

The Herald and News

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WILL NOT ENJOIN TAX COMMISSION

Supreme Court Upholds Income Act. Denies Injunctive Relief to Several Large Cotton Mills

The State, 28.

The supreme court yesterday handed down a per curiam order denying the petition of the Santee mills, the Wimsboro mills, the Pacific mills and the Union-Buffalo mills for an injunction to prevent tax commission from enforcing the provisions of the state income tax act on the plaintiff mills.

The temporary restraining order granted several days ago was vacated in the order of the court and the petition for a permanent injunction was denied. A full opinion giving the conclusions of the court has been prepared and will be filed within the next few days, the court said.

Under the terms of the order the income tax act of the state is made safe and no restraining order will be granted against the tax commission. The order, while not giving any particulars, is believed to mean that the court will declare the act constitutional in its entirety. The plaintiff mills raised so many questions of unconstitutionality that the court will, in all likelihood, take the act as a whole into consideration as it applies to all persons, firms and corporations.

The order of the court is as follows:

"The plaintiff brought action in the original jurisdiction of this court to enjoin the defendants as members of the South Carolina tax commission from enforcing the provisions of an act entitled 'An act to raise revenue for the support of the state government by the levy and collection of a tax upon income,' approved March 13, 1922. The questions raised as to the validity of the said act have received careful consideration and an opinion has been prepared announcing the conclusion that the injunctive relief sought by the plaintiffs must be denied and the complaint dismissed. This opinion will be filed as soon as opportunity is afforded for a final revision thereof.

"It is therefore ordered and adjudged that the temporary restraining order heretofore granted be, and is hereby, vacated and that the application for a permanent injunction be denied."

SUNDAY SCHOOL INSTITUTE AND QUARTERLY CONFERENCE

On Saturday, June 3rd, beginning at 10:30 a. m., there will be a Sunday school institute at Ebenezer church, conducted by Rev. L. D. Gillespie, Field Secretary, and others. The officers and teachers of our Sunday schools and many others interested in Sunday school work, are invited and earnestly requested to attend. There will be a morning and an afternoon session with dinner at church. Rev. E. S. Jones, Presiding Elder, will take part in the institute, and will also hold the third Quarterly Conference for Newberry circuit. Let the members of this conference take notice and be present.

G. F. Clarkson

McLEOD IN RACE FOR GOVERNOR

Bishopville Man Announces Candidacy

Bishopville, May 26.—Thomas G. McLeod of this place said this afternoon that he will be in the race this summer for governor. Recently numerous requests have been made of Mr. McLeod that he offer for the office and it is in response to these requests that he enters the contest.

Mr. McLeod is well known throughout the state. He was lieutenant governor and has had extensive legislative experience. He is an able stump speaker and will make an aggressive campaign.

IMPROVEMENT ASSOCIATION BUSH RIVER SCHOOL

The improvement association of Bush River school will meet Friday evening, June 2nd, at five o'clock at the school house. After the association there will be an ice cream festival. The public is cordially invited to come.

NEWBERRY HIGH SCHOOL CLOSES SUCCESSFUL YEAR

The graduation exercises of the Newberry high school were held in the opera house Tuesday evening, when nine young ladies and four young men received their diplomas.

The chairs in which were seated the graduates, the faculty and others taking part in the program, were arranged in a semicircle, and the platform was tastefully decorated in black-eyed Susans and yellow and black, the class flowers and colors. The young ladies were pictures of girlish grace and loveliness, each being dressed in white organdie, and carrying an arm bouquet of sweet-peas.

Prof. O. B. Cannon, superintendent of city schools, was master of ceremonies, and in an appropriate manner announced the various numbers.

The exercises opened with prayer by Dr. C. A. Freed, followed by the song, "Welcome, Sweet Springtime," by a chorus of high school girls.

The address to the graduates was made by Dr. A. J. Bowers, formerly a professor in Newberry college. Dr. Bowers made a splendid address on "Duty," telling the class that each must determine what his or her duty is; that often it is not what a person desires, or even has the ability to do; and that after a course of duty is determined it should be adhered to until finished. He stressed the spirit of daring which is necessary to the accomplishment of duty, and emphasized especially the high principle of going "the second mile." His address made a great impression on his hearers and will doubtless be of great benefit to the young people just finishing their high school course.

A song, "Santa Lucia," was the next number, sung by the chorus with piano accompaniment by Miss Marion Jones, and violin obligato by Mr. Vigodski.

