

SCSL Digital Collections

Message of Benjamin R. Tillman, Governor, to the General Assembly of South Carolina, at the regular session, beginning Tuesday, November 22, 1892

Item Type	Text
Publisher	South Carolina State Library
Rights	Public Domain. For more information contact, South Carolina State Library, 1500 Senate Street, Columbia, South Carolina 29201.
Download date	2024-11-17 08:20:40
Link to Item	http://hdl.handle.net/10827/637

MESSAGE

OF

BENJAMIN R. TILLMAN,

GOVERNOR,

TO THE

GENERAL ASSEMBLY

OF

SOUTH CAROLINA,

AT THE

Regular Session, Beginning Tuesday, November 22,
1892.

COLUMBIA, S. C.

CHARLES A. CALVO, JR., STATE PRINTER.

1892.

MESSAGE.

Gentlemen of the General Assembly :

While the Reports of the officers in charge of the different departments of the government will convey to you full information as to the State and its various departments and institutions, it has been the custom for the Governor to condense and marshal the most salient features of these different Reports, so as to give a bird's-eye view of the situation. As the head of the government, with the duty imposed on him of exercising a general supervision of its entire machinery, it is proper that this should be done, the more so because the Message of the Governor is given extended circulation through the newspapers, which is not the case with the departmental Reports.

THE TREASURY.

Notwithstanding the reduction in the tax levy by the preceding Legislature and a further falling off in the phosphate royalty, all claims against the State of every character have been promptly met and there is a small cash balance to the credit of the general fund. The following tables from the Report of the State Treasurer will indicate clearly the condition of our finances :

[*Abstract.*]

CASH LIABILITIES 31st OCTOBER, 1892.

Interest due and not called for	\$177,880 73	
Interest from 1st January, 1880, to 1st July, 1892, on \$268,288 15 Brown Consols liable to be issued for valid principal of and interest on old bonds not yet consolidated :		}
Balance of appropriation therefor	\$ 88,572 78	
Not specifically appropriated	112,643 33	
		201,216 11
Sinking Fund Commission	36,861 34	
Direct Tax Fund	60,623 70	
Morrill Fund	66,000 00	
Balances Appropriations Unpaid, say	70,000 00	
Special Accounts	8,808 03	
		\$621,389 21
CASH ASSETS 31st OCTOBER, 1892.		
General Account	\$29,455 83	
Sinking Fund Commission	36,861 34	
Privilege Tax on Fertilizers	320 00	
Department Agriculture	1,114 52	
Redemption Deficiencies	998 97	
Escheated Estates (cash)	2,729 73	
Downer Fund	864 95	
Direct Tax Fund	60,623 70	
Morrill Fund	66,000 00	
Clemson Bequest Cash Account	2,779 86	
		201,748 90
Net cash liability 1st November, 1892		\$419,641 01

TOTAL LIABILITIES NOVEMBER 1st, 1892.

Cash Liabilities		\$621,389 91
Liabilities other than cash (Bond Debt):		
Brown Consols.....	\$5,403,662 21	
Green Consols, face value.....	528,627 00	
Blue 4½ Per Cents.....	400,000 00	
Brown 4 Per Cents.....	33,726 57	
Agricultural College Scrip.....	191,800 00	
Deficiency Stock outstanding.....	717 72	
Bonds and Stock (principal with interest to 1st January, 1880), \$552,584.45, fundable at 50 per cent. in Brown Consols bearing interest from 1st January, 1880, less estimated invalidity, &c....	268,288 15	
	\$6,826,821 65	
Less <i>invalidity</i> in the Green Consols.....	420,215 65	6,406,606 00
Cash Assets November 1st, 1892.....		\$7,027,995 91
		201,748 90
Net Liabilities November 1st, 1892.....		\$6,826,247 01

[Abstract.]

REVENUE AND RECEIPTS FOR YEAR ENDING OCTOBER 31st, 1892.

Taxes for 1890, 1891, and back taxes.....	\$743,859 89
Phosphate Royalty.....	152,286 40
Privilege Tax on Fertilizers.....	36,108 98
Sinking Fund Commissioners.....	6,500 00
Railroad Assessment for Railroad Commissioners.....	7,897 86
Fees of Office of Secretary of State.....	1,406 34
Insurance License Fees.....	5,650 00
Special Funds.....	19,149 45
Direct Tax Fund received from United States Government.....	221,711 26
Morrill Fund received from United States Government.....	66,000 00
Other Sources.....	1,662 26
Total.....	\$1,262,173 44
Balance Cash October 31st, 1891.....	64,615 02
Total.....	\$1,326,787 46

EXPENDITURES FOR YEAR ENDING OCTOBER 31st, 1892.

Legislative Expenses.....	\$ 42,538 19
Public Printing.....	31,536 88
Educational, Charitable, Penal and Sanitary Institutions and Expenses.....	197,855 13
Clemson Agricultural College.....	45,951 74
Pensions.....	51,528 92
Sinking Fund Commission Warrants.....	649 00
Interest on Public Debt and Expenses.....	357,039 37
Refund Taxes.....	8,388 61
Maintaining Militia 1890-91 and 1891-92.....	20,000 00
Redemption Brown Consols Expenses.....	818 05
Direct Tax Claims, Act 1884.....	5,680 59
Direct Tax Fund, including a warrant refunded.....	162,280 99
Department of Agriculture.....	12 28
Contingent Funds, Stationery and Stamps, Executive Officers.....	6,671 23
Salaries.....	149,767 12
On other accounts.....	44,920 46
Total.....	\$1,125,088 56
Balance Cash October 31st, 1892.....	201,748 94
Total.....	\$1,326,787 46

There is a large increase in the aggregate receipts for the fiscal year ending October 31, by reason of the money paid into the Treasury by the United States Government on behalf of the Direct Tax claimants and the Morrill Fund. This fund, coming from the same source, belongs to our two Agricultural Colleges at Orangeburg and Fort Hill, and the two constitute the bulk of the cash balance on hand. I would direct your attention, also, to the item of \$177,880 for past due interest which may be called for at any moment. It is altogether probable, and in fact almost certain, that this interest will have to be met during the coming year by reason of the refunding of the State debt. I call your attention to the matter because it will be necessary to make some provision therefor. We have been running the government for the last few years on an exceedingly narrow margin—too narrow for safety, and it will be risking a great deal to continue in that line. In regard to the refunding of the debt, which falls due next July, nothing has been done under the present Act, which allows the old bonds to be exchanged for new bonds bearing four per cent. interest. Negotiations are now pending looking to an adjustment of the debt, and I hope to be able to present during the next week a scheme which will meet your approval.

The State Railroad Board of Equalization last year increased the assessments of the railroads from \$17,905,014 to \$26,065,890. This increase has been resisted by the roads and suits are now pending in the United States Court to enforce the collection of this increase of taxes. The cases will be heard in January, and if, as we confidently expect, the justice of the State's action shall be sustained, there will be a sum amounting to about \$35,000 going to increase the money in the Treasury.

The Report of the Comptroller-General shows the total valuation of the property of the State to be \$168,871,227, a very slight increase over last year; and, considering the depressed condition of our agricultural interests and the low price of our staple crop, this is a satisfactory showing. The efforts of the Comptroller to have property in the State listed and assessed in accordance with the laws have been largely frustrated by the action of our Courts, and I will call attention to this matter in another place. Some amendments to the Statutes in regard to the assessments and levying of taxes are needed, and some declaratory Statutes are suggested by the Attorney-General, which I hope your honorable bodies will consider favorably.

The following table shows the assessment for taxation during the last sixteen years, since the white people have been in control :

TOTAL TAXABLE PROPERTY OF SOUTH CAROLINA.

