

Ask For An Injunction On The Liquor Election

LEGISLATIVE ACT DECLARED ILLEGAL

R. C. WATTS REFERS CASE TO ALL
JUSTICES SUPREME COURT.

State Officials and Richland Election
Commissioners Must Show Cause
In Columbia August 20.

The State, 7th.

Alleging that the act of the last general assembly providing for an election September 14 on the question of prohibition is unconstitutional, attorneys yesterday filed a petition with R. C. Watts, associate justice, at Laurens, asking that a temporary injunction be issued.

The action was brought by John Henry Chappell, a citizen of Newberry county, against R. M. McCown, secretary of state of South Carolina; S. T. Carter, State treasurer of South Carolina; C. W. Sawyer, comptroller general of South Carolina, and C. T. Graydon, Zeb Hope and J. F. Howell, commissioners of election of Richland county.

After reading the petition, Associate Justice Watts refused to grant the injunction, but issued the following order:

"It is ordered that the respondents show cause before supreme court on August 20, at 10 o'clock a. m., 1915, why an order should not issue herein, restraining them from the acts and things complained of in the said petition."

Frank G. Tompkins and C. L. Blease of Columbia are the attorneys for the petitioner. They went to Laurens yesterday morning to secure the order.

The petition of John Henry Chappell to the supreme court in full follows:

"The petition of John Henry Chappell, above named, on behalf of himself and all other electors and taxpayers of the State of South Carolina interested in the matter and things herein set forth, respectfully shows:

Citizen of Newberry.
"1. That he is a citizen and resident taxpayer of the county of Newberry, State aforesaid, possessing the qualifications and laboring under none of the disqualifications provided in the constitution and laws of this State for the electors and officeholders thereof; and that this action is brought in behalf of himself and other citizens and resident taxpayers of said State in like plight and condition as himself, as to the qualifications and disqualifications too numerous to be made parties to this action; and that all other citizens and resident taxpayers of said State possessing the same constitutional qualifications as himself and laboring under no disqualifications; and that your petitioner is now 60 years old, never drank intoxicating liquors, is in favor of prohibition in the election proposed in the act hereinafter mentioned, provided the same is held.

"2. That R. M. McCown is secretary of state of the State of South Carolina; that S. T. Carter is State treasurer of the State of South Carolina; that C. W. Sawyer is comptroller general of the State of South Carolina; and that C. T. Graydon, Zeb Hope and George F. Howell are respectively chairman and members of a statutory political body, known as commissioners of election for Richland county.

The Act.

"3. That on the 16th day of February, 1915, there was enacted by the general assembly of this State, and approved by the governor thereof, an act entitled: 'An act to submit to the qualified electors of the State of South Carolina the question of the prohibition of the manufacture and sale of alcoholic liquors and beverages in the State and to provide for the carrying of these provisions into effect,' which act has been incorporated into the 29th volume of the statutes at large of the State of South Carolina, where it appears at page 88. That the said act provides, in section 1, that an election shall be held on the 14th day of September, submitting to the qualified electors of the State of South Carolina the question as to whether the manufacturing and sale of alcoholic liquors and beverages shall be prohibited or continued in this State as now provided by law.

"4. That section 2 of said act provides for the holding of said election, states how electors may vote and makes provision for the registering of electors by the supervisor of registration.

"5. Section 3 of said act provides that if the majority of the ballots so cast be 'for the manufacturing and sale of alcoholic liquors and beverages in South Carolina,' and laws existing and of force at the time of such elec-

tion, shall be and remain in full force and effect.

"Section 4 provides that if the majority of the ballots so cast be 'Against the manufacturing and sale of alcoholic liquors and beverages in South Carolina,' then the manufacture and sale of alcoholic liquors and beverages in this State shall be unlawful, except as hereinafter provided, and the authorities in every county in this State now or hereafter vested with control of dispensaries, where dispensaries are operated, shall proceed to wind up the affairs of the dispensaries, and close the same before the 31st day of December, 1915, and that no liquors shall be bought or contracted for, or received by any county dispensary board after the result of said election is declared by the State board of canvassers.

"7. Section 5 provides that the manufacture and sale of alcohol shall be allowed and permitted as now provided by law.

"8. Section 6 provides and defines the manufacture of alcoholic liquors and beverages.

"9. Section 7 provides that all acts or parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed; Provided, nothing in this act contained shall be construed to repeal any law defining the offenses and any penalty, fine or provision for the enforcement of law not inconsistent herewith, but such provisions, penalties and fines shall remain in full force and effect.

"10. That the aforesaid provisions and sections of said act are in violation of article 4, section 4, of the constitution of the United States; of article 3, section 1, of the constitution of the State of South Carolina; and article 8, section 2, of the constitution of the State of South Carolina.

Cost of Election.

