

STATE BOARD CUTS OFF CHARLESTON'S PROFITS

PROFITS TO BE USED FOR ENFORCING LAW IN CHARLESTON.

The Board Furnishes the Bonds for the Constables Recently Arrested in Wieters Matter.

At a special meeting of the board of directors of the dispensary held in the city of Columbia on Monday it was decided to withhold temporarily the profits accruing to Charleston, which it is said amount to about \$30,000.

The city and county authorities are requested to appear before the board on December 2nd, to show why the withholding of the profits should not be made permanent. Governor Heyward and Attorney General Gunter, by invitation, were present at the meeting.

The reasons given by the board for its action are best shown by the following statement, which was given out for publication, and which is taken from the News and Courier:

The actions instituted by Wieters in the United States Court against the dispensary constables, claiming \$10,000 damages for an alleged assault, and the arrest of the constables and their indictment in the State Court under the charges were especially considered. Upon Chief Hammett's report it appeared that every obstacle conceivable has been thrown in the way of the constables to hamper their efforts in the reasonable enforcement of the law. Not only were heavy bonds demanded, but for the want of bondsmen, which the division chief could not obtain in the city of Charleston, the constables were thrown into jail, even in a civil action, where nothing but a money judgment was asked for. It also appears from the report of the division chief that the clerk of the court has refused to accept cash in lieu of bond.

"In view of these onerous and peculiar conditions the officers of the law are now hiding out, in order that they may escape being placed in jail, from which it seems next to impossible to obtain release, even though placed there while attempting to enforce the law under the direction of the Governor.

"Inasmuch as the constables were unable to procure bond in Charleston, upon the statement of the Governor that he had no funds available, and on his request for such financial aid as the State dispensary authorities could afford, the following resolutions were adopted:

"At a called meeting of the State board of directors, held November 16, 1903, it is moved and ordered that the sum of one thousand dollars be deposited in the Carolina National Bank as an indemnity for bail demanded of dispensary constables in the city of Charleston, and that upon the performance of the conditions of said bond that the said thousand dollars be converted into the fund from which it was set apart.

"On motion it is ordered that upon the written order of Chief State Constable Hammett, on the approval of the Governor, that so much money be set aside and deposited in bank as may be necessary to indemnify any bail given for the release and appearance of any dispensary constables that may hereafter be held for appearance in any court for charges arising in the performance of their duty.

"With this financial aid furnished him by the State board the Governor will see that the constables are fully protected in the discharge of their duties and that the enforcement of the law will be

carried on with the means placed in his hands.

"At the same meeting Chief Constable Hammett made a statement as to the enforcement of the dispensary law in the city of Charleston. From the statement it is manifest that the present endeavor to enforce the law in Charleston, as elsewhere, has resulted in an improvement; this very fact is evidently irritating to the law-breakers, and the efforts to enforce the law are met in a still more determined spirit to hamper the officers and to violate the law. This was evident from the badgering of the officers that led to the resolutions of the board in asking provisions for bail. Not only are the officers hampered in their work in every conceivable manner, but the State is forced to great expense in endeavoring to keep the constables at their appointed duties. It was discussed and determined that in view of the persistent violations of the law and the flagrant failure in Charleston and the extra expense incurred therefrom, that the school fund should not suffer for the violations of the law and inaction of the local authorities, but that under Section 565, of the dispensary law, the offending locality should pay the expense incurred, and that this burden should not fall upon other sections of the State where the law is enforced and obeyed and where the local authorities give their assistance and moral support in the enforcement of the law.

"In view of these facts the following resolution was unanimously adopted by the board:

"Resolved, That under authority vested in the State board of directors by Section 565, of the dispensary law, the part of the profits going to the city of Charleston from dispensary earnings are hereby withheld to be expended on account of the constabulary force, and the city and county authorities are hereby requested to show cause at our office on the 2nd day of December why this action on our part shall not be made permanent from and after that date.

"Second. The county dispensers of the city of Charleston are hereby directed, until further ordered, to remit on Monday of each week the amount of profits otherwise going to the city to the State Treasurer, and the county board of control is instructed to see to the execution of this provision.

"The board regrets exceedingly being forced to take this step, but feels that it is their duty to do so to protect the interests of the dispensary law, for which they are responsible. The board appreciates the fact that there is a larger law-abiding element in the city of Charleston who will suffer on account of this action on their part and consequently they have made the suspension of the profits only temporary and in consequence have invited the city and county authorities to meet with them at their regular meeting on the 2nd day of December and have requested them to show cause why the withdrawal of the profits, which is now only temporary, should not be made permanent."

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