1876-1877.....	\$135,856,009
1877-1878.....	135,284,046
1878-1879.....	129,314,737
1879-1880.....	123,019,000
1880-1881.....	129,519,825
1881-1882.....	136,487,362
1882-1883.....	145,442,292
1883-1884.....	150,609,304
1884-1885.....	149,727,609
1885-1886.....	144,501,184
1886-1887.....	141,070,347
1887-1888.....	141,986,154
1888-1889.....	145,420,016
1889-1890.....	150,602,451
1890-1891.....	168,262,669
1891-1892.....	168,871,227

It is not a good showing, and indicates that we are a very improvident and non-progressive people, or else that there is a large amount of property which escapes taxation or is undervalued for taxation. Our sister State of Georgia, during the same period, with a like climate and like soil and no greater natural advantages, shows an increase of assessed values of \$228,000,000. It was \$235,000,000 in 1877 and is now \$463,000,000. No sane man will claim that the average South Carolina County is not as prosperous as the average Georgia County, and that there has not been a like increase of wealth on this side of the Savannah River. The explanation is not far to seek. We have a Constitutional tax of two mills for school purposes, and, while our free schools are not supported as liberally as they should be, the disinclination of the people to increase the free school fund, under present conditions, has kept property at a valuation of about one-half its selling price. The property of the State, if assessed according to law, would approximate three hundred millions. This would double the school fund, while it would reduce the tax levy for the State from about 5 mills to $2\frac{1}{2}$ mills. The efforts of the Comptroller to execute the laws governing assessments have been largely paralyzed by the fact that real estate was assessed on the present basis in 1890 and cannot be touched for reassessment until 1894, unless the General

Assembly should authorize it. Had this been done last year, as was advised by both the Comptroller-General and myself, it would have greatly facilitated the refunding of the bonds; for one of the first questions asked by capitalists is as to the State's valuation for taxation; and the fact that during the past sixteen years there has been an apparent increase of our property of only \$33,015,218 has created false impressions abroad as to the thrift and prosperity of the State. In providing, as I hope will be done, a new system for the assessment of property, I trust that every species of property in the State will be subjected to the same rule and every effort made to prevent tax dodging, which is now too prevalent. I will repeat here what I had to say on this subject in my last Annual Message, as I have seen no reason to change the views set forth therein :

“The office of County Commissioner should be abolished, and in place of it a government by townships substituted. Three intelligent men in each township, elected by the voters thereof, should be entrusted with the management of the roads and bridges, schools, and assessment of property in the same. The Chairmen of these local Boards should constitute a County Board to manage the County finances, audit accounts and order expenditures. The salaries, if any, paid these Township Commissioners, or Selectmen, can be determined by the voters or fixed by law. The Constitution can be changed to abolish the office of County School Commissioner, and these changes will inevitably result in a great saving to each County, while there will be a corresponding increase in efficiency. Property will be assessed at its real value, and millions now hidden will be made to pay their share of taxes. This County Board should also constitute the County Board of Equalization, instead of being appointed as at present by the Auditor.

“In this connection I suggest the propriety of requiring all notes, &c., to be stamped by the County Auditor and placed on tax books to make them collectible by law. Make the note shaver or lender pay taxes as well as the land owner whose property stands in his name, while he perhaps owes as much as it is worth.”

THE LUNATIC ASYLUM.

The condition of this institution, as far as the conduct of its affairs is concerned, is all that could be desired; but I would again call your attention to the fact that there are changes needed in the laws governing the admission of patients, so as to prevent the State's charity being abused. The Regents have asked for an appropriation of \$20,000 to enlarge the Asylum so as to meet the demands made upon it. The

Superintendent calls attention to the overflowing condition of the institution and the necessity for either changing the laws governing admission or of increasing the accommodations. The Asylum has a large number of patients who more properly belong in the County Poor Houses, and the General Assembly has the choice of either making an appropriation for its enlargement or a change in the law which would prevent this abuse. If each County be required to pay for its own patients, and the Superintendent be given the power to examine into the fitness and needs of applicants for admission, this class of patients will be sent where they properly belong. There will be no need for an increase of buildings and the institution can amply provide for all who properly belong there for many years to come.

The number of patients under treatment at present is 764. The total income of the institution from all sources has been \$115,385.57, and the expenditures have been \$112,371.73.

From personal inspection and familiarity with the Asylum and its management, the State is to be congratulated upon having two such officers as Superintendent Babcock and Mr. J. W. Bunch, Steward and Treasurer; and the Regents have been untiring in their efforts to have the institution reach the highest degree of efficiency and economy.

THE PENITENTIARY.

The number of convicts in the Penitentiary at present is 900, an increase of 107 as compared with last year. A copy of the financial statement is appended, showing the operations of the institution during the year.

STATEMENT OF CASH RECEIVED AND DISBURSED AT SOUTH CAROLINA PENITENTIARY DURING THE PERIOD BEGINNING NOVEMBER 1ST, 1891, AND ENDING OCTOBER 31ST, 1892.

RECEIPTS.	
To cash balance on hand 31st October, 1891	\$ 8,436 95
To amount received for convict hire	39,681 83
Sales cotton and other farm products	19,326 16
Sales sundries at prison	2,340 14
Sundry fines, stoppages, &c	1,841 40
Visitors' fees.	459 20
Transportation new convicts.	2,905 73
	<hr/>
	\$75,081 41
Assets: Cash on hand.	\$14,125 48
Due by sundry contractors for convict hire	2,823 71
Estimated value of unsold farm produce.	19,401 17
	<hr/>
Total	\$36,350 36

DISBURSEMENTS.

By amounts paid as per itemized statements—

Pay rolls—Prison, farms and other camps	\$14,372 20
Subsistence	17,169 87
Shoes.	2,647 46
Clothing.	2,334 93
Board of Directors	1,600 93
Hospital supplies	338 98
Transportation new convicts	2,995 73
Transportation discharged convicts.	932 80
Clemson College pay rolls and expenses	3,221 21
Payment on DeSaussure farm	5,000 00
Sundry bills for DeSaussure farm.	2,812 05
1891 guano account.	1,354 60
Material and supplies for water wheel well.	392 20
Incidental expenses—wood, coal, &c.	5,782 97
Balance cash on hand.	14,125 48
	<hr/>
	\$75,051 41

The expenses of the DeSaussure farm have been as above \$2,812 05
 In addition to which the value of clothing, &c., sent there has been. 985 01

Making a total cost of \$3,797 06

While the yield of cotton on the State farms has been small and much of it has been sold at a low price, an abundance of corn has been raised. The third installment has been paid on the State farm, which was purchased in 1890, and is being rapidly put in a high state of cultivation. The policy hitherto pursued of working on shares in the Congaree bottoms with Messrs. Seegers and others has been discontinued, and the convicts are now being hired out at a fixed rate. The 500 horse-power which the State reserved when it donated the canal to the city of Columbia has been developed under lease to the Columbia Electric Light and Railway Company at a rental of \$2,500 per annum, with a reservation of 100 horse-power for the use of the State whenever it may need it at a similar rate.

EDUCATION.

The Report of the Superintendent of Education shows that the free schools of the State are in as satisfactory condition as we can ever expect them to be under existing laws.

There are some radical defects in the system, and it will have to be remodeled and an increased amount of money provided if the schools are to answer the requirements and our children not grow up in ignorance. My views on this subject are so well known, and the discussion of the matter has been so general, that I do not deem it necessary to repeat them at length here. I would only say that, in my judgment, the State can furnish education of a proper kind and quantity cheaper

than it can be done through private effort, and we owe it to ourselves to put forth every energy towards perfecting the system. The present system is a humbug, and totally inadequate for the purposes designed. The Report of the State Superintendent of Education, who is a painstaking and zealous officer, shows a decreased attendance of pupils last year as compared with the previous year, amounting to 2,810, but, from extended and intimate association with the people in every County during the last Summer, I know that there is widespread and deep interest on the subject of education, and that the General Assembly will merit and receive the approbation of the masses in anything they may do to give us better schools. The times are stringent and money very scarce, but along this line all necessary increase of taxation will be cheerfully borne, provided the schools are run sufficiently long and proper teachers are provided.

