

# THE PICKENS SENTINEL-JOURNAL.

*J.B. Newberry*

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## THE DISPENSARY ELECTION

### IN PICKENS DECLARED IN ACCORD WITH THE BRICE ACT.

#### First Round in Fight Won by People. Report of Special Referee.

Mr. A. J. Boggs, appointed special referee to take testimony in the contested dispensary election in Pickens county, has filed his report with the clerk of the state supreme court. The supreme court will convene specially to hear the arguments in this case and in the Farnum case, but the date for the special meeting has not been set.

The report submitted by Mr. Boggs is accompanied by the testimony taken in the case. Mr. J. P. Cary represented the people who voted the dispensary out of Pickens county. There was some talk of the election not having been held and of the result not having been declared properly, and the matter was taken before the chief justice who ordered testimony taken and the entire matter referred to the supreme court as a whole.

In the Farnum case, Senators Hay and Christensen and Mr. Lyon will appear before the special referee, ex Judge Jas. T. Izlar at Orangeburg, to-morrow and will give their testimony in the case. When this is done J. S. Farnum, beer dispenser in Charleston will reply, stating why he did not give to the dispensary investigating committee certain papers in his possession. When the referee gets all of this information he will make a finding on the facts and will submit the testimony with his report to the supreme court. It is supposed that as soon as Judge Izlar does this the chief justice will call the supreme court together.

Following is the report of A. J. Boggs, special referee, in the case of J. S. Wilson, relator, against J. E. Cox, C. E. Hamilton, S. H. Brown and T. O. Allgood, respondents:

In obedience to the order of Chief Justice Pope, I held a reference in the above stated proceeding on the 8th day of August, 1905, and from the testimony then taken submit the following as my findings of the fact:

1. That during the year 1894 a dispensary for the sale of liquors was established in Pickens, in the county of Pickens, by the then board of control without an election under an act of the legislature so permitting.

2. That for the last few years and now the county board of control consists of the respondents, J. E. Cox, C. E. Hamilton and S. H. Brown, and the dispenser at the time of the closing of the dispensary was the respondent, T. O. Allgood.

That prior to the 25th day of April, 1905, there was filed in the office of G. M. Lynch, supervisor of the county of Pickens, petitions containing 1,162 names, asking him to order an election on the question of "dispensary" or "no dispensary" in Pickens county.

That the qualified number of electors of the county of Pickens at the time of the filing of these petitions was 3,000 and the number of qualified voters signing the petitions was little less than 1,000 and more than one-fourth of the qualified voters of the county.

That on the 25th day of April, 1905, the said supervisor ordered an election to be held in the county of Pickens on the question of "dispensary" or "no dispensary" to take place on the 20th day of May, 1905.

That in this order the managers at the different precincts in the county were appointed by the supervisor, the polls ordered opened at 9 o'clock and closed at 4 o'clock and provided that all duly qualified voters would be entitled to vote and that the managers should vote to the effect that they would not vote for and themselves

daily conduct the election and keep a poll list and number and enroll the name of every person voting, and at the close of the election to publicly count the votes and declare the result and within three days thereafter to transmit the votes, poll lists and all papers pertaining to the election to the supervisor of Pickens, S. C.

7. That said order and notice of election was published in the Pickens Sentinel-Journal, a newspaper published weekly at Pickens, S. C., for four consecutive weeks beginning with April 26, 1905.

8. That the election was held on the 20th day of May, 1905, at which 240 votes were cast for the dispensary and 735 against it.

9. That on Monday and Tuesday following the election the poll list, returns, boxes and tickets were forwarded to the county supervisor by the managers of the election who certified to the correctness thereof.

10. That on the counting of the returns the supervisor declared the

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result of the election to be against the dispensary and notified the governor, the state board of control and the county board of control of said result.

11. That in consequence of instructions from the governor of the state on June the 16th, 1905, advising the county board that it was their duty to act in the matter of closing the dispensary without reference to the State board of directors, on the 19th day of June 1905, the county board of control for Pickens county closed the dispensary at Pickens and it has remained closed ever since and the liquors on hand were shipped from the county.

12. That the supervisor of the county in good faith acted under what he believed to be his duty and powers in ordering the election, appointment of managers and directing the election to be held as provided in his order and notice of election.

13. That the managers of the election consisted of representative citizens of Pickens county who honestly believed that they were duly and legally appointed by proper authority and took the oath prescribed in the order of appointment and conducted the election honestly and fairly and certified to the supervisor the correct result thereof.

14. That the election was a free and fair one and that no fraud was committed in the management and was conducted with a view of ascertaining the will of the people and was submitted to the

15. That the election was freely discussed by the managers of the dispensary and those against it in public places and by circulars printed by both sides calling upon the voters to come out and vote their convictions on the day of election.

16. That the names of the managers of election were published in the notice of election of four weeks and no objection of any kind was made to the managers or their

right to act before or on the day of election.

17. That with the exception of 40 or 50, those who voted in the election were duly qualified voters of the county and whose names appear on the registration books and men who have paid their taxes.

18. No one was allowed to vote at the election except those who took the oath that they were qualified electors and had not before voted, which was administered by the managers of the election.

19. That the county board of canvassers did not appoint the managers and had nothing to do with ordering, declaring or conducting the election and took no steps with regard to the election after it was held.

20. That the managers did not have at the polls on the day of election the registration books or list of the qualified voters of the county.

21. That no protest of the election was ever filed with the managers of the election or county supervisor.

22. That the voters at the said election were not required to present their registration certificates but in all cases they would be required to make oath as prescribed in the order for the election and many of them did present their certificates.

23. That the voter's votes were cast in boxes, some tin, some wood and some pasteboard and sealed up until delivered to the county supervisor and none of them were tampered or interfered with.

24. That the votes were counted by the managers, who certified the result to the supervisor in writing, signed by them, and the supervisor returned the votes and declared the result.

25. That the supervisor notified in writing the result of election, the governor, the state board of control and the county board of control, but not the secretary of State.

26. That the voters participating in the election voted at the precincts where they were registered.

27. That the votes used in election were white paper 2 3/4 inches long and two inches wide and those voted by the advocates of the dispensary had printed thereon the word "dispensary" and nothing else and those against the dispensary had printed thereon, the words "no dispensary" and nothing else. That the testimony taken by me was filed with this report. Respectfully submitted,

(Signed) A. J. Boggs, Special Referee. Sept. 11, 1905.

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The petition for a dispensary election in Chesterfield was refused the supervisor claiming that sufficient signatures had not been secured. The prohibitionists dispute this.

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For several days past the County Commissioners have been very busy engaged in revising the registration books preparatory to ordering an election on the dispensary question. A sufficient number of qualified voters have signed the petition asking for an election, and on Tuesday, the 24th day of October, next, the people will say by their votes whether they want the dispensaries to remain in Oconee county or not.

The fall term of the circuit court for Oconee county will convene on Monday, October, 9th Judge C. G. Dantzler, of Orangeburg, presiding.—Oconee News.

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