

## WHO THEY ARE

Governor Blease Gives Names of Those Holding Two Positions.

### TILLMAN HEADS LIST

The Letter Sent to the Committee Names Those Whom the Governor Considers Are Openly Violating the Letter as Well as the Spirit of the Law.

Governor Blease, in a letter to the committee appointed to investigate the holding of two positions of "profit or trust," names those whom he considers are "openly violating the letter and spirit of our State Constitution." Heading the list given to the committee in Governor Blease's letter is the Hon. Benjamin Ryan Tillman, senior senator from South Carolina, who is also a trustee of Clemson. The following is the letter of Governor Blease which he Friday addressed to Senator Mauldin:

"Yours of the 2nd instant received. In reply will state that I am informed that the Hon. B. R. Tillman is a United States senator and trustee of Clemson and Winthrop colleges.

"That the Hon. Francis H. Weston is a State senator and trustee of the University of South Carolina.

"That the Hon. John G. Richards is a railroad commissioner and trustee of Clemson College.

"That the Hon. Alan Johnstone is a State senator, a trustee of Clemson College and president of the board of trustees of Clemson College.

"That the Hon. D. J. Bradham is a trustee of the colored college and a magistrate.

"That the Hon. D. W. McLaurin is land agent of the sinking fund and trustee of Winthrop College.

"At the time of the message you speak of in your letter, the Hon. Hartwell M. Ayer was a member of the house of representatives and a trustee of the State reformatory.

"The Hon. L. M. Gasque was a member of the house of representatives and a member of the board of fish commission for South Carolina.

"There may be others; I have not taken the pains to look the matter up. These have been called to my attention and believing that each of the positions held by them, respectively, came within the meaning of the State constitution, I sent in the message referred to.

"Article 2, section 2, of the constitution of 1895, reads:

The Constitution.

"No person shall be eligible to a seat in the general assembly while he holds any office or position of profit or trust under this State, the United States of America, or any of them, or under any other power, etc."

"If the trustees of a college that handles hundreds of thousands of dollars, and by his vote may expend the same, is not a position, I am at a loss to know the meaning of the word. If a railroad commissioner or a United States senator is not an office, I am badly misinformed.

"The constitution says 'or under any other power.' Can a man hold an office or position without it being under some power? Is a man's will, donating large amounts of money, to be held in trust for certain purposes, a power; and, is not one of the trustees holding a position of trust?

"The supreme court of this State, in the case of Hopkins against Clemson College, holds that the board of trustees are State officers and holds that, for that reason, they can not be sued, and dismissed Hopkins' complaint. That question is now before the supreme court of the United States.

"If your committee hold that these men are not State officers, then I submit that the general assembly should pass an act, allowing these men to bring their suit. While I think there is no merit in their claim, yet if the supreme court is wrong these men should have a right to a trial by a jury.

"Article 2, section 2, of the constitution, provides:

"But no person shall hold two offices of honor or profit at the same time."

"It is needless for me to repeat that which I construed, that all of the gentlemen named are openly violating the letter and the spirit of our State's constitution. Others may differ with me. This is my construction of the law and I felt that it was my duty, under my oath, to see that the constitution and laws of my State are upheld, to call the matter to the attention of the general assembly.

"Personally, I have absolutely no interest in the matter. I hold the highest office within the gift of the people of my State. I am neither envious or jealous of any man and I thank God that I hold in my heart no malice. Many of those gentlemen are my personal and political friends and I would be pleased to see them hold as many positions as they can obtain if it is not in violation of the law.

"There may be others violating this same section of the constitution. If I knew of it, I would be pleased to give you the names, as your commit-

## CHILD LABOR BILL

PROVIDES FOR ELIMINATION OF ALL EXEMPTIONS.

In the Present Laws on Child Labor and Makes Some Radical Changes in Them.

