

**The Press and Banner**

ABBEVILLE, S. C.

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WM. P. GREENE, Editor

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**A GALLON A MONTH.**

At the recent term of the Court of General Sessions for Abbeville County, Judge Frank B. Gary, presiding, made an order in the case of the State against Weston Richey, declaring the Act of Feby. 20, 1915, unconstitutional. He based his judgment in that case upon the judgment of the Supreme Court in the case of the Adams Express Co., Vs. Commonwealth of Kentucky. In the Richey case Judge Gary at first declined to pass on the question, but Solicitor Cooper stated that he was willing to admit that the indictment was brought solely under the gallon a month act. In justice to Judge Gary it should be said that his ruling was made without full argument at the end of the term, and at the request of the Solicitor that the question be passed on so that it might be taken before the Supreme Court.

The judgment of Judge Gary has been commented on by several of the papers of the State. The case will be appealed to the Supreme Court of this State. We do not wish to be understood as criticizing the judgment of the Court or as in any way attempting to interfere with the due prosecution of the appeal in the Richey case, but we believe that the case of the Adams Express Co. Vs. Kentucky relied upon by Judge Gary is not decisive of the constitutionality of the South Carolina statute.

The Kentucky case was tried upon an agreed statement of facts. It appears in that case that the liquors were ordered for the personal use of the persons making the order from points beyond the State of Kentucky.

The Kentucky statute provides that it shall be unlawful for any public or private carrier to bring into, deliver or distribute in any County, district, precinct, town or city where the sale of intoxicating liquors has been prohibited any spirituous etc., liquors, regardless of the name by which it is called, and providing a penalty against the carrier for so transporting such liquors into the State of Kentucky.

These liquors were not intended to be sold in violation of the law of the State of Kentucky, but were for personal use.

The Webb-Kenyon Act provides that the shipment or transportation of intoxicating liquor from one State into any other State which intoxicating liquor is intended by any person interested therein to be received, possessed, sold or in any manner used, either in the original package, or otherwise, in violation of such law of said State is hereby prohibited.

The Supreme Court of the State of Kentucky held the conviction of the Adams Express Co., under the Webb-Kenyon Act, to be illegal, saying "It, therefore, appears that the issue in this case really comes down to this; was the liquor involved in this transaction intended by any person interested therein to be received, possessed, sold or in any manner used in violation of any law of this State"

The Supreme Court of the United States after referring to the decision by the Kentucky Court says:

"It therefore follows that inasmuch as the facts of this case show that the liquor was not to be used in violation of the laws of the State of Kentucky, as such laws are construed by the highest Court of that State, the Webb-Kenyon law has no effect to change the general rule that the States may not regulate commerce wholly interstate."

It is perfectly evident from the language of the Kentucky Court, and from the language of the United States Supreme Court, that if it had been proved that this liquor had been brought into the State for the purpose of being sold, that the Adams Express Co., would have been liable for the fine, and the Webb-Kenyon Act would have applied; in that case the liquor would have been brought into the State to be used in violation of the laws of the State of Kentucky.

It is also apparent that if it had appeared that the liquor was to be received, possessed, sold or in any manner used in violation of any law of the State of Kentucky, that it would have held the defendant guilty and liable to the fine, but the Kentucky Court held that there is no valid law in the State of Kentucky forbidding a person to receive or possess liquor for his personal use.

With the State of South Carolina the law is different. It is provided by Section I of the Act of Feby. 20, 1915, that "It is unlawful for any

person, firm, corporation or Company to receive or be in possession of any spirituous etc., liquors, except as hereinafter provided." The provision is that any person may order as much as a gallon of liquor each month for his personal use. The limit of the amount of liquor which a person may receive even for his personal use is a police regulation which the Legislature has a perfect right to make. Such a regulation is valid for the reason that it prevents any one person, at least to some extent, from securing enough liquor to render him intemperate. It is valid for the reason that it prevents the unlawful sales of liquor in that if a person may not receive but a gallon of liquor each month he is thereby prevented from entering the business of selling liquor, contrary to the law of the State. The provision, therefore, is based upon sound moral grounds and we have no doubt that our Supreme Court will sustain the statute as a valid exercise of the police powers of the State and that our Court will declare that a person who receives or is in possession of more than a gallon of liquor as provided for by the Act of 1915, violates a law which is valid under the Constitution and laws of this State.