Col. E. H. Aull gives each year a medal to the member of the graduating class writing the best essay on a given subject. The subject this year was, "Thar's More in the Man Than Thar Is in the Land," suggested by Sidney Lanier's poem of the same title. Colonel Aull explained the purpose of the medal and announced as winner Miss Margaret Kinard, with honorable mention for Wright Cannon. The winning essay was read by Miss Kinard and was an excellent paper.

The awarding of diplomas was made by Professor Cannon, the following receiving diplomas: Robert Wright Cannon, Buford Bradley Cromer, Willie Mae Culbertson, Dorothy Denning, Mary Elizabeth Freed, Maude Hamilton, Margaret Kinard, Virginia Ruth McCarty, Mildred Elsie Parsinger, Hubert Marvin Setzler, Legare Tarrant, Caroline Pool Weeks, Boyd Wheeler.

The medal offered by Mr. Harry Dominick for the student in the graduating class making the highest average in scholarship for the entire four years, was won by Miss Caroline Weeks, with second and third places going respectively to Wright Cannon and Miss Maude Hamilton. This medal was presented by Professor James C. Kinard of Newberry college.

Professor Cannon mentioned the fact that Miss Elizabeth Freed had won the highest place in the state girls' expression contest, held recently in Columbia, thus winning for Newberry high school the honor of holding the silver loving cup. Miss Freed is a very brilliant young woman, but as she has only attended this school the past session she could not compete for the scholarship medal.

The medal to the student who has done the best work for the session in the literary society is given each year by Mr. John M. Kinard, and this medal was presented by Mr. Kinard to James Dunstan.

The Joseph L. Keitt, Sr., medal to the 7th grade student at Boundary Street school making the highest average for the year, was won this year by LeRoy Anderson, with honorable mention to Virgil Schumpert. The medals given in the two 7th grade sections at Speers Street school were won by Robert Kennedy and Voigt Taylor.

After the presentation of medals Professor Cannon read the honor roll

CLOSING EXERCISES POMARIA HIGH SCHOOL

Friday, June 2, beginning at 8:30 p. m. the primary and intermediate grades of the Pomaria school will render the following program:

Welcome, Homer Setzler.
Play, My Own United States, by first, second, third, fourth and fifth grades.

Recitation, The Hardest Lesson, by Keith Aull.
Play, A Day in the Park, by primary grades.

Recitation, Lewis Aull.
Recitation, My Sister's Dress, by Beaman Pinner.

Cantata, Flora's Birthday.
Sunday, June 4, at 4:30 p. m. the commencement sermon will be preached by Rev. P. E. Monroe, D. D. president of Summerland college. The sermon will be preached at the Lutheran church.

Tuesday, June 6, at 8:30 p. m. the graduating exercises will take place. The following is the program:

Music.
Salutatory, Virgie Wilson.
History, Estelle Boland.
Prophecy, Alliene Williamson.
Music.
Address, Rev. H. A. McCullough, D. D.

Valedictory, Sara Setzler.
Awarding of Diplomas, Geo. D. Col. E. H. Aull.
Remarks and awarding of medals—Brown, Jr.

The following are members of the graduating class: Estelle Boland, Sara Setzler, Virgie Wilson and Alliene Williamson.

MRS. LOUISE RODELSPERGER DIES IN NASHVILLE

Mrs. E. L. Rodelsperger received a telegram on Thursday announcing the death of his mother at the home of his sisters in Nashville, Tenn., that morning.

Mother never grows old to the children, it matters not how many years she may have to her credit, and the children never grow old to mother, and it always brings a tinge of sadness when the hour of separation comes, even though the span of life be more than four score years.

Mrs. Louise Rodelsperger was 84 years old, the widow of the late Peter Rodelsperger who died some thirty years ago, and who will be remembered by the older people of this community as an expert shoe and boot maker.

Mrs. Rodelsperger had been making her home with her two daughters in Nashville, one of whom is married and the other single, and some few months ago she had a fall from which she never fully recovered.

She is survived by two daughters and one son, Mr. E. L. Rodelsperger of Newberry. Two daughters and one son died a good many years ago.

The remains will be brought to Newberry for burial alongside her husband and are expected to arrive on the Southern train on Saturday at 12:30, and interment will be at Rosemont immediately after, the funeral service being conducted at the grave.

Newberry College Co-Ed Club

The Newberry College Co-ed club will meet at the home of Mrs. J. H. Summer on Friday afternoon at 4:30 o'clock. All alumnae and former co-eds of the college are requested to be present.

What benefit to either is it for Germany and Russia to make treaties when they can not borrow any money from each other?

of Newberry city schools for the session and the roll of students who have had perfect attendance. Professor Cannon made a few fitting farewell remarks to the students and patrons, speaking of the fine cooperation received the past session, and of improvements to be made in the city schools.