There was an unexpected and vigorous fight Wednesday in the House against the Osborne bill, which sought to amend the child labor law in two respects; first, by eliminating any and all exemptions and absolutely prohibiting the employment of children under twelve. There are now exemptions for children of widowed mothers, orphans, etc.; second, the bill provides against the employment of any child under 16 at night.

Mr. Osborne bore the brunt of the fight and the House finally passed the bill, the large vote in its favor coming from counties without cotton mills or practically without these industries. The statement was repeatedly made that the manufacturers did not care what became of the bill and the fight against the bill was, by the speeches made, entirely in behalf of the operative classes and their rights.

Those who voted against the bill were Messrs. Ashley, Bailey, Beamgard, Bookier, Bowers, Cary, Chandler, Courtney, John M. Daniel, Dixon, Dobson, E. C. Edwards, Isaac Edwards, Fraser, Graham, Harris, Hutto, Jackson, Jones, Kellehan, Ketchin, League, McCravy, McDow, McQueen, Mazill, Mauldin, Miller, Moore, Polk, Salley, Saye, Scott, C. T. Shuler, R. L. Shuler, Singleton, C. D. Smith, K. P. Smith, Tison, Tedd, Turnbull, Vincent, Watson, Whisonant, Williams, Willis, Wintgenick, McKeown, Mansfield, gard—47.

Those who voted for the bill were: Speaker M. L. Smith and Messrs. Arnold, Ayer, Baskin, Belser, Bethesda, Bodie, Bowman, Boyd, E. H. Brown, T. P. Brown, Butler, Charles, Connor, W. L. Daniel, Davis, Dick, Doar, DuBose, Drummond, Erickman, Evans, Fultz, Gary, Gasque, Hamilton, Harrison, Hill, Hines, Hopkins, Horback, Lunter, Irby, James, Kibler, Kirkland, Kirvin, Lee, Leland, Manuel, Meares, Mitchum, Motte, Mower, Nicholson, Nunery, H. A. Odum, W. P. Odum, Osborne, Pauling, Pegues, Peoples, Reaves, Rembert, Richardson, Riley, Sanders, Sawyer, Seanson, D. L. Smith, Stanley, Tobias, Vander Horst, Wyche, Youmans—69.

### LIVED IN A TOMB.

Two Girls Stayed in Vault While Mother Seek Work.

Endeavoring to cook a potato over a small fire in a vault in a deserted cemetery in Paterson, N. J., Sophia and Margaret Green, 12 and 14 years respectively, daughters of Mrs. Mary Green, of Shenandoah, Pa., were found by the police this week. The two children were so weak from starvation that they scarcely could walk.

Mrs. Green declared her husband, Samuel Green, was killed two years ago while at work in a mine in Shenandoah. Since then she has been in destitute circumstances.

The children declared they had not had a thing to eat in two days, their only nourishment being water which they got from a nearby well. The only article of food in the vault was the potato which Sophia found in the street.

The mother, when searched at the hospital, was found to have two slices of bread, which she declared she had found and which, rather than eat herself, although in dire need of food, she intended keeping for her children.

### Touched Off Dynamite.

As a result of placing a warm pipe, which he had just finished smoking, in a pocket which contained several dynamite caps, Nicholas Furro, aged 22, of Dunmore, Pa., suffered the loss of the thumb and two fingers of his left hand. His coat took fire following the explosion, and he burned several fingers of his right hand before he extinguished the flames.

Don't be fooled by this nice, mild weather. Blizzards are liable to give us a call any day.

tee requests. If I learn of any others the information shall be furnished you.

"I have the honor to be,

Very respectfully,

"Cole L. Blease,

Governor."

"P. S.—Since writing the above, I have been informed that W. W. Bradley is private secretary to Congressman Alken and also trustee of Clemson College, and that Mr. Rawl, who holds a position under the United States, in the city of Washington, D. C., is also a trustee of Clemson College.

"The law says 'office or position' and I call these to your attention."

