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THURSDAY, DECEMBER 26, 1912.

An Evening Echo. Christmas is the time in which the memory of every remedial sorrow, woe and trouble in the world around us should be active with us.

Mike probably thinks it will be a duty to preside as speaker of the West Virginia House of Delegates.

Governor Glasscock's New Year's greeting to the legislature will be his message to that body the next day after the new year.

Governor Glasscock is to start the new year of with efforts to correct some existing evils, including the present law giving salary and fees to county officers.

Bryan to Remain Free. An idea is spreading that William Jennings Bryan will accept no appointment from Woodrow Wilson either home or abroad.

When he was interrogated later about Mr. Bryan the speaker said plainly that he did not like to be interviewed about the Nebraska.

It Pays to Orate. It pays to orate. Yes, that is what the Telegram says. For instance, Stuart F. Reed, secretary of state, a native of Barbour county and a one-time resident of Clarksburg, believes in it and he does it to the queen's taste.

Better Reason Necessary. Some of the newspapers in the southern part of the state make the fallacious argument that that end of the state has not been well taken care of in the matter of public office and they use this as the chief reason for advocating the selection of a United States senator from that section.

Showing that the reason is not well founded, it is only necessary to meet their argument by calling attention to the fact that that part of the state has fared well as the results of the last state election give that end the governor, state treasurer, superintendent of schools and commissioner of agriculture, while north of the imaginary political line made by those newspapers, the Honorable Stuart F. Reed was the only state candidate elected.

Thus, it is seen that the southern end of the state has been quite well taken care of and those newspapers will have to advance some other kind of argument, if they expect to accomplish anything.

Free Traders Alarmed. Some Democratic newspapers are already showing a degree of alarm over the statement that the House of Representatives is not very safely Democratic. One Democratic newspaper says:

Nominally the party strength will be as follows: Democrats 295, Republicans 105, Progressives 35. But a Washington man who has studied the views of members-elect, and is familiar with the views of old members who have been returned, makes a different classification. His statement of the proportion of representation in the next Congress is as follows: Democrats 190, Progressives 125, Republicans 96, Socialists 26, Prohibitionists 6, and Reed so much deathless fame.

Socialists (Labor 2). If this statement is correct, it is apparent that Republicans will have to be made to pass partisan measures. In general the tariff views of Republicans and Progressives are the same, although on a few schedules there may be a division. If they combine against tariff tinkering, it will take the combined vote of the Democratic, Prohibition and Socialist members of the House. If the Washington man's estimate be correct, to enact free trade measures. Hence, it is not strange that the free trader is alarmed over the prospect.

Can Not Approach Clark. In shaping Democratic legislation, William Jennings Bryan will not come in direct touch or association with Champ Clark, speaker of the House of Representatives, and a force in Congress because of that fact as well as a Democratic leader by virtue of his campaign for the presidential nomination, which many Democrats still believe was rightfully his but taken away from him by Bryan, when he lambasted and browbeat the Baltimore convention into submission. Resulting from the personal incident between Bryan and Clark, the former finds himself somewhat handicapped in carrying out a program he has mapped out for the new president and Congress. He would find the task easier if he had the free and voluntary assistance of Clark, Underwood and other Democratic leaders in Congress. As it is, he will have to reach them through President Wilson and the latter will probably find it most difficult to carry water on both shoulders.

Showing how bitter Clark feels toward Bryan, the following news paragraphs relating to Clark's recent visit to Wilson are quoted: "When the newspaper men approached the speaker, he declined to give out any information as to his talk with the governor. They pressed him, however, as to whether Mr. Bryan had been discussed. "No," answered the speaker. "I'll give you that much information—it was not."

When he was interrogated later about Mr. Bryan the speaker said plainly that he did not like to be interviewed about the Nebraska.

"I'm not going to talk about him," he said emphatically. "You can make that down, and there is no use to talk about it. I don't want to seem unkind or discourteous, but there are some things I will do and some things that I won't. This is one of the things I will not do."

It Pays to Orate. It pays to orate. Yes, that is what the Telegram says. For instance, Stuart F. Reed, secretary of state, a native of Barbour county and a one-time resident of Clarksburg, believes in it and he does it to the queen's taste. That clarion voice of his has been heard all over and out of the state. The people are thrilled with his silvery notes.