THE SOUTH CAROLINA COLLEGE,

This institution, which has been in existence for nearly one hundred years, and has been the head of our educational system, is not in a satisfactory condition. The attempt to make of it a University some years ago had failed dismally, although there was an attendance of 226 students in 1889-90. The last Legislature ordered the discontinuance of the school as a University, and the organization, instead, of a first class literary, classical and scientific College. It was natural, and expected, that the transition would cause a falling off in the attendance, and at the close of the collegiate year in June, 1892, the number had decreased to 98. It was hoped and expected by the Trustees that with the opening of the College in September there would be an increase of students, but we have been disappointed, and find that there are now only seventy in attendance. There are several causes which have produced this result, and I will briefly outline some of them. There is great financial stringency among our people by reason of the low price of cotton, and the inability to bear the expense has caused a falling off in the patronage of all the colleges. But the small attendance at this College may be ascribed almost wholly to the political and social antagonisms which exist in the State. The College is located at the Capital, the people of which are bitterly opposed to the present administration, though it was put in office by an overwhelming majority on issues, the principal of which was what should constitute our system of higher education. The old idea was in favor of literary and classical culture, at an expense too great for any but rich men's sons. The new idea is to provide cheaply a thorough English education, with a practical knowledge and application of science to agriculture and the mechanic arts along

industrial lines. There is need of both and room for both schemes. Clemson College embodies the one and the South Carolina College the other. They will not compete with each other, and there should be no antagonism between them; and, certainly, Clemson not having yet opened there is no falling off in the attendance at the South Carolina College on that account. But the adherents of the old *regime* have largely withdrawn their patronage from the College because they could not have their way in controlling it, and the County of Charleston, which has always supported the College zealously, has at this time no student within its walls. The adherents of the new order of things, while paying taxes to maintain the school cheerfully, and indicating their intention and purpose, in no uncertain manner, to sustain it liberally, have felt no inclination to patronize it because of the inhospitable atmosphere surrounding it. Another thing: there is competition between the College and the denominational institutions at Greenville, Spartanburg, Newberry and Due West, to which schools the Reformers of the State are sending their sons in preference to sending them here; and this will continue as long as the present conditions of social and political antagonism exist in Columbia. The wealthier class of boys from both political elements are being sent out of the State to Harvard, Yale, Princeton and the University of Virginia. The competition and consequent unfriendliness of the denominational colleges to the South Carolina College can be gotten rid of in only one way, and that is to make this College so much better and higher in its requirements and facilities for teaching, that their students will seek its walls to complete their education, and when this is done the incentive for young men to go abroad will no longer exist. Factional feeling must sooner or later pass away or it will wear itself out, if the good sense and community of interest of our people do not frown upon and destroy it. The broad and patriotic view, then, to take of the situation is to give the school all the money it needs, and leave time, the physician, to restore it to health and vigor. The pledges given by the March Convention of 1890 must be sacredly kept, and the friends of Clemson College continue to give a cheerful support to the South Carolina College. The Trustees are keenly alive to the responsibility resting on them, and, with your co-operation, we confidently expect to see the College, ere long, occupying its wonted place in the affection and confidence of every Carolinian, because it furnishes an education such as no other college in the State can give.

CLEMSON COLLEGE.

As a member of the Board of Trustees, under the will of Mr. Clem-

son, I am thoroughly informed as to the condition and prospects of Clemson College. The original purpose of the Trustees was to build and equip a college for the accommodation of not exceeding 250 students, but the popularity of the idea of industrial training caused such a large number of applications to be made for admission that the Board felt constrained to enlarge the whole plant, and we are preparing room for 600. The claim was made by myself and others, and it was generally understood by the people, that with the privilege tax, formerly expended by the Agricultural Department; and with the funds donated by the United States Government, known as the Hatch, the Morrill, and the Land Scrip funds, the College could be built and run without taxation. The expectation of the Board was that this could be done in two years, and I so stated in my last Message; but at the end of the second year we find ourselves constrained to ask the help of the Legislature for money to complete the buildings and give us a partial equipment so as to open the College next Spring. After careful and thorough investigation into the kind of work remaining to be done, and of the needs of the institution, I am of the opinion that if the Legislature will give us forty thousand dollars the school can be opened by the first of May, and there would be sufficient funds to run it the balance of the year. The Board of Trustees ask for fifty thousand dollars, and I am free to admit that if that sum is appropriated the equipment would be much more commensurate with the requirements of the institution. As an explanation of the failure on the part of the Board to redeem its promise that the school would be completed in two years without taxation, I would direct attention to the fact that this year there was a falling off in the amount received from the privilege tax of \$20,000. It was estimated that the sale of Agricultural Hall would add to its revenues, but the property has not been sold. The lowest estimate placed on that property was \$20,000, and the two together make a deficit of \$40,000 in our income. The Board therefore has not deceived the people, for their promises would have been kept had this money been available. In asking the State to make it up to us, we only have at heart the best interest of the institution and of the large number of boys and young men, nearly a thousand, who are awaiting the opening of its portals. The Report of the President of the Board will give full details as to the progress of the work and the scope of the institution.

THE CITADEL ACADEMY.

On the 14th day of March last the central or main building of the Citadel Academy was almost wholly destroyed by fire. The property

was fully insured, and the question which presented itself to me was whether it should be left in this condition, subject to further injury by reason of exposure to the weather, or I should arrange for its being restored. I decided at once, both in the interest of the school and as a matter of economy, in the preservation of the State's property, that it was better to rebuild without waiting till action could be had by the General Assembly. Had the insurance money been paid into the Treasury there was no authority of law to use it, and besides I did not like to assume the responsibility of deciding how much of the insurance money was due the State. The insurance companies then proposed to restore the building rather than pay the whole of the insurance, and the matter was adjusted on this basis. Desiring to see that the work was thoroughly done, I appointed as the agent of the State to supervise the contract Major C. S. Gadsden, a resident member of the Board of Visitors. There was no fund out of which to pay him for this service, but he cheerfully undertook it as a labor of love, and gave much valuable time to the work. Advantage was taken of the opportunity offered, as far as it could be done, to modernize and add many new and valuable features to the reconstructed building; and the institution is now in perfect condition and far better adapted to the purposes of the school than it was before the fire. Major Gadsden's report is on file in my office, together with all the vouchers and papers connected with the matter, and it affords me pleasure to testify to the thorough and business-like way in which he discharged the responsible duty imposed on him.

The attendance at the school is satisfactory, 137 students having matriculated at the beginning of the present session. There is considerable complaint of favoritism and abuse of the purposes of the school as intended for poor boys only; and though the Board of Visitors appear to have exercised every precaution, such things are inseparable from an institution of this kind and their prevention almost impossible. Owing to the better advantages offered to boys living in or near the towns of the State in attending good schools, the country boys are at a disadvantage in a competitive examination, and the prize of a cadetship in this institution, which is worth \$1,200, rarely goes to them. It would appear, too, that to broaden the school and to increase its usefulness it would be better to double the number of beneficiaries, allowing for each \$150 a year instead of \$300, and by reducing, if possible, the cost per capita, enable a greater number to receive the advantages of this noble beneficence, any deficit to be paid by the students themselves. Then if, as I hope, the public free schools shall attain that degree of excellence which alone will entitle

them to longer existence, these cadetships could be open to poor boys as prizes to be contended for, and awarded under the auspices of the County Teachers' Associations. The ambition of teachers and students both would thus be stimulated, the boys to get the places and the teachers to have their students to get them. And we would certainly be rid of the complaints now coming from many quarters that the town-school boys are receiving nearly all the benefit of this charity, and that, too, when they are not entitled to it.

It is not always the brightest boy or the one capable of the greatest mental cultivation who answers the questions best at the examinations, for it is frequently only a difference of opportunity.

