

GOV. MANNING DID NOT INTERFERE WITH PEEPLES' APPOINTMENTS

(CONTINUED FROM PAGE ONE.)

tion I phoned you asking for an appointment with you for five o'clock that afternoon in my room at the Jerome Hotel. At the outset of my administration I was in urgent need of legal advice on a number of matters, including the pending Asylum investigation, the order to disband the militia and other questions. You came to my room at the Jerome Hotel at five o'clock that afternoon and again discussed the matter with me in the presence of Mr. Benet, who had been present at the former conversation. At that time you stated to us that your great embarrassment you were not able to get Mr. Dominick to resign that last summer and again since the campaign; that you had had mutual friends to go to him and state that he was embarrassing you and your conduct of the office by insisting on retaining his position as your assistant; that you had not been able to make him consent to give up the office, although you still hoped that he would do so. You stated that Mr. Dominick's work was not satisfactory; that he had been absent from the office without your consent or even knowledge; that he had on occasions left the office on Friday morning and stayed away until Tuesday night; that this was not satisfactory to you not to the conduct of the business of the office, but that you were powerless in the matter. You stated that when the campaign began last summer you had gone to him and asked for his resignation on the ground that you were in the campaign yourself, that he was a candidate for Congress and that inasmuch as you had to make the State tour with the campaign party, the office of the Attorney General would be closed unless your Assistant were there; that he had declined to resign, which had caused you great embarrassment and had forced you to leave the State campaign party a number of times to attend to matters in the office which absolutely required attention.

You again stated that you personally were anxious to work in harmony with my administration, but that you could not get rid of Mr. Dominick; that you regretted this, and that you still hoped the matter would work itself out.

I have never intimated to you or to anyone else that I wanted you to appoint any particular man nor do I now do so. You have an absolute right, legal and otherwise, to appoint whom you please; but in view of the voluntary statements and assurances you had made me, I was glad to discuss the appointment with you; while in view of the peculiar unsuitableness of the appointment of Mr. Dominick, I have a right to protest, not because of any personal feeling against him, but upon the grounds that Mr. Dominick, having been the law partner of the former Governor, his campaign manager and his close confidant and partisan, political and otherwise, would be opposed to the carrying out of the changes in our government which the people by their vote, last August, ordered done. In considering appointments distinction must be made between those two offices where the duties are of an administrative character and those where the duties are advisory. In the one case, differences as to political association are not especially important; in the other, lack of sympathy and conviction necessarily prohibit cooperation.

I am disappointed that you do not seem to realize the absolute necessity of every branch of the government co-operating fully with complete confidence, in order to put into effect the expressed mandates of the people. In frankness, I can but feel that you could not be uninfluenced by the opinion and association of Mr. Dominick in matters submitted to your office, when you have admitted to me that you had asked him to resign, but were not able to make him do so.

I am giving out the correspondence for publication.

Yours truly,
RICHARD I. MANNING.

Should Appoint Man in Sympathy With Administration.

January 21, 1915.
Hon. Thomas H. Peeples, Att'y. Gen.,
Columbia, S. C.
Dear Sir:
As I have said to you heretofore, I was elected to the office of Governor upon a platform in opposition to the policies which have prevailed in this office for the last four years, and it, therefore, desirable that your assistant should be a man in sympathy with my policies. You have seen fit to appoint Mr. Fred H. Dominick your assistant, who was a supporter of the policies of my predecessor in this office.

In these circumstances I do not feel that I can rely upon your office for legal advice. I shall need legal advice in the administration of my office, and therefore shall be compelled to call this matter to the attention of the Legislature for such action as they may see fit to take, if you insist in making this appointment.

Please let me have your reply.
Very respectfully,
RICHARD I. MANNING,
Governor.

Attorney General Terms Governor's Letter Demand for Dismissal of Assistant.
Columbia, S. C., Jan. 23, 1915.
Hon. Richard I. Manning,
Governor of South Carolina,
Columbia, S. C.

Sir:
I am in receipt of your letter of the 21st inst., wherein you substantially, if not expressly, demand that I shall rescind the appointment made by me of Mr. Dominick as my assistant, and in the event I do not, you practically threaten to call my refusal to rescind such order, and appoint such person

that will be satisfactory to what you term your "policies," to the attention of the Legislature for such action as they may see fit to take.

I shall endeavor to answer your letter, so surprising in its character and so disagreeable in its tone, as courteously as my feelings will permit.

