

# Abbeville Press and Banner

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## PROHIBITION ACT IS UNCONSTITUTIONAL

Attorney General of State Files Suit in Supreme Court Against the Volstead Act and Says That Law Will not Stand

Washington, March 4.—The state of New Jersey through its attorney general, Thomas F. McCran, today filed in the United States supreme court a suit seeking to have the prohibition amendment declared unconstitutional and to prevent enforcement of the Volstead act. The suit is directed against Attorney General Palmer and Daniel C. Roper, commissioner of internal revenue.

The bill sets forth that the amendment was improperly drawn, that in twenty-one states the legislatures have not ratified it, as provided by their state constitutions, and that there is no power in congress to propose a constitutional amendment regulating the habits and morals of the people. It recites further that the amendment is a legislative and not a constitutional matter and that as such it was improperly passed.

It is charged that the amendment centralizes authority without the consent of the people of New Jersey, and that it is a violation of their sovereign rights. The Volstead act, having been enacted under authority of the amendment, the petition says, is null and void.

### Claims Act Illegal

It is claimed that the Volstead act is illegal because by "depreciating and in a large measure destroying the taxable value of real and personal property within the state" it is destructive of the state's free and independent government; because it deprives the state of revenues from licenses, which in 1918 amounted to \$2,442,899, and because it interferes with the internal government of the people and operates to punish them by heavy fines, imprisonment and forfeitures, thus preventing application for licenses for the sale of non-intoxicating beverages which is authorized under the laws of the state.

Complaint is made that the act restricts the practice of physicians of the state and the operation of its penal, correctional and charitable institutions; that the state has not concurred in the amendment and that if the act is enforced it will nullify the right of the state to regulate its internal affairs. It is claimed the act is not appropriate to enforce the prohibition contained in the amendment, which is expressly confined to intoxicating liquors.

In conclusion the complaint declares that if the amendment is valid the right of congress to legislate under it is restricted to matters relating to "the external concerns of the United States and within the peculiar domain of the federal government to regulate commerce among the states" and that the state alone has the power to enforce the act within its own borders.

## House Refuses Today To Repeal Prohibition Enforcement Act

Washington, March 4.—The House today refused by an overwhelming majority to repeal the prohibition enforcement act.

The repeal measure was offered by Representative Egan, Democrat, of New Jersey, as an amendment to the legislative, executive and judicial appropriation measure and Speaker Cullitt overruled a point of order against it. Mr. Egan also proposed elimination from the bill of an appropriation of \$4,500,000 for enforcing the dry act. Both proposals were defeated on one roll call.

## CHARITY LOSES IN SUIT FOR \$2,000,000 WILL

New York, March 4.—Mrs. Rosa F. Spang, widow of a millionaire Pittsburgh steel manufacturer, was one of unusual mind when she signed her will leaving the bulk of her \$2,000,000 estate to charity and giving her only child, Mrs. Mabel Spank Ancker, of Copenhagen, Denmark, an annuity of \$10,000, according to a verdict rendered by a jury in Surrogate's court early today. The verdict rendered the will void. The jury deliberated more than twelve hours.

Mrs. Ancker brought suit to break the will, contending that her mother was of unsound mind when the will was drawn up and signed.

## Examination For Healers

Columbia, S. C., March 4.—After a long legislative fight, covering weeks the South Carolina senate today passed a bill which requires all healers to stand medical examination at the hands of the state board of medical examiners.

The intent of the bill as brought out in debate is to require all healers to stand medical examination. An amendment to provide a board of chiropractic examiners, such as other states have, was lost by a vote of 22 to 12.

## SULTAN'S HOLD GROWS WEAKER WHEN HIS CABINET RESIGNS

Constantinople, March 3.—In view of the gravity of the situation the cabinet resigned today. The Sultan has called upon Marshal Izzet Pasha to form a new cabinet.

Izzet Pasha is a partisan of Mustapha Kemal Pasha, the leader of the Turkish nationalists. His designation as head of the new cabinet is regarded here as a distinct triumph for the nationalists over the Sultan and the more conservative leaders.

The Turkish situation has been growing in seriousness recently from several causes. The allied supreme council in London has about completed its draft of the proposed treaty for Turkey through which the Turks, while retaining nominal possession of Constantinople, are to be deprived of their centuries-long control of the Dardanelles and the Bosphorus and lose territory containing approximately four-fifths of the nation's population.