If a certificate, under oath of the three township assessors where the applicant resides were required, of the inability of the boy or his relatives to pay for his education, it would largely do away with the complaints which are made about boys who are able to pay their way getting the appointments. What the State wants, and what was contemplated when the Citadel was founded, was to take the brightest youths among the poorer classes and give them a practical education. The welfare and popularity of the school will depend on this scheme being honestly carried out and the elimination of the abuses which now certainly exist. If these recommendations meet your approval, in the Counties where no teachers' associations exist, the conduct of the examinations and the investigation as to property, &c., could be placed in charge of the members of the General Assembly, who, for political reasons, if for no other, would endeavor to see the law properly enforced.

THE WINTHROP SCHOOL.

This institution, which is still being conducted in the city of Columbia, is in a most flourishing and satisfactory condition and doing admirable work. The Act passed at the last session of the General Assembly founding an industrial college for girls in conjunction with a normal school has resulted in nothing up to this time. The city of Anderson was the highest bidder and offered seventy-five thousand dollars. Before issuing and delivering the bonds it was found that this debt, in addition to what the city owed, exceeded by a small amount the eight per cent. limit prescribed by the Constitution; and to leave no shadow on the validity of the bonds a friendly lawsuit was begun and argued last April in the Supreme Court to have the questions involved passed upon. The decision of that tribunal has just been made public, and, as it is against the validity, the Board of Trustees will have to reopen the bids for the location of the college. Had the Court

favored us with its decision sooner, which we had a right to expect in so important a matter, the school would have been thrown open to competition of other places and at this time would have been far on the way to completion.

The Hon. Robert C. Winthrop, President of the Peabody Board, whose honored name the school bears, has always taken the deepest interest in its welfare. On his account, as well as because we have a well founded hope that when the Peabody Fund is distributed this school will receive a large endowment, it is a matter of deep concern to every person interested in female education and in normal training, that this important branch of our educational system shall have a permanent and suitable foundation of its own ; and we will hope that when your honorable body again assembles this will have been accomplished.

THE INSTITUTE FOR THE DEAF, THE DUMB AND THE BLIND.

There is yet another State institution which, while it does not furnish higher education, occupies an important place in our school system, and appeals strongly to the sympathy and kindly feeling of every citizen. It is the Institute at Cedar Spring, Spartanburg County, where those unfortunate children, who are deficient in one or more of the senses, receive their training. I always recall with pleasure my visit to this school last year, when I made a thorough inspection of it, and became satisfied that, under the admirable management of the Superintendent, Mr. N. F. Walker, and his noble wife, the money that had been given was made to accomplish wonders, and that there is nothing to be desired in that direction. While the ordinary supposition would be that it was a gloomy and sad place, I found it in reality a home, full of bright faces and happy hearts. The increase in the number of students has been considerable, requiring a corresponding increase in the maintenance fund, and I feel that I can confidently rely on the General Assembly to give all that is asked, for its past management is a guarantee of the money being spent to the very best advantage.

CLAFLIN UNIVERSITY.

Last but not least among the State's institutions of higher education is Clafin College, situated at Orangeburg. This is conceded to be one of the best Colored Colleges in the South. There are over six hundred students in attendance, and the colored youths of both sexes are being trained here in almost every industrial and mechanic art, while receiving a good English education. The Trustees of the South Carolina

University, of which this school is a branch, at the request of Dr. Dunton, its President, have appropriated a large part of the one-half of the Morrill fund, which belongs to this College, to an increase in the force of teachers and the purchase of much-needed machinery and other things necessary for its better equipment. Owing to the accumulation of four installments of this fund, caused by the obstinacy of the Secretary of the Interior at Washington, who refused to pay the money to the State until forced to do so by Congress, and the fact that another installment of \$9,500 will be coming to Claflin on the 1st of July next, there is more money in sight than the school can economically use in one year. But as the donation of the Morrill fund depends upon the State's continuing out of its own funds to give it support, there must be an appropriation of some amount.

THE ASSESSMENT OF PROPERTY.

The questions of the assessment of property and the proper control of railroads and other corporations are of deep concern to the people; and these questions have excited much thought and interest by reason of the litigation which has been forced on the State during the last two years. The power to levy and collect taxes lies at the very root of government; so much so, that the very existence of constitutional government may be said to depend upon it. Hence, in all written Constitutions and Statutes this power is conferred and its exercise jealously guarded.

In all free governments the object is to make the taxes equal and to have all species of property share alike in bearing the burden; and our laws have wisely and properly provided adequate remedies, equally for the State or for any of its citizens when injustice has been done, or inequality shown. But, as the duty of collecting taxes is imposed on the Executive Department, there is a strict prohibition against interference by the Judiciary, except under plain limitations and in clearly defined ways.

The Legislative branch of the government enacts; the Judiciary interprets; the Executive enforces and carries out the laws. They are co-ordinate and co-equal; but it was never contemplated that the Judiciary should annul a law simply by a decision which is clearly wrong, or override the Executive branch by usurpation of authority which is forbidden. They have their separate places and functions, and should be kept in them. The Legislature can protect itself from encroachment; but the Executive has no remedy other than appeal to the representatives of the people.

While it is to be supposed that all branches of the government will

labor in concert to see that the laws are properly interpreted and executed, it is natural that there should be difference of opinion in these matters; and it is not impossible that favoritism and prejudice may exist in some of the departments. But, after the Legislative branch of the government has ordered a levy and given plain instructions as to the methods of assessment, and the Executive branch has loyally and in good faith set in motion the machinery provided for the collection of taxes, the Judiciary is sternly forbidden to interfere by summary process, and the only remedy for improper or undue assessment is that the taxpayer shall pay under protest and then recover by a suit at law. I do not deem it necessary to quote at length from our Statutes to show the correctness of this synopsis, but will give brief extracts when necessary.

In the discharge of his duty as the State's fiscal officer, the Comptroller-General issued general instructions to the Auditors in regard to the assessment of property last year, calling attention specially to the requirements of the Statutes, that "all property shall be valued for taxation at its true value in money," which is declared to be "the usual selling price on the usual terms of similar property at administrators' or executors' sales;" and in the case of real estate at "sales for partition under the order of Court." His efforts were directed towards having all property honestly assessed as thus clearly provided; but no reassessment of real estate being possible under the law until the four years had expired since the last assessment—in 1890—and knowing that it would be a labor of years to have this Statute enforced as to all species of property, when it came to the Comptroller-General's knowledge that some of the banks were not returning their surplus, and that other property was not assessed in accordance with these provisions, *i. e.*, the usual selling price or real value, the attention of the Auditors was called to Section 239, G. S., which I will quote in full:

"SECTION 239. If the County Auditor shall suspect or be informed that any person or persons, corporation or company, has evaded making a return, or made a false return, of his, her or their property for taxation, or have, or has, not made a full return, or that the valuation returned is less than it should have been, according to the rules prescribed by this Chapter, *it shall be his duty at any time before the settlement with the Treasurer for the year*, to notify such party to appear before him at his office at a time fixed in said notice, together with such other person or persons as said Auditor may desire to examine, and the party, together with any witness called, shall be examined by said Auditor under oath (which oath said Auditor is authorized to administer) touching the personal property and the

value thereof of such party and everything which may tend to evince the true amount such party should have returned for taxation."

In the County of Newberry the Auditor, under the authority of this Section, raised the assessment of the Bank of Newberry, which the sworn report of its officers showed to be worth \$309,000, and had been returned at \$150,000, to \$240,000, but the Auditor neglected to comply with the provisions of the law which required him to summon the parties in interest and take testimony under oath. After the books were made up, the taxes entered and the duplicate in the hands of the Treasurer, application was made to a Circuit Judge for a *mandamus* to require the Auditor to restore the assessment to the original figures as passed on by the Equalization Board, and this writ was granted.