The Dispensary Law recognized the right of the State to make police regulations as to the amount of liquor a person might buy. It was therein provided that not less than a one-half pint might be purchased; that a person might buy but once a day; that sales should not be made to minors nor intemperate persons, etc. The gallon a month act is but a similar police regulation, made to promote temperance, and prevent violation of law.

If then our Court shall hold that it is contrary to the law of this commonwealth that a person shall receive or be possessed of more than a gallon of liquor each month then the Webb-Kenyon Act will apply to shipments to individuals of more than this amount, because such shipments will then be intended to be received and possessed in violation of the law of this State.

Of course what we have to say does not make the law, but no person should jump at the conclusion that the decision of Judge Gary finally settles the law, because it is only the law in that case until it is reversed.

**CONVICTS AND THE ROADS.**

(The News and Courier.)  
To the Editor of The News and Courier: Above an editorial which appeared in your paper a few weeks ago there appeared this headline: "Are Chain Gangs Wise?" Then the article, continuing, quoted from the Abbeville Press and Banner to the effect that convicts at present as used upon the public roads in Abbeville County were extravagantly expensive and that their work resulted in no profitable advantage to the county. It is believed that there is a real ground for complaint as advanced by the Press and Banner under certain practical conditions. As far as the undersigned has been able to determine, there is no economy in working convicts in small parties, where the expense of guarding, preservation and care becomes excessive.

Therefore it would seem that the economy and advantage in convict labor is more apparent than real. There are many details that could be gone into bearing strongly on this subject, but these will be passed over until some other occasion, when it may be interesting to produce figures and facts gained from actual experience with this type of labor.

Further on in the editorial in question you say:  
"Of course the point may be raised that something has to be done with the convicts and that this is the best use which can be made of them."

Here you refer to their use on public roads.

While convict labor may not and probably is not economical in small working parties, still this kind of labor may be concentrated into large working parties, say from two hundred to five hundred, more or less, men in each, and then by using them in this way on public works, being executed upon a systematic, comprehensive plan, convict labor would very probably become a profit-earner. In this way the average guarding expense would be less, subsistence, clothing, preservative care per day per man would necessarily also be less, and field operations could be carried on under the direction of a resident engineer.

There are also many details that could be gone into outlining such an organization, but these also will be passed over for the present.

Having concentrated prisoners in these large working units, for example, in South Carolina, the question naturally arises what would there be for them to do in order that the State may have a fair and profitable return for the expense of keeping these men?

It is believed that there would be

at present nothing from which the State could derive so profitable a return for this expense than to require the convicts working upon the plan suggested as to have them aid to construct a system of State highways in South Carolina.

Of course, first there would have to be such a system adopted by the State.

Then there would have to be a highway board or commission created to manage this proposition. Of course of necessity, there would have to be a fund provided for operating the convict gangs, but there is a fund now, by counties, distributed about over the State, where the counties are having convict work done on the public roads by using these men in small parties.

But suppose, for example, that all the counties between Charleston and Columbia would concentrate their convicts on one highway at a time, taking first the old State road, which, under the proposed new system of highways, becomes by name the central State highway.

Then this road under concentrated effort would very shortly be splendidly drained, properly graded and suitably crowned, and all made ready to receive the surfacing material.

On the other hand, at the present pace it will be many years before this road will have been completed in this manner. There might be several highways in process of improvement in the State at the same time by large bodies of convicts.

The county roads or lateral commercial feeders to the State highways would, of course, have to be looked after, but this could probably be accomplished cheaper and more advantageously by working small bodies of hired men.