I had occasion to reply to a letter of yours, inquiring as to what recommendations I would make in my report, so that you might incorporate them in some message designed by you to be sent to the Legislature. In doing so, I expressly declared to you, with great sincerity and candor the following sentiments: "I shall be glad at any time to confer with you upon any of these subjects (alluded to in my letter) and shall always be pleased to carry out any of the directions that you, as Governor, shall make within the powers conferred upon you by the constitution and statute laws of our State. With much regard and with a sense of duty towards you, as the legal adviser of the officers of the State and the head of the Department of Justice of such State, and as that head to serve you as the Chief Executive officer of the State. I remain, etc."

This statement then expressed, I still entertain and there will be no effort lacking upon my part to perform my duties and to cooperate, as to the duties devolved upon me, with you in any matter becoming our duty to discuss or to take action upon.

By the constitution of this State, Article IV, Section 24, it is declared that "there shall be elected by the qualified voters of the State . . . an Attorney General (and other officers therein mentioned) . . . who shall hold their respective offices for a term of years and until their several successors have been chosen and qualified; and whose duties and compensations shall be prescribed by law."

It is again, by Article V, Section 28, declared: "There shall be an Attorney General for the State, who shall perform such duties as may be prescribed by law. He shall be elected by the qualified electors of the State for the term of two years, and shall receive for his services such compensation as shall be fixed by law."

By the Code of the Laws of 1912, Vol. 1, Section 710, the Legislature, in pursuance of the terms of the Constitution, enacted: "The Attorney General shall receive a salary at the rate of nineteen hundred dollars per annum and the Assistant Attorney General, who shall be appointed by the Attorney General, shall receive a salary of thirteen hundred and fifty dollars per annum." (since increased.)

The powers and duties of the Attorney General are further provided for in subsequent sections, to which reference is asked to enable you to have a clear comprehension of the powers, duties and limitations of the office. I now hold and special attention is invited to Section 717: "The (Attorney General) shall, when required by the Secretary of State, Treasurer, Adjutant and Inspector General, Comptroller General, Railroad Commissioner, or other State officer, consult and advise with them, respectively, on questions of law, relating to their official business."

An examination of all of the Statutes and law relating to my office will

show, (aside from the duties devolved upon the Attorney General as ex-officio member of certain boards, which he can exercise not by assistants but personally) that it was never in contemplation nor within the purview of the Constitution or of any of the Acts of the General Assembly to make the office of Attorney General as legal advisor of the different departments, a political one in the sense of having the opinions, which it is the duty of the Attorney General to render biased by what you may term, or have termed, your "policies," or that of any officer of the State to whom it is my duty to give a legal opinion. It would be clearly an anomaly of law and good sense to attempt to bias or prejudice the view of the law in its construction by the statute by the political party or party-faction to which the Governor or any officer of the State may for the time being belong. I must, therefore, insist, and as long as I am Attorney General will insist, upon giving my opinions as to what I conceive to be the law, whether it is in sympathy with this, that or any other party or partisan. I would be unworthy of the position, and so would any other man, who considers himself in the position of having to render opinions and advice to officers of the State except as he conscientiously believes the law to be, irrespective of all political policies or other views.

It is quite true that you have taken occasion to state to me, heretofore, that you had been elected to the office of Governor upon a platform in opposition to the policies which have prevailed in the office of Governor for the last four years. This was a matter of which I had no concern and have never entertained any. The advice given from this office, whether by myself or assistant, bears no color of faction or of party. My personal preferences, as to who should hold office in South Carolina, has never influenced or swayed the construction of any Statute, or constitutional provision which has been submitted to me, nor has the prescribed duties made by Statute been viewed by me, when asked as to their meaning and as to what action should be taken under the, even been rendered in view of any policy which was thought best by the Executive Officer.

It is further known to me that your views, or at least your expressions, have been in accord with your predecessor's in office, to whom you allude, and that your election may be construed as an endorsement of this by the majority of the people voting at the primaries, and that you will be held responsible for carrying out such views, whatever they may be. I do not profess to have made any careful study of your platform or of your speeches. While you may thus properly indulge in the idea, I must call your attention to the fact, that having served two years as Attorney General, that I was elected to my office by a majority of the votes of the qualified electors of the people, probably by as many as you received; and I indulge the presumption that the conduct of my office, for the two years in which I have held it, has been endorsed by the majority of the people of South Carolina, and that they will hold me responsible for the proper conduct of my office. I am their servant. I certainly am not the servant of the Governor of the State whoever he may be.

