FAIRFIELD HERALD

WINNSBORO.

JNO. S. REYNOLDS, Editor.

Wednesday Morning, February 2, 1876

The recent decision of the state supreme court, in which it is held that trial justices have exclusive jurisdiction in all cases of petit larceny, is calculated to accomplish much good. Ever since 1868, the dockets of the several circuit courts have been encumbered with insignificant criminal cases which should have no place there. The trial of such cases in a higher court defeats the very purpose for which inferior courts are instituted—that of relieving the former of business of an unimportant nature, and at the same time materially diminishing the cost incurred, by the state or by private parties, in the disposal of such matters. The decision is backed by a very strong opinion by the chief justice, and both the associates concur We may hereafter look for greatly increased expedition in the transaction of business in the circuit courts.

Chicago and Saint Louis are already putting forward their respective claims to be chosen as the place for the meeting of the national democratic convention. Chicago insists, through one of her leading newspapers, that there is really no place in the country more eligible than her own worthy self, and that St. Louis is much too hot and otherwise disagreeable a place in summer for the democrats to do their work. But St. Louis thinks that she herself is the nicest, pleasantest place in all our broad land, and that, as to her being a hot city, it is really no such thing. We doubt not there will be many a set-to on paper between these two rivals for fame (and fortune) as the meeting place of the national democracy. Up to this time St. Louis seems to be decidedly the more popular.

The bill to reduce salaries has passed the senate, and it is believed will readily meet the approval of the house and of the governor. The bill contains many excellent features, but nevertheless many absurd ones. The Columbia *Union Herald* very sensibly says: "What sense is there in paying the lieutenant-governor as much as the comptroller-general? What justice is there in giving the adjutant general a compensation equal to that of the state treasurer?" There are equally glaring inconsistencies in the salaries prescribed for the clerks in the several state offices—the book-keeper of the comptroller-general and of the treasurer receiving but the same pay as that of the adjutant-general in whose office there is actually no work to do, and whose clerk, therefore, is scarcely more than a figure-head. The mistake made by the senate is in not making a rigid and impartial examination into the entire system of paying state officers. After such an enquiry, they would have been able to pass intelligently upon the whole subject of salaries and to frame a bill much more abundant in justice and common sense than is that which they have just enacted.

A Characteristic Dodge.

Whittemore's scheme to divide the state into six circuits is intended as a quiet method of getting rid of Moses and Whipper. It will be seen, by reference to a statement given, in another column, of the new division, that the counties at present constituting the circuits to which Moses and Whipper were respectively chosen, are to be so arranged as to leave those worthies entirely out in the cold, and, if our view is correct, to annul the recent judicial election. This scheme is decidedly characteristic of Whittemore. A more inconsistent, designing, barefaced, unprincipled trickster has certainly never figured even in the broad field of South Carolina politics since reconstruction. Expelled from congress for selling a cadetship, he was re-elected by his unsuspecting dupes in his district; the house refusing to recognize him he returned to his home (?) in Darlington and was sent to the state senate, where he now plays a very prominent part. This plan to change the present arrangement of circuits is a cowardly evasion of an issue that Whittemore's party have forced upon themselves, and only goes to prove the utterly unreliable character of that portion of the radical party who brought about the election of Moses and Whipper. Had there been no clamor of indignation over their election, we doubt not that Whittemore and his friends, whether voting for them or not, would soon have discovered that they were eminently fitted for the judge's ermine. But it is too late for this wriggling attempt on the part of the radicals to evade or modify the just consequences of their infamous course. The spirit of the ruling faction in the legislature found at once its index and its utterance in the choice of Wiggin, Moses and Whipper, and it is now too late to evade the just consequences of that action. The proposed change may indeed appear a very convenient method of quietly getting rid of Whipper and Moses, but this strikes us as being of only secondary importance. That either of these men will ever attempt to sit on the bench in South Carolina, or that such attempt would be anything but entirely abortive, we have never entertained any doubt. There are many peaceful means left to the people, the prompt and vigorous employment of which will prevent any such result.

