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## THE VERDICT OF ACQUITTAL.

Defects in the Criminal Procedure of the State.

Review of the Law of Bail—Discretion of the Judge in Cases of Doubtful Guilt—Value of the Coroner's Inquest as the Basis of a Right Conclusion.

Judge J. H. Hudson in News and Courier.

The coroner's jury having reached a verdict charging a particular person with having committed the homicide, it remains for that officer to issue his warrant and place the same in the hands of the officer of the law for execution. It is needless to say that the warrant should be at once issued and promptly executed.

The accused having been arrested and imprisoned will, if able, at once employ counsel, who will proceed diligently to inquire into the facts of the case, and, as a first measure of relief to his client, will prepare the necessary papers, and under a writ of habeas corpus will sue for

### BAIL.

As our Judges have been recently rather severely criticised by the press of the State for so readily granting bail to prisoners charged with murder, in justice to them and for the information of the press and the people, I propose to review the law bearing upon this branch of my subject. An extended review cannot be given in the space of a newspaper article, and I must, therefore, be brief.

The Statute of 31st Charles the Second, known as the Habeas Corpus Act, became the law of the British Colonies, was specially adopted as they became independent States, and is now, with perhaps slight alteration, the law of all the States of this Union. Under this statute every one committed under a criminal charge is entitled to this writ, unless he or she stand committed "for felony (the punishment of which is death,) or treason, plainly expressed in the warrant of commitment, or unless charged as accessory before the fact to treason or felony (the punishment of which is death,) or with suspicion thereof, or unless charged with suspicion of treason or felony, (which felony is punishable with death,) which shall be plainly expressed in the warrant of commitment."

It will be perceived that under this Act as now of force in this State, and as it has been from the beginning of our existence as a Commonwealth, one committed for murder plainly and distinctly expressed in the warrant cannot demand even the writ of habeas corpus as a matter of right, much less can he demand bail.

By virtue, however, of their general jurisdiction and common law powers, the Judges of old England, and this country as well, could grant the writ as a matter of grace in cases of treason or capital felony, and after hearing all the facts of the case, could grant or refuse bail according to the circumstances of the case made by the accused.

In the past history of this State, and I presume of every State of the Union, to persons charged with capital felonies, Judges have never denied the writ of habeas corpus, and have rarely refused bail, but have granted it in such amount as the nature of the case required. It must be borne in mind that the object of committing to prison one accused of crime is to have present in Court to answer to the charge and to abide the judgment of the Court. It is not to punish him. That only follows conviction. Until then he is presumed to be innocent, and neither the law nor humanity calls for punishment in advance of conviction. Yet, if to persons charged with capital felony bail is to be denied in advance of bill found, and the accused is not to be released from his dungeon until acquitted by the verdict of a petit jury, many innocent persons would be wrongfully and cruelly punished. Hence in such cases the power and discretion of granting the writ of habeas corpus and of awarding or refusing bail is lodged in the Judges. That this power and discretion is at times abused or improperly exercised is true. Human judgment is not infallible; and we must expect that mistakes will be made in the matter of bail as in other matters of judicial cognizance.

For more than two hundred years English speaking people have enjoyed the great blessings of the Habeas Corpus Act, and the inestimable privileges of bail at the hands of an enlightened judiciary under charges of capital felonies, as well as of lesser crimes. To take a step backward in this respect a liberty-loving people will not. In fact the Con-

stitution of A. D. 1868 goes much further in securing the right to bail than does the statutes of Charles, and by necessary implication enlarges the right to writ of habeas corpus.

Section 16. of Article I, reads as follows: "All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, when the proof is evident or the presumption great, and excessive bail shall not in any case be required, nor corporal punishment inflicted."

As I interpret this article, by necessary implication, it grants to the citizen the right to the writ of habeas corpus, in cases of capital felony as well as in cases of lesser crimes. I do not see how a Judge can lawfully refuse the writ in any case.