In the County of Marlboro a similar case occurred—except that in that County every requirement of the Statute had been met—testimony taken and the property assessed at its "true value in money," as shown by that testimony. Here, again, the Court was appealed to and a similar writ issued by the same Judge. The cases were appealed to the Supreme Court, and that Court sustained the Circuit Judge in the exercise of the power of issuing summary process, the Supreme Court holding that our Statutes on taxation must be construed as a whole, and that after the Equalization Board had passed upon the return of property the Comptroller-General and Auditor are debarred from any further action. Now Section 239, quoted above, expressly provides that "the Auditor, at any time before the settlement with the Treasurer for the year," shall have power to hunt up property that has evaded taxation or been assessed too low. And Section 268 provides how parties, who conceive that they have been unjustly or illegally taxed, shall make payment under protest and bring an action in the Court of Common Pleas against the Treasurer for recovery. And Section 269 expressly, and in peremptory language, forbade the Judge, in the first instance, to issue such writ, and declares what is the only remedy under those circumstances. That Section reads as follows:

"SECTION 269. There shall be no other remedy in any case of the illegal or wrongful collection of taxes or attempt to collect taxes *
* * * than that herein provided; * * * and no writ, order or process of any kind whatsoever staying or preventing any officer of the State charged with a duty in the collection of taxes from taking any step or proceeding in the collection of any tax, whether such tax is legally due or not, shall in any case be granted by any Court or the Judge of any Court; but in all cases whatsoever the person against whom any taxes shall stand charged upon the books of the County Treasurer shall be required to pay the same in such funds and

moneys as the said County Treasurer shall be authorized to receive by the Act of the General Assembly levying the said taxes in manner and form as above provided, and thereupon shall have his remedy under the provisions of the next preceding Section."

Further : Section 171 declares that "the collection of taxes shall not be stayed or prevented by any injunction, writ or order issued by any Court or Judge thereof." Now, the question presented to you is not whether there was any inequality or injustice in the action of the Auditors in these two cases. It is not whether the Comptroller-General has transcended his power, but it is whether the Judges of South Carolina shall interfere with a co-ordinate branch of the government, when they are strictly prohibited by law from so doing. It is idle to deny the proposition that the Comptroller-General, the Auditor and the Treasurer are all "officers of the State charged with a duty in the collection of taxes," as set forth in Section 269. There can be no collection until the property is assessed and the duplicates made up by the Auditor, and to quibble and split hairs and exercise power forbidden, upon the ground that the Auditor is not "an officer charged with a duty in the collection of taxes," is merely trifling with the common sense of the people. The banks had their remedy, namely, paying under protest and recovering by suit ; and the method which they successfully adopted to evade an appeal to a jury only emphasizes the danger, which is becoming to be recognized throughout this Union, from corporations and the power of money ; and the further danger which lies in the gradual absorption and usurpation of power by the judiciary, State and Federal. It is a notorious fact that the claims set up, and exercised, unquestioned by the Judges of the United States Courts, and the protection thrown around corporations by these Courts, are to-day the greatest menace to American liberty. The executive and legislative branches of the United States Government are powerless to resist these encroachments except by impeachment, and that is a remedy so difficult and well nigh impossible of successful application that it is rarely resorted to. Under the construction given to Federal Statutes by the Federal Judges, the reserved rights of the States are one by one being disallowed ; and when plutocracy shall find itself able to buy the House of Representatives as it has once bought the Presidency and the Senate, the last nail will be driven into the coffin of boasted American freedom. But while we are powerless to resist this engine of Federal oppression, we can at least apply a remedy to its counterpart in South Carolina. What that remedy may be is for your wisdom to decide. It does not appear worth while to make the law any plainer than it is now, though I elsewhere advise you to declare what the law is.

I will only say that the people of the State who desire reform and who feel the inequality of the administration of the law may elect Governors and Legislatures time and again to do their bidding, but as long as the judiciary misinterpret the law, override it, or indulge in judicial legislation, our efforts to secure equality in taxation, the protection of life and property and a fair and impartial administration will be in vain. If our Courts are allowed to exercise a power which they are forbidden to exercise, and it goes unchallenged, how long will it be before other usurpations will follow? If interference with the Auditor is allowed, if these mandamuses are to continue, the Judges can block the wheels of government, and destroy it even. Suppose every taxpayer were to apply for a writ and a Judge granted it, how would we be able to conduct the State's affairs? It is impossible for the government to calculate with any certainty upon its revenue, if the collection of taxes is subject to be arrested in any instance in which a taxpayer should make out a *prima facie* case; and the interference by summary process is therefore *positively forbidden*.

Every government claims, and must have, a certain and speedy method of collecting taxes. In an absolute monarchy it is a very simple process, and used in the past to greatly oppress the people; and, therefore, in a constitutional government there is an attempt to balance the prerogative of the sovereign and the right of the taxpayer. The Board of Equalization and Assessment directly represent the individual taxpayer; the officers elected by the people represent the State. When the assessment of property is too high the Board of Assessors can reduce it. This is the safeguard of the taxpayer. In Section 239 the correlative right is given the State to increase when the assessment is too low, and this not upon the personal knowledge or subject to the whim of the Auditor, but upon sworn testimony. The tax Acts must be construed as a whole and as forming a system designed to secure uniformity and equality and affording equal protection to sovereign and subject. You cannot, without disarranging its nicely balanced machinery, grant the taxpayer a remedy when the assessment is too high and deny the correlative relief to the State when it is too low. Yet this is exactly what the decision of the Supreme Court has done.

Very few men, however, believe that any private citizen would have received the consideration given the banks; and though I stand ready to accord all corporations equality before the law, I cannot remain silent while the laws are trampled under foot, and see them accorded privileges which a private citizen feels he cannot obtain.

PROHIBITION.

For some years there has been more or less agitation on the subject of prohibition, and there have been contests at the polls in municipalities and Counties to decide whether or not liquor should be sold therein. At the last session of the General Assembly a prohibition Bill passed the House, but failed in the Senate. At the recent Democratic primary the question was submitted to the people as an abstract proposition, without any definite legislation being indicated, and received a majority of the votes cast on that subject, although not a majority of the total vote cast. This would indicate a wish on the part of a large number of our people that there should be some restrictive legislation in regard to the liquor traffic. This question did not enter into the issues of the campaign. It was not discussed by the candidates, and the decision at the polls cannot be considered as a conclusive test of the popular will. Knowing, however, that some legislation is likely to be had, I feel called on to point out some of the obstacles and difficulties in the way of enforcing a law of this character; and the probable cost of a prohibition Bill as indicating a necessity for increased taxation on other lines; rather, as a matter of information than as showing any antagonistic views on my part.

One of the most common among modern sayings is that "prohibition does not prohibit," and experience as well as observation teaches us that certainly most of the prohibitory legislation has resulted in partial or complete failure to accomplish the end sought, namely, the absolute prevention of the selling and drinking of liquor. Town after town in this State has tried it, and, finding the adverse sentiment so strong and the evasion of the law so common, they returned in disgust to the license system. And it may as well be understood that no law which may be passed on this subject will enforce itself, or be allowed to be carried into effect, without strenuous opposition and many cunning devices being brought into play to evade it. The trouble is, that when public opinion does not generally sustain a law, its enforcement becomes almost impossible, and what is everybody's business is nobody's business. Men dislike to play the spy on their neighbors and incur the odium of lodging information or taking out a warrant. When indictments are brought, juries are divided, convictions are difficult or impossible to obtain, and society, divided against itself, finds such restrictive legislation very difficult of enforcement.

All classes, men and women alike, feel, at times, the need of stimulants, and many who are never guilty of excess in their use resent any law infringing upon personal liberty. Then, many who rarely indulge

in intoxicating liquor are strongly opposed to any sumptuary legislation. Every thinking and observant person sees and acknowledges the evil, and, in some undefined way, wishes to see its abatement. It is well understood and acknowledged that liquor drinking is the cause, directly or indirectly, of most of the crimes committed in our country. It also produces much of the poverty and misery among certain classes; but the human family cannot be legislated into morality any more than it can be made honest and truthful by legislative enactment. I can readily conceive and believe that with a strict law, rigidly enforced, great good would follow. I can just as readily see that it will require a stern head, with many eyes and far reaching hands, to carry it into effect.

