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THE STATE CAPITOL WILL BE COMPLETED

SINKING FUND COMMISSIONER'S POWER IS MINISTERIAL.

Only One Dissenting Voice—Attorney General Presents an Opinion That Settles the Matter—Plans Specified for Completion.

(The State, 16th.)

The State capitol is to be completed in accordance with the terms of the act of the general assembly. The commission, of which the members of the sinking fund commission are members, met yesterday and it was not many minutes before it was almost unanimously decided to proceed under the act, the only vote against it being Senator Mower, who holds that the sinking fund commission occupies the same position as a trustee. The presentation of a little law in concise form by Attorney General Bellinger convinced the members that the sinking fund commission was not a trustee, but is the ministerial agent of the real trustee, the general assembly, and as such had no right to question the act's validity, but could only do what the trustee orders it to do. Thus the stumbling block was rolled from the path, and the joint commission got down to the business in hand, taking the first step towards the commencement of the work.

The sinking fund commission met at noon yesterday, all the members, including Senator Mower and Representative Wilson, being present. The commission determined not to take up the State house completion matter until the joint session in the afternoon, and devoted its own session to considering matters of a routine character.

In the afternoon all the members of both commissions, including Senator Marshall and Representatives Gantt and Patton, were present.

The commission organized by the election of Gov. McSweeney as permanent chairman.

The organization being perfected, Attorney General Bellinger moved that the sinking fund commission accept the duties placed upon it and indicate by resolution that it would perform the duties imposed upon it in conformity with the act to complete the State capitol, and furnish the amount of money necessary out of the sinking fund.

SENATOR MOWER OBJECTS.

Senator Mower said that he could not vote for this proposition, and gave his reasons. He argued that the legislature could not now direct how this money could be expended since the passage of the act of 1892 creating the sinking fund commission trustee for the fund and by contract how the fund should be invested.

MR. BELLINGER'S OPINION.

Attorney General Bellinger then rose and said that he had anticipated that this question would be raised, therefore he had carefully looked into the question and had reduced his views to writing. He then presented the following:

Inasmuch as grave doubts as to the constitutionality of the "act to provide for the completion of the State house" were expressed in the general assembly at the time of its consideration, and as a consequence the powers and duties of this commission have become a subject of general interest and may possibly become a question for future judicial consideration, I ask permission to have my views, not officially as Attorney General, but as a member of this commission, spread upon the minutes.

In order to determine the duty of this commission in the case presented, it is necessary that it should first be determined to what department of government it belongs—what functions it is empowered to perform. (Cons. Art. I, Sec. 14.)

There can be no question that the legislative function is foreign to its powers. This being taken as

true, the pertinent question is "To which class do the powers belong under the act—the judicial or the executive?"

As to its judicial powers: So far as its connection with "the revenue arising from the royalty on phosphate beds" is concerned, this commission must be considered as created by the "act to provide for the redemption of that part of the State debt known as the Brown Consol bonds and stocks by issue of other bonds and stocks." (1892, p. 29, Sec. 5.) It is well to note that while in the same sentence of the section creating this commission the act provides that the "revenue to the State arising from royalty on phosphate beds shall be set aside * * * as a sinking fund for the redemption of said debt" (i. e. bonded debt) it does not burden the commission with a general trust with relation to the fund, but on the contrary, as the next sentence clearly shows, the commission was to deal with the fund as the legislature from time to time should direct. The act declares that this "revenue" shall be "set aside," but not by this commission; for the commission does not collect nor receipt for the fund. The second sentence of the section under consideration reads: "And the said commission shall from time to time invest all amounts which, and as the same may be paid into the said sinking fund, in the bonds and stocks issued under the terms of this act, and hold the same as assets of such sinking fund, collecting the interest thereon as the same may become payable, and reinvesting the same in such bonds or stock, to be held in like manner, so that the sinking fund shall be cumulative. But if in the judgment of the commissioners of the sinking fund bonds are not offered or obtainable at a reasonable price, they shall be in their discretion invest such funds or any part thereof in such other securities, giving preference to State securities of the States of the United States, until such time as may in their judgment be best to reinvest the money by purchase of State of South Carolina bonds." Where there appear the words "judgment" and "discretion," it does not follow that the general duties are judicial, for judicial officers are often required to perform ministerial acts, and executive officers are sometimes called on to judicially determine the premises upon which to act ministerially (Meecham, Pub. Officers, Sec. 680.)