Francis H. Weston, senator from Richland county, stated that he was not a trustee of the University of South Carolina and had not been for a number of years. He was a trustee at one time, he said, but resigned some time ago.

## GIVE HIS SIDE

Major Caldwell Issues Statement Concerning His Position

### IN JUDGESHIP MATTER

He Says His Course Will be Controlled by the Attitude of the Columbia Bar—Would Not Serve Unless Agreeable to the Members of It.

Major James F. J. Caldwell, of Newberry, who was appointed by Governor Blease to hold the approaching Common Pleas Court for Richland county, the appointment of Major Caldwell followed the recommendation of Ex-Attorney General Ray by the Supreme Court, calling forth a spirited letter from Governor Blease to the Court, gave out the following statement on Friday in reference to the matter. In a calm and dispassionate statement, pouring oil on the storm-tossed waters between the executive and the judicial departments. Major Caldwell says:

Governor Blease called me by telephone about noon on Wednesday, the 1st instant, and, on my answering, inquired if I would consent to hold the term of the Court of Common Pleas for Richland county, to begin on Monday, the 6th instant. I replied that I was willing to hold that court, but added that I would not do so unless the appointment was acceptable to the local bar. To this he replied that it was all right—or to that effect; and after saying some words by way of kindly thought of me, he ceased to speak. His manner indicated to my mind that he wished only to ask if it would suit me to hold the court. I was left to conjecture, whether the bar of Richland desired me, or whether they desired some other person. I had no means of knowing whether the bar had taken any action, or whether the Justices of Supreme Court had made a recommendation to appoint some one to hold the Court or whether if that Court had applied to him to make an appointment, it had recommended any particular person for the appointment.

I wrote Governor Blease, very soon, a letter, saying that I was willing to hold the Court, provided, either that the Bar of Richland desired me, or that they had made no other choice. I was surprised to see in the papers that I had been appointed to hold that term of Court. And I have been more surprised to read, in the papers that I have been commissioned to preside in that Court. Governor Blease is inaccurate in saying that I have been commissioned. The Secretary of State sent me, by mail received yesterday morning, the 2nd, a communication to the effect that I had been appointed, and that on my sending to him (the Secretary of State) the oath on the back of his communication, made according to law and in proper form, I should receive my commission.

I have not made the oath required, and I have not received a commission.

A few minutes after hearing Governor Blease over the telephone, I wrote a letter to R. W. Shand, Esq., and a letter to P. H. Nelson, Esq., both of the Columbia bar, in each of which letters I stated the terms on which I would accept the appointment. I had an answer from Mr. Shand last night. I have not heard from Mr. Nelson.

I wrote Chief Justice Jones a personal letter yesterday. He is at liberty to give it such circulation as he may see fit.

I did not know until yesterday that Mr. Ray had been selected by the Bar of Richland to preside over the Court, or that his appointment had been recommended by the Supreme Court.

Personally, it does not matter to me whether I hold that Court or not. I do not need pecuniary profit from that source, or from any other source—and as a matter of fact, with my way of living, I should not expect to gain a dollar beyond my expenditure. And I have written Chief Justice Jones, "I have passed beyond that period of life when a man need care for glory."

I do not deem it proper for me to discuss the legal aspect of the case. I think it still less proper for me to say one word about the personal—or, partly personal—opportunity between the Chief Executive and the Supreme Court.

The crux of the case—the point on which the matter hinges—is, to me, the wish of the Richland Bar. Without their co-operation I could do nothing. They might continue every case. Or, if I should undertake to try a case, I and all other persons must feel uncertain what I could decide. The protest, "coram non iudice," might be raised at any moment from the beginning to the end of any trial in the Circuit Court, and in the Supreme Court. And I will never consent to hazard the right of litigants by my doubtful claim to office.

Governor Blease may have been precipitate to act, and not entirely

## WHERE THE MONEY GOES

LEGISLATURE APPROPRIATES QUITE A LARGE SUM.

Takes Nearly Two Million Dollars to Run the State for Only One Year.