The practical working of the changes contemplated in the bill strikes us as likely to be far from satisfactory. In the proposed Charleston circuit there are included Charleston and Orangeburg, together with three additional counties. The present first circuit is composed only of those two counties, and it has heretofore required hard work by the judge to keep the dockets even tolerably clear. The enlargement of the circuit to so great an extent as is stated in the new bill, would occasion constant delay and constant inconvenience in the administration of the laws. This objection lies with equal force against each of the new circuits—except, perhaps, the southern, which is to contain but four counties. The eastern circuit is to embrace six counties, the middle five, the western six, and the northern six. There is no economy contemplated in the scheme, the aggregate amount to be paid to the six new judges being just what is now received by eight. In all its aspects, this bill seems to us to possess few, if any, features to commend it to a legislature more desirous of promoting the public welfare than of evading an awkward but richly deserved dilemma. We trust the bill will be summarily killed.

Judge and Jury.

The action of Judge Mackey in the case of James Hill, tried for assault and battery at the recent term of the sessions court for Fairfield county, has attracted much notice and some comment. It will be remembered that the jury having rendered a verdict of *guilty* contrary to the instructions of the court, his Honor set aside the verdict and ordered a *nolle prosequi* to be entered in the case. Leaving out of the question the merits of this particular case, the action of the Judge naturally presents some questions as to the province of the court under such circumstances.

The constitution of this state prescribes (Art. IV., §26) that "Judges shall not charge juries in respect to matters of fact, but may state the testimony and declare the law." It will be observed that the first clause of this section is mandatory, while the second is simply permissive—a circumstance going to show that the framers of the new constitution, while desirous of fixing as few limitations as possible to the judge's exercise of his own discretion were yet more anxious to restrict his instructions to matters of law. This is a most reasonable and equitable view. The most important difference subsisting between a trial by jury and one by the court, is that in the latter the decision of a person's guilt or innocence rests solely with one individual, while in the former it can be established only by the unanimous judgment of twelve duly sworn men. It is clear that if a judge may lawfully charge a jury as to the guilt or innocence of a person, and if the jury is bound under oath to be governed by the law as expounded by the court, it follows that the trial is by the court, and not by the jury. Questions of law should of course be determined by one whose duty it is made to investigate them, and who is responsible to a proper tribunal for his official action. But questions of fact should be left entirely to the decision of the jury. If the jury err, there is left to the injured party a full remedy, by the prompt use of which his rights may be fully vindicated. A jury charged by a presiding judge to render a specified verdict, is placed probably in a most awkward position, and certainly in a most anomalous one. The jurors are sworn to follow the instructions of the judge, and sworn with equal solemnity to give a true verdict according to the evidence. If, therefore, there should happen to be upon the jury one man whose honest judgment of a case in hand is at variance with that of the judge, a very serious question arises as to his first duty—whether to the court or to his conscience. It never happens, indeed, that a judge instructs a jury to find an accused party guilty: such a course would bring down upon the judge so acting the condemnation of every sensible person, and excite general alarm for the liberty of the citizen and for the sacredness of the right of trial by jury. But the principle involved is just as much violated when a jury is instructed to acquit: for the state has rights fully as worthy of protection as those of the individual, and if a jury unadvisedly acquit, an injury is done which is quite as great as that which follows an improper conviction. The law gives the accused the benefit of every doubt, and herein lies the only advantage a person on trial should have over the state as prosecutor. Viewed in all its bearings, the course of a judge in instructing a jury imperatively as to their verdict is a very dangerous one, and a constant resort to it would very naturally evoke comment and cause dissatisfaction.

