is not in as the mere locum tenens, only supplying the term of the person who last succeeded him. If the legislature had, by express enactment, declared that one elected to fill the unexpired term of the office of clerk, made vacant by death, should hold for that period, such provision would be inoperative and void, for, as was said by Mr. Justice Wright in the opinion of the court in Register vs. Hemphill, 2 S. C., 335, where the organic law fixes the term of office, it is not in the power of the Legislature, by an act, to change that term." "The question is not as to the mode of filling the vacancy, but the tenure by which the party elected shall hold the office." "In fact, every election is to supply a vacancy, no matter how arising." The Supreme Court found authority on the question raised in various cases in this State and in New York, and rendered judgment in favor of W. E. Charles, the defendant.

We fail to see why the decision just

quoted does not apply in every particular to the case of Circuit Judges elected to fill vacancies, caused by death or resignation. The term of office of the Circuit Judges is fixed by the constitution as the term of the clerks of court is fixed, and the objection that the Judges whom we named expressly elected to fill unexpired terms is met by the declaration of the Supreme Court that an act of the Legislature, declaring that a person elected to fill the unexpired term of office of a clerk should only hold for such unexpired term, would be inoperative and void. What an act of assembly cannot do cannot be effected by terms of a joint resolution ordering an election, or by the wording of a commission. The term of the office is fixed by the organic law at four years, and the Legislature, in electing a judge, elects him for the term, longer or shorter.

We deem this question of great importance to the people of the State, and we trust that it will be so examined and sifted that, before the Legislature meets, the power and duty of that peculiar body, in the matter of the judicial elections, will be known and understood by them and their constituents.—Newspaper and Courier.

Col. Aiken says: "In November 1874 middling cotton brought through out the South an average price of 13½ cents. The same cotton in January, 1875, was worth 15 cents. Why? Because in January, 1875, it was in the hands of those who determined that should be the price. To day the same cotton is worth 12½ cents. The fiat has gone forth that in November next it shall be worth but 10 cents per pound. Who issues the mandate? Wall street, New York. A year ago we were assured by this same authority that the crop of 1874 would exceed 4,000,000 bales. They set their figures 500,000 too high, but did not learn the fact till they controlled the crop. To day we are assured the crop will be larger than the last one. Can this be possible? The Carolinas and Georgia will produce 200,000 bales less this year than last. There are to day in the world over 100,000 bales less than there were a year ago. The Mississippi Valley will not grow 300,000 bales more this year than they did last. Hence my inference is, the product of 1874 and 1875 will be no more than the product of 1873 and 1875. Rush your cotton to market, and in November it will be worth 10 cents. Supply the demand as it is created and the crop will sell for at least three cents, and perhaps five, per pound more. Suppose the former—this will increase the income to the South \$42,000,000. Is this not a stake worth contending for? This net earning will be distributed amongst the entire South, and very few will be more than temporarily inconvenienced. Sell at 10 cents per pound, and the whole South suffers, whilst none are materially benefited.

RALEIGH, Oct. 11.

The State Constitutional Convention adjourned sine die, after a session of thirty one working days. In the last few days of the session many important ordinances were passed, amounting to a general emancipation of the Legislature from the restrictions under which it has labored since 1868, and giving it larger powers. The public debt question was not interfered with. Several ineffectual attempts were made to repudiate the special tax bonds.

Student of History—Professor—Are kings and queens always the highest? Professor, certainly, why do you ask such a nonsensical question? Student; because I noticed that in a game of railroad euchre, the joker.—Professor; leave the room, sir!

John Henry had a guest to dinner the other day, and during a pause in the conversation the infant terrible spoke up: "I wish I was you?" "Do you, little boy, and why do you wish you were me?" "Cos you don't get your ear pinched when you eat vittles with your knife."

The Colored Convention.

The Colored Convention has met and adjourned, says the Augusta Chronicle & Sentinel. We have published full proceedings of the two days session, and a perusal of the reports will serve to show how inharmonious was the body and how little it accomplished. A report, abounding in falsehoods, has been adopted, and a tissue of audacious lies concerning the treatment of the colored people in this State put forth. No better contradiction of its slanders could be offered than the conduct of the whites in their treatment of the insurrectionary movement a few weeks ago. Every impartial witness will say that a very base return has been made for the forbearance and leniency displayed by the white people of Washington, Burke and Johnson counties.

One of the leaders of the Convention evidently came to it for the purpose of promoting an emigration scheme to the coast of Guinea. Very few colored men will accept his opinions or believe his statements; none of them will make a Moses of him or a promised land of Africa. Colonization of this kind has been tried too often and too unsuccessfully for the experiment to be repeated. H. M. Turner is either a knave or a fool, and in either character is unfit to be trusted as a leader.

Others of the moving spirits of the affair attempted to use the Convention as a machine for obtaining a new deal in the matter of Federal offices. "Weak-kneed Republicans and avowed Democrats" have been appointed to office, and the souls of the outcasts are grievously vexed thereby. So a meeting held to consider the alleged insurrectionary disturbances, is attempted to be used to censure the Administration for the manner in which its patronage has been distributed in Georgia.

