

## The Herald and News

ELBERT H. AULL, Editor.

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NEWBERRY, S. C.

WEDNESDAY, DECEMBER 9, 1891.

## THE LEGISLATURE.

For two weeks I have watched the processes of legislation in South Carolina. So far I have not missed a single session of the upper branch of the General Assembly. In this end of the capital there has been little outside of routine work. Governor Gary presides with ease and the work glides smoothly along under his direction. He impresses me as being fair and impartial in his rulings. I have received the utmost courtesy at the hands of the presiding officer and the Senators. Yet I have not felt any special longing or desire to occupy the position of Senator.

Half of this legislative session is over. Two weeks more of work and an adjournment will be had. The reader, no doubt, is anxious to know what has been done and what is likely to be done. That is the question about which I want to write.

Before going to that point however, I want to say one thing, of which I have long been convinced, but which has been more forcibly brought to my mind during the past two weeks than ever before. We have entirely too much legislation of a local nature and all of our legislation is entirely too hastily done. Of the great "raft" of bills that have been introduced up to this time, at least two-thirds are of a local nature. Up to this time literally nothing has been done, and yet within the next two weeks a volume of five or six hundred pages will be filled with new laws. I believe it would be better to have biennial sessions and sit for two or three months. It takes a new member at least the first two weeks to get the "hang" of things, as it were, and some do not get it in that time.

The reader must bear in mind that these are "strange times and strange proceedings are in order." And further that the present administration went into power on the plea that this State had been ruled by an oligarchy, and that now the people want to try their hands, and that we, the administration, are the people. And further, that there was need and room for great and miraculous reforms in the conduct of public affairs. And further, that one session of the present Legislature has been held and its actions are part of history. If any great reforms have taken place, I have been unable to find them, and now we will search for them in the work of the present session. True some new men have come to the front and now occupy high places who might never have risen from obscurity but for their mounting the wave of popular discontent, but the question recurs to the ordinary voter, the tolling masses and all those who helped to bring about this great revolution. How have we been benefited? What have we gotten out of all this? The last Legislature retired to private life, that greatest of Carolinians, who stood by his State when she needed true manhood, and who never sought public office—Wade Hampton—put a new man in his place. What benefit have the masses reaped from this? Just the other day William H. Wallace was defeated for a place on the Supreme bench. Then whom an abler jurist, a purer man never wore the ermine nor adorned the bench of South Carolina. Against whose character there has never rested even a shadow of a suspicion. But these are strange times. Some men are grander in defeat than others are in victory. In these times, experience, past services to the State in times of trial and trouble count for nothing. Service to faction is the slogan now. I do not wish to be misunderstood. I have naught to say against either of the gentlemen who have been successful in the two cases cited.

But what has been done and what is likely to be done at the present session? What reforms have been wrought and what are proposed to be wrought? Wherein have taxes been reduced and the expenses of government curtailed? No doubt many readers will remember that candidate Tillman in his speech at Newberry, when talking about the reduction of salaries, said he would save the people \$100,000 annually if he was elected Governor. Well, he has been Governor for one year, and is starting upon his second term.

The biggest thing done so far is the election of Judges to the Supreme bench. As I telegraphed you last week Associate Justice McIVER was elected Chief Justice in place of the late Chief Justice Simpson. A deal was made between his friends and those of Gen. Pope and he was elected unanimously. His place was then to be filled and the candidates were William H. Wallace, Judge of the Seventh Circuit, and Young John Pope, Attorney General. The details of the election you can get from the daily papers. Gen. Pope was elected. It was a close run. Strong pressure was brought to bear by the administration in favor of Gen. Pope. I am free to admit that Judge Wallace was my first choice for the position. It seems to me that it would have been more in accordance with the eternal fitness of things to have promoted Judge Wallace, and that is the view many of the administration members took of the situation. But then I am especially partial to Judge Wallace. There is no man in South Carolina for whom I have a higher esteem than Judge Wallace. There has already been talk of Judge Wallace as a candidate for Governor next year. But that sort of course is only talk and no one knows whether or not it would be agreeable to Judge Wallace. I am for him for any office he wants, against the field, although I am not urging him for Governor. There has been some very severe criticism of Gen. Pope. In this I do not concur. It is

but fair to him to say that he is as good a lawyer as some others who have worn the ermine. I am sure he will apply himself and will not bring discredit to the bench in this State. This criticism, which is the result mainly of partisan politics, can do no good. He is now Associate Justice of the Supreme Court of South Carolina. General Pope was the recipient of many telegrams and letters of congratulations from his friends in all parts of the State.