As for the action of Judge Mackey in the Hill case, his release of the accused mattered not seriously. The man had already been in jail for more than sixty days, and had therefore suffered quite enough for the act of which the jury found him guilty; and, had he been sentenced his punishment might properly have been merely nominal. His case was one in which there was a positive contrariety of opinion between the judge and the jury. It is also proper for us to add that we know of no other case, where Judge Mackey has suggested a verdict of acquittal, in which the jury would have convicted. In October last, at Yorkville, a negro was tried for the killing of a white man, and in January a white man for the killing of a negro—in each of which cases the judge instructed the jury to acquit. So in the case of Mr. Ketchin, of Winnsboro, recently tried for assault and battery—the jury were instructed that they would be justified in acquitting. In none of these cases would the judge have ventured. But the practice of instructing juries is dangerous in its effect, and that evil cannot be removed or palliated by showing that it has been without positive injury in particular cases.

Organization.

Within the past two months there has been scarcely any theme more generally and more frequently discussed than that of the organization of the democratic party of South Carolina. The necessity for such an organization being admitted, and the organization having been already determined upon by the proper authorities, the only question at present remaining for the consideration of the people is as to its character. With no possible desire to dictate to those to whom this important work has been committed we proceed to make a few suggestions as to the character of the organization. The following features seem to us absolutely essential to even a slight measure of success:

In the first place, the organization should be comprehensive. It is useless to deny or to ignore the fact that at no time since the war have the democrats—or conservatives—of this state shown their real strength at the polls. In 1868, the first time at which any effort appeared either necessary or feasible, there was rather a fair democratic vote polled, but there were many, very many, who took no part in the election. That this has been the case in all state elections since that time, we need not stop to show. In 1874 there was a fair conservative vote cast, yet there were many counties in which there was by no means a general turnout. In Greenville county, for example, from which it was expected that Kershaw would receive a very heavy majority over Wallace, there was one of but a few hundred. It may be that Wallace divided with Kershaw the conservative vote to such an extent as to produce this result, but this is scarcely probable. The true solution is to be found in the lack of proper organization among the conservatives and a consequent lack of active interest in the election. A most striking example of the importance of embracing in a party organization *every* available man, was furnished in the municipal election in Charleston in 1868. The majority of Pillsbury, the radical nominee, over Lesesne, the democratic, was but *eighteen votes*. And it can be proven beyond cavil that there were more than double that number of democrats who failed to go to the polls. This was doubtless largely due to the fact that the democrats were not as thoroughly organized as they would have been, had they had more time. An organization, to be effective, must be such as to reach every voter, and when the election comes, there should be an absolute certainty that not a single vote will be lost. It is upon the dubious, the halting, the inert, that most strenuous efforts must be made. Once get such men into a well-formed political association, and they soon begin to realize their duties and to feel their importance as voters. The organization of the democratic party for the coming elections should embrace every available man in South Carolina, and each man should be made to feel his responsibilty as much to the party as a member of it, as to the state as a citizen.

In the next place, the organization should be compact. There should be such a union in the party that there will be no chance for "splits" or "bolts" of any sort. The members should be made to feel themselves so closely bound together that to prove false in any manner whatever would be alike dishonorable to the individual and injurious to the party. Compactness of organization will go far towards preventing discord and useless differences over unimportant questions. The want of this compactness is a difficulty incident to most organizations, whatever may be their object. Where there are useless subdivisions or useless delegations of authority, there is likely to arise much conflict of opinion, and perhaps of authority—either of which is very unfortunate. The organization of the democrats of our state should be so compact as to make them appear as a single body of voters ready in any emergency to act, not as individuals, but in their organized capacity.

Again, the democratic party should be well disciplined. By this we must by no means be understood to mean that a union with the democrats is a practical slavery to the rule of a few leaders. The connection of any man with the party is purely a matter of his own option. There is no power that can force him into the party, except, indeed, the power of an instinct without which man were lower than any of the brute creation—the instinct of self preservation. But once a person goes into the party, and pledges himself to stand by it as long as it adheres to the principles to which the party itself is pledged, he must resolve to subordinate his individual judgment to that of those vested with certain powers, and to yield a ready compliance with what is by them considered most expedient. This is no form of tyranny: it is simply that degree of discipline and subordination to proper authority that is necessary to the success of any organization of whatsoever nature and with whatsoever ends in view.