"11. That the general assembly, on the 26th day of February, 1915, passing an act, which was duly approved by the governor, the title of which was as follows: 'An act to make appropriations to meet ordinary expenses of the State government for the fiscal year commencing January 1, 1915, and to provide for a tax sufficient to defray the same,' which act has been duly incorporated in the 29th volume of the statutes at large of the State of South Carolina, where it appears at page 341 and section 33 of said act, appearing at page 354, volume 29, statutes at large and under the head of 'Elections,' the following appropriations were made:

Item 1, supervisors of registration	\$15,225.00
Item 2, commissioners and managers of election	14,000.00
Item 3, advertising elections	5,500.00
Item 4, tabulation	25.00
Item 5, tickets	100.00

Total ... \$34,850.00

"And as far as your petitioner is informed and believes the election provided for in the act hereinafter mentioned is the only election to be held this year, and the said appropriation was made for and will be used in the carrying out of the election hereinafter mentioned.

"12. That your petitioner is informed and believes that if the said election is held both he and all the other electors of the State will be put to great loss of time and expense in attending said election, and if the said election results in the closing of the dispensaries of some of the counties of the State of South Carolina, both he and those for whom he sues will be deprived of the income which the State has received from the sale of whiskey and beverages, and to the losses which will be incident to the winding up of the affairs before the said act is declared unconstitutional, null and void, and if the election commissioners and officers charged with incurring expenses in holding the said election are allowed to proceed any further with the preparation for the said election, your petitioner and those for whom he sues will suffer irreparable injury, and such expenses as may be incurred before this act shall be declared unconstitutional, null and void.

"13. That for the general assembly to, in the manner indicated in the act hereinafter mentioned, take the power and authority vested in them and transfer it to a vote of the people at large will be to place the making of laws practically in the hands of irresponsible parties and negro electors, who could never be elected as members of the general assembly and whom the constitution of the United States and of South Carolina never intended should have any part in making or repealing laws, except through their representatives duly elected under a republican form of government.

"14. That to allow the legislature

to thus delegate its power to the electors of the State would give to the people of one county the right to participate in the repealing and the making of laws for another county, which would be in violation of the constitution of both the United States and the State of South Carolina, which contemplate that the making and repealing of such laws should be by the general assembly.

"Wherefore, petitioner prays that the said sections of the said act, and the entire act as it appears in volume 29, statutes of South Carolina, be declared unconstitutional, null and void; that defendants be restrained from any violations of the rights of your petitioner; that this court may grant its writ of injunction issuing out of and under the seal of this honorable court properly enjoining the defendants, their clerks, agents, servants or attorneys, to-wit: R. M. McCown, said secretary of state, S. T. Carter, said State treasurer; C. W. Sawyer, State comptroller general, from incurring any liability for the State, or issuing, drawing and paying of any warrants for any amount of the said appropriation hereinbefore mentioned, or from issuing any tickets to the commissioners of election for the purpose of carrying on the same; and that the said C. T. Graydon, chairman, Zeb Hope and J. F. Howell, be, and are hereby, restrained from incurring any expense in appointing any managers, advertising or in any manner incurring any debts, liabilities or performing any acts under and by virtue of the act hereinabove mentioned; and

"Your petitioner further prays that a temporary injunction be granted pending the final hearing herein, restraining the above mentioned respondents from performing any of the acts hereinabove mentioned; and your petitioner further prays for such other and further relief as to the honorable court may seem meet and proper."

DISCUSS MEXICO.

Lansing and McAdoo Meet in New York—Question of Finance.

Washington, Aug. 7.—Secretary Lansing of the state department and Secretary McAdoo of the treasury will confer in New York tomorrow on the Mexican situation.

Secretary Lansing left here tonight, expecting to return Monday. He said he would meet Mr. McAdoo tomorrow and that the conference had to be with Mexico, but declined to say what phase of the problem would be taken over.

Mr. McAdoo, who has been at his summer home at North Haven, Me., was summoned by a telegram late today and was en route to New York tonight.

During the Pan-American conference on Mexican affairs here there was discussion of the question of financing any government which might be set up in Mexico, either through a conference of the factional leaders or by consort. It is known that this subject was put over for future consideration when the conferees recove in New York next week.

Undoubtedly American financiers will have to be consulted and it was suggested tonight that Secretary McAdoo will be chartered with the duty of sounding them. If this is true he will have to be acquainted with the whole purpose of the Washington government and the South and Central American powers which join in restoring peace in Mexico.

McAdoo En Route.

New Haven, Me., Aug. 7.—Secretary McAdoo left his summer home here today in response to a telegram from Washington. He crossed the Penobscot river in a motor boat to Rockland and there made train connections for New York, where he is due tomorrow morning.

SPARTAN GRAND JURY TO WORK ON ROADS

Each Member Will Drag One Mile of Road in County for One Year.

The State.