The Constitution overrides the statute, and, by necessary implication, renders the granting of the writ in all cases no longer discretionary with the Judge. A party charged with murder can now demand the writ as a matter of right; and having thus been brought before the Judge he is entitled to bail, unless the proof of guilt be evident, or the presumption great. If such be the proof or presumption, he is not bailable as a matter of right, but it then rests as it always has, in the discretion of the Judge. To one evidently guilty, a Judge, in the exercise of a sound discretion, should not grant bail. Where the guilt of the accused is clear the only safe and prudent course is to refuse bail. Extreme cases may and do occur where, although clearly guilty, there is yet no probability of flight, and bail may be safely granted. The risk, however, should not be taken.

Reviewing the course of our judicial decisions, and the established practice of the eminent Judges of the State who have passed away, the fact appears that what is now a constitutional enactment is in exact accord with their uniform administration of the law. In cases of capital felony they never denied the writ of habeas corpus, and yet could have refused it.

Now it seems it cannot be refused. They never refused bail to one charged with a capital felony against whom the proof of guilt was slight. Now it cannot be refused. They often refused bail to those against whom the proof was evident or the presumption great.

Our Constitution suggests that it should be so refused, although it does not deprive the Judges of this common law power to grant bail in any case. As I remarked before, the sole object of imprisonment before conviction is not the punishment of the accused, but to secure his forthcoming to stand his trial and to abide the punishment to be inflicted in case he should be convicted.

Where the punishment is death, the guilty man is prone to fly, and will not hesitate at the thought of pecuniary forfeiture, and hence the danger in admitting him to bail.

Experience, however, has taught the people of England and of this country that no definite restriction upon the matter of bail before trial can safely be laid down by the Legislature. A discretion must be lodged in the Judges, and they must be confined in not to abuse it. According to the circumstances of each case bail is to be granted or denied. But just here arises the sore trial of the Judge, and the clear demonstration of the vital importance of the coroner's inquest. If that work be well done, the Judge is greatly aided in reaching a just conclusion. He must be controlled by the testimony submitted. This consists, on behalf of the State, of the evidence given at the inquest. Rarely any other is ever submitted. How defective and unsatisfactory this ordinarily is. I spoke of it in my first article, and will not again dwell upon it here. It is enough to know that it usually consists of the loose, careless and imperfect examination of only a few of the witnesses who might be procured, and testimony of those who are examined is often very imperfectly recorded.

The case is far different in behalf of the accused. Every item of testimony available he and his counsel procure. This is carefully gotten up in the shape of affidavits with a special view not only to contradict the testimony taken at the inquest, but to go further and to build up a case of homicide in self-defence, if it happen that the deed was done in view of his fellowmen, or, in case of secret homicide, to show an alibi.

At the hearing of the application for bail, it often happens that the State is not represented, the solicitor of the circuit being unavoidably absent upon pressing official duty, or,

if present, he knows nothing of the facts of the case except what he can hastily gather from the meagre testimony furnished by the coroner.

The consequence is that the prisoner usually gets the advantage in the proof submitted, and is admitted to bail, because, after weighing the evidence, the Judge is constrained to decide that the proof of guilt is not evident, nor the presumption great. And thus it happens that in this, his first trial of strength with the law, a really guilty man achieves his first triumph in the race for liberty and life. Efficient discharge of duty on the part of the coroner would have foiled him.

I am induced just here to remark that the facility with which a defendant can procure strong and high-sounding affidavits in his behalf is greatly aided by the fact that an affidavit is by many too lightly regarded, and many of them are not affidavits at all, the affiants not having been sworn. I have been surprised to find a misunderstanding of this matter even by attorneys at law. An affidavit is a statement made under oath, reduced to writing and subscribed by the affiant in the presence of the officer administering the oath, who adds thereto the jurat or certificate. It is no affidavit unless the party subscribing it, in solemn form of law, swears to it. This he does not do by simply subscribing it. The oath must be taken just as it is sworn in a Court of Justice—I mean as formally.

