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The Manning Times.

LOUIS APPELT, Editor.
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HE WAS SO PLEDGED.

The State reproduces from Collier's Weekly a criticism of South Carolina and Governor Blease for refusing to enact the McCravery compulsory education law. The writer is not opposed to a sane compulsory education law, and as a step toward getting a beginning along this line he voted for the McCravery bill when it was on its passage in the senate, but after further consideration he saw the futility of such a bill as was passed. There was nothing to it, absolutely no way to enforce it provisions, and he saw too, that it would lead up to contentions and strife in local communities, so much so, he doubted the propriety of enacting a law so ineffective in its make up, and when the Governor vetoed it he came to the conclusion that it was for the best.

There is need for a compulsory education law in this State, matters how much the opposition to it undertake to appeal to prejudice to defeat the sentiment in its favor, the fact remains there is need for such legislation, but when it is undertaken the State should be in a position to furnish the necessary equipment for the schools, it should be able to provide free books, as well as free tuition before it forces parents to send their children to the public schools. The argument that compulsory attendance is taking away rights of parents is not without some force when the expense is taken into consideration, some parents are not able to provide their children with the necessary books and equipment to send them to school, therefore if the State is to demand attendance it should also provide the means.

So far as the criticism of Collier's is concerned, that weekly is prone to criticize everything done by the present administration, in our opinion, it bases its criticisms upon the editorials it reads in our Columbia contemporary, which of course is unfriendly, and is not always unbiased. The people of South Carolina know whether or not they want a compulsory education law passed by the general assembly, and next year they will have an opportunity to pass upon the question, as at least one of the candidates for Governor, Prof. J. G. Clinckscales, has announced that he will make the race upon that issue, then and not until then can it be ascertained whether or not this State is

ready for such a legislative enactment.

The criticism of Governor Blease for vetoing the McCravery bill, although it admits it was worthless, is not warranted, because the Governor in his veto message called attention to his speeches on the stump against a compulsory education law, and our recollection is that he also told the legislature in his inaugural address he would veto any such legislation because he had promised the people he would do so; they heard his speeches, and were fully aware of his attitude, notwithstanding this, they elected him over an opposition that was thought to be invincible. Under these circumstances how could Governor Blease do otherwise than veto the compulsory bill, matters not how mild it was. Had he signed it, the very forces which criticize him, would take the reverse position and make claim that he was not true to his pledges on the hustings, therefore, we say if this is to be the issue next summer, and according to Mr. Clinckscales he proposes to make it a part of his platform, then let the issue be clear cut, and all abide the result.

We remember when William Jennings Bryan last visited Columbia and addressed the general assembly, one of the things he stressed was "to do the will of the people and that when a public servant could not do what the people say then it is his honorable duty to step down and out, to do otherwise, he is holding his place by false pretences." This sentiment was heartily applauded by no less a person than the editor of The State who seems to have taken pleasure in reproducing the adverse criticism of the present State administration. Blease on the stump opposed compulsory education, the people endorsed him, the legislature passed a hybrid sort of a bill, it was vetoed, the veto was sustained, if this was not carrying out the expressed wish of the people, then we must admit we do not understand the people when they give an expression.

The minority in Congress is making a lot of speeches but the effort to stop Democratic legislation is useless. The leaders have their plans will thought out and with the precision of trained soldiers the work of carrying out the promises of the party platform is going on. Whatever the result of this tariff legislation the party in control has the backing of the country and if it should prove detrimental to the interests of the masses, the same power which brought about the change will have an opportunity of endorsing or rejecting in the Congressional elections next year.

LET THE OFFICE SEEK THE MAN.

In our last issue we suggested the name of ex-Governor John C. Shepperd for the position of associate justice to fill the unexpired term of Judge C. A. Woods, who is soon to go upon the federal circuit bench, since then there have been a number of other eminent gentlemen suggested, all of whom might adorn the place, but without intending to disparage the fitness of any of these gentlemen, we still believe it would be the part of wisdom and justice to invite Governor John C. Shepperd to accept this high and honorable position. Knowing him as we do, he will not consent to enter a scramble for a place of such dignity, had he done so in the past, and resorted to the political game to have himself elevated, we have no doubt he would have long ago received the gratification of his ambition, but, rather than drag down the high calling of a position upon the State's highest legal tribunal, by political manipulation and trading, he continued to remain a private citizen and perform such duties as devolves upon a man who loves his State, and made sacrifices for her at a time that men of courage, and intelligence were needed—without leaders of his calibre, the redemption of South Carolina would not have been made at the time at so little cost of blood and property.

