

OVERSTEPS LEGAL LIMIT.

PRESIDENT'S "DISAVOWAL" OF SPEECH IN CONGRESS CRITICIZED.

The Constitution Very Plain—Provides That Utterances of Congressmen Shall Not be "Questioned in Any Other Place."

From the Baltimore Sun.

Washington, Feb. 19.—The response of the State Department to the protest by the Minister from Panama against the speech of Representative Henry T. Rainey, of Illinois, is subjected to severe criticism in Washington today. The action of the State Department in this matter is regarded as if coming from the President himself and seems to be characteristic of that source of inspiration.

The question of the warrant and propriety of Representative Rainey's speech itself does not enter into the discussion. That speech might or might not have been warranted, but the question of its propriety is not one that can properly be discussed between an executive department of the United States Government and the representative of a foreign government.

A strict sense of propriety and an appreciation of the dignity of this Government would preclude the acceptance by the State Department of a communication from a foreign government protesting against or criticizing any action of Congress or any member thereof, or if the communication were received the only response to it, if any response could be made, would be a mere citation of the reference to the privileges and responsibilities of members of Congress.

An apology by the executive branch of the Government to a foreign power for the utterance of a member in the Hall of Congress, coupled with criticism and repudiation of the utterances, trenches as close as possible upon a direct violation of a positive mandate of the Constitution, which the President and every other officer of the Government has taken an oath to support and defend. Such a course, on the part of the Executive, with reference to a co-ordinate branch of the Government, would be greatly improper, even if the Constitution were not to be considered. But the Constitution says "Thou shalt not." It says that for any speech or debate in either House Senators and Representatives shall not be questioned in any other place. Secretary Bacon displays his familiarity with this provision of the Constitution by quoting it in his letter, and having quoted it, disregards its mandate by repudiation of and apology for the speech complained of.

Congress has become so accustomed to Mr. Roosevelt's methods and manners as not to be surprised or shocked at any lack of dignity or propriety on his part and his unofficial criticism of men both in and out of Congress excites no special consideration except perhaps by some of those he has personally affronted. Attacks on public men, such as that upon Senator Perkins in a recent letter to the Speaker of the California Assembly are regarded more or less with contempt by men in Congress, and membership in the Ananias Club, by Mr. Roosevelt's nomination and election, does not carry with it the disrepute which attaches to a charge of falsehood made by a responsible person.

In this instance, however, there is presented a formal official action in violation of a provision of the Constitution which is cited in the very act of violence, and it is therefore deliberate. It moreover invites from a foreign government expressions of contempt for utterances in the American Congress. President Roosevelt has been protected from official repudiation of his acts by Congress through a desire to avoid placing the Chief Executive of the United States in a humiliating position with reference to foreign countries. This was conspicuous in the adjustment of the San Domingo affair when a treaty was patched up to cover over, and get rid of without scandal, his assumption of power to make a treaty without the consent of the Senate.

In all matters pertaining to our foreign relations Congress is extremely careful in its official action to avoid anything which might tend to discredit the Executive in the eyes of a foreign government or to bring the Executive into contempt, however much it might be deserved. In this letter, however, the irresponsibility of the representatives of the people in Congress is contemptuously proclaimed to a foreign government in an official letter signed by the Secretary of State, and speaking as with authority, for the whole government—not merely for the executive branch—it is declared in the name of the President "that the Government disavows all responsibility for the remark of Representative Rainey to which you refer."

No authority rests with the Presi-

dent of the United States to disavow anything said or done in Congress. As a citizen, controlled only by such sense of propriety as he may possess in consideration of his high position, he may criticize any person in or out of Congress with such characterization of their conduct as may to him seem most fitting, unless he might be restrained by the libel law which he has invoked recently in defense of self and friends. The House of Representatives alone has a right to disavow the utterance on the floor of the House of any of its members and as long as those utterances remain in the Record, not having been expunged, they must be regarded as responsible utterances, not subject to official repudiation by the Executive.

A declaration at this time by the Senate that the United States Government is not responsible for any agreement between President Roosevelt and the Government of Japan which has not been ratified in the form of a treaty by the Senate, would be strictly true and warranted under the provisions of the Constitution. Yet such a declaration would be calculated to discredit Mr. Roosevelt before the world and might have serious consequences.