A conviction for perjury could not be secured upon one out of every ten affidavits taken in this State, however false, simply because no oath is actually administered, but the so-called affiant merely subscribes his name to a written statement, which an officer certifies is sworn to, when in fact it was not. Upon a trial for perjury, this fact would be sure to be made to appear, and the defendant would be acquitted. The form of the oath is immaterial, so it is recognized by law; nevertheless, there must be an oath duly administered to constitute an affidavit; but, surprising to say, as generally practiced and popularly interpreted, an affidavit is a mere statement in writing, having the form of an oath and subscribed by the would-be affiant.

The consequence is that many of these written statements are readily procured, which would not be done if the subscriber fully understood and fully appreciated what he was doing. To correct the growing evil of reckless statements in the form of affidavits, it might be well for the Legislature to define what an affidavit is, and to prescribe a punishment for officers who fail to take them in due form. I will have something to say in the course of this review upon the growing evil of false swearing.

In my next I will enter upon the discussion of the trial and its incidents, having drawn out this article longer than an yesterday, I expected to do.

## The Charlotte Extension of the Three C's.

Colonel R. A. Johnson of the Charleston, Cincinnati and Chicago road arrived at the Central yesterday, and it is suspected that he has an eye to the extension of the Three C's from Lancaster to Charlotte. Colonel Johnson last night told a *Chronicle* reporter that the work of laying rail between Camden and Lancaster is going on rapidly. The company has just received, and put in operation some new and improved rail-laying machinery, with a capacity of two miles per day. Colonel Johnson and other officials of the Charleston, Cincinnati and Chicago Company will be ready to confer with our citizens in a few days in regard to the extension of the road to Charlotte.

## Not likely to be Misunderstood

There is this to be said for the Rev. Samuel Small—he is not likely to be misunderstood. For example, while discoursing in his own peculiar way on temperance he indulged in the following burst of eloquence:

When you go to heaven and Christ asks you what about this liquor question—how did you vote on it while on earth, and you say, "Well, I have the Chicago platform here, I took it and stuck to it." He will put you and the platform in hell together.

## The Trouble Accounted For.

Someville Journal.  
One of the odd things of life is that every man thinks he knows how to treat a woman, sail a boat, drive a horse and run a newspaper without any previous experience. That one little fact accounts for a good deal of the trouble in the world.

## SEVEN MEN TO BE HANGED.

The Sentence of the Chicago Anarchists Confirmed.

OTTAWA, ILL., September 14.—The Supreme Court this morning delivered an opinion in the Anarchist case affirming the judgment of the Court below. The execution is to take place on November 11, between 9 and 4 o'clock.

### THE SCENE IN THE COURT ROOM.

CHICAGO, September 14.—A special from Ottawa says: At 9.30 Justice Magruder began the announcement of the decision in the Anarchist case. Just before the opening of Court every one seemed to have a feeling that something was going to happen. Before the hour for convening lawyers and reporters seemed to have that feeling, and conversed with each other in subdued tones. Even Barker, the janitor, who has waited upon every Justice of the Supreme Court who has sat upon the bench at Ottawa, moved around in opening and dusting the Court-room as if he was afraid of breaking the deadly stillness that pervaded the entire building. Deputy Smith faltered, and his voice trembled as he pronounced, "Hear ye, hear ye." As the Justices filed into the Court-room, led by Chief Justice Sheldon, they appeared more dignified than ever. The Chief Justice waived his associates to their seats in a manner even more stately than his wont. His nod to the sheriff was more stiff and his "Open Court" less audible than on previous days of the term. Justice Magruder appeared flushed and nervous as he entered the Court-room, the cause of which was evidenced a few moments later when Chief Justice Sheldon turned to him, and in a voice that would have been inaudible save for the deadly stillness that pervaded the room, said: "Justice Magruder have you any announcement to make?" The flushed appearance of the Justice turned to palor, and his voice was husky as he responded:

"In the case of August Spies and others against the people of the State of Illinois, No. 59, advisement docketed."