The appended table shows the appropriations for 1911. While the total for the year is in excess of last year, the house of representatives has made few increases of moment. The item for public buildings is not buildings being erected or to be erected, but merely paying for buildings already erected. The health department's appropriation for this year is based on last year's deficit. The asylum's increased demands are not questioned. The following facts will be of interest:

|   |                |
|---|----------------|
| Governor's office                                   | \$ 17,085.00   |
| Secretary of state's office                         | 7,120.00       |
| Comptroller general's office                        | 15,650.00      |
| Insurance commissioner's office                     | 10,000.00      |
| State treasurer's office                            | 7,600.00       |
| State superintendent of education's office          | 7,800.00       |
| Adjutant general's office                           | 17,070.00      |
| Attorney general's office                           | 7,845.00       |
| Railroad commissioner's office                      | 11,570.30      |
| Chief game warden's office                          | 4,050.00       |
| State librarian's office                            | 1,800.00       |
| Public buildings                                    | 92,755.83      |
| State geologist's office                            | 2,250.00       |
| Department of agriculture, commerce and industries  | 22,920.00      |
| Judicial department                                 | 95,820.00      |
| Health department                                   | 28,305.27      |
| Board of medical examiners                          | 2,500.00       |
| Tax department                                      | 81,833.14      |
| University of South Carolina                        | 93,376.10      |
| Winthrop Normal and Industrial College              | 125,662.44     |
| The Citadel, The Military College of South Carolina | 55,000.00      |
| Institute for Education of Deaf, Dumb and Blind     | 33,046.98      |
| State Colored Industrial and Mechanical College     | 29,500.00      |
| Other educational purposes                          | 148,420.00     |
| State Hospital for Insane                           | 304,526.00     |
| South Carolina Industrial school                    | 26,972.00      |
| State penitentiary                                  | 6,550.00       |
| Other charitable and penal purposes                 | 805.00         |
| Pensions  | 264,000.00     |
| Historical commission                               | 3,800.00       |
| Interest on bonded debt                             | 295,886.22     |
| Elections   | 13,050.00      |
| Miscellaneous                                       | 76,752.43      |
| The senate  | 14,971.40      |
| The house of representatives                        | 32,672.20      |
| Ingressing department                               | 5,808.00       |
| Expenses of both houses                             | 320.00         |
| Total   | \$1,965,339.11 |

Increases.

Governor's office, \$765 for furniture.

Secretary of state, \$200, increase of salary of two clerks.

Comptroller general's office, bookkeeper's salary raised \$100 and \$4,000 added for inspection of county auditors' and treasurers' books.

Insurance commissioner's office, \$300 for clerical work; \$200 for stationery and printing; \$500 for contingent fund and \$600 for rent.

Superintendent of education; assistant's salary raised \$150; stationery, \$150; printing, \$500; rent, \$180.

Adjutant general's office; assistant's salary raised, \$150; stationery, \$100.

Chief game warden, no appropriation last year. It was expected to pay this out of gun tax.

State librarian, \$100 for stationery.

Public buildings: \$1,500 additional for water; payment on state house improvements of 1900, \$2,022 more than last year; payments on state house improvements of 1904, \$16,700 more than last year; an entirely new contract for last year (less \$1,500 reduction on state house and grounds and \$3,001 paid last year on the 1907 state house roof loan); making a net increase on

courteous towards the Supreme Court, but it is not for me to censure my friend who sought to do me honor, and who, I am sure, thinks that he is exercising authority given him by the Constitution and the statute law of the State. Nor have I anything to say against the Justices of the Supreme Court. I have no doubt that they have done just what they thought they ought to have done.

I conclude, that the matter really rests with the Columbia Bar. I am sanguine that their wishes, expressed today or tomorrow, will determine the result, for I feel confident that both the Governor and the Supreme Court will be anxious to assist them in the disposal of the many and important interests committed to the management of counsel.

