

Asylum Wins Case In Supreme Court

State Tribunal Upholds Legality of Appropriation for Continuing Improvements--- Sum Involved is \$100,000.

News and Courier:

Columbia, March 16.—The Supreme Court has upheld the legality of the appropriation of \$100,000 for continuing the improvements of the State Hospital for the Insane. Members of the board of regents said this morning the improvements at the asylum would be rushed forward as rapidly as possible.

The following is the opinion of the supreme court in the case:

The State of South Carolina, in the supreme court, in the original jurisdiction. Ex parte—the regents of the State Hospital for the Insane of South Carolina, petitioners, against Carlton W. Sawyer, comptroller general of South Carolina, respondent. Opinion by Eugene B. Gary, C. J.

This is an application to the Court, in the exercise of its original jurisdiction for a writ of mandamus directing the comptroller general to issue his warrant on a fund in his hands alleged by the petitioners to have been appropriated by the legislature for rebuilding the hospital for the insane.

When the bill in question was sent by the house to the senate it contained two items under the caption:

State Hospital for the Insane, Item 1 provided for the maintenance of the hospital; salary of the superintendent, \$5,000; and salaries of the regents, Total, \$317,000. Item 2 provided for an appropriation for rebuilding the hospital, amounting to \$100,000.

The senate adopted an amendment increasing the salary of the superintendent to \$6,000 and making the appropriation for maintenance and salaries, \$318,000.

It also adopted an amendment striking out Item 2 and substituting in lieu thereof the following:

"In addition to the levies above provided for an additional tax of one-half mill upon all the taxable property in the State, is hereby levied, to provide for the payment of the development and repairs of the State Hospital for the Insane, in the city of Columbia and at State Park, as provided by the appropriation in this act: Provided, that any amount raised by this levy in excess of the amount herein appropriated for this purpose shall be covered into the general fund of the treasury. The following sum is hereby appropriated: Item 1. For development and repairs to the State Hospital for the Insane, \$150,000."

The house refused to concur in the amendments and the matter was submitted to the committee of free conference, who made a report recommending that the house concur in the senate amendment, in regard to the appropriation of \$318,000 for maintenance and salaries; that the senate recede from its amendment as to Item 2; and that the following be added at the end of said item:

"Whereas, the general assembly at the session of 1915 provided for rebuilding the State hospital, by the levy of one-half mill, and provided that the proceeds of said levy may be used for said rebuilding during said year; and

"Whereas, the policy adopted then

was for the purpose of providing \$150,000 annually; and

"Whereas, the policy adopted then was to continue said levy for the purpose of providing \$150,000 annually or rebuilding for a period of four years.

"Be it provided, that the governor, the comptroller general and the State treasurer be; and they are hereby authorized to borrow and pledge the credit of the State for an amount not exceeding \$50,000 in anticipation of taxes, if it be found by the regents that it is necessary to expend for rebuilding a sum greater than the amount of \$100,000 herein appropriated during the year 1916."

The report of the committee was adopted by both the senate and house, and the amendments which they proposed were embodied in the act under consideration.

The recapitulation of the various items of the appropriation in the act provides for an appropriation of \$415,000 to the Hospital for the Insane.

It cannot be successfully contended that the senate amendment struck out Item 2, appropriating \$100,000 for rebuilding the hospital, or that the act failed to make an appropriation for that purpose.

The Senate amendment did not have the force and effect of changing the provisions of the bill in any respect whatever, but it was a mere proposal, which could only become effective in case it was accepted by the house. The house, however, refused to concur in the amendments, thus necessitating their submission to the committee of free conference.

Furthermore, when the senate receded from its proposed amendment the effect was the same as if it had never been adopted by that body.

We proceed to construe the act which contains the amendment recommended by the committee of free conference and adopted by both houses. The last clause of the amendment, which is now a part of the act, is as follows:

"Be it provided that the governor, the comptroller general and the State treasurer be, and they are hereby authorized to borrow and pledge the credit of the State for an amount not exceeding \$50,000 in anticipation of the collection of taxes, if it be found by the regents that it is necessary to expend for rebuilding a sum greater than the amount of \$100,000 herein appropriated during the year 1916."

It contains two provisions, one being the appropriation of \$100,000 for rebuilding the hospital; and the other authorizing the officials therein named to borrow and pledge the credit of the State for an amount not exceeding \$50,000 in anticipation of the collection of taxes, if it should be found by the regents that a sum greater than \$100,000 was necessary for rebuilding during the year 1916.

The recapitulation of the various items in the act; which provides for an appropriation of \$415,000 to the hospital for the insane, also tends to show that it was the intention of the legisla-

ture to appropriate \$315,000 for maintenance and salaries and \$100,000 for rebuilding, otherwise the item in the recapitulation would have been only \$315,000.

The petitioners are entitled to the relief for which they pray, and it is so adjudged.

We concur: R. C. Watts, A. J.; T. B. Fraser, A. J.; Geo. W. Gage, A. J. W. F. Caldwell.