It would seem almost a platitude to add that organization must be efficient. For, indeed, if it is comprehensive and compact and well disciplined, it must follow inevitably that it will be efficient. We have but to ensure the active and constant presence of the causes, and the effect will surely follow.

We must not close this article without again enforcing the fact that an organization such as is above suggested would have in it no single element of tyranny over the individual. On the contrary it would be most calculated to protect the rights of the individual and ensure their peaceful, untrammeled and effective exercise. Freedom of thought, freedom of speech and freedom of political action are the underlying and indispensable elements of every political body under our system of government. Any political party that should attempt the slightest invasion of any of these rights would but seal its own doom. The democratic party of South Carolina embodying, largely as it does not and must still more before the coming contest, the wealth and intelligence of the state, has far too much at stake to hazard it by any mistaken policy or premature action. And no mistake could be greater than that of leading people to suppose that the party would exercise improper domination over its members. Liberality must be recognized as one of the first principles of the party, and with its proper exercise there can be no fear of improper rule from any authority.

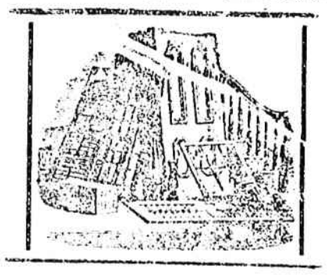
With an organization containing the features above mentioned, much good will can be done for South Carolina. Without such a union, the honest people of the state must expect to sink every day deeper and deeper into an abyss of embarrassment, disaster and despair, from which no power on earth will be able to rescue them.

[COMMUNICATED.]

Forty Years Ago.

Just forty years prior to this date (February 12), in response to a call for volunteers from the President of the U. S. to fight the Seminole Indians, in Florida, South Carolina furnished 10 companies of 75 men each. Old Fairfield, at a public meeting, 1st February, tendered 126 men. From this number it was resolved, in order to comply with the requisite number, that all the married men should be excluded." At a subsequent meeting it was found that there were 86 single men (unmarried) and every man was determined to go; and they did go! They were received by a U. S. officer, and Fairfield was the only county in the State to whom 75 rations were given for 86 men, during the campaign; their supplies were furnished in strict accordance with U. S. Regulations; the commissary (Jas. R. Aiken) exercised his skill and discretion, so that no soldier could or did ever complain. Of this number of volunteers (the original roll, we understand, is yet preserved, there remain alive at the present day, only 13 members, whose names we annex: W. A. McCreight, 1st Lt; Jas. R. Aiken, O. S.; Dr. Edward Gibson, Dr. T. T. Robertson, B. H. Robertson, David Camack, Jonathan Stanton, Jesse Wyrick, R. T. Lumpkin, Wm. Elkin, Thomas Sloan, James Gibson, Benjamin Macon. If there are any more we would be gratified to publish their names.

The captain, Derrill Smith, who was elected by the influence of the "Cedar Creek Rifle Corps," was at the time engaged, and did marry on the night before the company left Fairfield; and he was brought home a corpse in May, 1836. Of those who have married since, we have nothing to say, but verily believe their descendants are ready once more, like their fathers, to volunteer at all times in the cause of what they believe to be true, just and right. In this company but one soldier was killed, but many died of disease contracted in the Florida campaign. The district owes them a debt of gratitude, if nothing more. Fairfield forever!!! Who will be the last soldier of the Florida war? Let the record be preserved. RIDGEWAY.



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sept 23-1y

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PRINIPAL.

A Full Corps of Able Professors.

Complete outfit of Arms, Apparatus, Etc., for thorough mental and physical training. Location noted for healthfulness, and possessing Railroad and Telegraphic facilities. For Illustrated Catalogue apply to Principal.

dec 7-1m

Copartnership Notice.

WE have associated ourselves under the firm name of D R GLADNEY & CO., dating from January 1st, 1876, and will continue the whiskey business at the old stand of D R Gladney. We respectfully solicit the patronage of the public.

D R GLADNEY,

jan 10-1m W B GILBERT.