## KILLED IN SENATE

BILL DESIGNED TO PREVENT CORPORATION LAWYERS.

From Representing Public Service Corporations While Serving in the Legislature.

A spirited fight on Senator Summers' bill "to prohibit remuneration to State senators and representatives by public service corporations during their term of office and to fix the punishment" resulted in the death of the bill in the senate Wednesday afternoon. The bill was killed by a vote of 31 to 10.

Senator Weston of Richland spoke earnestly against the bill. The senator from Richland charged that the bill was directed against one class of attorneys and was, therefore, an unjust measure. He considers the bill a reflection on the senators and he paid a compliment to the members of the body in a tribute to the integrity and honesty of the senators.

Senator Summers, in defending the bill, dwelt on the precaution that should be taken. He assured the senate the bill carried no hint of reflection upon any one. He told of telegrams he has received from those either connected with or having former connection with public service corporations asking that these be let alone. He has also been asked to hold up his rate bills.

Senator Clifton, opposing the bill, said that he did not believe in his legislative experience a single corrupt vote had been cast in the general assembly. Senators Crosson, Black and Sullivan opposed the bill while Senator Johnson spoke in favor of the bill.

Senator Black recalled that on the vote to dismiss the appeal in the "mercer" suit Senator Weston did not vote as he was interested in the trial of the case and the senator from Bamberg commended the senator from Richland in this course.

The vote on a motion to table was 51 to 10. Senator Montgomery of Marion being excused from voting. The vote was as follows:

Yeas—Ackerman, Appelt, Black, Carlisle, Clifton, Croft, Crosson, Epps, Glenn, Green, Hall, Hardin, Johnstone, Lancy, Lawson, Lide, Mars, W. L. Mauldin, T. J. Mauldin, McCown, Muckenfuss, Rainford, Snider, Spivey, Sullivan, Stewart, Stucky, Walker, Waller, Wesson, Wharton—31.

Nays—Bates, Dennis, Earle, Forrest, Hough, Johnson, Mannin, Strait, Summers, Young—10.

### RUSE SNARES BANDIT.

Outlaw Summoned as a Witness and Then Nabbed.

Dioncio Martinez, one of the most desperate bandits who ever operated on the Mexican frontier, was arrested in Nuevo Laredo, Tex., this week, by a ruse. He has been operating 25 years and this is the first time he has been jailed. In that time it is charged that he has committed nine murders in Texas, while there are many charges against him in Mexico.

He was recently located on a ranch near Nuevo Laredo, where he was unmolested by the Mexican authorities. Sheriff Wilson, of Wilson county, Texas, succeeded in having the Laredo authorities summon him as a witness in a fake case. When he entered the court room he was surrounded by police and captured without a fight.

Martinez was for years head of the famous Sonora banditti, to whom are attributed no less than 50 murders along the Rio Grande and many robberies and other deeds of outlawry.

We predict that the new school law will dig a good many political graves.

public buildings of \$45,677.15.

State department of agriculture; \$5,000 additional for farm demonstration work; \$200 additional for expenses of inspectors (less \$1,500 for corn breeding); making a net income of \$3,700.

Health department: Total \$12,605.27, as follows: Increase in fund for protection against contagious diseases, \$5,000; salary of clerk to State health officer raised \$120; deficit for 1910, \$6,085.27; State board medical examiners raised \$1,400.

Educational institutions published elsewhere.

Tax department: \$500 additional for State board of equalization.

Hospital for Insane: Maintenance, increase \$25,000; improvements, reduced from \$50,000 to \$35,000; deficit, \$30,226 for 1910 against \$18,662 for 1909; insurance \$6,000; dentist, pathologist, dietician, etc., \$2,600, total net increase, \$39,800.

Industrial school at Florence: Maintenance, \$2,500; building with heating plant, \$15,000; cooking range, cows, sewerage, tailor shop, plumbing, etc., \$1,972.

Senate, for new carpet and screens, \$1,500.