If Secretary Reed had not let his voice be heard, he doubtless would not have run as well as he did recently for re-election, although he has many fine qualities besides his voice. But he came, he saw and he conquered. He proved himself a real racer. Reed races and the way he finishes brings forth such nice comments as the following by the Wheeling Intelligencer:

On the belated returns received from the November election it appears that the Hon. Stuart F. Reed secretary of state, like "Ben Adhem led all the rest," so to speak. It is announced at Charleston that Mr. Reed's total vote was 132,513. Colonel Abe Lilly, though the recipient of the solid and enthusiastic support of the 1,743 Lilly of Raleigh, Boone and McDowell, received only 132,432, while that stern and substantial statesman, John S. Darst, received 132,430.

It is not a matter of surprise that Mr. Reed comes in first in the race, though only by a neck. There are few districts in West Virginia that have not heard his clarion voice and revelled in his silvery notes. In every glen and dale, and on every mountain top, from the classic shades of Hancock to the smoking ovens of McDowell, and from the purling water of the Shenandoah to the majestic reaches of the Ohio throngs of awed and admiring listeners have drunk in his magic eloquence and feasted their eyes upon his abundant pulchritude. Colonel Lilly and Colonel Reed a close race and it must be admitted that Colonel Lilly has many of the splendid qualities which have won for Colonel Reed so much deathless fame.

REHEARING IS ASKED IN WOODALL AWARD

But "Honest Abe" is young yet and the honors of the campaign clearly belong to the tall and untrimmed Samore of Sandy creek. Hacker/Junction and Swami run. Like Homer of old, whom seven cities claimed in own, the whole Tigart valley claims to be the birth place of Smart's Reed.

MARRIAGE Licenses Are Issued Here to a Very Large Number of Couples.

Many marriage licenses have been issued since Tuesday noon. They have been granted to Albert E. Gaines and Lizzie Price, A. Fleming Wine and Ethel L. Bond, Fred Bailey and Louisa Snider, George W. Phillips and Maude C. Poling, Harry H. Bate-man and Lucile E. White, Charley Malony and Victoria Cremeens, Frederick M. Williams and Lucy Stone-berger, William Vance and Secol Monson, Lorenzo D. Patton and Doris E. Rice, Herbert I. Eagle and Gertrude Davis, Peter I. Kawalsky and Alpha E. Gaston, William E. Crowell and Doris C. Shields, Glenn E. Wanda and Hazel J. Fisher, Robert A. Swiger and Fannie D. Whiteman, Frederick H. Phillips and Viola G. Waldeck, John B. Cox and Emma R. Nuzum and Herbert L. Holland, colored, and Mollie Robinson, colored.

Brief for the State States that Limitation Applies to the Case. CHARLESTON, W. Va., Dec. 26.—How will Corporal A. W. Woodall get the \$2,500 the supreme court of appeals of the state has held he is entitled to? This is more than a passing question.

The supreme court ordered State Auditor J. S. Darst to draw a warrant for the amount. The constitution says: "Every appropriation or so much thereof as may be remaining un-drawn at the end of three years after the passage of the act by which such appropriation is made, shall be deemed to have expired and no warrant shall thereafter be issued upon it."

The appropriation of \$2,500 was made by the legislature on March 5, 1907, and the amount not having been paid, the sum appropriated reverted back to the general state fund. The auditor had refused to pay the amount and was first sustained by the supreme court in his refusal. The auditor's refusal was based on the ground that the appropriation was in direct conflict with the powers of taxation of the legislature which are peculiarly restricted and specified in the constitution. The constitution provides that "in no case shall a special law be passed where a general law would be proper and applicable to the case."

The auditor finds himself in the position of being ordered to draw a warrant for an appropriation that no longer exists, in other words with nothing to draw it on. The treasurer was not made a party to the suit, and even if the state auditor were to draw a warrant on the state treasurer for the amount the state treasurer would find himself in the same position, that the auditor is now in, and probably would refuse to endorse the warrant.

When the case came up the first time and the position of the state auditor was sustained, Judge Brannon said in the opinion: "I assert without argument, that this appropriation is not a part of the estimated expenses of the state." It is not for governmental expenses, not for public use or purpose, but remote incidental, theoretical. I can not open such a door to abuse of the taxing power."