The Chief Justice nervously turned the leaves of the Court docket to the case when the Chief Justice read the decision of the Court in the "Anarchist case." As he commenced reading he regained his composure. His voice was clear and distinct until the order fixing the death penalty and date of execution was reached, when his reading became labored, his voice husky and his manner showed that it was with the greatest emotion that he performed the duty he had been delegated by his associates to perform.

Having voiced the decision of the Court in the most celebrated case it has been called upon to decide, the Justice at once left the bench and retired to his room.

The judgment of the Court was unanimous.

The opinion makes sixty thousand words. The Anarchists had no counsel here to represent them before the Court as the decision was announced, and no steps were taken in their behalf. They have fifteen days in which to file a motion for a rehearing, and thirty days from the close of the term to file a petition in support thereof. This will not, however, act as a stay of sentence, and they will have to show very strong grounds before the Court would consent to the issue of a stay of execution until a rehearing could be had at the next term.

### THE NEWS IN CHICAGO.

CHICAGO, September 14.—The first official information that reached this city in regard to the fate of the Anarchists was a telegram from the Court clerk at Ottawa to the State's attorney's office here, saying: "Anarchist cases confirmed; execution November 11." Mr. Purcell, of the State's attorney's office, ran at once to the jail with the dispatch. Following on his heels was a messenger carrying a dispatch for August Spies that had been sent from Ottawa by an agent of the Anarchists. The turnkey, who took the dispatch to cell 29, and shoved it through the bars, lingered awhile to watch the effect it would have on Spies. The Anarchist took the message, glanced firmly at the turnkey, and then withdrew to the darker end of the cell. In two minutes or so he called to the old man who sits as death-watch outside the barred door, and asked him to hand the telegram to Parsons. From him it went to all the others, and reached Neebe who is only under sentence of imprisonment.

Newspaper men had been vigorously shut out from the condemned men and all observations had to be

taken from outside of the cage, about ten yards from the cell door. It could be dimly seen that each of the condemned men made efforts at coolness and bravado. They took seats at their cell doors and read newspapers and books; smoked cigars, and once Linn, the bomb-maker, whistled. Their wives and friends had been with them for an hour during the morning, but about thirty minutes before the news came they were all excluded and the prisoners were locked up, each alone.

Sheriff Matson had remained away from the jail. By his orders during the night the guards had all been doubled. Including the Court bailiff there were twenty of the sheriff's men on duty, ten turnkeys and guards that are on regular duty at the jail and six policemen who patrolled the alleys outside. Captain Schaack brought with him four detectives this morning, who were stationed in the jail courts. Upon Captain Schaack the protection of the jail devolved. He professes to experience no uneasiness from any attempt to break into the jail and says he has taken every precaution.

### EFFECT OF THE NEWS.

From the appearance of the streets around the jail any one could tell that some great event was going on. As the news spread citizens coastless, and some bareheaded, left their places of business and rushed toward the jail to verify the report. Among the crowd, growing thicker every moment, the blanched faces of rough looking foreigners could be seen darting hither and thither, jabbering excitedly with ugly grimaces, and clenching their fists as they talked to one another. The police would permit no loitering, and therefore the crowd kept marching up and down, discussing the all-absorbing topic.

### THE ANARCHIST'S COUNSEL.

A reporter was Capt. Black's first informant of the decision. During the moments occupied in giving the Anarchists' counsel the dreaded information his face was a study. His under jaw dropped, his right hand went up to his forehead with a lightning like jerk, and he gasped: "Is it possible? Seven men to hang?" Great as was his apparent surprise his manifestation of disappointment was greater. He said:

"The only remaining course for us to pursue is to take the case to the United States Supreme Court. I shall immediately go before the Supreme Court at Ottawa and ask for a reasonable time to prepare a certified transcript of the record for presentation to the Supreme Court at Washington. Such proceedings are rare, but I have no doubts of the Court's decision on that point."

