

The Herald and News

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CAN TAKE CHOICE OF TWO METHODS

JOHNSTONE ADVISED AS TO LIEUTENANT GOVERNORSHIP

If He Accepts Place Vacated by Harvey Will Lose Seat—Not Necessary to Qualify

The State, 19th. Attorney General Wolfe yesterday advised Senator Alan Johnstone of Newberry, president pro tem of the senate, that in case Senator Johnstone acted as lieutenant governor and as such assumed the duties of president of the senate, he would vacate his seat as senator from Newberry county.

At the same time Mr. Wolfe informed Mr. Johnstone that in case he does not accept and qualify as lieutenant governor, he will retain his seat in the senate as senator from Newberry county, and the office of lieutenant governor will remain vacant.

Senator Johnstone does not wish to become lieutenant governor if he must vacate his seat in the senate and last week he asked the attorney general for an opinion in the matter.

Mr. Wolfe, in his letter, further declares that construing Sections 7 and 6 of the constitution as necessarily correlated, that in case Senator Johnstone takes the place of the lieutenant governor, he must take the place in fact "for he thereby forfeits and vacates his seat in the senate."

Letter of Wolfe

Mr. Wolfe's letter is as follows: "Replying to your inquiry relative to your preserving your status as state senator in the general assembly from Newberry county, in view of the resignation of the governor and the consequent vacancy in the office of lieutenant governor, I advise that by virtue of your holding the office of president pro tempore of the senate, under the organization of that body, you would, pursuant to Section 8, Article 4 of the constitution vacate your seat as senator in the event you acted as lieutenant governor and as such assumed his duties as president of the senate.

"The senate is an inseparable branch of the general assembly, and only functions when that body is in session.

"Section 5, Article 4 of the constitution provides that a lieutenant governor shall be chosen at the same time, in the same manner, continue in the office for the same period, and be possessed of the same qualifications as the governor, and shall ex officio be president of the senate.

"Section 7 of the same article of the constitution provides that the senate shall, as soon as practicable after the convening of the general assembly, choose a president pro tempore to act in the absence of the lieutenant governor, or when he shall fill the office of governor.

"Section 8 of the same article of the constitution provides that a member of the senate, acting as governor or lieutenant governor, shall thereupon vacate his seat and another person be elected in his stead.

"Your term of office as senator does not expire, as I understand it, until two years hence, whereas, at the convening of the next general assembly there will be a new organization of that body, involving on the part of the senate the choosing of a president pro tempore to act in the absence of the lieutenant governor, who has assumed the duties and office of governor of the state.

"Construing Section 7 and Section 8 as necessarily correlated, the conclusion follows that where the president pro tempore takes the place of the lieutenant governor, he must take the place of such office in fact, for he thereby forfeits and vacates his seat in the senate.

Must Be Accepted

"Through on Public Officers, 1892 edition, Section 164, at page 173, lays down this principle in such cases: 'An appointment or election to an office is insufficient to vest the title to the office in the person chosen, without proof of his acceptance thereof.' This principle is enunciated in the case of Mitchell vs. Jones, reported in 94 S. C., 487.

"Section 20, Article 4 of the constitution, prescribes 'that the govern-

STAGE IS ALL SET FOR BIG DINNER

Dr. Geo. B. Cromer to Be Local Speaker—Other Interesting Features on Program

Announcement is made to the effect that the "stage" is all set for one of the largest "get together" meetings ever held in Newberry, which is to be in the form of a big dinner known as Greater Newberry night to be held on next Thursday night in the Legion hall at 8:00 o'clock. Every organization in the city is taking part in this event and it is expected that the Legion hall will be filled to its capacity. As previously announced the ladies of the Civic league will serve the dinner, and the menu which they have submitted to the executive committee for approval is a very tempting one, and it alone will be worth seventy-five cents, to say nothing of the other features on the program will be Dr. Geo. B. Cromer to speak.

Perhaps one of the most interesting features of the program will be an address by Dr. Geo. B. Cromer, who is one of Newberry's most beloved citizens and one of the most capable speakers in the state of South Carolina. Dr. Cromer has not announced from what subject he will talk, but the fact that he is on the program is enough to know that it will be interesting. In addition to the address by Dr. Cromer, Mr. Howard Strong of New York city will address the gathering on the subject of "You and Your Town." Mr. Strong is coming to Newberry at the invitation of the program committee for the sole purpose of addressing this gathering and his willingness to make this long trip should be appreciated by the citizens of Newberry to the extent that all of them will come out to the meeting to hear him. Other features on the program will be musical selections which are being arranged by the music committee. This program has not been completed as yet, and just what this part of the program will consist of can not be announced at this time.

