

The Watchman and Southron.

THE SUMMER WATCHMAN, Established April, 1850.

"Be Just and Fear Not—Let all the ends Thou Aims't at be thy Country's, Thy God's and Truth's."

THE TRUE SOUTHRON, Established June 1, 1866.

VOL. LII. NO. 28

Sumter, S. C., Saturday, May 20, 1922

CONSOLIDATED AUG. 2, 1881.

COURT HOLDS CHILD LABOR LAW INVALID

Attacked on Ground That It Attempted to Regulate Exclusive State Functions

Washington, May 15.—The child labor law was declared unconstitutional today by the Supreme Court. The law, enacted in 1918, was intended to regulate the employment of children under fourteen years of age in any mill, canning, workshop, factory or manufacturing establishment, or in any mine, quarry, or other place, by imposing an excise tax of 10 per cent upon the net annual profits of those employing such labor. It was attacked on the ground that it attempted to regulate an exclusive state function, in violation of the federal constitution and the tenth amendment, and was defended as a mere excise tax levied by congress under its broad power of taxation conferred by the federal constitution.

The law was attacked in the supreme court by three cases from North Carolina, appealed by the government. Two of these, the Atherton Mills and that by John J. George and others, were dismissed on technicalities, but the case brought by the Pexel Furniture company was found in proper form and it was in that case that the law was declared invalid.

The opinion was delivered by Chief Justice Taft, with no dissent announced.

The case was discussed at length in view of previous decisions involving questions bearing upon taxing power of congress, and the law was held invalid as an attempt by congress to regulate through its taxing power something entirely within the jurisdiction of the various states in the exercise of their police power.

"Does this law impose a tax with only that incidental restraint and regulations which a tax must inevitably involve," the chief justice asked, "or does it regulate by the use of the so-called tax as a penalty? If a tax, it is clearly an excise. If it is an excise on a commodity or other thing of value, it might not be permitted under previous decisions of this court to infer solely from its heavy burden that the act intends a prohibition instead of a tax. But this act is more."

After analyzing the principal features of the law and its operation, the chief justice said: "In the light of these features of the act, a court must be blind not to see the so-called tax is imposed to stop the employment of children within the age limits prescribed."

"It is prohibitory and regulatory effects and its purpose is palpable," he added. "All others can see and understand this. How can we properly shut our minds to it?"

Declaring it the duty of the court to decline to recognize or enforce laws of congress dealing with subjects not entrusted to congress, but left by the supreme law of the land to the control of the states, the chief justice said the court must perform that duty "even though it require us to refuse to give effect to legislation designed to promote the highest good."

Out of proper respect to a co-ordinate branch of the government the Supreme Court has gone far to sustain taxing acts as such, Chief Justice Taft continued, adding this had been done "even though there has been ground for suspecting from the weight of the tax, it was intended to destroy its subject."

"But in the act before us," he said, "the presumption of validity cannot prevail, because the proof of the contrary is found on the very face of its provisions. Grant the validity of this law, and all that congress would need to do, hereafter, in seeking to take over to its control any one of the great number of subjects of public interest, jurisdiction of which the states have never parted with, and which are reserved to them by the tenth amendment, would be to enact a detailed measure of complete regulation of the subject and enforce it by a so-called tax upon departures from it. To give such magic to the word 'tax' would be to break down all constitutional limitations of the powers of congress and completely wipe out the sovereignty of the states."

Where the sovereign enacting the law has power to impose both tax and penalty, the chief justice said, "the difference between revenue production and mere regulation may be immaterial, but not so when one sovereign can impose a tax only, and the power of regulation rests in another."

"Taxes are imposed," he added, "in the discretion of the legislature on proper subjects with the primary motive of obtaining revenue from them, and with the incidental motive of discouraging them by making their continuance onerous. They do not lose their character as taxes because of the incidental motive. But there comes a time in the extension of the penalizing features of the so-called tax when it loses its character as such and becomes a mere penalty with the characteristics of regulation and punishment. Such is the case in the law before us."