A very interesting part of the program came when Wright Cannon, president of the class, presented to "Uncle Jake," the high school janitor, the proceeds from a play given during the session.

The class farewell song was sung and benediction was pronounced by Dr. Bowers.

H. C. W.

PLANS FOR NEWBERRY COLLEGE COMMENCEMENT

Newberry college commencement will begin with the baccalaureate sermon by Rev. H. A. McCullough, D. D. Columbia, S. C., in the opera house Sunday morning, June 4th, at 11 o'clock. Sunday night at 8:30 in the same place the address to the Y. M. C. A. will be made by Rev. J. L. Oates, D. D., York, S. C.

On Monday morning, June 5th, at 10:30 in Holland hall will be held the Sophomore declamation contest.

At 5:30 in the afternoon the annual meeting of the board of trustees will be held in the college office.

Monday night at 8:30 in the opera house will be held the Junior oratorical contest.

Tuesday morning, June 6th, at 10:30 will be held the commencement exercises. Forty graduates will receive diplomas. Five members of the senior class will speak.

At 1:00 p. m. in the American legion hall the alumni luncheon will be given by the Newberry County College club. All alumni and former students are cordially invited to be the guests of the club at this luncheon, and are urged to notify Mr. I. H. Hunt, Newberry, S. C., of their intention to be present. Rev. J. J. Long of Little Mountain, S. C., will be the toastmaster.

Following the luncheon the annual meeting of the Alumni association will be held.

Silverstreet

The "Sunny South" is a variable lady, and changes have taken place in her department during the last week.

Mrs. Ella Blair of Columbia is the guest of Mrs. Sallie Golden.

Services were held at the Methodist chapel Sunday night. Rev. Clarkston, the pastor, was accompanied by Rev. Griffin of Prosperity and Mrs. Hanna, a Sunday school worker who has charge of the primary department of the work in upper South Carolina. Mrs. Hanna made an interesting talk on Sunday school work, Miss Albright, another Sunday school worker, was present, but became overcome, probably on account of the close room, and was unable to make any remarks. The meeting was largely attended, and very much appreciated.

The Luther league met in the Lutheran parsonage Friday night. The time passed pleasantly with music and games. Delicious ice cream and cake was served. Mrs. Suber is an ideal hostess and the evening was a very pleasant one.

Ches Butler made a business trip to Newberry Monday. Miss Maggie Booser and Earnestine Lake have gone to Little Mountain to visit with Miss Gussie Huffman.

Mr. and Mrs. Brab Longshore of the county spent part of Sunday with Mr. and Mrs. B. Floyd.

Miss Josie Berry of Greenwood spent the week-end with her parents, Mr. and Mrs. Joe C. Berry.

Isaac Berry is with Mr. Ches Blair at his saw mill.

Sealum Berry who for several weeks has been here repairing automobiles, is moving his family from Saluda. They will occupy the cottage vacated by Pres Blair.

B. M. Havird says a man in the mercantile business, reaches the height of his financial success in five years. He ought to know as he was one of the pioneers and path-finders of Silverstreet, and helped to make it what it now is.

Mrs. Juliette Wheeler of Prosperity spent the week at the home of her cousin, Henry Long.

Rev. G. F. Clarkson and little son took tea at the home of Mr. and Mrs. R. Martin Sunday.

Ches Blair went to Columbia on business Tuesday.

Mrs. Stillwell has raised quite a lot of cabbages which are fine.

Daniel Berry spent the week-end with home folk.

Mr. Kenneth Martin of Florence is expected to visit his father, E. B. Martin, this week.

When you set out to raise vegetables and your neighbor to raise chickens what is really raised is a row.

CLOSING EXERCISES LITTLE MOUNTAIN HIGH SCHOOL

Little Mountain, May 31.—The graduating exercises last Monday evening closed one of the most successful sessions in the history of the Little Mountain high school. The exercises which have been held during the entire commencement could scarcely be surpassed.

On Friday evening the recital was held, together with the exercises by the primary and grammar grades, consisting of an operetta, Cinderella. The rainbow color scheme used for the ball room scenes was very effective. One of the prettiest features of the play was the Cinderella march by twenty primary children.

The girls and boys were dressed in yellow, white and green, typifying the daisy. Each couple carried a long rope strung with daisies, the whole forming one continuous chain of daisies. Another pretty feature was the minuet by Mildred Long, Vernon Epting, Annie Belle Cumberlander and Elmer Epting, representing the prince, the queen, and the courtier. When near the closing scene the rose fairies entered dressed in pink and green and each carrying pink roses. It left the audience with the feeling that they had glimpsed fairyland.