The younger generation can not appreciate the trials and difficulties of that time, they cannot the sacrifice of men who stood by the side of Wade Hampton when the dark clouds were hovering over the State like a pall and with an antagonistic federal government, encouraging those whose interest was solely to humiliate and pilfer a people lately returned from battle fields to find all of their possessions gone, a people cast down and demoralized, nothing left but manhood and womanhood. A Moses was needed then, and he was found in the person of Hampton, who selected as his aides Butler, Gary, Kershaw, Connor, Moise, Shepperd, Orr and others, together with lieutenants in every county, men whose nerve was steeled to redeem the State, and drive the vandals away let the cost be what it would. If a like condition, had arisen within the memory of the young men of this time that was upon us then, there would be a demand insistent for the leadership of a Shepperd. Then why not let us recognize him now when there is needed upon the bench a profound lawyer, cultured and dignified, a man whose judgment was needed, and tested in the trying past? As we said last week, the se-

lection for one to fill this position should not resolve itself down to a factional or sectional issue, but the man should be called from among those who have demonstrated their fitness and their merit for recognition from the people. Already the mails are filled with letters urging support for aspirants; some are mentioned who have but recently been placed on the circuit bench—men so to speak who are yet in their swaddling clothes in the public service; we have no personal opposition to any of them, at the same time, we do feel that it is not necessary to go to the circuit bench for an associate justice when there are so many many competent lawyers in the State not in public position, whose standing at the bar is fully as high as those who have gone on the bench, and are now provided for. There is no man in South Carolina who has a better record as a lawyer, and no man in the State who has given a better service than John C. Shepperd, and we hope the general assembly at its next session will offer him this place on our supreme bench, and show to the world that regardless of how we may at times get wrought up in factional differences, qualification and merit will be recognized.

THE GOVERNOR IS RIGHT

Governor Blease in an interview attributes the increase of lawlessness in this State to the delays of the courts, and he cites several cases where the lawyers retard justice by frivolous appeals based upon technicalities. He scores a class of lawyers who "go beyond the scope of an honorable attorney to accept petty change as a fee to delay justice." There is much in what the Governor says in this regard, and, the people are becoming restive under the conditions. He cites as one of the cases, the Bethune matter, as everybody knows this case has been hanging fire so long it begins to look as if there will be no end to it. The trial judge was not satisfied with the conclusion of the jury in this case, yet he did not grant a new trial, but did later write to the Governor his views in which he strongly intimated that Bethune was not properly represented, and he had doubts as to the justice of the jury's verdict. Since then Bethune has been retried and sentenced several times, but the appeals continue all the same. We are not of those who think because a crime has been committed, the party charged, even though guilty, should be left without counsel; it is a lawyer's duty to see the man is tried according to law, but it is not his duty to use all manner of means to prevent jus-

tice being done, and when the party charged has been given a fair trial and is adjudged guilty, the lawyer should acquiesce in the verdict, and not resort to defeat or delay justice merely to make fees. The principle of blocking justice so long as the money holds out to come, has done more to encourage crime in this State than almost any other agency.

There is another feature, in our court system, the Judges do not always exercise a wise discretion with their sentences; one case will receive a light sentence, while a similar case under the same conditions will receive a sentence out of proportion to the crime. Just how this can be remedied is for the Judges themselves to solve, unless the system is changed so the jury which hears the evidence, and is familiar with the circumstances and conditions, is permitted to fix the punishment, which is now the case in some States. But the main thing, is to find some way to prevent lawyers from retarding the operation of the courts by appeals on technical grounds. The Governor thinks this is a matter for the legislature, but we can not see how the legislature can make laws which will prevent appeals to the higher courts. Under our system of government every citizen has the right to take advantage of every opportunity to have his cause reviewed, and this right should not be abridged, to do so, might prove more dangerous than to let a few guilty escape, at the same time, there should be some limit, and the court of appeals should have some way of determining when an appeal is meritorious or frivolous without causing delay.

We confess this is a question we are unable to suggest the proper remedy, minds more versed in the intricacies of the laws should devote themselves to finding some means of correcting the abuses complained of without doing injustice. We believe if the bar association of this State will take up this question seriously, their collective legal minds can find the remedy.

Jack Johnson the notorious negro prize fighter is facing trial in Chicago for the violation of the Mann Act and his lawyers are objecting to jurors who are opposed to intermarriage between the races. Johnson should be given a fair trial, and the place for him to get justice is in South Carolina. If he could be brought into this State we have no doubt, if it is proven he transported white women for immoral purposes, a jury would be found which would give him full justice.

WILSON IS NOT AFRAID.

President Wilson's campaign tour in New Jersey for "jury reform" is about as daring a piece of work as ever was attempted by a chief executive. In fact, we have never before known of an instance where the President of the United States has gone out and made a personal canvass in the interest of legislation in his own or any other State, but in this case President Wilson has not only established a precedent, but he has done so without seeming to count the cost. As a rule the people do not like interference with their affairs from outside sources, they take it as an assumption of authority and usually resent it, but from the present indications the President's action is not so taken, and we believe he will have great weight in securing for the State of New Jersey the constitutional revision he seeks.