Although congress does not invalidate the contract of employment or expressly declared that the employment within the mentioned

UNITED STATES IS WANTED AT THE HAGUE

Further Appeals Will Probably Be Made to America by the Allied Powers

Genoa, May 16.—Further appeals probably will be made to the United States by the allied powers in an endeavor to induce that country to take part in the meeting of the commission of experts at The Hague on June 15. The inviting powers, England, Japan, France, Italy and Belgium, held a meeting this afternoon to consider the matter further.

The French delegates are anxious to have the closing plenary session of the economic conference on Thursday, but this is considered impossible, as there is no disposition to hurry the Russians in making their final reply regarding The Hague conference, and it seems likely that the closing session will not be held before Saturday or Monday. Tomorrow morning the Russians will reassemble with the commission on political affairs to discuss plans for The Hague.

The inviting powers decided that the Eastern Galician and Lithuanian boundary questions would not be considered at this time. Mr. Lloyd-George declared that these two questions were a great source of danger to Europe.

Hungary and Bulgaria were permitted to present petitions for better treatment of minorities.

The powers decided to have the conference make an urgent appeal to Europe to support the anti-epidemic campaign.

M. Tchitcherine's clash with Viscount Ishii at the morning session attracted much attention, and there is some speculation as to whether it will be continued when the same subcommittee reassembles with the Russians tomorrow.

Tchitcherine issued a statement setting forth his side of the controversy which was provoked by his declaration that Russia never would permit the Far Eastern republic to be converted into a Japanese colony and that Russia would protect it from any foreign attack.

After Viscount Ishii had declared that only states invited to Genoa could participate in the conference and that Japan was forced to keep troops in Siberia to protect herself against massacres, such as had occurred at Nikolaievsk, Tchitcherine charged that the troops at Nikolaievsk had violated the armistice and provoked the clash which resulted in many deaths on both sides.

AMERICA MAY YET TAKE PART IN MEETING

Washington, May 16.—There were intimations today that administration officials expected early developments in Genoa or perhaps later at The Hague which might clarify the Russian situation sufficiently to permit American participation in some international project designed to restore Russia to productivity. On what information that feeling might be based was not indicated. It was evident, however, that the exchange of cables notes with the Genoa conference group yesterday was regarded as having moved matters at least a step forward so far as Russia is concerned.

The only authorized statement going beyond the terms of Secretary Hughes' note declining the invitation to The Hague, was that obtained during the day at the White House, that the note did not close the door to future conversations on the subject.

There was no amplification of the statement in the note that the Russian memorandum to the Genoa powers of May 11, disclosed an attitude on the part of the Russian government which, in American opinion, destined The Hague commission project to the same difficulties that were faced in Genoa.

Secretary Hoover, speaking last night before the International Chamber of Commerce, here, treated the conditions he regarded as precedent to the recovery of Russian productivity, and correlated with the exchange of messages between Genoa and Washington. This outline from an administration official appeared to bring out sharply the changes which Secretary Hughes might regard as necessary "within Russia herself" to restore her to a trading basis with the world.

RUSSIA ACCEPTS HAGUE PLAN

Genoa, May 17.—Russia has accepted the proposals of the powers for a meeting at The Hague to discuss the Russian situation, it was announced this afternoon.

Dublin, May 17.—The peace committee of the Daily Express reported a breakdown in the negotiations to find a basis for unity of Irish factions.

HARRISON CONFESSES ON STAND

One of Three Murderers of J. C. Arnette Testifies in Open Court and Gives Details of Cold Blooded Murder

Columbia, May 18.—Ira Harrison, one of the three defendants in the case involving the murder of J. C. Arnette last week took the stand today and a hush as of death filled the court room as he told in perfect calmness the details of the killing of the late filling station proprietor. He bared the entire crime and brought in both F. M. Jeffords and Fleun Trece, the other two defendants. "I told how he struck Arnette the first blow. This followed by Jeffords striking him with the auto axle."

