

The Cheraw Chronicle

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EDITOR AND PROPRIETOR.

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A TRUST FUND SAYS PRITCHARD

Dispensary Not a Branch of the State Government.

Asheville, N. C., Feb. 29.—
In the matter of the Fleischmann company against the dispensary commission of South Carolina, Judge J. C. Pritchard in the United States circuit court today held that the court could assume jurisdiction in this case on the ground that the fund in the hands of the dispensary commissioners is a trust fund held for the creditors of the dispensary.

In substance the judge's decision states:

"That, as the State of South Carolina has seen fit to engage in the purchase and sale of spirituous liquors, it can not be reasonably contended that in so doing it is performing the functions usually exercised by a State when necessary to preserve its autonomy and maintain its sovereignty.

"The supreme court of that State has decided that the act authorizing the establishment of a dispensary was constitutional. However, it can hardly be assumed that it was contemplated at the time of the adoption of the 11th amendment that a sovereign State would engage in the purchase and sale of spirituous liquors for profit.

STATE'S MONOPOLY.

"The State, having seen fit to engage in this business, and at the same time to deprive its citizens of the right to engage in such business in competition with the State, thereby placed itself in a position where it could not, with consistency, avail itself of the immunity conferred by the 11th amendment in a suit like the one at bar, in which it is sought to collect a debt contracted by the individuals placed in control of such business, with implied if not direct authority to contract such debt. Having deprived its citizens of a right to engage in this particular line of business, reserving the right to monopolize the business through its agents, appointed for that purpose, it would be manifestly unjust to permit the State under any cir-

cumstances whatsoever to avoid the payment of debts contracted by the purchase of goods from the sale of which it has derived enormous profits."

NOT A SUIT AGAINST STATE

The dispensary matter was brought up in court today on an order of Judge Pritchard signed on motion of the Wilson Distilling company and other creditors citing the dispensary commission to appear and show cause why a receiver should not be appointed for the \$800,000 fund now held by them. Before the hearing in this case, Judge Pritchard informally announced his decision in the matter of the jurisdiction of the court in the Fleischmann case, which was also a suit asking for a receiver for the dispensary fund.

The court maintained that the defendants, the dispensary commissioners, were not officers of a court in the strict sense; that they were merely officers to perform a certain specific duty. He said that the sum of \$800,000 was placed in the hands of the dispensary commissioners to settle all just liabilities of the dispensary, and that it was clearly a trust fund.

The judge declared that the suit is not a suit against the State and added "I have carefully considered this whole matter and had I any doubt I would give the defendants the benefit of that doubt and rule in favor of the State. There is no doubt in my mind, however, and therefore the court takes jurisdiction."

an order requiring the payment of its claim of \$31,000. Mr. Mordecai of Charleston, counsel for the Wilson company, protested, declaring that the claim had been allowed in consideration of valuable information furnished the dispensary commission by the Paul Jones company reflecting on other creditors and he made the point that the Paul Jones company was not a party to the present suit and had not come in and surrendered itself to the jurisdiction of the court.

THESE HAD CONFESSED.

Attorney General Lyon, on behalf of the commission, stated that the Paul Jones company and the Anheuser-Busch company had admitted that they had overcharged the dispensary and cheated the State out of

thousands of dollars and had submitted to the auditing of their claims and suggested that no action be taken until the question of jurisdiction was settled.

Judge Pritchard announced that the court had no desire to provoke a conflict, but at the same time intended to do its duty. The Paul Jones company was allowed to have its claim certified as correct by the dispensary commission, and the claim would then be ordered paid.

In the case of the Wilson Distilling company and other creditors today in the matter of a receiver, arguments were made by P. M. Mordecai of Charleston and Frank Carter of Asheville on behalf of the Wilson company, and by George B. Lester and A. F. Barnard of the Fleischmann company, and Attorney General Lyon and Mr. B. L. Abney of Columbia for the dispensary commissioners. After which Judge Pritchard decided to continue the hearing in this matter until next Saturday at 10 o'clock.

Incidentally a feature involved which is creating some interest is whether the representatives of the several liquor firms, creditors of the dispensary, will now brave criminal proceedings in South Carolina and appear before the dispensary in that State to certify their claims or whether a hearing will be asked outside of South Carolina.

Saved A \$170.00 Mare When A Veterinary Failed To Cure Her

"While serving as an officer on the steamship Mozuma, which carried horses and mules to South Africa," writes Mr. G. H. H. Rowe, of Sparta, Ill., "I saw Sloan's Liniment used on the horses and new a case of colic prove too much for it.