As an example of the difficulty of controlling the selling and drinking of liquor, I would call attention to the impunity with which existing laws are disregarded. We have a statute which forbids under a penalty the putting up of screens in bar-rooms and the selling of whiskey to minors, and there is hardly a bar-room in the State which obeys it. Our Solicitors, our Judges, our juries, sworn officers of the law, see and know these things, and yet they do nothing. The trouble arises, I think, from the fact that these are officers of the State and County, while liquor under existing statutes is sold under license granted by municipal corporations. The police connive at and are blind to these infringements of the law by the barkeepers, under instructions, doubtless, from the authorities, and the people generally become educated and accustomed to seeing the law despised.

Another thing: The prohibition sentiment, as opposed by the wish to license the sale of liquor, is found largely in the country—the liquor men living in the towns. They make money selling the liquor; the towns make money; the country suffers; the country pays for it; the country has increased taxes for it; hence the division. But with a majority of the people in the towns in favor of selling whiskey, the prohibitionists in the country will find themselves handicapped and their efforts rendered nugatory in attempting to control the nuisance. The people in this State are already sadly divided along this very line of town against country, and the wisdom of further division is questionable. Granting the possibility of doing something towards abating the nuisance of bar-rooms, I would call your attention to the law now in force at Athens, Ga., by which a dispensary for the sale of liquors is provided, and which, after trial, is pronounced a success by the prohibitionists themselves, who, in despair at the failure of prohibitory laws, had it enacted by the Georgia Legislature. I would further direct your attention to the following table, showing the number of

bar-rooms in this State, the revenue derived from them by the Counties, and the revenue for the towns :

COUNTIES.	Number of Bar-Rooms.	Amount Paid by Bar-Rooms to County.	Amount Paid by Bar-Rooms to Towns.
Abbeville.....	5	\$ 500	\$ 2,500
Aiken.....	16	1,600	4,500
Anderson.....	7	700	4,200
Barnwell.....	22	2,200	*5,550
Beaufort.....	38	9,000	2,262
Berkeley.....	20	11,400	3,400
Charleston.....	285	28,500	28,500
Chester.....	5	500	4,000
Chesterfield.....	3	300	900
Clarendon.....	3	300	1,800
Colleton.....	31	8,300	1,500
Darlington.....	10	1,000	5,000
Edgefield.....	4	400	1,600
Fairfield.....	7	700	2,900
Florence.....	8	800	4,000
Georgetown.....	6	600	2,000
Greenville.....	16	1,600	1,600
Hampton.....	7	700	3,750
Horry.....	6	600	2,500
Kershaw.....	9	900	5,500
Lancaster.....	4	400	2,800
Laurens.....	4	400	600
Lexington.....	3	300	
Marion.....			
Marlboro.....			
Newberry.....	8	800	400
†Oconee.....			
Orangeburg.....	25	2,600	7,800
Pickens.....			
Richland.....	38	3,800	7,600
Spartanburg.....	11	1,100	10,040
Sumter.....	13	1,300	1,300
Union.....	2	200	800
Williamsburg.....			
†York.....			
Totals.....	613	\$81,100	\$134,372

* For 13 bar-rooms ; no report as to bar-rooms at Barnwell Court House.

† No report.

When attention is thus directed to the fact that most of our municipalities are relieved altogether of taxation for municipal purposes by the money derived from the sale of liquor, it will be seen why so many towns which have tried the non-licensing system have gone back to the license system, when they found liquor sold any way and their municipal taxes drawn from property. The nuisance without the benefit caused a revulsion of sentiment, and, however reluctantly, the sale of liquor was again legalized and taxed.

In my last annual message, I called attention to the injustice of allowing the towns to license the nuisance and derive therefrom an income at the expense of the County and State ; and urged, as a step looking to the practical suppression of the liquor traffic, that all money derived from this source should go into the County and State treasuries, while leaving the question as to the issuing of licenses to a vote of the municipality just as it is now. I have seen no reason to change my

opinion as to this being the simplest and the most practicable way to accomplish the end desired. When it is known that no benefit will accrue to the towns by the licensing of bar-rooms, public sentiment in them will rise in arms to suppress the nuisance which increases municipal taxes, and every man will be more or less interested in seeing the law enforced. The people of these towns will not be at the additional expense of a police force to maintain order or repress disorder produced by drunken men who obtain their liquor surreptitiously. On the other hand, you see that the absolute refusal to license the sale of liquor will cause an increase in the taxes of the Counties amounting to one-half mill; and it may as well be understood now that unless the prohibitionists themselves organize some detective agency to take out warrants and prosecute those who break the law, the State itself will have to provide something of the kind or the law will be a dead letter. All this will increase taxes, and taxpayers had just as well understand it. If the promiscuous and improper use of liquor can be stopped there will be a reduction in the number of crimes committed and a decrease in the Court expenses.

Another danger, which we cannot be blind to, will be the probability of a desperate political struggle between the prohibitionists and the anti-prohibitionists two years hence, with an appeal to the negro as the balance of power; for in every town and County where this question has been fought out at the polls, that has been the effect, and when applied to the State we may look for a like result.

Having thus discharged my duty frankly and without bias, and presented the question as it appears to me, I leave it with you, and will cheerfully approve any law you may enact.

Before dismissing this subject, I would call your attention to the effect of the decision of the Supreme Court in regard to the sale of liquor by so-called "social and literary" clubs, it having been decided by that Court, in the case of the Columbia Club, that a license for the sale of liquor was not necessary for such associations. The result has been that charters have been granted by the Secretary of State in several instances for the organization of such clubs; and it is generally understood that they are bar-rooms in the guise or under the name of clubs, and are maintained against the will of the communities in which they are located.

There are a few complaints in regard to the infringement of the law prohibiting the sale of liquor on Sunday, and notably in the town of Hamburg, opposite the city of Augusta, which abuse became so great and notorious that, after repeated complaints, I commissioned a State Constable to investigate the matter, and several arrests were made.

This place (Hamburg), while nothing more than the ghost of its former self, with a very small population, still retains its charter of incorporation. The remedy against such abuses, which are not likely to be restrained by public opinion, would be to repeal the charter, and this I recommend.

AGRICULTURAL HALL, &c.

I have already alluded to the fact that the property known as the "Agricultural Hall" has not been sold, and I deem it my duty to set forth the reasons why a sale has not been consummated.

The property was put up at auction on the first day of February, 1892, and was knocked down to W. H. Lyles, Esq., as attorney, for \$16,165. The name of the real purchaser was not disclosed at the sale. On the next day, at a meeting of the Commissioners of the Sinking Fund, a deed was presented them for signatures without the name of the purchaser; Mr. Means, the clerk of the Board, reporting to us that Mr. Lyles was not prepared to communicate the name, and had requested him to have the deed signed in blank. This was contrary to our custom, but, as we were not expecting fraud, the Commissioners present at the meeting, five in number, complied with the request.

Several days later Mr. Lyles gave to the Secretary of State the name of the purchaser, one J. W. Alexander, of North Carolina, and submitted for approval the mortgage required under the terms of the sale to secure the credit portion (two-thirds) of the purchase money. This paper was not correctly drawn, and the matter was postponed. On the 16th day of February, Mr. Lyles, accompanied by Mr. Muller, came to the State House, and, Mr. Tindal, Secretary of State, being absent from the city, he presented the mortgage to the State Treasurer, and, after persuading him to receive it, together with a check for the cash portion of the purchase money, got possession of the deed to the property. He also obtained an order from Mr. Means, a clerk in the office of the Secretary of State, directing the State's tenant in possession of the building to surrender the possession to Mr. Lyles as attorney of the purchaser. Mr. Lyles and Mr. J. S. Muller, claiming to be attorneys for the purchaser, then retired from the Treasurer's office for a moment, but immediately returned and made to the State Treasurer a tender of what is known as "Revenue Bond Scrip" in payment of the credit portion of the purchase money. In the terms of sale it was stipulated that the purchaser would be allowed to anticipate the payment of this credit portion if he so desired. The tender was, of course, refused by the State Treasurer, and then Mr. Lyles

drew from his pocket a written notification of the tender and his intention to refuse to pay the balance or interest thereon.