COOPER RETIRES AT END OF WEEK

Wilson G. Harvey of Charleston, to Become Chief Executive, Probably at Noon

Columbia, May 17.—Governor Cooper will retire as the governor of South Carolina Saturday, more than a week earlier than the date first announced for his departure. The governor said yesterday that he would hand in his resignation to the secretary of state some time Saturday, the exact time to be decided after a conference with Lieutenant Governor Harvey later in the week.

Mr. Harvey said last night in a telephone conversation that he would suggest next Saturday as the time for the change to be made if this would be agreeable to Governor Cooper. The chief executive said almost any time would suit him, and the noon hour therefore will likely be the time.

Governor Cooper is retiring earlier in order that he may attend to some personal affairs before taking up his residence in Washington. He found that to continue in the governor's office until June 1 practically precluded any attention to personal affairs as the business of the office is rather heavy at present.

The governor plans to go to Washington Saturday night or Sunday and qualify as a member of the federal farm loan board Monday. He will remain in Washington several days and then return to Columbia to get his business in condition to make the change of residence to Washington. His commission is ready and waiting for him to take the oath of office whenever he desires.

Wilson G. Harvey, lieutenant governor, who becomes governor Saturday, will take the oath of office with simple ceremonies. He indicated last night that he would be sworn in at the governor's office in the presence of Governor Cooper, state officials and attaches, members of the supreme court who are here and intimate friends.

The lieutenant governor will be sworn in by a member of the supreme court, in all likelihood. His family will be here for the ceremony.

Chilean-Peruvian Parley Hits Snag

Washington, May 16.—The Chilean-Peruvian conference which began its course here yesterday amid declarations of optimism, ended today with the two delegations coming together for their first executive meeting.

Most prominent among these developments was a decision understood to have been reached by the Chileans to bring the bitterly debated question of the validity of Ancon to a sharp issue at the very outset of the negotiations.

Another disturbing element was a reiterated plea by Bolivia that her rights and interests, as well as those of Chile and Peru, must be considered in any settlement designed to remove causes for unrest in South America.

A third much discussed feature of the situation, generally interpreted in diplomatic circles as an evidence of the unusual caution with which Peru and Chile are proceeding, was an agreement between the two delegations that whenever a decision is reached on any single issue it is to be embodied immediately in a formal "protocol" duly certified and signed by both sides.

The purpose of Chile to bring at once the real issue of the conference to the surface may result in the adoption of diplomatic observers, in determining in the very near future whether the Washington negotiations are to be a success or a failure.

"Sold"—For One Dollar



Boydon Banas (inset), of Detroit, alleges he paid William Koczynski one dollar for the latter's wife and two children shown here. Walter Koczynski, 18, reported the matter to the police when, he alleges, Banas said he was included in the "bill of sale."

DIocese VOTES FOR DIVISION

Episcopal Council So Acts on Reports—Bishop Guerry fo' Take Steps to Have Action Confirmed by General Body

Charleston, May 17.—Through adoption of the report of the committee recommending the geographical lines of divisions, as well as the division of vested funds, the 122nd council of the Episcopal diocese of South Carolina today definitely effected a division of the diocese into two separate dioceses and requested the bishop, Rt. Rev. William A. Guerry, D. D., to take the necessary steps toward having the division sanctioned and confirmed by the general convention, which is to be held at Portland in September. Consideration of this report took up practically all the time of this morning's session and the final vote showed that a two-thirds majority was opposed to the committee's recommendations, the only opposition expressed in the discussions being with regard to the division of the bishops permanent endowment fund.

Today's program commenced with celebration of the holy communion at 7:30 o'clock at St. Philip's church, where all the sessions are being held, and at 9:30 o'clock a brief business session was held. A resolution was adopted providing that the dioceses to be created in the division be Georgia, North Carolina and Florida, which are in council at Savannah, Raleigh and Apalachicola, respectively. Following this the report of the committee on the division of the diocese was submitted by the Rev. W. H. K. Pendleton, chairman.