For nearly fifty years, the Assistant in the office of the Attorney General—one time designated as Clerk, now as Assistant Attorney General, has been considered a personal and confidential appointment—the Attorney General being entirely responsible for everything occurring in his office.

IF SKIN BREAKS OUT AND ITCHES APPLY SULPHUR

Use it like a cold cream and dry Eczema eruptions right up.

The moment you apply bold-sulphur to an itching or broken out skin, the itching stops and healing begins, says a renowned dermatologist.

This remarkable sulphur made into a thick cream effects such prompt relief, even in aggravated Eczema, that it is a never-ending source of amusement to physicians.

For many years bold-sulphur has occupied a secure position in the treatment of cutaneous eruptions by reason of its cooling, parasite-destroying properties and nothing has ever been found to take its place in relieving irritable and inflammatory affections of the skin. While not always establishing a permanent cure, yet in every instance, it immediately subdues the itching irritation and heals the Eczema right up and it is often years later before any eruption again manifests itself.

Any good druggist will supply an ounce of bold-sulphur, which should be applied to the affected parts like the ordinary cold cream. It isn't unpleasant and the prompt relief afforded is very welcome, particularly when the Eczema is accompanied with tortuous itching.

The legal, personal and other qualifications of such Assistant is a matter entirely that has heretofore, under all conditions and changes, been considered to be the peculiar affair of the Attorney General in making his selection.

Mr. Dominick has been my assistant for nearly the entire period that I have been attorney general. The people in electing me, as I have a right to presume, endorsed him also as an official in my office and certainly I heard throughout the entire campaign no objection made to him.

You practically request me to surrender the right and the duty of selecting such assistant, given me by the General Assembly, and to restrict it to such person as may be in "full sympathy with my (your) personal policies."

Admitting for a moment this claim of yours, no office in any department, judicial, legislative or otherwise, in whom the Legislature has vested the right of appointment of assistants, hold office save by your grace and by your command. For example, the Secretary of State, Comptroller General, and the State Treasurer, and State Boards which could be mentioned.

As stated above, the express term of the Statutes provides that I shall render advice to the different officers of the State and take appropriate action in the premises. I should not have considered it too much of an encroachment of my rights if, on account of personal feelings which you may have towards Mr. Dominick, you had requested that all communications between you and myself should be taken up by me individually, and that Mr. Dominick should not be brought into contact with your office, but the slightest reflection upon your part, it seems to me, would show you that the terms of your letter is doing Mr.

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Dominick a personal injury, and making yourself the manager of my office.

I do not recall any statute which fixes a definite period or term of office of the assistant, but leave the attorney general in position, if there be objection made, or if he so desires, to ask, at any time, for the (Here follows a line not legible—typewriter copy) that would justify my asking for his resignation, to do so, and have some one else appointed, but upon such a statement—that he is not in sympathy with your "Policies." I cannot and will not undertake to act. It is too indefinite, too unfair and unjust, for me to treat any one, let alone a man who has been faithful in his work, and who, I am glad to say, has met with the approval and good opinion of the Judiciary of the State, and who I do not believe can be called incompetent or who would fall below the average predecessors.

Besides, the solicitors of the State are a part of my department and act under my instructions, and, I believe, in some cases under yours directly. They are elected by the people of their several circuits. I do not say, or undertake to say, that these gentlemen would not fulfill the duties of their offices and respond to any call that you might make upon them, or act in full cooperation with me. The point of your attack, however, seems only to be directed against an assistant in my office, who has no initiative whatever and who is solely responsible to me whose duties can be circumscribed or limited by me or whose tenure of office can be terminated at any time by me. I am sure, upon reflection, that you will find no precedent for the demand you make upon me, historically or politically.

With regard to the threat that you make of bringing the matter to the attention of the legislature—why you must take whatever course you see fit about the matter; but I must suggest to you that this method of expression and tone of communication is not pleasant and is not characteristic of proper official communications.

I have endeavored, as stated, to disengage myself of any feeling on this subject, in making my reply to you. I still desire to serve in the best way I can, the people who have done me the honor to elect me to the office of attorney general. I shall not at any one's suggestion, lay down those duties voluntarily, but will endeavor to maintain the rights of my office and to perform its duties.

Please distinctly understand that I am, as such attorney general, ready to confer with you and to communicate with you upon any question relating to my office and the performance of its duties, as the law defines.