The next election will be that of his successor in the Attorney-General's office. It is said that the administration has sent forth the edict that it must be Maj. D. A. Townsend, the present Assistant Attorney-General. Then there are other administration lawyers who want it, and there may be a triangular fight. The election will be held on Wednesday.

Senator Woodward, of Fairfield, has succeeded in getting through the Senate a bill prohibiting the use of free passes on railroads by members of the Legislature, State and County officers and Congressmen, and imposing a penalty not to exceed a fine of \$500. It makes it a misdemeanor for a railroad to offer a free pass to any of the officials mentioned. The bill excepts from its provisions Railroad Commissioners and the Superintendent of Education. There was considerable debate over the bill but it finally passed. Candidate Tillman had a good deal to say in his campaign about the railroads "taming so to speak." State officers and legislators by giving them free passes, and very soon after the present officers went into power they had been "tamed so to speak," or at least they had all free passes. But now that taming process will be stopped by law. Senator Woodward, however, has been in favor of such a law for sometime.

The time for paying State and County taxes has been extended to the 20th of February 1892, at least it has passed both Houses and I presume Governor Tillman will approve it if he has not already done so.

A bill for taxing mortgages, notes and other evidences of indebtedness has been discussed in the House. Its provisions were published in the last issue of The Herald and News. It has not yet been discussed in the Senate. In just what shape it is at present I am unable to say.

At the last general election the office of County Commissioner was abolished as a constitutional office. There is now a bill pending to provide a system of county government. It provides for one county supervisor who shall be elected by the people and gives the Governor authority to appoint one road commissioner for each township, these together with the supervisor shall constitute the county board of road commissioners, who shall have charge of the roads, bridges, and ferries. It also provides for the working of able bodied male convicts upon the public roads whose term of service is no longer than two years. It also gives the Governor the power to appoint three commissioners of the poor for each county. The salaries of the supervisors are left blank. This is an administrative measure. The reader will remember that this administration went into power with the watchword that the people had been under the rule of an oligarchy and also observe that this bill confers a good deal of appointing power upon the Governor.

Senator Jeremiah Smith, of Horry, introduced a bill to repeal the privilege tax on fertilizer, but it was summarily killed, not, however, without Senator Smith being allowed to give his reasons for the bill. It will be remembered that this tax is one of the main sources of revenue for Clemson College, the tax amounting to, gross, about \$53,000. Senator Smith said he did not introduce the bill on account of opposition to the college, because the support of that college was now a part of the settled policy of the State. But he was opposed to the tax because it was a class tax and paid by a class least able to pay it and without regard to property. It came out of the farmer. If it was right to raise a tax in this way why not extend the principle to every article of commerce and relieve the people of taxation altogether.

While on this subject I might state that an appropriation of \$65,000 is asked for the Clemson Agricultural College, in addition to the special funds set apart for this institution. The appropriation will no doubt be granted. It will be remembered that we have been told on several occasions that this institution would not cost the State a cent. A pretty liberal appropriation is asked this year, and I am not opposed to it. I want to see a first class college and want to see it liberally supported, only I feel sure that if that was done the taxpayers of the State would have to foot the bills.

One of the biggest things of the past week was the bill providing for the new county of Calhoun out of portions of Orangeburg and Lexington. Senator Keitt, of Newberry, made a strong speech in favor of the new county, but the Senate was against him, and the bill was killed. There are two other new county schemes on the tapis, one to be known as Tillman County and the other as Edisto. It is not probable that either will pass at this time.

The biggest thing of the past week, however, was the fight in the House on the prohibition question. A very rigid prohibition bill has been introduced by Representative Childs, of Richland. Its main features are published in this issue of The Herald and News. It has passed the House and now the fight will be on in the Senate. The question is what will the Senate do? No one seems exactly to know. It will probably be a close fight. At one time I did not think the bill would pass but now I am inclined to the opinion that it will. If it does then another interesting question presents itself. What will Governor Tillman do? The Governor's idea of the prohibition matter as contained in his message is to take the revenue from its

sale from the towns or cities and put it into the county treasury. A bill carrying out that idea is now before the Senate and has been twice killed but each time has been restored to the calendar. I believe the bill would be a dead letter on the statute books if it passed, but it may be as well to give it a trial now as any time, and eliminate this question from our politics, if this will do it. I have never been convinced of the wisdom of statutory prohibition, but I shall urge no objections to a trial of it if the people want it. But this bill does not leave it to the people. Of the Newberry delegation Messrs. Scott and Hardy voted for it, while Mr. Blease was one of the leaders of the opposition.