The attempt on the part of the Washington administration to advise the legislature of California was not as successful as was hoped it would be, not that the President's proffered advice was regarded as an interference, but the majority in the California general assembly felt it was in better position to know the conditions existing in that State than either the President or his ambassador, Secretary Bryan, and while the leaders of anti-Japanese legislation struck from their bill certain words which may have been offensive to Japan, they retained the main provisions of the measure, that seeks to prohibit the Japanese from acquiring land in that State. Just what the outcome of this will be, remains for the future; as we understand it, the legislation proposed by California is very similar to the law already in several States now, and why it should be objected to in California we cannot see. The contention is that the Act proposed by California will be in violation of certain treaties between this country and Japan, but if we have the same law in other States, it does seem that some action should have been taken by the Washington government long ago, not having done so, it is late to begin now. At any rate the President is anxious to avoid complications, and his solicitude is commended by both those who differ with him, as well as those who are in accord with his views, nevertheless, in this case his powerful influence was not sufficient to change the course of the representatives of a State which has its problems to solve. In New Jersey it is different, President Wilson has but recently left the executive chair in that State, and he is conceded to be familiar with the conditions there, and there is need

for the reform he is advocating, and notwithstanding he has been promoted higher, he still feels interested in the welfare of his State, and dares to assume the responsibility of going back to his people to make known his views.

LEAVE IT ALONE.

We note in yesterday's State a dispatch to the effect that Mayor Grace has been in Washington with his law partner to look up precedents with a view of objecting to the seating of Congressman-elect Whaley on account of the vast amount of money spent in the recent primary, and to ask for a Congressional investigation. We hope there is nothing in the report, and would deplore any such action on the part of any person who opposed the election of Mr. Whaley. It is true, that all through the primary contest there were rumors of an unprecedented amount of money being used, but how any body is going to prove the money alleged to have been used, was beyond the amount allowed by the federal law we cannot see, nor can we see what good can come of such investigation; true, in the Lorimer case the senate decided to oust the incumbent, and in the Clark case some years ago a similar action was about to be taken when a contingency arose by which Senator Clark resigned and was appointed by the Governor of his State. The outcry made by certain newspapers in this State about the primary in the First District having been debauched, gave rise to a great deal of ground for the rumor that the electorate was bribed; it was common rumor that in the city of Charleston the price offered for votes was as high as thirty-five dollars, but we have not yet heard of a single instance of proof of actual bribery. Therefore, we hope there will be no controversy along this line. Mr. Whaley has been declared the choice of the Democratic party of the district, and on the 29th inst, he was formally elected without opposition. Mayor Grace may not desire to have this election investigated by Congress, if he has such a desire he will do so as a private citizen, we presume, with a purpose to putting a stop to buying a nomination for office. The dispatch does not indicate whether or not Mr. Whaley's recent opponent is a party to the alleged investigation, and as one of his supporters we sincerely hope he is not, nor do we believe that he is. At any rate, we would deplore any agitation or questioning of the recent primary, as we cannot see what good will be accomplished thereby.

A REGULAR STEAM ROLLER.

The House has the tariff discussion under the full control of Leader Underwood, and each schedule is going through without any hitch, all the Republicans can do is to take their medicine just as the Democrats had to do for so these many years. The bill will soon reach the Senate, and there it is expected that the running will not be so smooth, because there are some of the Democratic Senators who have interests which will cause them to ask for modifications, and this may result in making some changes. Just what it means by the Democrats absenting themselves from the senate executive sessions while President Wilson's appointments are pending we do not understand; it may be that there is something going on up the creek which may have its effect upon the tariff bill when it reaches that body. There is no doubt that some of the Democratic senators are not at all enthusiastic over the prospect of having the products of their States put on the free list, or having the tariff upon them reduced so they may come within the reach of foreign competition, and if there is any way for them to honorably prevent it, and save these products from being interfered with, they would like to do so, notwithstanding the party platform is pledged to reduce a tariff. The wool growers of the West and the sugar growers and cotton manufacturers and citrus growers are insistent upon urging Congress to go slow about curtailing the tariff. There are some of them who think that to get them in competition with foreign countries will ruin them; but the leaders of the party are not the best of the party, so far, have given very little heed to those who put up alarming pleas.

Japan has sent a formal protest against the legislation of California, which no doubt will bring on diplomatic negotiations between the two countries, and may finally result in leaving the question to the Hague tribunal for settlement unless our own courts decide the action of California is a violation of treaty rights.

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