To induce compliance by Turkey and with a view to yielding an influence for the stoppage of the renewed massacres of Armenians, the allies have recently sent strong naval reinforcements which are anchored in the Bosphorus so that their guns command the parliament buildings and the Sultan's palace.

Another disturbing factor and a serious one is the nationalist movement headed by Mustapha Kemal Pasha, which threatens to overthrow the government, if the allied territorial demands are complied with.

The cabinet, which resigned, was formed last October, headed by Ali Riza Pasha, as grand vizier. Izzet Pasha, the new premier, is a former commander-in-chief of the Turkish forces and was minister of war in the cabinet of the fall of 1918 that asked peace from the allies when the military resistance of the Central powers was collapsing.

## Senator Bankhead Is Laid to Rest

Jasper, Ala., March 4.—Hundreds of friends of the family and official representatives from Washington, Montgomery, the Alabama state capital, and other cities paid tribute this morning to the late Senator John H. Bankhead at funeral services held at the First Methodist church.

Services were conducted by the Grand Lodge of Masons.

Burial of the dead Senator was delayed by a heavy rain storm which broke over Jasper as the body was being borne from the railway station to the church, and it is probable that the interment will be deferred until Friday. Meantime the body will lie in state at the church.

## DUPONT MADE \$11,620,950. BUT THAT'S A DECREASE

Wilmington, Delaware, March 4.—The annual report of E. I. du Pont de Nemours & Company for the year ending December 31, 1919, covering the first full year of work since the war, made public, shows net earnings of \$11,620,953, a decrease of \$25,600,414 compared with 1918. Net sales last year aggregated \$105,437,932. The report shows a total surplus of \$71,741,304, of which \$3,440,412 was added in 1919 after the payment of \$3,648,822 as a six percent dividend on the debenture stock and \$10,593,756 as an 18 percent dividend on the common shares.

## CONSPIRACY CASE MAY GO TO JURY THIS AFTERNOON

Detroit, Mich., March 4.—The case of two former army officers and four civilians, charged with conspiracy to defraud the government through pre-arranged bids for army supplies, was expected to go to the jury in federal district court here this afternoon.

## Mexicans Will Expel Jenkins

Mexico City, March 4.—W. O. Jenkins, former United States consular agent at Pueblo, whose permission to act in that capacity was recently revoked, is to be expelled from Mexico in consequence of his alleged dealings with rebels, according to insistent reports here. The United States embassy has handed a new note to the Mexican foreign office relative to charges preferred in an interview by Julio Mitchell, prosecutor of the state of Puebla, which involve procedure followed by the embassy during the progress of the Jenkins' case.

## Army Aviator Killed

Riverside, Cal., March 4.—Lieutenant Raymond F. Pearson, a United States army aviator, was killed today at Marshfield near here when his airplane went into a tail-spin too near the ground to recover. Lieutenant Pearson had been flying here six months.

## No One Injured

Washington, May 4.—An official report on the bombing of the American consulate at Zurich last night was made to the State Department today by consular General Keene, who said the building was partially destroyed, but that no one was injured.

## PENSION OFFICE HAS BEEN ABOLISHED

Mr. D. W. McLaurin, However, Still Has a Salary of \$2,000

Columbia, March 3.—(Special)—The office of D. W. McLaurin, State pension commissioner, was saved in the House of Representatives tonight after it had been abolished by the Baskin bill which has passed the Senate, but his duties and powers have been considerably curtailed and the entire appropriation for his office, including salary, was placed at \$2,000, the present salary of the commissioner.

The Baskin bill, as passed by the Senate, placed the revised pension activity under the comptroller general, but an amendment by Mr. Nunn, of York, leaving the commission in charge of the dispensing of the \$600,000 pension fund was retained. The amendment was adopted by a test vote of 30 to 28.

At the morning session the rejection of the pension commissioner's office was indicated, for a substitute bill retaining it was refused by the House by a vote of 48 to 34, but the lower body recessed at 3 o'clock in the afternoon with the measure still under debate and when the House reconvened tonight it had undergone a change of sentiment and retained the office.

The Baskin bill, as passed through second reading tonight, replaces all Confederate Veterans on the original rolls and eliminates some of the hardships the old soldiers now have to undergo in getting the pensions. Several amendments which do not radically change the bill were adopted and some were rejected before the measure was passed.

