

COMMISSION'S CLAIM UPHELD BY COURT.

Carolina Glass Company's Appeal to the Supreme Court Thrown out and Company Must Pay \$28,000.

The dispensary commission has won practically every point in a decision made Thursday in the Carolina Glass company case. The dispensary commission will retain the sum of \$23,000, for which the glass company filed a claim with the commission several years ago and which was disallowed after hearing evidence in relation to the transaction by the glass company with the board of control of the State dispensary. The supreme court Thursday gave a decision written by Justice Hydrick which disposed of the two appeals of the Carolina Glass company. When the Carolina Glass company ceased doing business with the old State dispensary and after the dispensary commission had been formed, the commission, after taking testimony, declared that the glass company had overcharged the State in its dealings to the extent of approximately \$51,000. The State owed the glass company \$23,000 for goods delivered. This sum was deducted from the \$51,000, which left \$28,000 due to the State, according to the finding of the commission. The glass company appealed to the supreme court. The decision yesterday affirms the action of the commission in deducting the claim of the glass company.

As to Act of 1910. The decision also declares the act

of 1910 to be constitutional in so far as it turns over the dispensary money to the commission, but unconstitutional in so far as it attempts to confer judicial power on the dispensary commission and create a lien on the property of the Carolina Glass company in this city. The commission held up approximately \$7,000 due by the county dispensaries to the Carolina Glass company. This was done under the act of 1910 and has been affirmed. The commission also found that the glass company owed the State \$22,000 additional and an attempt was made to create a lien on the property of the company in this city. The decision will not affect the work of the dispensary commission.

The decision of the supreme court shows whether the commission has acted legally in the holding up the several claims, and collecting thereby from other whiskey houses.

The only point where the State loses in the case is with reference to the notice filed with the clerk of court of Richland county which was intended to create a lien on the real estate and other property of the glass company in Columbia. The commission failed to secure the additional overcharges found.

Mr. Lyon's Statement. In discussing the decision Attorney General Lyon gave the following succinct statement of the results of the opinion:

"The decision is practically a sweeping victory for the State, as the judgment of the State dispensary commission is upheld wherein it was found

that a conspiracy to defraud the State was entered into, and that the claim of the glass company for more than \$23,000 against the State was disallowed. The commission is also sustained in finding that the glass company, in pursuance of the conspiracy, overcharged the State more than \$51,000.

"The main object of the act of 1910 is sustained. This act provides that county dispensaries owing money to houses found by the commission to be due the State, money on account of dealings with the former State dispensary, shall pay over to the commission a sufficient amount to cover the amount so found to be due. This means that anything owing to the glass company by county dispensaries now or heretofore existing shall go to the commission to help reimburse the State for overcharges made on bottles bought from the glass company by the State dispensary. And so, under this act, the State gets about \$6,000 in addition to the \$23,000. It was not intended that the commission could pass a judgment with the same force as a court and, in this respect, the supreme court has held in accordance with the views of counsel for the State. The only point in which the State loses is as to the effect of the notice filed with the clerk of the circuit court which was intended to create a lien on the real estate and other property of the glass company in Columbia. The commission is fully sustained in its findings against the glass company. It only fails to get a lien to secure the unpaid balance due the State."

The handing down of the Carolina Glass decision is probably the last chapter in the work of the dispensary commission as practically all other business has been attended to.

The act of 1910 referred to gave the commission the power to hold up claims against the county dispensaries by whiskey houses and other concerns. The Carolina Glass company had a claim against the several county dispensary boards of approximately \$23,000. This sum was held up by the commission. An overjudgment for over \$28,000 was entered against the company by the commission, and a suit was filed in the Richland county court. The opinion covers two cases, that of the Carolina Glass company against the State of South Carolina and that of the Carolina Glass company against the members of the commission.

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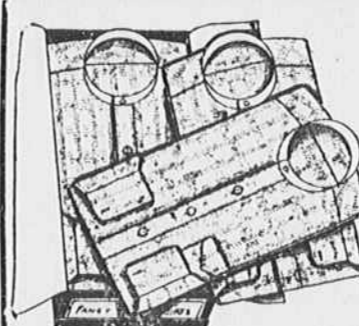
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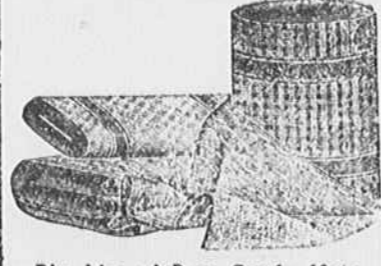
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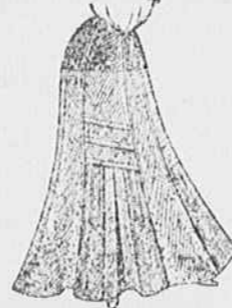
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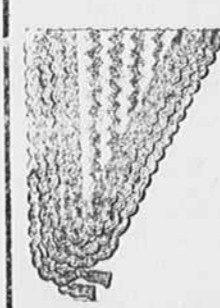
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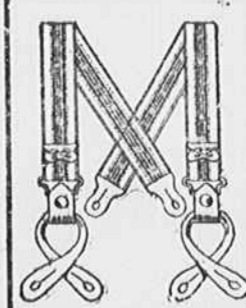
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