"We had 1,250 horses on board for over a month, and that we had a good opportunity to test the remedy thoroughly.

"The veterinary used Sloan's Liniment, also, for sore shoulders and sprains, and the horses were landed in a particularly fine condition.

"I know of another case here in Sparta, Ill., where Sloan's Sure Colic Cure saved a \$170 mare after the veterinary had failed to cure her."

For Monuments and Tombstones, see J. P. Watson, proprietor Cheraw Marble Works.

The Chronicle for all the news

Rational Pneumonia Treatment

The most successful physicians are now treating pneumonia by the application of counter-irritants. They are learning to resist the temptation to doctor the cough, which, after all, is only nature's effort to relieve herself, and are endeavoring to reach the seat of the congestion without the use of internal remedies.

Some are using preparations about as pleasant to the patient as an application of mud or putty, but the wisest use a pleasant liquid counter-irritant.

The ideal remedy is Noah's Liniment. Its carefully compounded ingredients possess wonderful powers of penetration and immediately reduce the inflammation and congestion.

Noah's Liniment is absolutely harmless, and can be used freely without consultation with a physician. Apply the liniment freely over the point of pain or congestion. Saturate a hot flannel and keep it applied to that portion of the body. The effect will be almost immediate, and in many cases the threatened pneumonia will be dispelled before a physician can be secured.

Best for rheumatism, sciatica, lame back, stiff joints and muscles, sore throat, colds, strains, sprains, cuts, bruises, colic, cramps, etc. For internal and external aches and pains Noah's Liniment has no equal. For sale and guaranteed by your druggist, 25c. Sample for the asking. Noah Remedy Co., Richmond, and Boston.

Wanted to Sell at Once

15 or 20 Second-hand
Wagons and Buggies
---all in good shape.
Will sell at a bargain.

Also a car of new
Wagons and Buggies
of as good make as
there is to be had,
and as cheap as any
one can sell them.

On Harness I can't
be beat.

See my Mules and
Horses. Some good
ones that will be sold
at the right prices.

Respectfully,
T. S. GREGORY,
Depot Street, Cheraw, S. C.

CHAS. H. SCOTT CIVIL ENGINEER AND SURVEYOR

Cheraw, S. C.

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FOR SALE

9,000 acres unimproved land. Easily put in state of cultivation. Contains ever variety of sand-hill soil. Lies partly on C. M. & C. R. R. and S. A. L. Ry. main line. Known as the Chesterfield Lumber Tract—near McBee. Some parties adjoining cultivate lands of same character which make over a bale of cotton per acre. Will cut in sizes to suit purchaser. This land is the kind that is rapidly coming to the front. Terms reasonable. Now a good opportunity.

C. S. LYNCH
Real Estate Cheraw, S. C.

Notice.

On 30th March next I will apply to the Probate Court of this county for a discharge as guardian of H. Lester Winburn and R. Lide Winburn.

J. W. Ousley,
Feb. 24, 1908. Guardian.

WANNAMAKER'S COLUMN

Tonic Mixture.

A fine tonic, best for Spring and Summer, gives a good appetite and aids digestion.

35c a Bottle.

Liver Tonic

Increases the action of liver, kidneys, etc. Relieves headache and rheumatic pains, clears the brain. Try a bottle

25c each.

Concentrated Pepsin

For indigestion or dyspepsia. Perfectly harmless and good.

25c a Bottle.

Sewing Machine Oil,

5c and 10c a Bottle.

Extracts --- Lemon and Vanilla.

When you buy a Tooth Brush get one branded "Wannamaker." They are warranted and only cost 25c. They are regular 35c value.

Liver and Kidney Pills.

I sell more of these than all other pills together. Try a box and you will know yourself.

15c a Box. 2 for 25c.

Compound Syrup of Tar

The best for coughs and colds.

25c a Bottle.

Fever Mixture.

One bottle will cure a case of Chills and Fever in adult.

25c a Bottle.

Croupous Embrocation

For croup, whooping cough, bronchitis in children or infants.

35c a Bottle.

Cholera Drops

For diarrhoea and dysentery, cramps, colic, etc.

10c, 15c and 25c a Bottle

Eastman Kodaks And Supplies

Toothache Drops---good
10c.

Sarsaparilla Compound 75c a Bottle.

Worm Syrup, 25c a Bottle.

All of above for sale by

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MEDICINES

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First Class Farm Implements at reasonable prices.

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and Money when you
buy implements that
wear well and work well.
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