Captain Black then rose and paced the floor with long strides, refusing to speak further.

### THE JUDGE OF THE LOWER COURT.

Judge Gary, who presided at the trial of the Anarchists, was surprised out of his usual calm reserve when the news of the decision reached him on the bench, where he was hearing another case. When assured that the report was true, he said: "Well, all I have to say is that the verdict is a just one." The venerable jurist thoughtfully passed his hand across his forehead for a moment and then resumed his occupation.

### WHAT WILL BE DONE FOR THE ANARCHISTS.

Joseph R. Buchanan, Socialist editor, who has charge of the Anarchists' defence fund, said that should the State Supreme Court refuse to grant an appeal to the United States Supreme Court, or not pass on the matter in time to have their decision act as a supersedeas before the date set for the execution of the sentence, application will be made to a Justice of the United States Supreme Court for a supersedeas. If these processes fail, an appeal to Executive clemency will be made. The petition for clemency will be presented to Governor Oglesby.

### HERR MOST IN A FRENZY.

NEW YORK, September 14.—News of the affirmation by the Supreme Court of Illinois of the decision of the lower Court, in the case of the condemned Anarchists, caused great excitement among the New York Socialists and Anarchists.

Herr Most was furious. His Anarchist paper, the *Frieiheit*, had just gone to press when the news came. The forms were ordered from the press. Most posted a notice saying he could not be interviewed until 4 p.m., and that at that hour the paper would be published containing an editorial on the matter.

Most's editorial is addressed "to the working men of all countries." He characterizes the Judges who made such a decision as infamous

and blood-thirsty fools, and the jury as corrupt. November 11 was the day set for the murder of these heroes. Capitalists wished to see blood flow to show the people that they were powerful and could do as they pleased.

Workingmen, say you, will you peaceably allow this to take place, allow the punishment of representatives who have identified themselves with such a cause, these ideals of your class? He asks that no stone be thrown to assist the condemned and says the workingmen must show their military strength.

An indignation mass meeting must be held at once and money raised to fight the battle of salvation of the martyrs.

A mass meeting will be held on next Monday night in Union Square to protest against the hanging of the condemned men.

### WHAT THE ARBEITER ZEITUNG SAYS.

CHICAGO, September 14.—The *Arbeiter Zeitung*, of which Spies was editor, in announcing the decision, says:

The Supreme Court in Ottawa, the legal instrument of the capitalistic reign, has affirmed the outrageous verdict which decided that seven of our best comrades shall suffer a death of ignominy for the cause of the laboring people and the eighth shall serve a five-year sentence in the penitentiary. We are, however, adherents of Spies and his comrades. We will not cry out for revenge at an inopportune time, but we will do everything that remains to be done.

### A Very Ripe State.

### Atlanta Constitution.

We have frequently mentioned in these columns the fact that Rhode Island is probably the ripest state to be found in the union. We have mentioned this not as a matter of news, but as a fact to be sad about. Rhode Island has no republican form of government. There is no such thing as manhood suffrage within its borders. Its citizens cannot exercise the right of suffrage unless they have a certain amount of property, but a person who is not a citizen nor even a resident of the state can be elected governor because he has money to contribute to the republican campaign fund.

Taking all these facts into consideration, there is nothing surprising in the fact that Rhode Island's divorce laws are in such a ripe condition that they are rotten. Under these laws it is possible for a woman to obtain a divorce without applying for it and without knowing that she has obtained one. In Rhode Island alone of all the states it is easier to obtain a divorce than to contract a marriage.

This is probably the opinion of Mrs. Amos F. Carpenter, who recently discovered that she had applied for a divorce from her husband and that her application had been granted. The divorce, it appears, was based on a simple request for a separation, to which her husband secured her signature by telling her that it was a paper pledging her to make no claim on his wages. When Mrs. Carpenter discovered that a divorce for which she had not applied had been granted her Carpenter was already married to another woman.