## Atlantic Refining Company Brings \$1,350 A Share

New York, March 4.—The highest price ever recorded for the sale of one share of stock in the history of the New York stock exchange was paid yesterday when ten shares of Atlantic Refining Company common stock sold for \$1,350 a share. The previous record was made May 7, 1901, when Northern Pacific touched \$1,000 during a panic.

## Bergdoll Draft Dodging Case Is Before Courts

New York, March 4.—Grover Cleveland Bergdoll, a wealthy young Philadelphia resident, who eluded federal draft officials for nearly two years, faced a general court martial at Governors Island today. He is specifically charged with desertion under the fifty-eighth article of war. Army officers said the outcome of the trial will have an important bearing on 170,000 other draft dodging cases throughout the country.

Mrs. Emma Bergdoll has spared no expense in the legal defense on her son. She has retained noted alienists and a detective agency, two of whose former agents were arrested in Philadelphia last week charged with a conspiracy to corrupt and intimidate federal witnesses against Bergdoll.

Harry Weinberger, who defended Emma Goldman, Alexander Berkman and other radicals, is counsel for the accused.

## Monarchists May Be Trying to Come Back in Portugal

London, March 4.—Portuguese monarchists are gathering on the Spanish frontier and several, including one who is said to be prominent, have secretly crossed into Portugal, says a dispatch to the Daily Mail, filed at Vigo, Spain, on Wednesday. Motorists arriving in Vigo report the strike in Portugal, which was at first confined to governmental roads, has spread to private railroads and tramways and that postal and telegraph workers have walked out.

Some say they encountered large bodies of troops along roads leading to the frontier.

All railroads in Portugal, the Mail learns from another source, have become involved in the strike. Reports received yesterday that Portuguese workers had proclaimed a soviet form of government are not as yet confirmed.

## REV. ROBT. C. JETT WILL BE CONSECRATED MARCH 20th

Staunton, Va., March 4.—Consecration of the Rev. Robert C. Jett of Lynchburg as bishop of the newly organized Protestant Episcopal diocese of Southwestern Virginia, will be in Trinity church, Staunton, Va., March 21, Bishop Daniels S. Tuttle, presiding. Consecration will be conducted by Bishop Tuttle and five other bishops, whose names will be announced later.

## MANY MINISTERS AT CONFERENCE

More Than 300 at the Meeting of Pastors in Columbia

Columbia, March 4.—(Special)—The second day's program of the Statewide Pastor's Conference opened here this morning with the largest attendance ever recorded at such a religious meeting. The conference was opened by Dr. Charles H. Pratt, distinguished Presbyterian, who was followed by a number of prominent leaders of the several denominations. Dr. J. A. Bowman delivered a masterful address on the need for better hospitals and for the need of homes for retired ministers and missionaries. Dr. Bowman showed the utter lack of facilities at present to care for the sick and aged ministers and missionaries who have served God throughout many years and need to be cared for in their declining years. Dr. D. Clay Lilly of Winston-Salem, N. C., spoke on Christian Education. Dr. Lilly said that the churches of the state and nation must look for the denominational school to furnish leaders. The state and independent schools could not educate these men who ought to lead the religious peoples forward.

"Statistical Mirrors" was the subject of Dr. B. B. Corbin's address. Dr. Corbin is one of the leading Methodists of the country. W. W. Jamison spoke on "Religious Education and American Democracy." A committee of ten leading South Carolina ministers was appointed to study the condition of the churches as reported during the conference and to report back to the meeting tonight or tomorrow. The opening session of the conference was held yesterday afternoon with more than 300 ministers in attendance. This number was increased today. The session will close tomorrow afternoon.

## Bomb is Exploded Under American Consulate at Zurich

Zurich, Mar. 4.—A bomb exploded last night under the porch of the American consulate here, seriously damaging the building, but injuring no one. Police authorities are believed to have secured clues as to the guilty persons.

## Colder Weather Is Due Friday Night

Washington, March 4.—Storm warnings were ordered displayed today by the weather bureau on the gulf coast from Carrabelle, Fla., to Mobile, Ala., and Port Arthur to Brownsville, Texas. Cold wave warnings were ordered for Michigan, North and Central Indiana, Northwest Ohio, Western Tennessee and the east gulf states.

It will be much colder over the interior districts reaching the Atlantic coast by Friday night, according to the weather bureau report.