On Sunday morning Dr. J. D. Kinard of Johnston preached the baccalaureate sermon. The subject of his them ewas "Service," and was very ably handled.

On Monday night ten girls and four boys received their diplomas. The stage was very tastefully and prettily decorated. Along the front of the stage was a narrow trellis entwined with sweetpea vines and flowers. The class was seated in a semicircle around the stage, and over their heads arranged in a semicircle were hung baskets of sweet-peas and lace ferns. Above the door was hung a beautiful banner of the class colors, purple and gold.

The address to the graduating class was delivered by Senator Alan Johnstone of Newberry. As if by design, the subject of Mr. Johnstone's theme was the same as Dr. Kinard's on Sunday—"Service." The forceful words of advice and truth spoken by Mr. Johnstone will long be remembered and cherished by the members of the graduating class and others present.

First honor this year went to Mary Chapman and second to Annie Wheeler. The Aull essay medal was won by Annie Wheeler with honorable mention of Thelma Clarke. The Newberry scholarship was won by Marion Counts. The seventh grade medal was captured by Leon Haltiwanger. Mildred Long won the sixth grade prize for the best paper written upon the subject, "The History of the South." This is the first time this prize was offered. It was given by Miss Evelyn Wise. Miss Wise also offered prizes for perfect attendance in the sixth and seventh grades. These prizes were won by Mildred Long, Sadie Stoudemire, Elmer Epting, Narvie Stockman, Obert Kempson, Leon Haltiwanger and Raymond Shealy.

This year's class is among the best that Little Mountain has ever graduated. Those who were graduated are: Mary Chapman, Mary Frick, Arrie Mae Epting, Thelma Clarke, Grace Shealy, Ruby Wheeler, Gussie Huffman, Pearle Stockman, Annie Wheeler, Claudia Shealy, Marion Counts, Carlton Wise, Harvey Shealy and Warren Dowd.

The commencement this year was typical of the good work done by the splendid corps of teachers under the supervision of the able superintendent, P. K. Harmon.

Misses Nell Brady and Ora Davis of Columbia spent the week-end with Mrs. Emma Brady.

Carlin Shealy of Clinton spent Sunday with Mr. and Mrs. J. W. Shealy.

Mrs. Leland Hartley of Lexington is visiting her parents, Mr. and Mrs. P. B. Fulmer.

Julian Boland of Columbia made a short visit home Saturday.

Miss Ada Brady returned home last Tuesday after spending several weeks with Mrs. B. B. Davis in Columbia.

Miss Maggie Booser of Silverstreet

TO FORMER STUDENTS OF NEWBERRY COLLEGE

As a list of former students of Newberry college was not complete, no printed invitations to the college luncheon was mailed to them. All out of town former students of Newberry college are cordially invited and urged to attend the luncheon, as the guests of the College club, on next Tuesday, June 6th, at 1 o'clock. All women who formerly attended the college, now residing in town or county, are invited to attend as guests of the club.

I. H. Hunt, Chairman, Entertainment Committee.

IMPORTANT NOTICE COLLEGE LUNCHEON

As it is desired to get a complete list of names and addresses of the former students of Newberry college, all persons who are entitled to tickets to the College club luncheon are requested to call on Mr. T. Roy Summer, at the store of J. H. Summer & Co., register their names and addresses and receive their tickets. Tickets will be ready for delivery on Monday morning, June 5th.

O. B. Cannon, Chairman, Luncheon Committee.

SPECIAL SERVICES AT KINGS CREEK

Communion services will be held at Kings Creek next Sabbath afternoon at 4 o'clock. Dr. J. L. Oates of York will preach the sermon. All the former members and friends are invited to worship with the congregation in this service.

REV. H. A. KISTLER PREACHES FAREWELL SERMON SUNDAY

The Herald and News: Will you please announce in Friday's issue of The Herald and News that I will preach my last sermon as pastor of the Bethlehem pastorate at St. Matthews on next Sunday (June fourth) at eleven o'clock.

I have accepted a call to the Zion pastorate in Lexington county and I will take up the work there on the eleventh of June.

Sincerely,
H. A. Kistler.
Pomaria, S. C., May 30, 1922.

is spending a few days with her aunt, Mrs. J. J. Long.

Mr. and Mrs. W. B. Shealy motored to Lone Star Tuesday, to attend commencement. Mr. Shealy was a teacher in the Lone Star school for several years, and was invited as one of the speakers of commencement.

Miss Nell Scruggs of Columbia is spending the week with Miss Evelyn Wise.