It would be regarded in Congress as a gross violation of propriety and a flagrant disregard of the dignity of a co-ordinate branch of the government for Congress to officially disavow responsibility for the reckless, intemperate and undignified utterances and acts of the present Chief Executive. More or less chagrin may be felt on account of the spectacle which Mr. Roosevelt at times presents in the eyes of the world, but it would be regarded as a national humiliation for Congress to officially proclaim an apology to the world for the President's erraticism. There would be quite as much propriety, however, in Congress doing this as there is in his apologizing to a foreign government for the action of any member of Congress, and, moreover, it would not be prohibited by the Constitution, as is this action of the State Department with reference to Mr. Rainey.

TENNESSEE MURDER TRIAL.

State Will Endeavor to Prove a Conspiracy to Kill Carmack.

Nashville, Tenn., Feb. 15.—On the eve of the trial of Duncan B. Cooper, Robin J. Cooper and John D. Sharp for the slaying of Former Senator E. W. Carmack, the factions are figuratively resting on the oars. Most of the witnesses for the State who are from a distance are in the city. The others are on the way. Mrs. E. W. Carmack, wife of the slain editor, arrived tonight and will sit behind the attorneys for the State. Sam C. Carmack, the dead man's brother, and S. S. Carmack, a cousin, are now here.

The State proposes to establish first, the death of Senator Carmack by the eye-witnesses. Then it will begin to lay the foundation for its theory that the killing was the result of a conspiracy. Just at this point will come the big legal battle of the trial. The defense proposes to fight this contention from the start. The laws of Tennessee upon conspiracy are said to be very liberal once the groundwork is laid but this foundation must be very strong.

The State's early witnesses will be Mrs. Eastman, with whom the senator was talking when shot; Former State Treasurer Ed Craig, who carried Col. Cooper's threats to Senator Carmack, and Carey Folk, brother of the State treasurer, who saw the defendant's standing near the scene of the tragedy a few moments before it happened. Just what line the defense will follow, except the broad one of self-defense, has not been announced, nor will it be until the State's case in chief is made.

Attorneys for both sides were in conference until late tonight. Both sides also have in their employ secret agents in numbers and every stranger in the city is subject to close scrutiny and espionage. There is little or no display of feeling in public.

The court officials have prepared to take care of large crowds. Judge Hart has ordered that only as many as can be accommodated with seats will be admitted to the court room. No tickets will be issued and those who arrive first will get the prizes.

A Domestic Dilemma.

A Philadelphia woman, whose given name is Mary, as is also the name of her daughter, had recently engaged a domestic, when to her embarrassment, she discovered that the servant's name, too, was Mary.

Whereupon there ensued a struggle to induce the applicant to relinquish her idea that she must be addressed by her Christian name. For some time she was rigidly uncompromising. "Under the circumstances," said the lady of the house, "there is nothing to do but to follow the English custom and call you by your last name. By the way, what is it?"

"Well, mum," answered the girl, dubiously, "it's 'Darling.'"—Harper's Weekly.

SUMTER COTTON WEIGHERS.

TEXT OF THE BILL NOW BEFORE LEGISLATURE.

It Provides for the Election of Two Cotton Weighers on July First Although Terms of Weighers Now in Office Do Not Expire Then.

A bill to provide for the election of public cotton weighers in the City and County of Sumter, prescribe their duties, providing the manner and means of weighing cotton, and to fix penalty.

Be it enacted by the general assembly of the State of South Carolina:

Sec. 1. That upon the petition of twenty-five or more qualified electors, who are growers of cotton and reside within five miles of any place in which there may be a cotton market, the county board of commissioners of Sumter County may elect a cotton weigher, whose term of office shall be for two years and until the election and qualification of his successor; no one shall be elected weigher under this act who is related by blood or marriage to any member of the county board of commissioners of said county: Provided, That for the City of Sumter the county board of commissioners of Sumter County shall, on July 1st, 1909, elect two cotton weighers for said city, whose duties shall be as herein prescribed, one of which weighers shall be elected upon the recommendation of the city council of the city of Sumter; that the term of office of the weighers of the City of Sumter shall be for a term of two and three years, and until his or their successor, or successors, be elected and qualified; that the choice of said terms shall be determined by lot by the two weighers so elected.

Sec. 2. Before entering upon the duties of his office each cotton weigher shall be legally sworn to discharge the duties of the position by some officer authorized to administer oaths, and shall enter into bond in the sum of three hundred dollars for the faithful performance of his duties, which bond shall be approved by the county board of commissioners in which it is given, and filed with the clerk of the court of such County in which such market may be located. Each weigher or weighers jointly shall receive as compensation for his services not more than ten cents for each bale weighed, to be fixed by the county board of commissioners, the same to be paid in equal proportion by the seller and buyer: Provided, Nothing herein contained shall apply to sales made on plantations or at cotton mills.