The truth is, the colored people of Georgia have little cause for complaint. They are protected in their rights of person and property. The law makes no distinction in its treatment of blacks and whites. The Courts are as free to one race as to the other. So far as we can see the blacks throughout the State are prosperous and contented. Their industry is slowly but surely increasing their wealth, and they are learning to save as well as to make. With the influence of a few bad men of both colors removed, there will never be any bad feeling between the races in Georgia.

The Modern Newspaper.

Newspapers are getting to be much more than mere transcripts of the news and gossip of the day. They are pioneers in learned exploration; they are foremost in geographical and historical discovery; they are the teachers of social science. They are no longer satisfied with disseminating the knowledge laboriously collected by savans' by travelers, by experimenters in natural philosophy; they must pursue their own investigations, and send their agents into all the half-explored fields of science and adventure. The reporter of to day is the adventurer who penetrates the desert and the jungle; the scholar who searches for relics of the forgotten past; the courier who bears the news of victory to courts and congresses across the wilderness and through hostile armies; the detective who pries into public abuses, and discovers hidden wrongs; the pioneer who throws new countries open to the world; the philanthropist who unbars the doors of the torture chamber; the chemist who detects the adulteration in the spice box; the inspector who seizes false weights and measures; the auditor who exposes a public theft in the treasury. Journalism busies itself now with everything that affects the public welfare. It trenches upon the province once sacred to the scholar, and supplies the defects of an inefficient government.

Year by year its ambition becomes larger, it proposes more beneficent, and it means more abundant; and we can hardly doubt that it is destined in a very short time to be the foremost of all the secular professions, the most powerful in its operations, the most brilliant in its rewards, and the most useful to mankind.—Proof Sheet.

A "Johnny Reb," in Pennsylvania.

A few days ago a group of old confederates were sitting on one of the galleries of a favorite lake shore watering place spinning yarns of personal adventure during the "revolution." After several had been spun out it came the turn of a quite demure gentleman, who had served with one of Louisiana's best regiments in Lee's army, and with that army had been in Pennsylvania. He said: "You see, we crossed the Potomac, and thought we should have a nice time helping ourselves to buttermilk, chickens, and such things that had played out completely in Virginia; but the very first thing after crossing, the adjutant of our regiment read to us General Lee's order against 'prowling,' and threatened severe punishment to any officer or private caught deprecating upon the people. We thought it was rather hard on the American citizens, but we said old Massa Robert knows best and if he says 'pay as you go,' why, we will do it—in confederate money.

It was near Greencastle when I and two comrades of my mess straggled and brought up at a neat farm house, where there was every evidence of plenty in the eating line. We were met at the door by a very matronly lady, as neat as possible. "Ah?" we said to ourselves, "we are in luck; now for a square meal." We doffed our gray kepis and entered the house and piled our rifles in a corner. "Madam," I said, "we are, as you know Confederate soldiers, and consequently hungry; can you get us up a little old fashioned meal—something that will remind us of home as it were, Home Sweet Home, where you probably wished all were just at this time?" The lady declared that there was not a scrap in the house; all had been sent away upon hearing that the rebels were coming to rob, burn and steal. We remonstrated, we said, why, Madam, we came here to fight like men, not to molest women and steal their bread. That's what old Robert says, and we stick to it. We are going to pay for everything we get. Even this announcement that we had returned to specie payment would not move her—there was "nothing in the house, absolutely nothing."

My comrade, Wilson, a father of a family down in Rapides, had devoted himself as soon as he had entered the house, to playing with a little baby in the cradle. He now arose and said in the politest manner possible. "Have you any salt?" This was evidently regarded as a queer question and she replied, "Oh, yes! I have salt; but what under the sun do you want with salt, having nothing to eat?" "Oh, well," said Wilson, "bring the salt," and a bag of salt was at once produced. Wilson very demurely carried the bag to the cradle, turned down the infantile bed clothing and proceeded to rub, right then and there, that baby all over its back and all. Meanwhile the matron standing with eyes wide open watched the operations closely. Finally she exclaimed: "Goodness sakes, what are you doing with the baby?" "Oh," says Wilson, quietly "you have nothing in the house to eat; we are hungry; we came from a long way just to see you; we must eat, and when this baby is salted sufficiently we are going to eat him." It is needless to add that in a remarkably short space of time that baby was ransomed by as fine a dinner being served as ever graced the boards of a Pennsylvania farm house."

Organization.

The Press of the State is agitating the question of an organization of the Conservative party, and it is right that so grave and important a matter should have proper consideration. The old lines should be blotted out and the old time leaders asked to retire. We do not propose any plan and think honestly that the fewer the plans the better, but we do think that a new course with new leaders should be insisted on by such of the Press who show a disposition to direct opinion. Old things should be done away with, prejudices laid aside or buried in the better term, and all the best elements brought together to fight against the corruption which riots so rankly over the State. The fight should be made squarely against rascality, if anything is expected to come of it. There can be no objection to organizing, provided it be done with wisdom and discretion. There is enough of good material in the Republican party, which, if it can be secured to help in the good cause of purging the State, to insure a victory. Let the proper effort be made to attach that element to the Conservative side.—Newberry Herald.