MENDEL & CO

MANUFACTURERS OF

CIGARS,

WHOLESALE DEALERS IN

Tobacco, Snuff, Pipes, &c.,

TRADE STREET,

JACOB M. MENDEL, A. BAUMGARTEN, Charlotte, N. C.

oct 16-1y

Special Notices

FIRE!!!—A destructive fire occurred at Ninety six, S. C., December 21st, by which four stores valued at $20,000 were burned. The further spread of the conflagration, with probable destruction of the whole town and a loss of several hundred thousand dollars worth of property, and many lives, were prevented by the arrival of a Great American Fire Extinguisher, an Agent happening to come in town at the nick of time. For full particulars, see the Abbeville Medium and Newberry Herald of the following week.

Mr. P. P. Toale of Charleston, S. C., is the General Southern Agent for the Great American Fire Extinguisher, and will answer all inquiries in regard to the same.

R. W. Phillips,

AGENT,

WINNSBORO, S. C

jy 3-

Charlotte, Columbia, & Augusta Rail Road.

COLUMBIA, Dec. 19, 1875

THE following Passenger Schedule will be run over this road on and after this date:

TRAIN—GOING NORTH.

Leave Augusta, Ga., at	4.15 p
" Columbia, S. C.,	9.20 p
" Winnsboro,	12.10 p
" Chester,	2.00 a
Arrive at Charlotte, N. C.	5.15 a

TRAIN—GOING SOUTH

Leave Charlotte, N. C. at	5.40 p
" Chester,	12.05 a
" Winnsboro,	1.35 a
" Columbia,	3.45 a
Arrive at Augusta	9.00 a a

JAS ANDERSON, Gen'l Supt.

A. POPE,

Gen. Passenger and Ticket Agent

PIERRE BACOT

Commission Merchant,

—AND—

Dealer in Commercial Fertilizers

—:o:—

IF you wish choice Apples, Bananas, Oranges and Lemons low for cash, call on

PIERRE BACOT, Agent.

NORTHERN Cabbages, Onions and Irish Potatoes selected for table use at

PIERRE BACOT'S, Agent.

EGG Lunch, Pearl Oyster and Arrowroot Crackers just arrived fresh at

PIERRE BACOT'S, Agent.

FRESH Candies, Cocoanuts, Almonds, Walnuts and Butter Nuts at

PIERRE BACOT'S, Agent.

Ties! Ties! Ties!

A Lot of Beard's Lock Ties

at 5 3-4 cents per lb., at

R. J. McCALLEY'S.

NOTICE.

THE public are hereby notified that a certain Land Warrant for 160 acres—No. "28078" was issued January 16, 1858 in my favor, by the Hon. Commissioner of Pensions, for services of my husband in the war of 1812; and said warrant having been lost in the mails, I have applied to the Department at Washington, D. C. for a duplicate. MARTHA CALHOUN,

feb 2-x6 Monticello, S. C.

White Lead.

ONE Ton of White Lead which I guarantee a pure Lead, for sale at the drug store of

nov 4 W. E. AIKEN.

NOTICE

THE name and style of our firm is changed from this date to J. F. McMASTER & CO.

W. H. FLENNIKEN & CO.

January 1st, 1876.

jan 19-1m

Law Cards

T. R. ROBERTSON.

Trial Justice.

OFFICE IN REAR OF COURT HOUS

WINNSBORO, S. C.

All business entrusted to him will receive prompt attention.

H. A. G. GAILLARD. R. M. DAVIS

GAILLARD & DAVIS,

ATTORNEYS AT LAW,

NO 2 LAW RANGE,

WINNSBORO SOUTH CAROLINA

Woodward's Celebrated Cotton Seed.

FARMERS desiring my celebrated Cotton Seed can get them at one dollar per bushel, or I will exchange one for ten if applied for soon. They are warranted to be better than any seed heretofore offered.

jan 25-1m T W WOODWARD.

FOR SALE.

A valuable piece of town property on which is situated a commodious dwelling and outbuildings belonging to Mrs. J. P. Means. For particulars address

GAILLARD & DAVIS.