The act of 1892 directed the commission to "invest" the fund in certain bonds, which, by the context, meant that these bonds must be "purchased." Surely these powers and duties must be considered merely executive, or ministerial.

But a review of subsequent legislation reveals the fact that the original plan of investment has been modified and broadened, and the commission was directed to lend the fund on State bonds when the same could not be purchased (Acts 1896, p. 184), and later to lend the fund on the "valid securities of the several States," "or upon the note of the county treasurer and county supervisor."

The commission has obeyed the mandates of these later acts unquestioningly, without regard or respect to the apparent limitations of the refunding act of 1892. Every duty performed and every power exercised has been purely ministerial, or executive and there has been neither attempt nor desire to usurp the exercise of judicial functions. An examination of the acts will show that the commission acted properly, when reference is made to the definition of ministerial duty, which is defined as "one which has been positively imposed by law, and its performance required at a time and in a manner or upon conditions which are specifically designated, the duty to perform under the conditions specified not being dependent upon the officers' judgment or discretion." (Meecham Pub. Of. 656.)

The commission, a creature of the legislature, has its last instruction from the general assembly in the form of "act to provide for the com-

pletion of the State house," and it seems clear that the duties of the commission with relation thereto are in no sense judicial, but simply executive, or ministerial.

As to ministerial powers: It is settled beyond controversy that it is not within the scope of the duties of a ministerial officer to pass upon the validity of laws. His only duty in such a case is obedience; he cannot excuse himself by undertaking to show the unconstitutionality or other invalidity of the law. As was said by Judge Howard, in *Smyth vs. Titeon*, 31 Mo. 286, "A public officer entrusted with the collection and disbursement of revenue in any of the departments of the government, has no right to refuse to perform his ministerial duties prescribed by law, because he may apprehend that others may be injuriously affected by it, or that the law may possibly be unconstitutional. He is not responsible for the law, or for the possible wrongs which may result from its execution. He cannot refuse to act because others question his right. The individuals to be affected may not doubt the constitutionality of the law, or may waive their supposed rights or wrongs, or may choose to contest the validity of the enactment personally. Public policy as well as public necessity and justice, require prompt and efficient action from such officers."

To my mind it, therefore, seems to follow, that the commission should accord full obedience to the State house act, without regard to extraneous considerations, and carry out its provisions strictly.

Respectfully,
G. Duncan Bellinger,
Attorney General.

ARCHITECT BY COMPETITION.

Applications were then presented for the position of architect of the capitol. They were from G. E. Shand, Wilson & Edwards and Frank P. Milburn, the first and last of whom have already submitted designs.

After some discussion it was determined not to go into the election of an architect just yet. Instead a motion prevailed that the commission advertise for plans and specifications to be submitted, and a subcommittee consisting of Messrs. Bellinger, Mower and Marshall was appointed to draw up the form of this advertisement and present it at 10 o'clock this morning. The advertisement is to appear forthwith, and it looks as if the work will not be long in getting under way.

The joint commission then adjourned until this morning.

CASTORIA.
The Kind You Have Always Bought
Bears the Signature of
Chas. H. Pritchard
Shooting in Batesburg.

[Special to News and Courier.]

Batesburg, March 15.—There was a shooting affray here this afternoon. Messrs. L. T. Perry and S. F. Perry, brothers, became involved in a personal difficulty with Mr. H. W. Shuler, and Shuler was painfully shot by Mr. S. F. Perry. The difficulty grew out of the marriage of Mr. L. T. Perry. Shuler's condition is serious and may prove fatal.

CAROLINA MILLS.

The Great Cotton Manufacturing Boom Continues.

Columbia, S. C., March 15.—Today the Clear Water bleachery, at Aiken, \$300,000; the Iceman mills, McColl, \$200,000, and the Alpha mills, Jonesville, \$100,000, filed their incorporation papers at the State capitol. The Anderson yarn and knitting mill increases from fifty to two hundred thousand dollars. The total capital projected in cotton mills this year is \$4,525,000.