Buy Tickets Today

It has been announced several times that no funds would be solicited at this dinner. Of course, every one knows that there will be a charge for the dinner. Tickets are now being sold, these tickets entitle one to all parts of the program and are being sold for seventy-five cents. It is hoped that all who expect to attend will buy their tickets before 3:00 o'clock Tuesday afternoon (today), as the ladies in charge of serving the dinner will want to know as soon as possible how many to prepare plates for, so if you have not bought your ticket yet, do so today.

Let every one be prepared for a good time, for the sole purpose of the dinner is to get together for an evening of pleasure and enjoyment.

MISS MARGUERITE WERTS FIRST HONOR GRADUATE

The faculty of Newberry college has awarded first honor in this year's senior class to Miss Marguerite Werts of Newberry. Second honor goes to L. E. Blackwelder of Concord, N. C. The following speakers with their subjects have been selected to speak on Commencement day, June 6, 10:30 a. m.: Business is Business, L. E. Blackwelder, Concord, N. C.; Newberry—A New Gymnasium, E. L. Setzler, Newberry; The Law's Delay, C. E. Oxner, New Brookland, S. C.; The Price of Permanent Peace, K. W. Kinard, Johnston, S. C.; Valedictory, Miss Marguerite Werts, Newberry.

INDIANS TAKE GAME

Victory by One Run in First Inning. Anderson, May 19.—The Newberry Indians landed one run on an error in the first inning of their game with Mississippi college here today and then held the Hurricane scoreless. Clarke for Mississippi showed great form and struck out ten Newberry men.

Newberry	1	0
Mississippi	0	5

Busby, Shealy, Robinson; Clarke and Dickens.

DOUBLE TRAGEDY IN MULLINS ONE GUN SHOTS TWO

R. Miles Shoots Ben Snyder and Then Himself—Was Momentarily Insane

Mullins, May 18.—Ben Snyder's condition seems to be improving. His mother, from Baltimore, arrived this morning to be at his bedside.

Mullins, May 18.—R. Miles, who was the oldest clothing merchant of Mullins, is dead, and Ben Snyder probably fatally wounded as the result of a clash yesterday. Miles shot Snyder and then killed himself, and the coroner's jury so declared after an inquest.

The tragedy occurred in Mr. Snyder's store. After Mr. Snyder was seen running from the store, blood on his clothing, and followed by his wife, who was panic stricken, Chief of Police Williamson entered and found Mr. Miles lying on his face with a pistol .32-caliber lying near his right side. Examination by the officer showed that there were two empty cartridges and it was supposed that Mr. Miles shot Mr. Snyder and then turned the gun on himself. The bullet that killed Mr. Miles entered the right temple and blew his brains out. The bullet was later picked up by Chief Williamson on the floor within three feet of where Mr. Miles lay.

While examinations were being made Snyder talked freely and stated that while they would not inform him that Miles was dead he felt sure he was as he saw Miles put the pistol to his temple and saw the shot fired, Miles falling on his face.

It appears that Mrs. Snyder was the only person in the store besides the two principals to the tragedy and she was over on the dry goods side with a wall separating them. On hearing the shots she is said to have run to the scene, being met by Snyder who was reported as saying to her that "Miles has killed me." He staggered on out to the door.

Mr. Snyder gave it as his opinion that Mr. Miles was momentarily insane. He repeated this assertion time and again and further said that Mr. Miles entered the store in the early morning and wanted settlement for an iron safe which he had sold to Snyder, and contended for a sum in excess of the agreed price.

It is said that since Mr. Miles recently sold his business he had been very much dissatisfied and had frequently remarked that a man without a job was miserable. He was about sixty years old and leaves a widow and one son, Edgar, aged twelve, a student in a school in Charleston.