The courts have, of course, vacated the decree, but irreparable wrong has been done under color of the vicious divorce laws of Rhode Island. The young woman whom Carpenter married finds that she has never been his wife at all. It is only in Rhode Island that the law aids and abets such scoundrels as Carpenter.

### Annihilating \$10,000,000 a Month.

### Boston Bulletin.

About \$70,000,000 worth of property have been annihilated in the United States thus far in this peaceful year of our Lord 1887, not by Anarchists nor riotous strikers, but by fires alone. This country is so much the poorer and it is a very pretty sum. The prospects are that the remaining four months will swell the total draft upon the accumulations of the good people of this country to the extent of at least \$100,000,000.

### A Model Colored Farmer.

George Harris, colored, who lives a few miles from this place, does as fine farming as any man of his opportunities in this section. In 1886 with three mules he made fifty bales of cotton and corn enough to do him. This year with the same mule power he will make seventy-five bales of cotton and a fine crop of corn. In 1886 he sold nearly 400 bushels of corn besides making a splendid cotton crop.—*Abbeville Medium*.

## BELCHING FIRE AND ROCK.

The Bavispse Volcano Something Very Different from a Myth.

CITY OF MEXICO, September 13.—The exploring party sent by the Governor of the State of Sonora to visit the scene of the new volcano and the recent earthquakes near Bavispse, have returned. They report that the volcano really exists and that it is situated in Sierra Madre, thirteen miles southeast of Bavispse. At the time of their visit smoke and flame were issuing from the crater, and streams of lava and boiling water were pouring down the side of the cone and destroying every particle of vegetation which they encountered. The crater was also discharging huge rocks, which made it dangerous to approach, and enormous rents in the ground further added to the difficulty. The explorers say that the whole region presents a scene of barrenness and desolation, and bears evidences of the frightful cataclysm which convulsed it.

### Merit Bound to be Recognized.

### San Francisco Chronicle.

I was reading a long and learned article written by one of those fellows who think out things, some time ago, on the recognition of merit in this country. Recognize merit! Of course we recognize merit. We can't help it. We've got to do it. Merit gets up and whoops till you do recognize it. It's like a kid at a dinner table. It howls till it gets the lump of sugar, and then it is quiet till the sugar's gone. Do you suppose we would take any notice of merit if it didn't get up and whoop? True, there are two or three clever people whose names one very rarely sees in the newspapers. But they don't amount to much. They do clever work; they invent important machines; they make great scientific discoveries. That's all right, but generally it's only when somebody steals their ideas and practically waves them in the faces of the public that their features become manifest and then nobody ever hears of them. This is a patent medicine world, my masters! It is the man that sells corn-plasters on the corner of the street from a naphtha-lit buggy and not the chiropodist up two flights of stairs that gets the notice. It is the enterprising ignoramus who does not know that medical science has gone all through his theories and thrown them out into the dust heap, who rushes into print and persuades the masses he must be in advance of his times. The wise old physician sits in his back office and smiles. It is the fresh astronomer who is beginning ab initio who writes those wonderful theories about the stars that provoke arguments among everybody except the men who know anything about it. It is the new electrician who patents applications of electricity that were failures a century ago, only he thinks nobody ever tried them. If Galileo had never had his little troubles the magazines to-day would publish as a brilliant scientific discovery that the earth moves, and some few would refuse to credit him with the origin of it. In the days of old, people tested and proved everything before they ventured to believe it, or gave it to the world. To-day, when a fellow simply thinks a thing he can rush into print and be famous before science or art can prove what an idiot he is.

But people get on in the world, perhaps, all the better for that. Men hide their light under a bushel, but they take precious good care the bushel will take fire and burn. An article appeared in an eastern review a few months ago on an important question. It read like a very clever article, and full of valuable conclusions and information. I was talking with a gentleman who is thoroughly familiar with the question, but who does not write. I referred to this article and asked him if he had read it.