Spartanburg, Aug. 7.—It is now certain that 18 miles of Spartanburg county roads will be kept in best condition during the next 12 months. This comes as a result of an agreement of all the members of the grand jury of Spartanburg county yesterday to undertake to drag one mile of road apiece every time it needs during the coming year. In the grand jury's present term for the term just ended, it was recommended that the office of township commissioners be abolished and that two commissioners and a supervisor, equipped with a Ford machine, be substituted. It was further stated that the grand jury believed that the county could be better served by such an arrangement of government than by a board of township commissioners.

A PRACTICAL MAN, TOO!

Three Cheers For the Latin Professor!

One summer day the grocer's delivery horse balked in front of our house, says Mary Leal Harkness, in the Atlantic. Of all obstreperous quadrupeds, he was the very balkiest horse I ever saw. The delivery boy swore and wept, he petted and patted, he lashed and pulled, he exhausted every device known to delivery boys, and the beast moved not. A crowd assembled—the sort of crowd which such attraction always draws, "practical" men and boys all—and, I'll dare be sworn, not a user of grammar pure and undefiled in the whole collection. And they told all they knew about balky horses, and did all they knew as well; but the horse remained unmoved. Then the college professor of our family, a Latin professor, as it chanced, and of the vintage which our valued writers on education would probably term "of yesterday," looked out of his library window and contemplated the situation. But not for long. He rose without remark, sought his carriage house, procured a rope, advanced to the middle of the street, spoke gently to the grocer's boy and his steed, attached the rope at the points where it would do the most good—and the animal proceeded down the street. There was some surprised and admiring comment from the bystanders, I remember, to which the professor made not much response. The only explanation which he vouchsafed to his family was, "I learned that trick when I was a boy on Jim Henderson's farm. He used to keep the meanest horses that ever grew."

It seems that a college education had not made the good professor "helpless" or disdainful of things material; he was the most practical man there.

Fame covers a multitude of sins, but all sin is not covered by fame.

portunity to make them.

Most big men have big hearts, but a few have nothing but gizzards.

No. Six-Sixty-Six

This is a prescription prepared especially for MALARIA or CHILLS & FEVER. Five or six doses will break any case, and if taken then as a tonic the Fever will not return. It acts on the liver better than Calomel and does not gripe or sicken. 25c

For Better Biscuits

And baking that is a simple pleasure in the preparation and a palatable enjoyment in eating, use that good

Rising Sun Flour

That is self rising, requiring no baking powder, salt or soda.

It's made by the famous Red Mill, Nashville, Tenn.



Ask for Rising Sun

Others may guarantee their flour, but RISING SUN guarantees results

REGISTRATION NOTICE.

The board of registration for Newberry county will be at Whitmire on August 10, 1915, and at Prosperity on August 13, 1915, for the purpose of registering voters. And at the office in Newberry on the first Monday in August, which is the last day for registering for the general election in September.

Board of Registration for Newberry County.



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Long Distance calls for fifteen merchants within a radius of several hundred miles.

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STOP SCRATCHING USE ZEMERINE

It makes no difference how long you have suffered with eczema, itch or any other skin disease, Zemerine will help you as it has helped others. Zemerine stops suffering where other remedies have failed and restores the skin to a healthy condition.

The first application of Zemerine brings relief, stops the burning and itching, the desire to scratch passes away, and healing becomes possible. Read what others have to say about Zemerine: "Send me another box of Zemerine. It has done me a lot of good." "I have used Zemerine and it gave me more relief than anything." Zemerine is sold in two sizes 50c and \$1, by druggists everywhere and Newberry Drug Company. Sample free upon request to Zemerine Chemical Company, Orangeburg, S. C.

NOTICE TO STOCKHOLDERS.

Notice is hereby given that a meeting of the stockholders of the Little Mountain Oil Mill and Fertilizer Company will be held at the offices of the company, Little Mountain, S. C., September 1, 1915, at 4 o'clock p. m., to consider the following resolutions, adopted by the board of directors July 30, 1915, proposing that preferred stock be issued:

Resolved, That the Little Mountain Oil Mill and Fertilizer Company issue 1,500 shares of preferred stock, of the

aggregate amount of \$13,500; that the stockholders and directors who are now liable for the debts of the company, either as makers or endorsers of its notes, shall have the preference of taking such preferred stock in proportion to the amount of their respective liability; that such preferred stock shall be a lien upon the net profits of the corporation and, if the property of the corporation should be sold under foreclosure, or in liquidation, such preferred stock shall be a lien upon the proceeds of sale, after paying expenses and the debts of the corporation; that no dividend shall be paid upon any other stock in any year until the preferred stock authorized by these resolutions shall have received a dividend of eight per cent.; that such preferred stock is to be regarded as collateral to secure the payment of notes and obligations of the company on which the holders of such are liable, and any payment made on this preferred stock out of the earnings of the corporation, or out of any sale of its property, is to be regarded as a payment on the obligations assumed by the respective holders of said stock, and the payment in full of such obligations out of the earnings or property of the company shall retire such preferred stock in full.

By order of the Board of Directors.
W. P. Derrick,
President and Secretary.

8-2-4tw

Subscribed to the Board of Directors