CASTORIA
For Infants and Children.
The Kind You Have Always Bought

Bears the Signature of
Chas. H. Pritchard

APPLICABLE TO NEWBERRY.

HOW NEWSPAPER REPORTERS ARE GENERALLY SNUBBED

In the Mind of the Average Outsider the Way of the Newspaper Man is Paved With Free Lunches and Dead Head Tickets—and they are Few and Far Between in Newberry.

(Augusta Chronicle.)

In the mind of the average outsider the way of the newspaper man is paved with free lunches and dead-head tickets. It is astonishing how many young men and women there are who desire to enter newspaper work without the faintest knowledge of what is required of them, but with the serene confidence that they can perform the necessary duties with ease and eclat. For the most part, the public comes in touch with the newspaper man only on the attractive side of the occupation. A crowd that is held back by the ropes on some public occasion envies the reporter who is permitted to pass by the guards. He is seen to hand in his free ticket at the theatre and to show his pass on the street cars. On public occasions he is in touch with the orator of the day and has cordial welcome to the presence of the visiting dignitary. As the representative of the newspaper, the reporter has a reception at the hands of prominent men which he could not aspire to in his individual capacity.

It is this phase of the newspaper men's life that is so attractive to the uninitiated. They do not see the daily grind of the toilers, and hear the thousand and one complaints that come to the newspaper, week in and week out. Everybody sees the news paper, and if there is anything in it which is not complimentary or likely to be pleasant for any individual, his friends are quick to call it to his attention if he should chance to overlook it. A newspaper man works under pressure and has to do in a few hours what would appall the inexperienced man to undertake. Not only in the volume of business, but in its variety, his daily task is a trying one. The average newspaper man writes every month what is equivalent to an ordinary volume of two or three hundred pages. In the multiplicity of events and statements about which he writes, and the pressure of time under which he writes them, the marvel is how few mistakes creep into a daily newspaper. And yet in 1,000 statements if 999 of them are absolutely accurate the reporter will hear no word of commendation, but if the one thousandth contains error, even of a trifling character, the complaint is sure to come.

At a banquet, or public exercises of any character at night, many thoughtless people envy the prominent seat which is occupied by the reporter, but do not stop to reflect that after the meeting is over and other people can go to their homes to rest, the reporter's work begins, and that while others are asleep he is toiling at his desk, reproducing the speeches that were made and paying a heavy penalty for the seat on the stage, or at the speaker's table, which so recently was the envy of the thoughtless.

In no community with which I am acquainted, or in which I have had any opportunity to observe newspaper work, is the task of the reporter more difficult than in Augusta. It is the hardest community in which to get interviews on any topic that is before the people that I know of. Men who have experience and valuable information along the line on which it is sought do not care to talk for publication. Men who have important information or interesting views upon important subjects will talk for half an hour with a newspaper man, occupy his time, and then as they separate declare that he "mustn't put it in the newspaper." In most communities business men and professional men recognize the value of being quoted in the newspapers and are eager enough to be interviewed on any topic which chances to be before the public. But not so

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ANOTHER SEASON OF SURPASSING VALUES
FOR THE PEOPLE OF NEWBERRY AT

JAMIESON'S!

New Spring Goods such as you can only find in our great line.

...GREAT VALUES IN CLOTHING...

Our line of Spring Suits is the greatest we have ever shown, and the low figures at which we have priced them is a great surprise to our customers. We place forward the display of our Spring Clothing as the attraction of the hour, in which we have arrayed values that are most remarkable.

SHOES! - SHOES!! - SHOES!!!

Our Shoe Department is up-to-date in all particulars. We have Shoes for service and in all latest styles. Our lines of Shoes have been selected with a distinct knowledge of the wants of the people both as to style and quality, and we confidently declare that a better stock of Shoes is not to be found anywhere. A fine display of the choicest and most popular, the useful and serviceable in our line of

Gents' Furnishing Goods.

Neckwear in an abundance of styles and colorings. Our customers, as heretofore, will get the benefit of our careful buying in the Northern markets, where we picked up some big bargains. Our low prices will astonish you and agreeably surprise you. We are here to serve you to the best of our ability, and as we appreciate your past generous favors, we solicit a continuance of the same.