Winnsboro S C

NOTICE.

I wish to notify my customers that I am now working for Cash only and all work must be paid for, before it leaves my shop

feb 12-1m J E GILBERT

HATS! HATS!!

JUST Received, a few extra fine Hats at

feb 12 J F McMASTER & CO'S.

Home Fire Insurance Company of New York.

Cash Capital $3000,000.

Cash Assets, $6000,000.

Cash Surplus as regards Policy Holders, $2,824,000.

Its funds are fire funds. No mixture with life insurance.

General J. E. JOHNSTON & CO.

Managers for Southern Department

J W LAW, Agent,

jan 26 at Winnsboro, S. C.

$25 REWARD.

I will pay the above amount for the recovery of the watch recently stolen from me, or any information that will lead to its recovery. The watch is a double-case gold watch, numbered 11,115, made by Robert Berry, Liverpool. There was attached to it a large gold chain, with a small magnifying-glass locket.

JNO. D. McCARTEY.

jan 18-1m

Fresh Garden Seeds.

A Full supply of fresh Garden Seeds and Onion Sets just in.

jan 15 McMASTER & BRICE.

THE JAS. LEFFEL

Double Turbine Water Wheel,

Manufactured by

POOLE & HUNT,

Baltimore, Md.

7,000 NOW IN USE!

Simple, Strong, Durable; always reliable and satisfactory.

Manufacturers, also, of Portable & Stationary Engines, Steam Boilers, Saw & Grist Mills, Mining Machinery, Gearing for Cotton Mills, Flour Mills, White Lead and Paint, Oil Mill Machinery, Hydraulic and other Presses, &c. Shafting, Pulleys and Hangers a specialty. Machine Made Gearing; accurate and of very best finish. Send for Circulars.

Cheap Shirts!

KEEP'S partly-made dress shirts, made from Wamsutta Muslin and Irish Linen. Very best quality. All sizes, elegant styles. FIT GUARANTEED. Price, $15.00 per dozen, CASH.

jan 18 McMASTER & BRICE

Potatoes

SEED and eating potatoes. For sale by

feb 3 BEATY, BRO & SON.

For Sale.

A fine Colt's Revolver. Apply at this office.

jan 5-xtf

OILS.

LUBRICATING Oil, Linseed Oil, Kerosene Oil, Castor Oil, just received at the Drug Store of

W. E. AIKEN.

WOOD PRESERVER.

ONE Barrel Oil known as Residuum, used for Soaking wood to preserve it, either in building or more particularly on Fence Posts. For sale by

oct 21 W. E. AIKEN.

Barton's Universal Seed Planter.

AT a regular communication of Middlepen Grange, Patrons of Husbandry, No. 117, State of South Carolina, held July 1875, the following preamble and resolutions were offered by Brother H M Miller, and unanimously adopted:

Whereas, We the members of Middlepen Grange, No. 117, having each of us used W S BARTON'S Universal Seed Planter, and believing it to have earned a reputation second to none, and furthermore, believing that it fully accomplishes all that is claimed for it as a labor-saving machine, therefore,

Resolved, that we heartily endorse it as such, and recommend it to the planters throughout the Southern States.

Resolved, That this preamble and resolution be published in The News and Courier, Soil of the Soil and Rural Carolinian, also a copy of the same be furnished to W S Barton, the patentee.

F H GRAMLING, Secretary.

R E ELLISON, Sr. Agent,

jan 29-1x2t Winnsboro, S. C.

MOUNT ZION INSTITUTE.

THE exercises of this institution will be resumed on Wednesday, January 12th. For circulars containing terms and full particulars, address

W. M. DWIGHT,

jan 4-tf Principal.

Beaty, Bro. & Son.

HAVE this day received

5 bbls Choice new crop N. O. Molasses.

1 hhd N. O. yellow clarified Sugar.

1 hhd N. O. fancy clarified Sugar.

Will not drip or get hard in the cask

Low for cash. Call and see.

dec 14