Being promptly informed of this transaction, I saw at once that a conspiracy had been formed by these attorneys, and others interested in "Revenue Bond Scrip," prior to the purchase of the property; and that the purchase had been made in bad faith to defraud the State and force her into the Court, to test the validity of the "scrip." In this emergency, the Secretary of State and the Attorney-General being absent from the city, I acted promptly; instructed Mr. Means to rescind the order for possession, and, in behalf of the Secretary of State, to see to it that the property be held until the Secretary of State, the custodian, should return to the city. This duty was entrusted to J. W. Coulliette, then the watchman of the State House and Grounds, to whom I issued an appointment as Chief State Constable. In this matter I acted as Governor of the State and *ex officio* Chairman of the Board of Commissioners of the Sinking Fund, deeming it my duty, if possible, to thwart this conspiracy, the parties to which had disclosed their purpose from the beginning of the transaction to practice a fraud on the people of the State. This, the facts abundantly prove.

On the same day possession of the property was demanded by Mr. Lyles, as attorney, and refused by Mr. Coulliette. Some correspondence then followed, and copies of the letters are here given:

COLUMBIA, S. C., February 17th, 1892.

To His Excellency B. R. TILLMAN,

Governor State of South Carolina.

SIR: On yesterday, as attorney for Mr. J. W. Alexander, of Lincolnton, N. C., I completed the purchase of the building and lot adjoining, situate on the West side of Richardson street in this city, between Gervais and Lady streets, known as the "Agricultural Hall," and to-day I called at the building, still acting as attorney for Mr. Alexander, and found it locked. Upon knocking at the door Mr. J. W. Coulliette opened it from within, and, upon my stating that I had come to take possession of the building, informed me that he had orders from you to prevent my entering and to refuse to surrender possession of the building to me. I demanded to see his authority if it was in writing. He handed me a commission, executed by yourself as Governor of the State, to him to hold during your pleasure, but it did not state for what purpose he was appointed, and I write to know if he was correct in his statement that you had instructed him to refuse the possession of the building to me. About the close of the conversation between Mr. Coulliette and myself, Mr. David C. Means, the Clerk of the Board of Commissioners of the Sinking Fund, came up, and upon my exhibiting to Mr. Coulliette the orders given on yesterday to the occupants of the building to recognize me, as the representative of Mr. Alexander, as their landlord, he (Mr. Means) informed me that, in pursuance of instructions from you, he had revoked the orders. I beg to know if he was correct in making this statement.

Respectfully,

W. H. LYLES,

Dictated—A.

Attorney for J. W. Alexander.

STATE OF SOUTH CAROLINA,
EXECUTIVE CHAMBER,
COLUMBIA, S. C., February 17th, 1892.

W. H. LYLES, ESQ., *Attorney, Columbia, S. C.*

SIR: In reply to your letter of this date, asking whether or not Mr. Coulliette had been instructed by me to refuse possession of the building known as Agricultural Hall to you, I reply, yes; he is instructed to hold possession for the State against any one claiming the property. And Mr. Means was also instructed to revoke the order to the tenants in the building to recognize you or any one as owner except the State.

Respectfully,

B. R. TILLMAN,
Governor.

COLUMBIA, S. C., February 17th, 1892.

To His Excellency B. R. TILLMAN,

Governor of South Carolina.

SIR: Your letter of this date stating that Mr. Coulliette and Mr. Means were acting under your instructions in the matter referred to in my letter of this date has been handed to me.

On behalf of Mr. Alexander, I desire to notify you that he considers your action unwarranted by your official position, and will consider you individually liable for any damages that he may suffer thereby, and will proceed accordingly.

Respectfully,

WM. H. LYLES.

STATE OF SOUTH CAROLINA,
EXECUTIVE CHAMBER,
COLUMBIA, S. C., February 17th, 1892.

WM. H. LYLES, ESQ., *Attorney.*

SIR: Your letter of this date informing me that you consider my action in refusing to surrender possession of Agricultural Hall "unwarranted by my official position and will consider me individually liable for damages," received. I desire to notify you that I, as Governor, am Chairman of the Sinking Fund Commission, and that, acting for the Commission, I have refused to consummate the sale of the property or deliver it to you in my dual capacity.

I am resisting an attempt to swindle the State out of ten thousand dollars of deferred payments and to prevent litigation. Know one knows better than yourself that the Revenue Bond Scrip which you tendered for the balance due is worthless; and if my action in resisting this initiatory step to bring in question the settlement of the State's debt by the Bond Court and saddle several millions of illegal Radical bonds on the taxpayers is "unwarranted by my official position," I cheerfully assume the responsibility and all individual liability, and will leave the question to be decided by the Courts.

Respectfully,

B. R. TILLMAN,
Governor.

On the 20th of February the Commissioners of the Sinking Fund held a special meeting, approved the action which had been taken, and instructed the Secretary of State to retain the custody of the property.

Suit has been brought by J. W. Alexander against me and Mr. Coulliette, as individuals, in the United States Court, and the action is now pending for the possession of the property, for damages, and "for the value of the use and occupation thereof."

Whatever may be the results of this suit to me personally, I am confident that the Court and jury will not award to these conspirators possession of property that belongs to the State, and of which I am not, and have never been, in possession, or force the State to engage in a tedious and vexatious controversy in the United States Court to test the validity of the "Revenue Bond Scrip." The State is not a party to this suit, and cannot be made a party to any suit without its consent, and the "Revenue Bond Scrip" has been passed upon by our own Court, which declared invalid this debt created by the infamous Radical government in South Carolina.

THE DIRECT TAX.

Last April there was paid into the State Treasury \$221,711.26 of direct tax collected from our people just after the war, and for the distribution of which an Act was passed at the last session of the Legislature. I appointed the Hon. T. J. Kirkland, of Camden, Commissioner, to copy the records at Washington and to prepare duplicate schedules for the use of the Masters at Beaufort and Charleston. The task was difficult and laborious, requiring patient research and painstaking care. With what diligence and accuracy he executed the work is shown by the fact that, although there were more than 6,000 names, taxes, costs and penalties to be copied, but one mistake has been called to my attention thus far. Of this amount 2,010 claims, amounting to \$162,280.99, up to October 31, have been paid. The labor imposed upon the Master in Equity of Charleston, Mr. Miles, has been very heavy, and a corresponding amount of work was done by my Private Secretary and the clerks in the offices of the Comptroller-General and Treasurer, requiring the employment of extra clerical assistance, for which I have paid out of the fund. One per cent. of the amount returned to the claimants has been withheld for the payment of the expenses of disbursement. The compensation, \$500, authorized to be paid to Mr. Miles is totally inadequate, and I recommend that he be given \$500 more.

Mr. Kirkland's research among the records at Washington disclosed the fact that there was due an additional amount of nearly twenty thousand dollars of interest, costs and penalties. But the authorities declined to pay it to him, and I made a trip to Washington for the purpose of inducing the Secretary of the Treasury to comply with the law. He refused, and it was my purpose to commence suit in the Court of Claims, but since then the Attorney-General of the United States has filed an opinion that the money must be paid. As soon as this was known I instructed Mr. Kirkland to return to Washington

and set about making up the accounts, and he is now engaged on this work. The amount paid him for his work last Spring was four hundred dollars under the Act—much less than it was worth—and I recommend that he be given an additional sum of one thousand dollars out of the interest, &c., that he shall obtain. The balance in the Treasury to the credit of this fund belongs to two classes of claimants. Many of the items, several thousand in number, are too small to make it worth while to claimants to bother with their collection, and there will likely be a considerable amount which will never be paid out. After six years this will belong to the State. The other class is being subjected to an outrageous scheme of robbery on behalf of the heirs of J. B. Campbell and a law firm in Washington, who, under agreement made with the claimants more than twenty years ago for 30 per cent. of all sums recovered, now step forward and claim this 30 per cent., although directly barred by the law granting this money which they never did anything to earn. Upon the flimsiest technical grounds an appeal was taken from the decision of the Master, and the case heard in the Circuit Court in Charleston, the decision of which was declared final by the law providing for the distribution. The Judge of that Court decided that there were no grounds of appeal, and now these legal cormorants have appealed to the Supreme Court of the United States on some trivial pretexts or other, solely with the view of wearying the patience of the claimants and forcing them to a division, and this they have succeeded in doing in a large number of cases. The very terms of the Act under which the State accepted this trust forbids the payment of one cent of this money to any of these parties, and I strongly recommend that the General Assembly authorize me to demand of the Master in Charleston the names of and the amounts due to the parties thus situated, that I may pay them what is due without awaiting the issue of the trivial appeal to the United States Supreme Court.