House, for pay of one extra clerk, \$120; extra pay of the clerk in buying furniture, \$35; extra pay sergeant at arms purchasing furniture and disposing of furniture, \$129.50; extra pay, E. M. Rucker, buying furniture \$35.

## AWFUL SCOURGE

Not a Single Person Who Takes the Disease Escapes Death.

### THOUSANDS ARE DYING

A Deadly Disease is Sweeping China and the Nation Seems Powerless to Check It—Physicians Are Sacrificing Their Lives, But the Dreaded Epidemic Continues.

The most deadly scourge in the world's history is sweeping the Chinese empire and Manchuria. Thousands of lives have been lost and all the resources of science are proving unavailing in their fight against the ignorance and superstition of the natives and the unsanitary conditions in which they live. To date every case reported to the authorities has proven fatal, the majority within 24 hours of infection.

Foreign missionaries, chiefly the Americans, are leading in promoting effective means of combating the insidious malady. French and American physicians are bending every effort to save the lives of the Orientals but to date their efforts appear to have gone for naught and many experts declare that the death toll will reach millions unless warm weather sets in and kills the germs.

The eagerness of the Chinese government to stamp out the disease was shown this week when the Wai-Wu-Fu authorized Dr. Wu, in charge of the native city of Harbin, to burn 2,000 coffins containing corpses of plague victims. Owing to the fact that the earth is frozen few of the dead have been buried.

Troops will be ordered to the scenes where bodies are to be burned for the ancestor worship of the Chinese makes the burning of dead bodies almost equal to a crime. It is predicted dead bodies will be burned in all the infected districts though it is feared this drastic move may cause rioting and bloodshed. In addition Prince Rupert has decreed that posthumous honors shall be accorded physicians who lose their lives while fighting the plague and \$90,000 has been appropriated for a prevention campaign.

China has been notified that the United States has accepted her invitation to send scientists to the Far East to study the malady. In Peking, where only a few deaths have occurred, the foreign legations have laid in stores for the next three months and American Minister W. J. Calhoun has offered missionaries refuge in the American quarters. This was declined because the workers did not wish to have their activities hampered.

American business men, tourists and missionaries are being looked after in all the cities where there are legation houses and where there are none they are urged to go to cities where there are. But to add to the difficulties of the situation all railroad traffic has been cut off in most parts of the vast empire and where trains are still in operation only such as have clean certificates of health are allowed to travel.

Dr. A. P. Peck, American medical attaché to the Chih Li provincial government, who is devoting himself to investigations in the infected districts north of the great wall says:

"The plague is wholly of the pneumonic type, because the bacillus enters the lungs in breathing. The bacillus appears under the microscope to be the same as that of the bubonic type. It is propagated only by close contact. The bacillus does not go far through the air outside of the body. It dies quickly when breathed fresh from the lungs of an infected person. It finds an enormous culture bed in the mucous membrane of the lungs and multiplies rapidly. There being no lymphatic glands to protect the system and strain out the bacilli the disease is rapidly fatal in 100 per cent of cases.

"Rats and fleas are no factor in infection, which is wholly through the breath and sputum. While it would be possible for fleas to carry the bacillus and infect a person with the bubonic type of plague, practically this does not occur. Regarding the efficiency of Haffkine's serum I do not know and reserve judgment."

### Rich Men in Jail.

Five rich Southern lumbermen have entered the Federal prison at Atlanta, Ga., to serve sentences for peonage. The cases were the first to arise in the South and their prosecution was pushed vigorously by the Department of Justice. The convicted men are W. S. Harlan, Robert Gallagher, Dr. W. E. Grace, C. C. Hilton and E. S. Fuggins, all of Lockport, Ala.

### Scared to Death.

J. W. Valentine, of West Point, Miss., was not killed by a pursuing posse, as has been alleged. The coronor's inquiry revealed the fact that he attempted to escape from the men who had him in charge and they fired their revolvers after him, he dropped dead from fright.