Miss Mary Hentz of Pomaria visited Misses Louise and Willie Mae Shealy during commencement.

Misses Edna Shealy, Estelle Wheeler and Estelle Summer of Summerland college are home for the summer.

Miss Elizabeth Neel of Newberry attended commencement on Friday night.

A. H. Shealy attended the Spartanburg-Columbia baseball game Monday in Columbia.

Mrs. Lula Merchant, Mrs. J. B. Lathan and Miss Toy Lathan of Columbia spent Tuesday with relatives and friends here.

Mr. and Mrs. A. C. Wheeler of Newberry spent Sunday with relatives here.

Mr. and Mrs. F. M. Boland of Clinton spent Sunday with the former's parents, Mr. and Mrs. D. Boland.

Miss Helen Stoudemire of Peak was the week-end visitor of Misses Lois and Grace Shealy.

Miss Fay Wheeler and friend of Newberry spent the week-end with former's sister, Mrs. Ezra Matthews.

Mr. and Mrs. Jess Matthews and children of Mountville spent Sunday with relatives here.

Mr. and Mrs. G. M. Boland and children of Columbia visited Mr. Boland's parents, Mr. and Mrs. D. Boland, Sunday.

Miss Gertrude Bobb is visiting Mrs. Kate Monts at the home of Mr. and Mrs. W. B. Shealy.

Mr. and Mrs. Brabham Bowers and children of Prosperity spent Sunday with the latter's parents, Mr. and Mrs. L. S. Shealy.

WRECK OF AUTO KILLS ONE MAN

One Other Seriously Hurt in Anderson—Two Other Occupants Escape

Anderson, May 29.—There were three automobile wrecks in Anderson county Sunday afternoon. In one of these Luther Ellenberg of near Pelzer was crushed when a stripped car turned over. He was brought to the Anderson hospital but died shortly after. Ray Ashley, in the same accident, is seriously hurt and is still unconscious. According to the mother of young Ashley, the four occupants of the car left her home several miles west of Pelzer to come to Anderson. From Anderson they went out the Mountain Creek road and where there is a culvert at the bottom of the hill, the driver lost control and struck the embankment. Ellenberg, who was about 30 years old, was thrown against the bank, as was Ashley, and both badly crushed. The other two, Louis and Edward Durham, fell clear of the car and were not seriously hurt. All of the young men lived near Pelzer. Ashley is but 16 years old.

Another car turned over between Anderson and Clemson College. The driver gave his name as Anderson. He was badly cut by glass. He was brought also to Anderson county hospital, but was able to leave as soon as his wounds were dressed.

A Ford was overturned near Neal's Creek church, and John T. Williams of Orr mill was badly hurt by flying glass.

SIX WHITE MEN IN DEATH HOUSE

First Time in History of Penitentiary

The State. For the first time since electrocution was established as the legal method of execution in South Carolina the death house at the penitentiary is filled with white men. At no time since 1912, when electrocution was established in the place of hanging, has the death house been occupied exclusively by white men until the present time, according to Capt. C. C. Roberts, head of the penitentiary guard.

In the death house are C. O. Fox, Jesse Gappins, S. J. Kirby, Edmund Bigham, Ira Harrison and Frank M. Jeffords. Fox, Gappins and Kirby are under death sentence for June 16, while Harrison and Jeffords are to die June 15, unless appeals are taken from the circuit court sentences.

Yesterday a minister visited Harrison and after reading several passages from the Bible, Harrison told the minister that he was more interested in passages dealing with repentance than with any other sections.

Dickert-Schumpert Chapter

The Dickert-Schumpert chapter C. of C. will meet Saturday afternoon, June 3rd, at 4 o'clock, with Sarah Cromer.

Troxelle Wright, Pres. Bennetta Buzhardt, Sec'y.

Missionary Society Meeting

The Woman's Home and Foreign Missionary society of the Lutheran Church of the Redeemer will hold its regular monthly meeting at the church Monday, June the fifth, at five o'clock. A large attendance is greatly desired.

AGED NEGRO SAVED FROM DEATH BY GOV. MORRISON

One of Trio Charged With Killing a Wealthy Merchant

Raleigh, N. C., May 29.—The death sentence of Wright Rouse, aged negro, convicted of murder in connection with the slaying of Wm. Whitley, wealthy Walstonburg merchant and farmer, today was commuted to life imprisonment by Governor Cameron Morrison after alienists had submitted a report that the negro was mentally deficient. Mrs. Sarah Whitley, wife of the slain man, and Thomas Hayes, are now serving life terms in connection with the killing.