In the brief filed by Attorney General William G. Conley and assistant Attorney General Frank Lively are some very spicy references. The state is now asking for a rehearing upon the mandamus awarded Woodall against the state auditor. The brief just filed is in support of a rehearing.

"The state constitution is the written will of the people. With it is sovereign, or ought to be. All branches of the government are, or ought to be, subservient to its mandates," says the attorney general. Following a number of citations, the attorney general says: "We are too prone to idealize the military and the pomp and panoply. The military hero appeals to our admiration and bounty, because we in our evolution from the savage tribes of Angles and Saxons when they emerged from the north of Germany and the Islands of the Jutes, in the fifth century and 'dashed to sea in their two-sailed barbs, landed anywhere, killed everything, and having sacrificed in honor of their gods a tithe of their prisoners and leaving behind them the red light of their burnings, went farther on to begin again, down to the establishment of the Hague Court of Peace in the last century, have passed through continuous warfare. Rarely the cause thereof was just, but most frequently for some trivial, imaginary or trumped up cause. This war evolution has left its imprint upon us, and soldier is synonymous with hero. Hence the atavistic tendency to start up at the blare of a trumpet or the rattle of a drum."

Another quotation is taken from Judge Brannon's opinion in the first case in which a mandamus was refused, in which Judge Brannon said: "Where the end of taxation if we establish a pension system, I re-estate faithfully and in many important offices for years past; had accumulated practically nothing for his declining years, and for his family, and died while in the discharge of his duties as state archivist and historian. Would not an appropriation to his family be considered a moral obligation and pass the test of constitutionality with as much ease as that of Corporal Woodall? The establishment of the principle that the legislature can appropriate money to pay a moral obligation of the state is a serious matter."

"One safeguard guaranteed by the constitution to the governor to veto such appropriations, and his right, and constitutional duty to consider such appropriations, has been removed when this court held in the case of May vs. Topping, that the legislature could pass the appropriation bill, present the same to the governor and then immediately adjourn, and holding that, after adjournment, the governor had no power to veto the bill or any item thereof, while the executive and legislative construction had been otherwise since the formation of the constitution. It was suggested, that if the court corrected this erroneous and contemporaneous and continuing construction, the legislature would not pass the appropriation bill and immediately adjourn without giving the executive a time to exercise his constitutional right of examination and veto; that, in tender consider-

an army and a system of pensions. Powers of taxation though great, were not committed for that purpose." The supreme court of appeals in reversing itself and awarding the writ of mandamus holds that in Woodall's case it is a moral obligation, although the state auditor himself that passed upon the case, found that Corporal Woodall was not in the discharge of his duties and had no right to receive an indemnity at the hands of the state on account of the accident which lost his leg. These findings, the attorney general contends in his brief, settle the question of moral obligation to begin with. That to hold the state must pay such a moral obligation when it has been ascertained that Corporal Woodall was not even performing his duties when he was injured, but was injured while violating an order, the brief pertinently points out the following: "Hon. Virgil A. Lewis, who has just passed away gave his life to the liberal education of youth. He has written many books on education and history. He had served the state faithfully and in many important offices for years past; had accumulated practically nothing for his declining years, and for his family,

and died while in the discharge of his duties as state archivist and historian. Would not an appropriation to his family be considered a moral obligation and pass the test of constitutionality with as much ease as that of Corporal Woodall? The establishment of the principle that the legislature can appropriate money to pay a moral obligation of the state is a serious matter."

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ation of the opinion of the court, they would pass the appropriation bill earlier in the session and present it to the executive for his due consideration before they adjourned."

The attorney general then cites the decision of the court in the last session of the legislature held since the decision in that case, and the last thing done was to pass the appropriation bill, present it to the governor and immediately adjourn without giving him an opportunity to examine it, and the governor's constitutional right to veto it gone. It is likely the members considered it an infringement of their prerogatives as an independent branch of the government for the court to even suggest at what period of time in the legislative session they should make up their minds and vote on any legislation pending; and so improper and illegal appropriations were made, and the governor powerless.

"It is said that it cannot be presumed that the legislature would thus purposely defeat the governor's constitutional right, whether purposely or not, it has been done since that decision, it is the same as heretofore, and will be re-

(Continued on page seven.)

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