Jamieson

in Augusta. Our people are either very modest or else are afraid of their shadows. There is no one man in fifty in Augusta who has an opinion on any subject which he is willing to see in print.

But not only in personal interviews but in public meetings, reporters are not treated with proper consideration in Augusta. A reporter will attend a public meeting and spend two or three hours listening to the debate upon matters which come before the meeting, and take a volume of notes that would furnish interesting reading matter, for the public, and then, when the meeting ends, some one will make the suggestion that what has been said and done shall be kept out of the newspapers and the reporter will be instructed not to publish what has taken place. In nine cases out of ten there is not the slightest reason for this injunction, not the slightest injury to the enterprise to come from publicity, and no harm to anybody.

For the most part newspaper men are treated politely in Augusta, though some men fancy that they have a right to publicly find fault with the reporter and make complaints to him at what is said, or not said in the newspaper, though the reporter may have absolutely nothing to do with the subject under discussion. While many men exaggerate their right of censure and fault-finding, still, if they desire to exercise it, it would be the part of fairness and wisdom of the newspaper and not to the reporter on the street or in company.

Speaking of the reporter in company suggests one thing in which journalism differs from all other occupations. The professional man, or business man in any other vocation, can go into a social gathering and leave his business behind him. No body ever thinks of introducing Mr. Smith as a prominent grocer, or as our leading cotton man, or as the proprietor of a dry goods store, or as our leading lawyer; but Mr. Brown, the newspaper man, has the badge of

his profession tagged on to him constantly in every assemblage and on every occasion though he may be there as an individual and friend, and with no more thought of his daily work in connection with the pleasures of the hour than has the groceryman, the lawyer or the doctor.

Some men only think of a newspaper to find fault with it, and just as the senseless old joke about "lawyers" and "liars" is deathless and perennial, so every man thinks it smart, at all times, to say that things are always wrong in the newspaper, when the reporter is accurate ten times to the fault-finder's one. Some men, however, appreciate the work and influence of a newspaper and in a sermon in Philadelphia a few days ago Rev. Robert Hunter spoke as follows:

"Next to light, air, food and raiment the newspaper is one of the necessities of life. Who of us would be without our morning or evening paper? The daily paper is secular, of course, but it tells us swiftly and surely what is going on, even in the remotest parts of the earth, and the knowledge which we thus gain prepares us for the work which we are called upon to perform.

"What channel of information can compare with the newspaper of today? Besides that, all the opinions and convincing arguments of the various papers are with the church, and there has never been a time when the newspapers have refused to give all possible space to the cause of Christ without money and without price. The church owes a debt to the newspapers and the debt is increasing every day. I don't whether we will ever be able to pay it."

Newspapers are in a measure responsible for the lack of consideration, and sometimes of courtesy, which is manifested towards their representatives. If the course of the St. Louis newspapers were followed more frequently, people would be educated to a more rational view of the reporter's work. Sometimes newspaper reporters are sent to write up events purely with a view of con-

tributing to their success and where the events themselves do not amount to great importance as news. Even under conditions like these, the parties who are to be benefited by the report sometimes treat the reporter with scant courtesy and deport themselves as though they were conferring a great favor upon him to give the information which he asks for.

Recently President Hadley of the Yale University, visited St. Louis and was given a reception Saturday evening by the Noonday club, of that city. The Sunday newspapers decided to devote considerable space to this function in compliment to the visit of President Hadley. When, however, the reporters appeared at the club house to take notes, they were treated with such discourtesy that they indignantly returned to their several offices and reported the fact. The editors united in declining to make reference whatever to the dinner or the speeches, and the occasion was omitted absolutely from the St. Louis newspapers.

The Newspaper Maker says, in reference to the incident:

"He did right. A newspaper is a business enterprise devoted to circulating current happenings. It employs competent men to gather the news. These men are entitled to fair treatment. In their person they stand for the paper they represent, just as an ambassador to foreign court stands for the country he represents. Any discourtesy to the reporter in his capacity as reporter is an insult not to him, but to his paper. It is the duty of the paper to resent promptly every affront of this kind. Some papers do not and others do. But those that do protect their reporters are they that get best net results. Having assurance that his paper is back of him and sustaining him, the reporter will work harder and go farther than he would if he were under the necessity of relying solely upon himself."

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