The western disturbance covers the Mississippi valley and the upper lake region with its center over Illinois, and it has continued to increase in intensity as has also the high area to the northward, the report said. East of the disturbance pressure is falling rapidly.

It is decidedly colder between the Mississippi river and the Rocky Mountains, with a cold wave from Kansas and Iowa southward and much warmer as a rule east of the Mississippi river.

## Railroads Are Blocked

It will be several days before isolated towns in Colorado again will have railroad communication with the outside world, it was said. It became known that the snow and mud slides in some sections had blocked railroads for nearly two weeks. Relief work was nullified by the storm. Durango has been cut off ten days and Silverton twelve days.

Relief parties on snow shoes were expected to carry provisions to passengers on a snow-bound train in Cumbres Pass today.

Mitchell, S. D., also was isolated. Heavy drifts in railroad cuts defied snow plows.

St. Paul and Minneapolis, Minn., reported heavy snow and street car traffic badly handicapped and similar reports came from Duluth and Superior at the head of the lakes. Duluth adding that the entire iron range was snowed in.

Spring-like weather had settled over the plains states yesterday when the northwester unexpectedly swooned down with sudden temperature drops of 20 to 45 degrees.

## Foreign Exchange Has Sharp Rally

New York, March 4.—A sharp rally in foreign exchange here today sent the rates on demand bills for the English pound sterling to \$2.18 1/4, or three cents above yesterday's closing figures. This is the highest quotation on sterling since the slump of last month when demand bills fell to \$2.15.

## URGES PUBLIC LANDS FOR SERVICE MEN NOW DISCHARGED

Washington, March 4.—Extension of preferential rights of entry on all public lands to former service men was urged before the House ways and means committee today, by D. W. Ross, of Berkeley, Calif., former engineer in the United States reclamation service. He approved the Smith land bill providing for a bond issue of \$350,000,000 to be sold in ten years for the reclamation of public lands. The bonds would bear 4 1/2 per cent and would be tax-free.

"What effect would a tax-free bond have on 4 1/4 per cent Liberty bonds which are taxable? Asked Chairman Fordney.

"The tax-free bond would be the most saleable and the provision would make interest so low that settlers would take the loans" was the reply. Representative Smith, Republican, Idaho, author of the bill, told the committee the only other land bill—the Mondell measure—created too large an expense, as five hundred million dollars would have to be appropriated to carry its provisions into effect.

"It is assumed that any legislation for the benefit of returned soldiers

## 290,000,000 DRINKS OF 'J. B.' EXPORTED DURING JANUARY

New York, March 4.—Demon Rum, John Barleycorn and other alcoholic concoctions in sufficient quantities to make more than 290,000,000 average "drinks" were exported from New York during last January—the greater part prior to the sixteenth, when the eighteenth amendment became effective.

This is shown by the export statistics of the port of New York, made public today in detailed statements indicating that 3,384,766 gallons of spirits were cleared at the United States customs house with stated value of \$4,694,858. During January, 1919 there were exported 14,006 gallons of liquors valued at \$52,417.

In addition to spirits there were exported during January this year 380,012 gallons of malt and 97,932 gallons of wines, while the records for January last year show but 32,006 gallons of wine and 236,002 gallons of malt.

A certain amount of alcohol is still being exported but in bond only, passing through this country from foreign

## GOVERNOR REFUSES TO SIGN APPROPRIATION BILL AS IT STANDS

Columbia, March 4.—(Special)—That under no circumstances would he sign the general appropriations bill if it is ordered ratified with nearly seven million dollars and a 14 mill levy was the notification given the members of the house of representatives today by its speaker, Thomas P. Cothran, of Greenville. Mr. Cothran stated that he would hand in his resignation as presiding officer of the house first.

"Under no circumstances will I sign the general appropriation bill if it is passed and sent to me carrying the totals inserted by the Senate," said Governor Cooper this morning.

Following a short speech from the chair this morning by Speaker Cothran, the house by an unanimous vote of confidence sustained the position of its speaker. Economists in the house stated that two-thirds of the membership of the lower house was pledged to reject the conference report if it carries the nearly seven millions in appropriations, and go home. If this happens the governor will have to call an extraordinary session of the general assembly to pass an appropriation bill as the general government and its activities and institutions are without funds.