HIGH SCHOOL CARNIVAL A BIG SUCCESS

The Newberry high school carnival was indeed a big success this year. A large crowd was pleasantly entertained throughout a long evening. The grounds were well lighted and at almost every corner a tent was seen with some special attraction. From 6:30 until 8:00 the tent of the unfortunate wives of Blue Beard was open. As it was free everybody went in to see the unfortunate ones. Next was the "old reliable" fishing pond and next came the fortune teller's tent. And, too, we must not leave out the ice cream and "pink" lemonade stand.

At 8:00 p. m. the crowds were entertained at "Sparks Circus," the second. The audience was thrilled with the death-defying tight rope walking, and with the clever stunts performed by the clowns. After the circus the performance of the minstrel was enjoyed by all who attended, the whole affair being a big success.

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PERSONAL PARAGRAPHS PROSPEROUS PROSPERITY

Prosperity, May 22.—The Prosperity high school began their commencement Thursday, when a musical recital was given at the school auditorium by the pupils of Mrs. J. F. Browne. On Friday evening an oratorical contest was held at the city hall followed by an address by Prof. J. C. Knard of Newberry college.

The oratorical medal given by E. T. McSwain, former superintendent of the school, was won by Day Werts, the presentation being made by Col. E. H. Aull. The Aull essay medal, given and presented by Col. Aull, was captured by Miss Rebecca Harmon, with honorable mention to Miss Elizabeth Browne. The G. Y. Hunter high school scholarship medal was delivered by Dr. J. S. Wheeler, president of the board of trustees, to Miss Rebecca Harmon. Miss Julia Quattlebaum won the J. S. Wheeler history medal, with Miss Elizabeth Browne coming second.

Rev. J. E. Meng of Newberry preached to the school Sunday morning at Grace church, having for his text: Christian's Relation to God.

There was no graduating class this year as the board of trustees expects to add another grade next term. This will make Prosperity a four year high school. Prof. E. O. Counts was reelected superintendent with the following corps of teachers for the 1922-23 session: Misses Willie Mae Wise, Mary Langford, Susie Langford, Moss Fellers, Clara Brown, and Mrs. J. D. Quattlebaum.

Rev. E. S. Jones, presiding elder of Cokesbury district, preached at Wightman chapel Saturday morning. The third quarterly conference was held in the afternoon. Dinner was served on the church lawn. Rev. Jones filled the Methodist pulpit again Sunday afternoon.

Mrs. J. D. Griffin gave a lovely party Monday evening, complimenting her niece, Miss Nellie Mae Dasher, who leaves soon for her home in Clio, Ga., after having spent the winter here attending school. Quantities of sweet peas, ferns and bright colored garden flowers were tastefully combined in the decorations of the rooms where the evening hours were whiled away pleasantly with the playing of old fashioned games. The hostess, assisted by her daughter, Miss Margaret, served delicious ice cream and cake.

Miss Ethel Saner has been visiting Miss Juanita Saner at the Columbia hospital.

Messrs. O. S. Miller, J. F. Browne, W. Wheeler and Lewis Bedenbaugh attended the Newberry-Columbia ball game in Columbia Wednesday afternoon.

Little Miss Jean Duncan of Erevin, Tenn., is visiting little Miss Virginia Kohn.

Mr. and Mrs. J. C. Taylor of Batesburg and Mr. Wm. Seel of Columbia were week-end guests of Mr. and Mrs. A. G. Wise.

Mr. and Mrs. A. B. Wise and Mrs. J. M. Werts motored to Williamston Sunday.

Miss Esther Kibler left Saturday for Whitmire after spending several months with her grandmother, Mrs. Rosa Lester at the home of Mr. and Mrs. J. D. Quattlebaum.

L. M. Wise of Greenville has been home on a short visit.

Mrs. Jessie Ray and children of Spartanburg were week-end guests of Miss Edna Fellers.

Col. John F. Hobbs of New York city is visiting Mr. and Mrs. A. G. Wise.

Mrs. Z. W. Bedenbaugh is home from an extended visit to friends in Columbia.

Miss Emma Willis of Columbia is the guest of Mrs. Mary Sitz.

EDUCATION BOARD NAMES TEXT BOOKS

For Use in Public Schools Next Five Years—Board Signs Contract With Publishing Houses

The State, 19. Adoption of textbooks for the public schools of South Carolina was completed yesterday after several days of conference on various texts which had been submitted. The board of education has been in session several days and yesterday announced that its work had been practically completed.