PENSIONS.

I desire to call your attention to the following extract from my last Message :

“In the Report of the Adjutant and Inspector-General, he suggests that a small fund be provided for the publication, in pamphlet form, of the rolls of such companies and regiments as are not complete. The purpose is that these may be distributed in the territory from which the men were enlisted, so that the survivors may have some data to be guided by in supplying the missing names. It should be a matter of State pride, and of justice to the dead and living alike, that

everything reasonable be done to put on record in the archives of the government at least the name of every man who wore the gray. I therefore urge consideration of the Adjutant-General's recommendation. He is a zealous and efficient officer, and, being a gallant Confederate soldier himself, will use every reasonable effort to finish this necessary work."

In this connection I would call your attention to the matter of pensions for Confederate soldiers and widows. Since I have been Governor several pitiful cases of the destitution of disabled Confederate soldiers have been brought to my attention. They had no adequate means of support, and the pension, distributed on a per capita basis, was insufficient to keep them from suffering. It is an inherent vice of any pension system that there shall be abuse of the State's bounty, and there is not the slightest doubt in the world that many persons in South Carolina are to-day getting a pro rata share of pension money whose claims to it are doubtful; while there are others more worthy not receiving any or not enough. But if we grant that every pensioner is entitled to what he or she gets and that the list could be enlarged if the State could afford it, there are certainly some cases more meritorious than others and there should be some method provided looking to a just discrimination in favor of these. To prevent abuse of the State's bounty, and, at the same time, provide for those most needy, I know of no class of men to whose judgment and feeling I would sooner entrust the distribution of the pittance the State is able to give than to the Confederate soldiers. And I urge that the present system of passing upon the applications for pension be abolished and that the Confederate survivors in each County be requested to form an organization in which every survivor shall be enrolled, to which the whole matter be entrusted. There are many pensioners who can easily do without the pittance they receive. There are a considerable number who must go to the poor house unless they get more. Several attempts have been made at different times to found a soldiers' home in the State to give to these heroes a comfortable resting place till they "cross over the river." Whether it is better to provide such a home or to leave these war-worn men among friends and neighbors, is for you to decide. I think the veterans would prefer the latter; and if the Confederate soldiers of each County will take the matter in hand and give it the attention it deserves, their organization, which might be made pleasant and useful in many other ways, and especially in the collection and preservation of data for the future historian, can be of great service in smoothing the path to the grave of their less fortunate brethren. I feel satisfied that, if this scheme is properly carried out, the soldiers, who are also

taxpayers, can be safely trusted with the money, and if it becomes necessary the amount can be increased. The pro rata share of each County should be on the basis of the number of ex-Confederate soldiers in that County.

MARION'S TOMB.

A Joint Resolution "to provide for the repairing of the tomb of General Francis Marion, in Berkeley County," and appropriating three hundred dollars therefor, was passed by the last General Assembly, and the duty imposed on me of seeing the work properly done. Feeling that I could rely upon his judgment and taste, I requested the Hon. W. A. Courtenay, of Charleston, to visit the grave and to prepare such specifications as would enable me to carry out the wish of the Legislature. He reported the condition of the tomb to be such that there is no possibility of repairing it, but that a new tomb would have to be provided if it were to reflect any credit on the State; and advised me that this could not be done in a creditable way, approaching the one which has been partially destroyed by a falling tree, with the money provided. With the assistance of Mr. Barbot, of Charleston, he kindly designed a suitable tomb, with bronze tablets for the inscriptions, estimating the cost at about six hundred dollars, with which sum an enduring and indestructible tomb could be purchased, and I recommend the appropriation of that amount for this pious and patriotic purpose.

In this connection I desire to direct the attention of the General Assembly to the painful dearth within the walls of the State House of memorials, mementoes, pictures or other souvenirs of South Carolina's great dead. No State of the original thirteen suffered in the Revolutionary War as much as ours, and, excepting Virginia, I might add in the Confederate War. Upon the soil of none were so many Revolutionary battles fought, and none furnished a brighter galaxy of brave and patriotic officers in both these wars. From some cause the history of South Carolina's share in those days and those heroes has never been written in a fitting way, and Time's ravenous tooth has left us little except their names. Then, coming to a later period, our annals are adorned with brilliant orators, wise statesmen and eminent jurists; and here, too, the student of our history is struck with the painful lack of authentic account or record of their lives and reminders of how they looked. There are three or four paintings in the Senate Chamber and Hall of the Representatives of some of our later worthies, and one Georgian, who lent valuable aid to the State at a most critical period, but here the catalogue ends. The Library walls, up stairs, and all other rooms are bare, and the thousands of visitors from this State and others

who annually inspect the State Capitol cannot find any "counterfeit presentment" of South Carolina's great men. It may be considered extravagance to attempt to supply what every lover of the State would wish to see supplied, but I take it that there can be no difference of opinion as to the value and desirability of memorials of the men who have illustrated our history. A people who do not respect their ancestors cannot hope to be respected by their posterity, and sentiment at last is the mother of patriotism. The promptness, without caviling, with which your predecessors gave money to copy the records in England bearing upon South Carolina's history, leads me to suggest that a small annual appropriation be made to provide paintings of the men whose virtue and greatness we have heard extolled, but have never read, because their lives have never been written. Then visitors to the State House may see at least

"Some frail memorial still erected nigh"

to teach our youths both how to live and to die for South Carolina.

One thousand dollars a year given to the State House Commission and an invitation to the descendants and families of these great Carolinians to present such pictures would in a short while relieve the painful blankness which now exists in our Capitol.

REGISTRATION.

The Act of 1882 requiring and providing a system of registration of the voters of this State, by reason of its provisions, has brought about a condition of affairs which becomes more and more the subject of complaint and dissatisfaction. The loss of certificates, the change of residence without transfer on the books, the inability to register where one failed to avail himself of the privilege within the first year, have resulted in the virtual disfranchisement of a large number of citizens. Then the mutilation of the books by use and the names of dead men on the lists make it necessary to provide for a new registration or a revision, with such changes in the law as will restore the franchise to those who have never registered. I direct your attention to the matter, assured that you will do whatever is wise and proper. Under the construction now placed upon it the law is clearly unconstitutional, in that men are not allowed to vote though qualified, because they had not availed themselves of the privilege in 1882.

CONCLUSION.

I feel it to be unnecessary, but will nevertheless remind you that the stringency of the times demands the most rigid economy. Nig-

gardliness is not economy, and I would not be so understood, but the straitened condition of the people forbids the smallest expenditure that is not absolutely necessary. I trust I shall have presented for my signature an Act substituting salaries instead of fees for County officers, putting the fees into the Treasury, and making a reduction of salaries all along the line to a figure corresponding to the increased purchasing power of money and the decreased ability of the people to pay. The saving will be little, but we have reached the point where even a small economy is of material importance. The laborer is worthy of his hire, and our salaries are not at all extravagant, but men who seek the offices for salary alone are unworthy to hold them, and men in the public service should not receive more than similar service commands in private business life.

Pledging you my hearty coöperation in whatever you may attempt in behalf of the State and its people, and praying for the blessings of an All-wise Providence upon your labors, I welcome you to the Capital, confident that your work will merit and receive the well done of our joint constituency.

B. R. TILLMAN,
Governor.