I have only one request to make of you, which I have no doubt you will gladly grant, should you have done me the honor to communicate with the subject matter of your letter, be kind enough to incorporate a copy of your letter to me and my reply thereto.

I am,
Very respectfully,
(Signed) THOS. H. PEEPLES,
Attorney General.

Letter Was Not a Demand.
Columbia, S. C., January 28, 1915.
Hon. Thomas H. Peeples, Attorney General, Columbia, S. C.

Dear Sir: I have your letter of January 22nd. My letter to you of the 21st inst., relating to the appointment of the assistant attorney general, was not intended to be, and was not, a demand upon you; nor was it an attempt on my part to dictate whom you should appoint as your assistant. My letter was prompted and suggested by the conversations which you and I have had upon this subject, in which you assured me that you would make no appointments to that office without a conference with me, and would appoint no one who would be embarrassing to me, and, lastly, that it was your desire to appoint some one who would be in harmony with my administration.

I have never questioned your legal right to appoint whom you pleased as your assistant, but in view of what had heretofore passed between us, I was justified in assuming that you would make no appointment that would embarrass me in my communications and intercourse with your office.

In your letter of the 2nd you make statements in reference to Mr. Dominick which are in direct conflict with those made by you in the conversations which you have had with me in regard to the appointment of your assistant.

SPECIALLY SELECTED Buff Rock eggs for sale, \$1.50 per 16. W. H. Milford, R. No. 3, Anderson, S. C. In justice to myself I will be obliged to make a public statement of all the facts, should occasion require.

Very respectfully,
(Signed) RICHARD I. MANNING,
Governor.

Dominick His First Consideration.
Columbia, S. C., January 28, 1915.
Hon. Richard I. Manning, Governor of South Carolina, Columbia, South Carolina.

Dear Sir: I am in receipt of yours of the 25th inst. The position I have taken in the several conversations had with you at your request in connection with the appointment of the assistant attorney general was that Mr. Dominick was my first consideration in this appointment, and that in the event of his refusal to accept, the appointment or of a vacancy I would be glad to confer with you as to the appointment. I assured you at the time that my office would work in hearty cooperation with yours, regardless of who the assistant attorney general may be. I still stand ready and willing as the legal adviser of the officers of the State and the head of this department, to serve you as the chief executive of the State and to perform such duties

as are imposed upon me by the constitution and laws of this State in harmony with all departments of the State.
I have not the slightest objection to the facts in connection with this matter being made public.
Very respectfully,
(Signed) THOS. H. PEEPLES,
Attorney General.

WEST PELZER

Miss J. Conway Garlington, the county agent for tomato club work, visited our school last Friday, January 22. She gave an interesting talk on tomato growing. Several girls joined the club.

Mr. Eothrock also visited our school last week and talked to the corn club boys. We were very sorry to learn that this was his last visit to us, as he is not going to hold the office another year.

The Hampton Literary Society elected new officers at the last meeting—Ellison Padgett, president; Margaret Welborn, vice president and Mae Johnson, secretary and treasurer. The society voted to meet on Thursday afternoon instead of Friday afternoon so those who have to work on Friday can be present. The following program was rendered at the last meeting:

Janie Strickland, reader; Jack Woodcock, declaimer. The debate, "Resolved, That Monday would be a better school holiday than Saturday," was discussed by the following: Affirmative, Lizzie Black, Ruth Davis and Harold Davenport; negative, Loyd Whitten, Casper Caldwell and Mandeline Holiday. The judges decided in favor of the affirmative.

Two of the teachers, Misses Jessie Norris and Margie West, returned to Frankville after a very pleasant visit to their home.

MAY JOHNSON,
MARGARET WELBORN.

THIRTEEN WAR DECLARATIONS.

Since Austria-Hungary first declared war against Serbia on July 28, the number of war declarations exchanged between the various states has grown to 13, viz:

1. Austria-Hungary against Serbia, July 28.
2. Germany against Russia, August 1.
3. Germany against France, August 3.
4. Germany against Belgium, August 4.
5. England against Germany, August 5.
6. Austria-Hungary against Russia, August 5.
7. Montenegro against Austria, August 5.
8. Serbia against Germany, August 6.
9. Montenegro against Germany August 11.
10. France against Austria-Hungary, August 11.
11. England against Austria-Hungary, August 13.
12. Japan against Germany, August 23.
13. Austria against Belgium, August 29.