Resolutions adopted at today's early session included one submitted by the Rev. Walter Mitchell calling upon all persons, whatever their religion, their station in life, or their position in the church, to stand actively in support of the laws of the land, and other forms of lawlessness being called to the attention of the council in the preamble of the resolutions.

The report of the bishop and executive council, made by Bishop Coadjutor K. G. Finlay, had to be postponed to the afternoon session, which began at 2:30 o'clock, after the council recessed at 1 o'clock for lunch. The following elections were scheduled for the afternoon: Delegates to the general convention, the standing committee, executive committee, trustees of the diocese, trustees of the University of the South and trustees of St. Mary's school. Reports from the trustees of the two latter schools were also scheduled for the afternoon.

In submitting its recommendations the committee on the division of the diocese stated that it did not interpret its commission as demanding any expression of opinion with regard to the division, as such division was voted at the council at Spartanburg in 1920, and reaffirmed by the council at Sumter last year. The committee simply recommended the steps which Bishop Guerry stated, after the adoption of the report, that when the division was formally confirmed by the general convention it would call a convention of the council of the new diocese, and when it organized, would turn it over to the bishop of that diocese. The diocese in the lower part of the state is to be known as the original diocese of South Carolina, according to a resolution which was adopted, and the diocese for the upper part of the state would adopt its own name.

The committee reported that in its efforts to recommend a division, it had striven to decide upon a division of sufficient strength to prosecute its work without impairment of its efficiency, and to facilitate efficient administration

ONE PLEDGE ADOPTED AT GENOA

Non-Aggression Pact is Adopted Unanimously at Plenary Session of Political Subcommittee of f Conference

By the Associated Press
Genoa, May 18.—The non-aggression pact was adopted unanimously at the plenary meeting of the political subcommittee of the conference. The pact is not signed but was adopted in the form of a resolution, each state pledging to respect it.

Sir Edward Grigg announced on behalf of the British delegation that further advice received from the United States government made it seem unlikely that America would participate in the Hague meeting, at least until the scope of the meeting was better understood.

Thomas G. McLeod Urged by Friends

Pressure Being Brought to Bear on Him to Run for Governor

Columbia, May 18.—Thomas G. McLeod, who was temporary president of the state convention yesterday, has had great pressure brought to bear upon him to be a candidate for governor in the state Democratic primary and has the subject under advisement. His friends said yesterday that an announcement of his decision will be made in a few days. Mr. McLeod was lieutenant governor during the two Ansel administrations. He has a strong following in the state and his supporters believe that he would be a formidable candidate.

CAMPAIGN AGAINST TIPPING

Chicago Golf Club Will Penalize Members

Chicago, May 18.—A formal campaign against tipping, with severe penalties for tipper and tippee, has been started by the Olympia Fields club, said to have the largest membership of any club in the world. Members have been advised that infraction of the rule will cause them to be cited before the board of governors and the recipient of the gratuity will be dismissed.

Baptists Recognize Women's Rights

Jacksonville, May 18.—Women have been admitted to membership on the executive committee and various boards of the Southern Baptist convention.

Change in the constitution was adopted after a spirited expression of disapproval from Dr. J. W. Porter, of Louisville, who quoted Paul's adjuration of women speaking in the church. Others spoke in favor.

trary to the trust and not within the fund. He explained the origin of the fund and held that it was handed down in trust to provide for the support of one bishop and not for two, and he cited legal points in support of his contention. He pointed out that he would be delighted to divide the fund as proposed but that the council had not the authority to take such a step. He accordingly offered an amendment which provided that the allocation of the bishop's fund shall be within the terms and scope of the original trust, as shall be construed and determined by a decree of a court of competent jurisdiction, if the trustees shall deem such a step advisable, a friendly suit to be instituted by the chancellor for this purpose.

On motion of former Gov. Richard I. Manning, Mr. Hazard's amendment was tabled and a vote showed the council to be almost unanimously in favor of the adoption of the report. Chairman Pendleton and Mr. Erickson of Columbia spoke in favor of the adoption of the committee's report, the former stating that the council would be within its legal rights, and also within the aims and purposes of those who established the fund.