The Senate has decided in favor of holding a constitutional convention. That is, the question as I understand it is to be submitted to the people to vote on as to whether they want such a convention or not. Senator Smythe, of Charleston, proposed an amendment to the resolution for a constitutional convention providing that in case a convention was held and a constitution adopted that the new constitution be submitted to the people for ratification or rejection. This amendment was not agreed to. The resolution will not doubt pass the House. I have never seen the need of a constitutional convention. The objectionable features of the present constitution, it seems to me, could be remedied easily by amendment. This is a reform that will cost the State about \$100,000. And in the present condition of the public mind it does not seem to me to be a propitious time for framing a new organic law.

This is a day of investigations, and the present Legislature has appointed several committees of investigation. What is known as the treasury reserve fund which Governor Tillman refers to in his message as a myth, is to be investigated. Ex-Treasurer McIVER asks that the investigation be had. The management of the phosphate interests of the State for the past year is also to be investigated. And what is commonly termed the "Circulation Fraud" is also to be investigated. None of these investigations have yet been completed.

A bill has been introduced constituting what is known as the World's Fair managers to consist of the Governor and one member to be appointed by him from each Congressional District, and one from the State at large, to be elected by the General Assembly. An appropriation is provided in the bill of \$15,000 for the cost of making the South Carolina exhibit at the World's Fair.

The time for the election of railroad commissioner has not yet been fixed. Some railroad bill is to be passed first, and just what will be done I am unable to forecast at this time. Hon. J. A. Sligh, of Newberry, is a prominent candidate, and has been in Columbia a good portion of the time since the convening of the Legislature looking after his interests.

Mr. Blease has withdrawn his bill amending the Graded School bill for Newberry. He says he was requested by a number of citizens to propose the amendment, and in consequence introduced the bill. But upon the representation to him by Mr. W. H. Wallace and others that the change was not desired by the Graded School trustees, and would probably work injury to the school he withdrew the bill from the files of the House.

The salary reduction bill has not yet been acted upon, but it is hardly probable that any such measure will pass.

Well, what has been done and what is likely to be done? I have written about two columns in, I am afraid, a fruitless effort to answer that question, but I trust the reader is satisfied.

Columbia, S. C. E. H. A. Congress met on Monday. Congressman Crisp, of Georgia, has been elected Speaker. There were thirty ballots in the Democratic caucus before a choice was reached. Mills made a good race, but Crisp "got there." Our townsman, Congressman Johnston, voted for Crisp.

The Amount of Money in Circulation. To the Editor of The Herald and News: For the sake of those who would like to have the official facts as to our money in circulation, instead of mere visionary figures, I give herewith the exact figures as taken from the official monthly statement of the Treasury Department to December 1st instant.

It shows the general stock carried or issued to be \$2,700,000. Of this the amount there was in the Treasury \$592,102,499, and in actual circulation \$1,577,222,070, that being a per capita circulation of \$24.38, estimating our population at 64,800,000. On the same date (December 1st, 1890) our circulation was \$1,504,736,605. Thus we see there was an actual increase of circulation during the twelve months of \$72,525,467. During the month of November alone—that is from November 1, 1891 to December 1, 1891, the net increase was \$12,729,000—and yet in spite of this showing we will not doubt continue to hear the same old stories of the government and banks conspiring to diminish the currency and oppress the farmers. Criss.

St. Luke's Dots. Three Newberry and three Edgefield sportsmen went hunting in the Little Mountain section of Edgefield County recently. In one day's time they killed 39 quails, 3 rabbits, 5 partridges and caught 3 opossums.

The first land of this community, that has been sold at public auction at Newberry for a long time was sold Monday, Saturday. Four tracts of a certain estate were sold: S. B. Hawkins purchased one of 1.1 W. T. Hudson, 2 W. P. Beidenbaugh, 3 J. M. Taylor. A tenant house on Dr. A. Kibler's Matthew Hall place was consumed by fire last Wednesday morning about 5 o'clock. Mr. G. S. Merchant and a copper had from \$125 to \$150 worth of crops in the house, all of which was lost, as the fire was under good headway when discovered—it is thought the house was set on fire by an incendiary. Mr. P. L. Nichols is building a residence near his father-in-law's, Mr. John Whitman's. Eye.

"Reliable" Hams are still in the lead. Every day the demand for them increases. If you want a nice, mild, sweet Ham, none can be found to equal the "Reliable." Always on hand and arriving at—McINTOSH'S.

## THE BANK CASE AGAIN.

Judge Hudson Files a Decision Declaring His Former Decision Inoperative—The Writ of Mandamus Issued.