The revenue measure was passed by the senate yesterday carrying totals of approximately \$6,700,000 which was an increase of \$907,000 over the amount carried by the house bill and about \$1,200,000 in excess of the appropriations recommended by the budget commission. The measure went to free conference last night. The conferees on the part of the Senate being Senator Christensen, of Beaufort, Senator Johnstone, of Newberry, and Senator Pearce, of Richland, and on the part of the house Representative Bradford, of York, Representative McLaurin of Marlboro, and Representative Moise of Sumter.

## STORM WARNINGS

Chicago, March 4.—The worst storm of the winter today swept eastward from the mountain and plains states where yesterday it reached blizzard proportions. A number of towns in Colorado, Nebraska and South Dakota were reported isolated and rail and wire communication in Kansas, Oklahoma, Missouri, Iowa, Arkansas, North Texas and Arizona was seriously crippled. The blizzard will spread rapidly east and south today and tonight, according to weather bureau forecasts, carrying sharply reduced temperatures with snow and rain. Most of the interference with railroad traffic reported early today was in the mountain states and South Dakota and Minnesota, while telegraph and telephone lines suffered badly from sleet in the other sections hit by the storm. In the mountains damage to railroad tracks and boulders landing on the tracks could not be ascertained by railroad men.

## THE PUBLIC SERVICE BILL CAUSES DEBATE

Senator McGhee Vigorously Opposes Bill Which Is Of Far- Reaching Effect—Senator Moore Offers Amendment

Columbia, March 3. (Special)—The Senate tonight took up the public service bill. Senator Shepherd said that, in view of the conference with Governor Cooper, he moved that the compensation for the railroad commission be fixed at \$10 per day instead of \$2,500 per year. The chairman is to be paid \$3,500. The idea is to cut the total appropriation from \$30,000 to \$10,000. Senator Laney explained the situation on the bill. He explained that he understood the bill was entirely acceptable as it came from the House except to the Southern Power Company.

Senator Watkins, of Anderson, wanted to discuss the bill in detail. His interest in the adoption of the amendment was in no way due to the Southern Power Co., except that this corporation has done so much for his entire section. His interest was due to the development to the whole Piedmont. He had no interest whatever in the Southern Power Company. He said that there was no demand from the public that the private contracts involved be opened to the public. He understood that the two companies whose securities were weak wanted this bill as coming from the House.

Senator Duncan said that the bill was very far reaching and more important than most people realized and he thought that the bill should be continued and he so moved.

Senator McGhee said that the bill should be continued for two reasons. First, because the bill should be killed, and second, the bill was so far reaching that it would affect every man, woman and child who read by an electric light, every one who bathed in water furnished by the company. The bill affected the largest interests in the State. He was opposed to the bill wholly. It was wrong in principle.

In a colloquy which occurred Senator Laney declared that there were no poor farmers in Chesterfield county. It was only the doctors and the lawyers that were poor.

Senator Young said he thought the bill a very important one and should be passed and at his request Senator Duncan withdrew his motion to continue the bill.

Upon a motion being put on the amendment the amendment was lost. Senator McGhee said the bill was too important to pass without giving it more consideration than had been given to this bill. He thought the bill the worst that had been passed since the old dispensary days. He represented no power company but he did represent his town and his county.

Senator Butler said he represented no one but his constituents, but he was opposed to this far reaching bill.

He said that may be one company opposed the bill because it feared that its rates would be reduced and another company favored the bill because it hoped to have its rates raised. He thought this bill would cause the rate to cotton mill employes to be raised. With the changing industrial conditions there is no telling what would be the effect of this bill. His people believed the bill to be a vicious piece of legislation. He was opposed also to the corporations to be regulated paying the salaries of the commissioners. He was opposed to the bill amended or unamended.

Senator Moore offered an amendment putting the duties imposed by the bill on the railroad bill.

Senator Rogers opposed continuing the bill. He believed that the power companies were discriminating in rates and they should be regulated. He had the kindest feeling for the company. He had lived in the Piedmont country when it was poor. He had seen the Southern Power Company come and build up the country and his people felt kindly toward it.

Senator Rogers said the State had need of a public service commission. He had seen contracts made in his section of the state which were the most unjust but there was no commission to which appeal could be made, and such a commission should be established.

On a tie vote of 16 to 16 the bill was not continued. Debate was adjourned until this morning at 11 o'clock.

The senate met this morning at 11 o'clock.

## COTTON MARKET

Spot Cotton	40.00
March	39.50
May	37.50
July	32.00
October	30.20
December	29.40