SOME BOSTON THEATRE GOERS ASTONISHED.—At the museum last night, just as the orchestra were taking their seats, a man apparently about forty years of age, well dressed, and of intelligent appearance, arose in centre of the balcony and said in a clear voice:

Ladies and Gentlemen: Before the entertainment commences this evening, I should like to tell you all that unless you change your way of living and follow in the footsteps of Jesus Christ, instead of wasting your lives in theatres, you will all certainly go to hell.

The audience was at first so astonished that there was a momentary silence, which was followed by mingled applause and hisses, and the man was put out by the ushers without a show of resistance and apparently any desire to stay. He then went directly to the Boston Theatre, and the curtain had just risen when he arose again in the centre of the balcony and said:

Ladies and Gentlemen: I am sent here to interrupt this performance by the Lord Jesus Christ. I warn you of your danger.

Again he was ushered out, and this time was taken to the police station. He gave the name of Andrew Leslie, formerly of St. Louis, Missouri, and lately a member of the divinity school at Cambridge. As he seemed to be laboring under a temporary insanity, Dr. Foy's was summoned, and decided that the temporary illness was caused by overwork.—Boston Advertiser.

A returned Enoch Arden was tearing around and railing at a christian community that would allow a woman to starve nearly to death in the absence of her husband. The truth is, he left her in the days of hoop-skirts looking like this O, and on his return found her pinned back and looking like this I. The impression that she had starved was natural.

Thus far the indications are that there will be a largely increase registration in Mississippi, the Democrats gaining notably—so notably, indeed, that with the accessions of strength from the respectable colored men which are everywhere reported, their prospects of redeeming the States are most excellent.

Two sons of the Emerald Isle paid a visit to Fairmount Park, Philadelphia, recently. They visited the water works. Looking on with amusement at the great turbine wheels while in motion, one exclaimed to the other; "Faith, Pat, the Americans must be square people; they must have their water ground before they can drink it!"

Dr. Pierce on Pin-Backs.

The venerable Rev. Lovick Pierce, D. D., has a long "farewell address to ladies," in the Southern Christian Advocate, in which he has passing respects to the abominable style of pin back dresses:

The graduates of the Wesleyan Female College have fully verified all I ever plead in woman's favor as to original mental endowments, but have utterly failed to establish the moral evidence of a great mind, by the despicable of little things, especially ridiculous fashions, than which none more so has ever dishonored your sex than the present pin back fashion. Since 1807, at which time I was stationed at Augusta, and when tight dresses on young ladies was carried so far that covering all they aimed at, concealment was ignored. This outrage upon womanly propriety went on until the educated sense of female modesty left to the surviving matrons of the day, and the disgust of gentlemen who had a much higher sense of woman's place in society than making herself the amusement of libertines, arrested it by unmistakable denunciation. These shameful dresses were made tight wittingly. The pattern was as scant as the dress. But now, after the advance of mental culture for sixty eight years, all that the fashion following women have gained, is plenty of goods for a full flowing dress, but pinned back without any grace, for a graceful pinning back, every candid woman will acknowledge, is a natural impossibility. Hence, to make tight, so as to meet the most ridiculous demand of fashion ever imposed on women, it is by pinning back an otherwise ample dress, so as to force a covered display of closed wrapped joints and ankle. So has this mania seized upon our women, that even elderly ladies, that could not brook so glaring an exposure, will nevertheless, pin back a little. How is this? Why is this? There is not a lady in Georgia in whom the normal has not been sacrificed as an offering to the abnormal, but what will admit this pinning back of dresses up to the tight point is the most supremely ridiculous and ugly fashion ever taken on by our cultivated ladies.

THE STUDY OF ASTRONOMY.—The young man who had always manifested an interest in the heavens above him, says the San Francisco Chronicle, paid his quarter and was told to pick out any star he pleased and rest his eyes on it. He glued his optics to the small end of the tube, and after shoving the machine about for some seconds, suddenly became wrapt in the study of something which appeared to give him the highest satisfaction. For several minutes he stood as immovable as a statue. "Guess he's goin' to grow there," growled a man waiting for a chance. "Perhaps he never saw a telescope before," said somebody else. "Young man," remarked the owner of the tube, "if you propose to monopolize the instrument you must pay more." The only answer made by the fellow was to quietly put his hand in his pocket, and without taking his eye away from the opening, hand the man four bits.

For nearly fifteen minutes the student of astronomy kept up a rapturously and uninterrupted gaze upon the heavens, and paid his regular assessment every time he was called on. The owner of the telescope was taking in a rich harvest. Suddenly there was a long drawn sigh, and rising from his stooping position, the young man stood up. "Mister, that's a good telescope and I am satisfied with the show." Then he walked on, and the next man who went to look at a heavenly body, didn't see it, from the simple fact that the house on Telegraph Hill which had been in the focus of that telescope for the past fifteen minutes was no longer illuminated, and the girl whose chamber had been peered into so stealthily had gone to bed.