The Newberry Bank case has taken a new turn. Judge Hudson has filed another order. He finds he was mistaken and acknowledges his error in a master's order. The limitation of subdivision 6, section 452 of the Code, after twenty days, having been granted upon an *ex parte* application, if that section affects orders in mandamus, but according to section 452 it does not, on the first Monday in January, 1892, the real estate of Pettus W. Chick, clerk in the County and State aforesaid, in the following parcels to wit:

Tract No. 1 of the plantation lands containing Two Hundred and Forty acres and 88 100, or less, and bounded by Enoree River, tract No. 2, by lands of Mrs. M. C. Caldwell and William Wallace.

Tract No. 2, containing Two Hundred and Forty-two Acres and 40 100, more or less, lying on Enoree River, bounded by tracts No. 1 and No. 3 and lands of Mrs. M. C. Caldwell.

Tract No. 3, containing Two Hundred and Twenty-three Acres and 78 100, more or less, and bounded by Tract No. 3, Enoree River, Mrs. F. A. Calmes and by road which separates it from Joseph Caldwell's land and Mrs. M. C. Caldwell's land.

The home place, containing Three Hundred and Eighty-seven and 30 100 Acres, more or less, and bounded by State road, by Oxner's land, Mrs. Sarah E. T. Chick, W. Whitner, and by lands of Mrs. W. B. Chaplin.

The Whitney Tract, containing Three Hundred Acres, more or less, and bounded by lands of William B. Whitney, Hannah Henderson and others.

TERMS: The purchaser will be required to pay one-third of the purchase money in cash and to secure the balance payable in one and two years, with interest from day of sale by bond and mortgage of the premises.

Purchaser to pay for papers. SILAS JOHNSTONE, Master. Master's Office, 8 Dec., 1891.

STATE OF SOUTH CAROLINA—COUNTY OF NEWBERRY—IN COMMON PLEAS.

John M. Mars and others vs. Missouri Mars and others.

Partition. UNDER ORDER OF COURT herein, I will sell at public outcry at Newberry C. H., on Saturday, January 9, 1892, the balance of No. 4, known as the Robert Mars and Nathan Mars died possessed, containing eleven hundred and seventy-eight acres, more or less, (1178) and bounded by lands of J. C. Hargrove, W. C. Cromer, and others. They will be sold in four tracts, by a plat, as follows:

No. 3, known as the Oxner Tract, containing 282 acres, more or less; No. 4, known as the Robert Mars Tract, containing 370 acres, more or less.

Terms: One-third cash; balance in one and two years, with interest from the day of sale, secured by bond of purchaser and mortgage of premises.

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Silas Johnstone, Master, vs. E. J. Holman.

Foreclosure. BY ORDER OF THE COURT herein, dated November 1891, I will sell at public outcry, before the Clerk of Court at Newberry, S. C., on the first Monday in Jan., 1892, all that lot of land (known as No. 1, of the real estate of Henry Carville, deceased,) in the State aforesaid, containing four-eighths of an acre, more or less, and bounded by lots No. 3 and 4 of the said real estate, and by the street and road to Newberry.

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on file. The present motion to rescind the order of stay cannot be granted for want of jurisdiction, and I can do no more than to declare that order to be, in my opinion, null and void.

In conclusion, I will remark that even if the order granting a stay was valid, it expired by the limitation of subdivision 6, section 452 of the Code, after twenty days, having been granted upon an *ex parte* application, if that section affects orders in mandamus, but according to section 452 it does not, on the first Monday in January, 1892, the real estate of Pettus W. Chick, clerk in the County and State aforesaid, in the following parcels to wit:

Tract No. 1 of the plantation lands containing Two Hundred and Forty acres and 88 100, or less, and bounded by Enoree River, tract No. 2, by lands of Mrs. M. C. Caldwell and William Wallace.

Tract No. 2, containing Two Hundred and Forty-two Acres and 40 100, more or less, lying on Enoree River, bounded by tracts No. 1 and No. 3 and lands of Mrs. M. C. Caldwell.

Tract No. 3, containing Two Hundred and Twenty-three Acres and 78 100, more or less, and bounded by Tract No. 3, Enoree River, Mrs. F. A. Calmes and by road which separates it from Joseph Caldwell's land and Mrs. M. C. Caldwell's land.

The home place, containing Three Hundred and Eighty-seven and 30 100 Acres, more or less, and bounded by State road, by Oxner's land, Mrs. Sarah E. T. Chick, W. Whitner, and by lands of Mrs. W. B. Chaplin.

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No. 3, known as the Oxner Tract, containing 282 acres, more or less; No. 4, known as the Robert Mars Tract, containing 370 acres, more or less.

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## Master's Sales.

STATE OF SOUTH CAROLINA—COUNTY OF NEWBERRY—IN PROBATE COURT.

Sarah B. T. Chick, executrix, vs. Louise V. J. Farr, et al.

Relief.

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