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Youngs Island, S. C., Nov. 23, 1914.

To get started with you we make you the following offer. Send us \$1.50 for 1,000 Frost Proof Cabbage Plants, grown in the open air and will stand freezing, grown from the Celebrated Seed of Bologna & Son and Thorbon & Co., and I will send you 1,000 Cabbage Plants additional FREE, and you can repeat the order as many times as you like. I will give you special prices on Potato Seed and Potato Plants later. We want the accounts of close buyers, large and small. We can supply all.

Atlantic Coast Plant Co.

LaVallieres

A lady came into my place a few days ago and said that she had been all over town looking for a LaValliere.

I felt a little bad as I was the last on the list. But when she wrote a check for \$50.00 and put on one of the prettiest LaVallieres I had, I felt better.

LaVallieres from \$3.00 to \$50.00.

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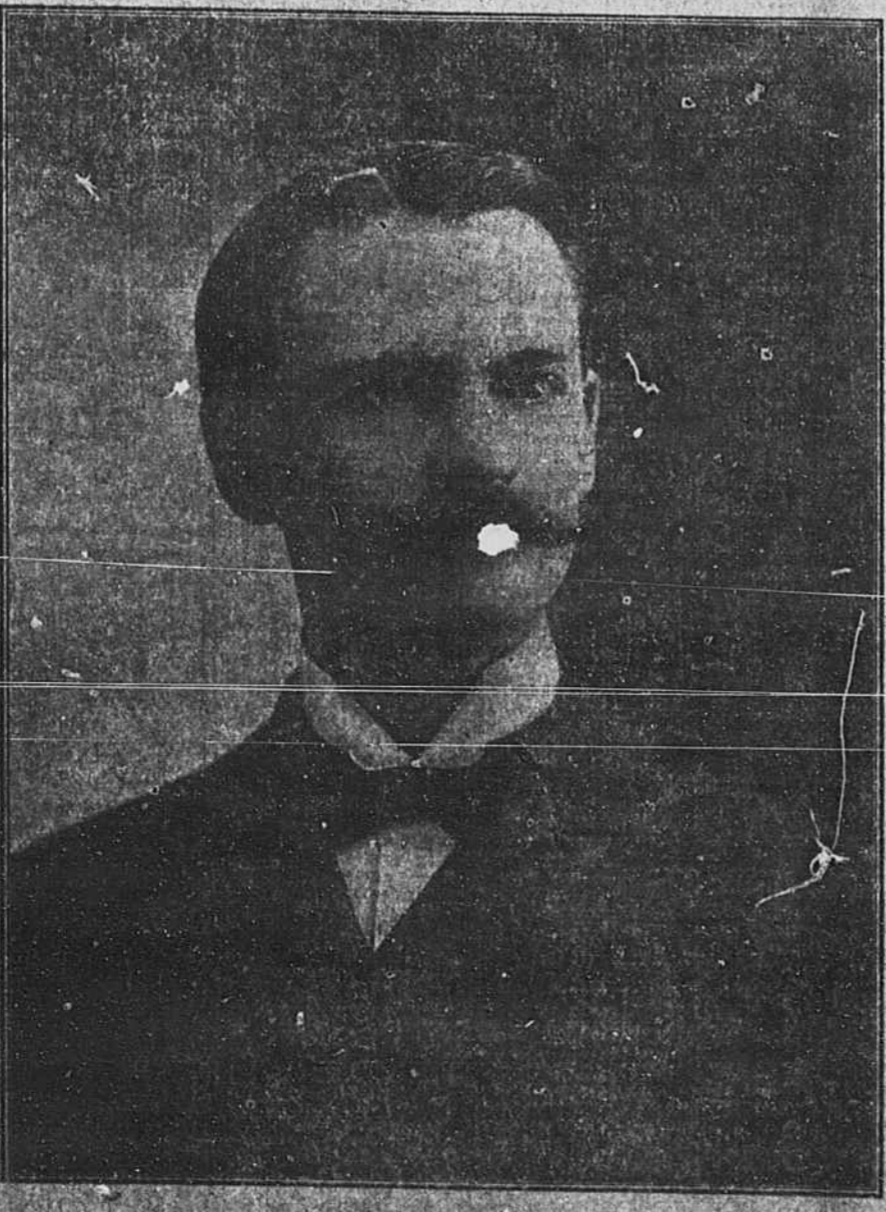
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