"Yes," he said, "I read it. There's only one objection to it. All his facts are wrong."

### Two White Women Convicted of Marrying Colored Men.

CHESTERFIELD, September 6.—Court convened here yesterday morning. Judge Kershaw presiding.

Two cases were tried to-day that created quite a sensation. Two white women were indicted for marrying negroes. The men had both run away to escape arrest. The women employed colored lawyers from Cheraw and were both convicted and sent to jail to await the sentence of the Court. The jurors of this county are determined to put down this class of crime.

### A Dyspeptic Western View.

### Minneapolis Journal.

The crust of our civilization is terribly thin. It is under constant strain from the forces of barbarism below, and is incessantly rent here and there by some volcanic outburst of crime. Lust and greed are the motives of barbarism. Violence is its method. Law and its agencies seek to subject the desires of the individual in the just claims of all. But law is slow. Individual desire is keen, and violent action is rapid. Especially in our teeming cities there are swarms of men who belong in the dark ages. The enlightenment of our day seems only to quicken their intelligence without touching their moral sense, and thus merely makes them more dangerous savages.

It is not generally known that in Ethiopia a people numbering about 200,000 have the Old Testament in Ethiopic version and still adhere strictly to the Mosaic ceremonies and laws. They are the children of Hebrew immigrants who in the time of the great dispersion settled in Abyssinia and married wives of that nation.

## History in a Nutshell.

Philadelphia Press.

The federal constitution has four different dates fixing its adoption and ratification, its going into effect and the organization of a government under it. They are all worth remembering now.

September 17, 1787, the constitution was "done in convention by the unanimous consent of the States present." George Washington signing first for Virginia's president of the convention. This step is celebrated this week, and it needed to be followed by the ratification of nine States before a government could be organized.

June 21, 1788, the last of these nine States needed to put the "New roof" of the constitution over the land, as the phrase then ran, ratified the constitution and it became the law of the land as far as these States were concerned. This the event whose celebration in this city, July 4, 1788, was described in the *Sunday Press*.

March 4, 1789, the first Wednesday of March, the constitution became "practically operative." The supreme court was called upon to pass on this question (*Owings vs. Speed*, 5 *Wheaton* 42), and it decided that while the constitution was adopted September 17, 1787, and was ratified June 21, 1788, yet these acts were only preliminary and preparatory to the creation of a government whose effective operation under the constitution began only with the date set for its organization.

April 30, 1789, General Washington was inaugurated as the first president, and the government, which went into effect, March 4, or nearly two months before, was set in motion with two of its departments, executive and legislative, complete. The judiciary was not organized until after the approval of the act of September 24, 1789, creating the supreme court.

### A Dead Letter Law.

### Laurens Advertiser.

Nothing shows more plainly that we have too much legislation, than the fact that we have laws on our statute books that are totally disregarded. It is the duty of the State to uphold her Courts, to uphold the administration of justice; and to enforce every Act of the legislature to the letter. When a law is continually disregarded, something is wrong either in the law itself or those whose duty it is to take the initiative step in enforcing it.

To the quiet, honest, civilized citizens, it is a matter of the greatest wonder, to find respectable people in this country who go about from day to day, armed *cap-a-pie* more after the manner of highwaymen, or midnight marauders, than peace-loving citizens of South Carolina, especially when there is a penal statute forbidding the carrying of concealed weapons.

A few days ago a "mad dog" made a run across the public square, in this town, and in less than thirty seconds, not less than half a dozen pistols were drawn from the hip-pockets of those in reach of the vexed canine.

What effort is made anywhere in this State to enforce this law. Never is there a case reported, unless the prosecutor happens to have a grudge against some one, whom he cannot reach otherwise. If the law is enforced so far as to have any appreciable effect, it is a good one, but otherwise, it is very bad, in that it places law abiding men at the mercy of the lawless.

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