Another question about which differences of opinion prevailed was with regard to the manner of voting on the report. The chairman of the committee at first moved that each of the various resolutions contained in it be voted on individually, but former Governor Manning, stating that the council had labored very earnestly and had studied the matter very completely, and desiring to avoid too much discussion that might mar the harmony of the council, offered a substitute motion to the effect that the report be voted on as a whole. This question was discussed by several of the delegates and a vote showed the council to be in favor of acting on the report as a whole, the vote being 77 to 29.

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DEMOCRATIC CONVENTION

Session Was Generally Harmonious and There Were No Incidents of Particular Interest

Columbia, May 17.—The state Democratic convention held here today marks a political epoch. First, because of the utter open lack of evidence of partisanship and feeling and, second, because of the presence of so many women delegates. It was the first appearance in force of the newly enfranchised voters. They were charming and on the job. It was a good natured and jolly gathering of the good Democrats of South Carolina. If there was harshness it was in committee meetings or under control. The spirit of optimism and healthy rivalry was suggested that the keynote speech of Tom G. McLeod, of Bishopville, was one of good cheer and brighter days and laughter provoking. He defined the pessimist as the banker who had loaned money to the optimist and when he presented Senator Frank Watkins of Anderson, as the present chairman of the convention he expressed the hope that he would prove as good as he looked.

Both Tom McLeod and Frank Watkins were nominated for permanent chairman, but Mr. McLeod, who has been temporary chairman, suggested that the natural tendency of South Carolinians was to run for every office in sight, but he had his speech off his chest" and declined. When the clerks were trying to get the names of committee members there was confusion and delay and Dan Sinkler of Charleston suggested that the names be handed up and not announced. This brought the remark from Mr. James of Lee, that he never heard of Charleston people wanting to hurry before. Laughter and the roll continued.

The very first response from the floor was when Miss Kate Lou Wofford in a clear-cut manner presented the name of Miss Will Lou Gray for temporary chairman. She declined or Mr. McLeod would never have gotten off that excellent keynote speech he said he had in his system.

Mr. McLeod's speech was one of cheer and optimism with the conclusion that there be no adjustment which will be at the cost of the future manhood and womanhood of the state. His appeal was for education on all lines. The convention was representative in every way. Men who had been active leaders in politics for generations, from the veteran R. B. Watson, now in his eighty-sixth year, sat side by side with his old friend, former Governor Sheppard, who was there with his son, James O. Sheppard.

The 1920 rules were adopted as the rules for 1922.

The platform as reported out by the committee is being taken up. Following the adoption of the first three sections of the platform the so-called bonus bill was reached and a stiff fight ensued. Debate had been limited to two minutes. Frank R. Ellerbe of Manning made a dramatic speech in favor of the bonus bill. Mr. Ellerbe and Governor Cooper entered into a heated debate on the resolution to endorse the present bill in congress. Mr. Ellerbe declared that he believed the patriotism of the American soldier had been questioned and he asked the governor why he was opposed to adjusted compensation.

Governor Cooper defended his position and declared he did not think any man who accepted any thing with a dollar mark on it could possibly call this compensation. The governor spoke earnestly on the subject, declaring that he had the highest regard for the soldiers and that he would not for a moment reflect upon the man who wore the uniform. The governor said the government would never be able to repay the soldier.

S. G. Mayfield of Bamberg spoke earnestly for the endorsement of the bill. Mr. Mayfield said he was ashamed of the position taken by the governor.

Mrs. M. T. Cole in of Abbeville said she knew ex-servicemen had hardships. She said it was a shame that the bonus had not been passed.

The convention finally passed a resolution endorsing the adjusted compensation act now before congress.

The platform as so far adopted reaffirms the allegiance of the Democratic party of the state to the principles of Democracy expressed in state and national platforms and extends the convention's best wishes and hopes for the renewed vigor, health and happiness of our stricken leader, Woodrow Wilson. "We are satisfied," it says, "that the noble principles for which he fought will yet prevail. It is with great satisfaction that we learn of the increasing love and admiration for him by the American people manifested by pilgrimages to his home. We pledge ourselves to continue the fight until the peace of the world is guaranteed."