Approximately 32 contracts with book publishing houses remain to be signed up, but this work will be completed within a day or two. Representatives of various publishing houses have been in Columbia in numbers recently and many texts have been brought to the attention of the board. The books for the next five years will be somewhat higher in price, it was understood yesterday, than they were under the old contracts as the cost of practically everything that goes into their making has advanced in recent years.

J. E. Swearingen, state superintendent of education, when asked yesterday for a list of the books adopted by the state, said that a list had not been prepared yet for publication. He said, however, that the list would be available in a few days.

The law of the state, as is generally known, provides for a re-adoption of textbooks for the public schools every five years. The books adopted by the board at its meeting will be used over the state in the schools during the next five years. Provision is made with the book companies whereby old books may be exchanged in part payment for new books, this arrangement saving much money to the people of the state.

CONCERT AT WEST END PARK SATURDAY NIGHT

The following program will be rendered at the West End park Saturday night, May 27th. This is the first of the regular concerts by this band, and the public is invited to be present. V. H. Lewis, director.

1. March, Gilmore's Triumphal—Brooke.
2. Overture, Orpheus—Offenbach.
3. Characteristic piece, The Birds and the Brook—Bratton.
4. Clarinet solo, The Rose—Missud, by Mr. Olin Reighley.
5. Trombone Abairdity, Muttering Fritz—Fillmore.
6. Two fox trots: (a) Ain't We Got Fun—Harper; (b) Wabash Blues—Smith.
7. Serenade, A Night in June—King.
8. March, Punjaub—Payne. Star Spangled Banner.

Baseball

The West End club will play the strong Union team on West End ground Saturday, May 27th.

The West End team has been strengthened and other changes will be made this week, so a good game is assured. Halbrook, the left hander who pitched a nice game against Whitmire last Saturday, will be in the box with either Cromer or Oliver catching. Game called at 4 p. m. Admission 20c and 30c. Band in attendance.

of Mrs. A. H. Kohn.

Miss Celeste Singley and Heyward Singley of Columbia spent Sunday with their parents, Mr. and Mrs. J. C. Singley.

Johnnie Fellers of Greenville has been home on a short visit.

Dr. G. Y. Hunter and Lander Lever motored to Columbia Sunday. Dr. Hunter went to see his daughter, Miss Mary DeWalt, who is a patient at the Columbia hospital.

Mr. Olin Bobb and son Karl of Columbia spent Sunday with Miss Gertrude Bobb.

Mr. and Mrs. J. F. Gogzans and children of Columbia and C. G. Wyche of Greenville were guests Sunday of Dr. and Mrs. C. T. Wyche.

Rev. J. E. Meng of Newberry spent Sunday with Rev. and Mrs. J. E. Williams.

WHO IS COLLEGE BASEBALL CHAMPION?

Newberry and Carolina Have Debate as to Who Deserves the State Title

Johnnie Banks in Columbia Record. Just who is college champions in baseball realms in South Carolina is not altogether unanimously agreed upon. Prior to the game Wednesday members of the University of South Carolina team in speaking to the sports writer of The Record stated that they considered this would be the championship game; that if Newberry won they would be willing to admit the Indians were the state champions and that if the Gamecocks won, they expected Newberry to concede the championship laurels to Carolina.

However, Newberry is not willing to make any concession to Carolina and after the game committees from the faculty, representative to students, players and fans from Newberry visited the sport writers and pressed their claim.

Newberry's Contentions

Newberry first contends that the Indians have played more games than the Gamecocks and that as both teams have an average of 750 points in the percentage column that they feel Newberry has the best claim to the title. Another reason set up is that Newberry and Erskine had agreed prior to the game that the game at Greenwood between these two teams would be an exhibition game and they further hold that they have information from Major Rhame of the Citadel that the Citadel had considered the Carolina Citadel game in Greenwood as a regular scheduled game.

Another point at issue is that Carolina did not play Wofford or Presbyterian college. The Gamecocks did not have a game scheduled with Presbyterian. Both games with Wofford, one at Columbia and another at Columbia, were started but were rained out before the regulation five innings had been played. Newberry met Wofford twice and they divided the honors.

The same is true between Newberry and Presbyterian college, the two teams having met twice and each having won a game.