Get the Range of Smoking Satisfaction

A "Bull" Durham cigarette has all the vim, vigor and dash of Uncle Sam's fighting men. That's why the American Army is an army of "Bull" Durham smokers. For a virile, lively, manly smoke, "roll your own" with "Bull" Durham.

GENUINE
**"BULL"
DURHAM**
SMOKING TOBACCO

"Bull" Durham is the mild-est of all cigarette tobaccos. Its unique aroma and distinctive mellow-sweet flavor is duplicated by no other tobacco.

It has been the great American smoke for three generations.

Learn to "roll your own" with "Bull" Durham—you can do it with a little practice—and learn new smoke enjoyment.



THE AMERICAN TOBACCO COMPANY
Incorporated

ARRIVAL OF TRAINS

On Southern and C. N. & L. Railroads at Newberry, Effective Jan. 20, 1916.

On Southern Railroad—
No. 15, west..... 8:48 a. m.
No. 18, east..... 12:15 p. m.
No. 17, west..... 2:50 p. m.
No. 16, east..... 8:54 p. m.

On C. N. & L. Railroad—
*No. 12 (mixed), west..... 5:14 a. m.
*No. 55, east..... 9:53 a. m.
No. 52, west..... 1:06 p. m.
No. 53, east..... 3:22 p. m.
*No. 13 (mixed), east..... 5:30 p. m.
*No. 54, west..... 7:00 p. m.
*N. 50, west..... 9:53 a. m.
*No. 51, east..... 5:50 p. m.
*Daily except Sunday. †Sunday only.
West is to Greenville. East is to Columbia.

T. S. Lefler, T. A.

January 20, 1916.
All Southern trains are regular mail trains. On C. N. & L. Nos. 55, 52, 53 and 54 are mail trains.
Time of Closing Mails, Newberry, S. C. (January 21, 1916.)

Southern Railway—8:18 a. m., 11:45 a. m., 2:20 p. m., 8:24 p. m.

C. N. & L. Railroad—9:23 a. m., 12:36 p. m., 2:50 p. m., 6:30 p. m.

W. A. Hill, Postmaster.

To Drive Out Malaria
And Build Up The System
Take the Old Standard GROVE'S TASTELESS CHILL TONIC. You know what you are taking, as the formula is printed on every label, showing it is Quinine and Iron in a tasteless form. The Quinine drives out malaria, the Iron builds up the system. 50 cents



THE HERALD AND NEWS ONE YEAR FOR ONLY \$1.50.

HOW UNCLE JOHN SUBSCRIBED

"You know how I got started with you wuz that one of the neighbors that had got stirred up kep' pesterin' me to take the paper. Last time he tackled me we wuz comin' back from meetin'. No, I says, I ain't got no use for this book business. 'Well, I dunno about that, he says, 'didn't the Lord Almighty set a sort o' example about books by puttin' his teachin's where we could read 'em? 'Well, that kind o' shet me up for a minute; an' then he went on. 'What's more,' he says, 'did y'ever look over the country and think about the folks in business and all lines o' work, and see whether it's the folks who read books and papers most or the folks who don't read 'em at all, who seem to be makin' the most money and havin' most influence?'"

"Ez I say, that kind o' laid me out; but right then a Scriptur notion struck me that I thought would put the fixin's on him. 'Well,' says I, 'you heerd the preacher read just now how the Lord said a feller ought to make his livin' in the sweat o' his brow, and I guess you can't improve on that.'"

"'Exactly,' says he, 'exactly. But a feller Graham pointed out t'other day that the Lord didn't say sweat o' your back but sweat o' your brow and a man's brow is where his brain is. So I figure it out that while we've got to sweat a lot with our muscles, if we don't do a little sweatin' from the brow with real brain-exershun, we're not likely to make much. As Zeb Green says, a feller's got to use his head fer some'n more'n a hat-rack.'"

"Well, I seed the feller wuz really right, an' that a good paper or book is really needed to feed a feller's brain the same as meat and bread feeds his body. 'Well, take that dollar an' shet up' says I."—The Progressive Farmer.

"LOYALTY" MEDALS FOR SOUTHERN'S EMPLOYEES

Washington, D. C. March 17.—One thousand seven hundred and fifty-eight men in the employ of Southern Railway company, representing all ranks and all classes from general officer to blacksmith helper, who have exceeded 25 years of continuous service on the road, will shortly be awarded a medal by President Fairfax Harrison in recognition of their achievement and to commemorate their honorable record. The presentation of the medals will be made personally by Mr. Harrison to all those entitled to them during the next two weeks. In announcing the plan, the following statement was issued by President Harrison:

"Southern Railway company has in its service 1,758 men of all ranks and classes, from general officer to blacksmith helper, who have exceeded 25 years of continuous service on the road. There are indeed, 34 men who have exceeded 50 years of such service, and it is also of interest that there are 235 negroes on the list. These men are the best men the company carries on its rolls, for they have proven their loyalty and their fitness for their several responsibilities in the hard school of experience and by survival of the strict discipline which is necessary in the administration of a railroad. To recognize their achievement and to commemorate their honorable record, the company has arranged to award each one of them a medal which they can wear to long as they live and hand down as an heirloom in their families."