Certainly it is not intended in this communication, as stated, to go into the various details which would of necessity be connected with an organization as proposed, embracing camping outfits, tools, appliances, the care of the sick, and also how the convicts might be profitably employed during the months in the dead of winter, when it would not be best to carry on road building, by the use of their time and labor in mining, preparing and delivering road surfacing materials to be used during the coming spring; the making of drain pipe, keeping the drainage system in operation, etc, etc.

The foregoing remarks, Mr. Editor, are only made in a suggestive manner, thinking that some plan might be started in this direction which would be not only profitable and commercially advantageous to the State, but at the same time afford an opportunity for the betterment of the convict generally. Reid Whitford. Charleston, S. C., Sept. 8, 1915.

**"PUT NONE BUT AMERICANS ON GUARD."**

Manufacturers Record.

Dr. Dumba, the Austro-Hungarian Ambassador, admits having planned to call our the Austro-Hungarian workmen in the steel plants and the ammunition factories of this country in direct contravention of President Wilson's recent letter to the Austrian Government in regard to our right to ship arms.

His complacency manifested in the statement made the other day would indicate that he is incapable of being disturbed by this Government's asking him to get out of the country at once, which, of course, should be done, and, we take for granted, will be done. But, perhaps, he will regret having caused increased attention to be centered upon the sore spot which is spreading throughout our nation with alarming rapidity.

Is Dr. Dumba right in assuming that our citizens of foreign birth are true to the land of their nativity instead of to the Stars and Stripes?

How long shall we continue to permit the Dumbas and the Derrbergs and their allies to spread sedition among the trustful American people?

Things are at a serious pass, and while we yield to no one in refraining from embarrassing the Administration, it is our deliberate judgment that it is time to issue the order:  
"Put none but Americans on guard tonight."

And to this we might add, put on guard no Americans who are so morally obtuse as to have allied themselves with the upholders and defenders of those who on the high seas deliberately and premeditatedly murder innocent men, women and children.

**DR. W. E. McCORD**

..... DENTIST .....  
OVER  
Dr. Speed's Drug Store  
Office  
Phone 242. Abbeville, S. C.

# Looks Count!

How do people get their first impression of you?  
From your APPEARANCE, of course.  
Very well then, we are dealing in appearances.

DROP in and SEE WHAT a VARIETY of Good Looks in SUITS and OVERCOATS WE are SHOWING THIS FALL

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**SOUTHERN RAILWAY**

Announces Popular Excursion to Greenville---September 30th

A popular price excursion will be operated by the Southern Railway from Columbia and way stations to Greenville on Thursday, September 30th, on the following schedule and fares:

Leave Columbia	7:30 a. m.	\$1.50
Leave Newberry	9:05 a. m.	1.00
Leave Greenwood	10:35 a. m.	1.00
Leave Hodges	10:57 a. m.	.75
Leave Abbeville	9:55 a. m.	1.00
Arrive Greenville	12:35 p. m.	

Returning, leave Greenville 10:00 p. m., same day. Connection at Hodges for Abbeville by special train arriving Abbeville about 12:00 midnight. Separate coaches for white and colored people and a comfortable trip is assured. For further information and tickets apply to local agents.  
S. H. McLean, District Passenger Agent.

ESTATE OF MRS. A. A. TUSTEN  
Notice of Settlement and Application for Final Discharge.

TAKE NOTICE that on the 14th day of Oct. 1915, I will render a final account of my actings and doings as Executor of the Estate of Mrs. A. A. Tusten, deceased, in the office of Judge of Probate for Abbeville County at 10 o'clock, a. m., and on the same day will apply for a final discharge from my trust as such Executor.

All persons having demands against said estate will present them for payment on or before that day, proven and authenticated or be forever barred.

Eugen B. Gary,  
Executor.

**COLDS DO NOT LEAVE WILLINGLY**

Because a cold is stubborn is no reason why you should be. Instead of "wearing" it out, get sure relief by taking Dr. King's New Discovery. Dangerous bronchial and lung ailments often follow a cold which has been neglected at the beginning. As your body faithfully battles those cold germs, no better aid can be given than the use of this remedy. Its merit has been tested by old and young. Get a bottle to-day. 50c. and \$1.00.