Sec. 3. It shall be the duty of the weigher or weighers at each market having a weigher or weighers with a platform or platforms with sufficient facilities, including a set of scales for each weigher, so that said cotton shall be expeditiously handled at a minimum cost, at which platform or platforms all cotton sold in said market shall be weighed. It shall be the duty of each weigher to weigh fairly and promptly all cotton sold in said market or markets, issuing his own ticket therefor, showing the weight of each bale or package of cotton weighed. It shall be the duty of such weighers to adjust any difference between sellers and buyers as to moisture, mixed and false packing or damage. In case of inability from sickness or other cause, and from the first day of March to the first day of September of each year, a weigher may appoint a deputy, who shall take before entering upon his duties, the usual oath of the office in the manner required of the weigher. The elected weigher shall be responsible on his bond for the official acts of his deputy. Each weigher or his deputy shall devote his exclusive attention to the duties of his office during the cotton marketing season. Each weigher shall test his scales once a month by the standards in the office of the clerk of the court as provided by law: Provided, That the county board of commissioners may for good and sufficient cause shown, remove any such public cotton weigher from his office, after first giving such weigher at least ten days' notice to show cause why he should not be removed; and shall have power to fill any vacancy occurring in the office of public cotton weigher as soon thereafter as practicable.

Sec. 4. That the county board of commissioners of any county may enter into a binding and valid contract for a term of years not exceeding ten, with one or more persons or corporations to furnish a platform of such size and capacity as said board of county commissioners may deem sufficient for the expeditious handling of the cotton coming into said market, for the use of which platform the said persons or corporations shall receive as compensation a sum not exceeding one-half of the charge made in such county for the weighing of cotton, which shall be fixed by the county board of commissioners and be paid by the weigher or weighers weighing such cotton: Provided, That no cotton shall be allowed to remain on the platform longer than twenty-

four (24) hours except upon being subject to a charge of one-half of one per cent. per bale for each day or fractional part thereof in excess of twenty-four (24) hours up to five days, and of one cent per bale for each succeeding day or fractional part thereof: Provided, further, That such cotton weigher or weighers for such cotton market shall be required to number and mark at time of weighing, with not more than three letters, as indicated by tag or other instructions of buyer of each bale of cotton, and to keep the cotton of each buyer together, to facilitate prompt shipment: Provided, further, That regular buyers and exporters of cotton shall be required to furnish stencils and marking materials for properly marking and numbering the cotton bought by them.

Sec. 5. Any person, persons or agents of any corporation weighing or allowing cotton to be weighed in any cotton market having a public weigher except as herein provided shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five nor more than ten dollars, or imprisoned for not more than five days.

Sec. 6. That all Acts and parts of Acts inconsistent herewith and the same hereby are, repealed.

NO "BANG" FROM THESE GUNS.

Maxim Slips On Silencer And Report Is Nil.

New York, Feb. 9.—Hiram Percy Maxim gave a public demonstration for the first time yesterday of his recent invention by which he makes all ordinary fire-arms practically noiseless. The demonstration was given in the office library of his lawyers, Redding, Greely & Austin, in Park Row, and was witnessed by about 100 sportsmen, scientists, inventors and press representatives.

In his tests Mr. Maxim used all the standard models of military and sporting rifles manufactured in this country and Europe, and by the use of his device, attached to the muzzle end of the barrel, he fired the largest shoulder guns in modern use with a report less than would come from the whizzing snap of a toy air pistol.

The 20 or more weapons employed in the test ranged from a 22-caliber Winchester target rifle to the eight-millimeter Mauser and the .30 Springfield military rifle, the standard gun of the army. First they were fired without the attachment, and with the highpower guns the report was almost deafening. Then the "silencer" was slipped on the end of the barrel, and with the same size cartridge the report was scarcely loud enough to awaken a sleeping baby.

Mr. Maxim's invention does not consist of a new type of gun, as many had supposed. He explained that he had purposely withheld any definite information about the device until foreign patents could be obtained, but now that they were procured, he was ready to give the secret to the world.

The device, which he calls a "silencer," looks like a small section of highly polished gas pipe and is merely screwed on the end of a barrel. For an ordinary small sporting rifle the silencer is 4 inches long, 1 3/8 inches in diameter and weighs about 5 1/2 ounces. It may be carried in the waist-coat pocket like a fountain pen and put on or taken off in five seconds. To fit it to any rifle it is only necessary to cut a small screw thread at the end of the barrel. Mr. Maxim says the attachment does not cause any loss of velocity, accuracy or penetration, and that it diminishes the recoil at least 50 per cent. and does away with the blast from the muzzle almost entirely.