Greetings and good wishes are also extended to James M. Cox "for his valiant and courageous fight he had under adverse circumstances for the Democratic party."

The platform also reviews at length the condition of agriculture in the state. It charges that the Republican party, which now con-

EXECUTIVE COMMITTEE ORGANIZED

Edgar A. Brown, of Barnwell, is Elected Chairman of State Democratic Executive Committee

Columbia, May 18.—The political campaign this summer will start June 20, and all candidates must file their entries by noon of June 19, according to decision of the State Democratic executive committee, in session at midnight last night. The assessments for candidates were also fixed, as follows: Candidates for governor, \$200 cash; candidates for other state office, \$100 each; candidates for Congress, \$200 each, and candidates for solicitor, \$100 each.

Edgar A. Brown, of Barnwell, is newly elected chairman of the committee. Harry N. Edmunds, of Columbia, was re-elected secretary, and General Willie Jones, of Columbia, was re-elected treasurer. T. Hagood Gooding, of Hampton, was elected vice chairman.

A committee to arrange the itinerary of candidates for the summer campaign was selected, composed of General Jones, Mr. Edmunds, and George Bell Timmerman, of Lexington. The campaign will end three or four days before the primary, which comes August 29.

Petitions for the confirmation of action by the Charleston executive committee in seating county convention delegations from five Charleston clubs, which had at first been declared without seats, were filed with the executive committee, and the action was confirmed, and the delegations declared seated. These petitions came from St. Andrew's, Avenadaw, James Island, Adams Run and Edisto Island clubs, and were presented by Senator Arthur Young, of Charleston. Daniel A. Sinkler, chairman of the Charleston county committee, was allowed to make a statement regarding the petitions, and which brought forth a warning from the chairman, against personal remarks.

Mr. Sinkler stated that the Charleston committee had seated the delegations filing the petitions and he thought the petitions should be thrown out. He stated that he had not been served with a copy of the petitions, and added, "I'm not 277-pressed, when a man like Arthur Young presented them."

This brought a loud rap of the chairman's gavel. The committee took cognizance of the fact that the petitions had not been served on the county chairman and that the delegations had been seated, but voted confirmation of the county committee's action and the seating of the delegates in question. John I. Cosgrove appeared in behalf of the county committee and stated that the delegates had been chosen at meetings of the clubs in question held at times not properly advertised. He stated that in one case the club leaders had met at church and changed the time for the club meeting.

The state committee Wednesday night heard a long debate on proposed changes in the party rules, and then, out of all proposed amendments, because of their conflict with the statutes, The convention was in session into the wee hours of the morning, the adoption of the platform consuming also lengthy consideration.

Tokio, May 17.—The entire staff of the Chinese legation departed without conferring with foreign office because of the failure of Peking to supply funds and the refusal of the Japanese banks to make further advances on the ground of lack of security.

controls every branch of the government, is owned by the big money interests of the north and east. "These people are manufacturers, and their interests are and always will be antagonistic to ours."

The platform increases the agricultural bloc in congress and commends the senators from South Carolina for belonging to the same and urges upon them and the state's representatives in congress the necessity of maintaining at all times such an organization to protect the farming interests of the country.

Congress is called upon to provide a system of short term credits.

Additional sections to the platform included: Indorsement of luxury, excise and income taxes; general law enforcement with special reference to prohibition; speedier trial and hearing of appeals in felony cases; liberal support of and economical administration of public schools; welcome to women in South Carolina politics; disapproval of Sunday sessions of the legislature; disapproval of national laws infringing on state rights; a pledge that the people of South Carolina would take one backward step in this financial crisis.

The convention adjourned at 3:40 o'clock this morning, one of the final acts being the election of Mrs. Leroy Springs of Lancaster as national executive committeewoman to succeed Mrs. R. I. Manning, resigned.