The medal is of bronze, of highly artistic and successful design. It is the work of the distinguished sculptor Victor Brenner of New York, who was recommended to the company by the United States director of the mint. The artist is best known, perhaps, for his design of the current Lincoln penny.

The obverse of the medal bears the inscription, "Southern Railway Company. For Loyalty," and shows an actual scene on the road; a section of modern double track equipped with automatic signals, with an all steel passenger train running through the mountains of north Georgia. President Harrison's plan was to show a typical industrial scene with a factory in the background, but the sculptor would not agree that a factory was capable of artistic treatment and insisted on mountains. It is, however, fortunate for the company and for those who will wear the medals that there are factories on the line as well as scenery.

The reverse of the medal shows three symbols of modern railroading; a telephone dispatcher at his switchboard, a section gang engaged in maintenance and a large heavy power press to represent the shop crafts. Thus each principal branch of the service is indicated. On the reverse is also engraved the name of the man to whom the medal is awarded, with the dates of his service record.

THE GREAT BRIGHT WAY

2 IN 1

SHOE POLISHES

BLACK-WHITE-TAN - 10¢

KEEP YOUR SHOES NEAT

THE F. F. DALLEY CO., LTD. BUFFALO, N. Y.

Fresh Candy

I have just received a fresh stock of Candy. After dinner mints covered dates, plain and toasted marshmallows, chocolate chips and chocolate peanut clusters.

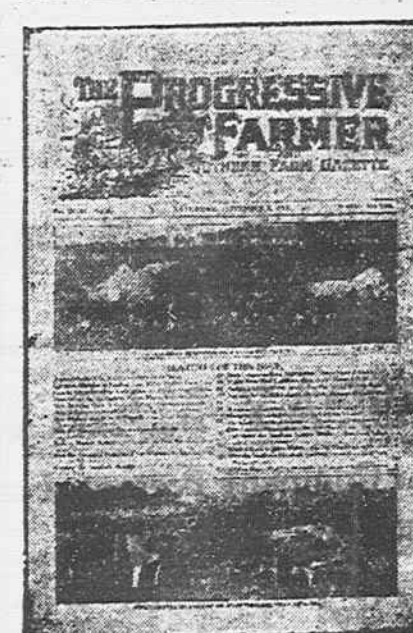
The best for the money.

Mayes' Book & Variety Store

The House of a Thousand Things.

Our Greatest Offer

A YEAR'S READING FOR THE ENTIRE FAMILY



MADE FOR YOU

The Progressive Farmer is made to cover conditions as they are in the South. Yes, sir—made for you—and if you will read and heed its teachings you will raise more cotton per acre, more corn per acre, more and better livestock, and make a money producing factory out of your farm.

MADE FOR YOUR WIFE

The Progressive Farmer has the strongest, most practical household department of any agricultural paper in the South. Its many features make a special appeal to our women readers and help them as it does the men.

MADE FOR YOUR CHILDREN

The Progressive Farmer has a regular department for farm boys and girls, and a serial story for both young and old. In fact it is a paper for every member of the family.

The Best Two for All the Family—Both Leaders in Their Line

THE HOUSEWIFE

We are happy indeed to introduce and to be able to make a clubbing arrangement that will enable our readers to have The Housewife the coming year.

The stories are high-class in every way—stories that will appeal to and please you, many with gripping excitement and interest—holding qualities.

Particular attention is given by The Housewife to seasonable, sensible cooking, household hints, and matters of particular interest to mother and child.

The Housewife is a large, well printed magazine; subscription price, 50 cents per year. It is only because the publishers are anxious to develop their subscription list in the South that we have been able to secure a rate on these subscriptions that enable us to include it in this year's clubbing offers with The Progressive Farmer. We know you will be highly pleased if you decide to take the club, including The Housewife.



This great combination of farm sense, farm help, fiction, fashion, fancy work and good cheer for the entire family at

BARGAIN PRICES

in connection with your subscription to

THE HERALD AND NEWS

You know our paper. It is a clean-cut, live, up-to-date county weekly—your county paper. It gives you all the local news and the important news of the world and the great war.

You cannot afford to miss this great bargain.

The Herald and News 1 year..... 1.50
The Progressive Farmer—weekly—52 big issues..... 1.00
The Housewife—monthly..... .50

Regular price..... \$3.00

OUR SPECIAL BARGAIN OFFER

All three one year each for only \$1.98 (only 3 cents a week for all three).

Mail or bring your subscriptions at once to

THE HERALD AND NEWS
NEWBERRY, S. C.

Frank R. Hunter

Fire Insurance

Real Estate, Loans, Stocks & Bonds

Old Court House, Newberry, S. C.

The Best Companies

Immediate Coverage