Carolina's Claims

Carolina claims that it has met the important teams of the state and has defeated them. The Gamecocks won and lost to the Clemson Tigers, the Birds having practically eliminated the Tigers from the titular contest in the game here last Saturday. Another claim entered by the Gamecocks is that they have not been defeated by Newberry, the first game in the Indians' camp having resulted in a seven-all draw, and the game here Wednesday being a decision in favor of the Garnet and Black.

The Carolina players do not think it fair to reckon the awarding of the title on a percentage basis as one team plays more games than another.

Just what will be the outcome of the discussion remains to be seen. There is no method of awarding a championship and nothing accompanies the winning of such an honor but the honor itself. However, the two teams which are parties in the debate believe that the glory that accompanies the championship is worth arguing for.

AMERICAN COTTON EXCHANGE IS TRIED FOR "BUCKETING"

New York, May 18.—The American cotton exchange went on trial on an indictment charging "bucketing" of orders.

The indictment, which followed a "John Doe" investigation in magistrate's court, alleges that the exchange "bucketed" or failed to execute approximately 80 per cent of the orders received from the South. The trial is regarded as a test of the new state bucketing law. The maximum penalty, upon conviction, is a fine of \$5,000. For a second offense the exchange's charter could be abrogated.

Several officers and individual members of the exchange are under indictment, but their trials were deferred until the cases against the exchange are disposed of.

EUROPE HELPED BY CONFERENCE

GOOD WILL COME OF GENOA CONFERENCE

Think That Achievements at Genoa Will Live and Contribute to Pacification

Genoa, May 19.—The dominant thought in Genoa tonight as the delegations to the economic conference were leaving or preparing to depart, seemingly was that, although the conference was a thing of the past as far as Genoa is concerned, its achievements would live and contribute much to the pacification and reconstruction of Europe.

The officials of some of the smaller states undoubtedly will go home disappointed, perhaps angry, because their troubles have not been settled at Genoa. Lithuania, for example, is chagrined that Genoa has not chased the Polish troops from Lithuanian territory and the small Russian republics bordering the Caspian and Black seas are aggrieved because Genoa failed to free them from Bolshevik rule.

But as a whole the belief prevails that the Genoa conference, despite disputes which almost pushed Europe to the edge of a precipice, has resulted in the beginning of better understandings between the nations of Europe, including Russia. Even official France admitted that tonight.

France, which came here reluctantly, almost suspiciously, goes away with more confidence. Louis Barthou, vice premier in the French cabinet and France's chief delegate to the conference, in his final words to the press tonight declared it was his conviction that the Genoa conference which he called the "child of Cannes" was today in good health, and that he saw no reason why the infant could not journey safely to the Hague and there thrive and prosper.

The question whether the Russian problem will so develop as to make possible later participation by the United States in its solution was the great subject of discussion tonight.

David Lloyd George, who has hurried back to England, has not accomplished everything he hoped for, but today found him in rare good humor as the conference held its closing session.

The conference adjourned after adopting a provisional non-aggression pact, approving arrangements for the Hague meeting and adopting the report of the economic commission with its recommendations for the rebuilding of disorganized Europe.

Admittedly, everything now depends on the Russian Communists. If they continue as intransigent in Holland as in Italy, there seems little prospect of an agreement with Russia. Meanwhile the desperate straits of the Russian people are in the minds of all the delegates. As one of them said tonight, "every possible effort will be made to save the valiant Russian people from suffering and death. Even the Communists are Russians, and perhaps they will understand."

Civic League

The Civic league will hold its regular monthly meeting on Tuesday afternoon at the Moose hall at 5 o'clock. Payment of dues and election of officers at this meeting. Chairman of each committee is asked to make a yearly report.

Mrs. R. H. Wright, President.

PROGRAM NEWBERRY COLLEGE COMMENCEMENT

Sunday, June 4, 11:00 a. m., opera house, Baccalaureate sermon, by Rev. H. A. McCullough, D. D., Columbia, S. C.

Sunday, June 4, 8:30 p. m., opera house, address to Y. M. C. A., Rev. J. L. Oates, York, S. C.

Monday, June 5, 10:30 a. m., Holland hall, sophomore declamation contest.

Monday, June 5, 8:30 p. m., opera house, Junior oratorical contest.

Tuesday, June 6, 10:30 a. m., opera house, commencement exercises.

Tuesday, June 6, 1:00 p. m., college club luncheon.

Tuesday, June 6, 2:00 p. m., meeting Alumni association.