Mr. Maxim explained that the principle is merely that of centrifugal force. The powder gases, instead of escaping explosively from the muzzle of the gun, which produces the loud report, are caught in the silencer and whirled rapidly about through small grooves or apartments and discharged gradually. These small compartments are formed by steel discs inside the tube, the hole for the bullet passing through the centre.

"The real principle of the thing," said Mr. Maxim, "is precisely that which prevents water running out of a set bowl when you pull the stopper out and the water is whirling around in the bowl. The exploded gases, after being made to whirl around in the silencer, cannot escape suddenly. Simply reverse the process in a turbine and you have it. It is really a negative turbine."

SAY HARRIMAN OWNS C. C. & O.

Reported in Spartanburg That He Has Bought It From Ryan.

Spartanburg, Feb. 15.—It is generally reported in railroad circles here that E. H. Harriman, the great railroad magnate, has purchased the Carolina, Clinchfield and Ohio road. A citizen who has been in close touch with the C. C. and O. road said that the purchase of the road by Mr. Harriman would not in any way affect the construction of the road. He said he believed if Mr. Harriman has purchased the road that the line would soon be extended to Charleston.

Crum Men Not Enthusiastic.

The Republicans say that they intend to confirm Crum, but it is apparent that their heart is not in their fight. A great deal of sympathy for the Southern position has grown up in the Republican ranks of the senate, and were it not for the fact that these Republicans are afraid that they may embarrass Secretary Taft by putting up to him the proposition of either appointing Crum or a white man, it would be an easy matter now to have the nomination rejected. Republicans who wish to save Mr. Taft embarrassment, and Roosevelt senators who are working this argument of embarrassment to Taft for all it is worth, are saying to their Republican colleagues: "If you put this up to Mr. Taft, he will alienate the negroes if he should turn Crum down, and he would alienate the South by appointing him."

This is the very proposition the Democrats wish Mr. Taft to solve. They wish to give him an opportunity to make good his words of affection

for the Southern people. They want to find out early in his administration whether he intends to appoint negroes to large Federal offices in the South.—Baltimore Sun.

The Easley Cotton Mill of Easley, S. C., is planning to build a big addition to its present plant of 37,744 spindles and 1,020 looms. This addition will provide modern buildings for an equipment of 25,000 spindles and 600 looms for the manufacture of sheetings, which the company is now manufacturing. Electric power will be used. The additional plant will probably cost \$500,000 and Joseph E. Serrine, Greenville, S. C., is to be engineer in charge. The addition has not been definitely determined, but it will probably be built.

As good eat the devil as the brot he is boiled in.—Dutch.

The Wadesboro (N. C.) cotton mill is reported as to add 1,000 spindles and accompanying machinery.

ANNOUNCEMENT.

CECIL'S BUSINESS SCHOOL will close June 1st for the summer months, and, as a special inducement to any who contemplate taking a Business Course, we offer exceptionally low rates for the remainder of the term. Three months is ample time to complete the Course, and only by Special Contract Will Students be Received After March 1st, but those who enter in the meantime will have advantage of our SPECIAL INDUCEMENT, and will, at a small sacrifice, get full benefit of our Commercial Course.

FROM NOW UNTIL MARCH 1st IS YOUR TIME TO DECIDE—If interested, get busy. To-day is your opportunity; to-morrow some other fellow's.

Cecil's Business School.
Over Folsom's Jewelry Store.

A Scratch of Your Pen and Your Bills are Paid.

That's all you have to do if you have a checking account in our bank.

It's a more convenient and a more business like method than carrying so much currency with you, besides it gives one a little thrill of pride to have money in the bank with which to pay one's bills. We ask you to give it a trial.

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Let your money become a developer. Get interest on your savings. Pay your bills by checks.

And when you need help in your business, your banker stands ready to help you.

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Excellent Facilities. Farmer's Accounts a Specialty. Policy Conservative, but Liberal.

:: Careful Attention to Depositors ::

Capital \$75,000. Surplus (over) \$50,000
Deposits (over) \$300,000.

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ACCOUNT INAUGURAL CEREMONIES PRESIDENT-ELECT TAFT.

TICKETS ON SALE FEBRUARY 20th, MARCH 1st, 2nd AND 3rd. FINAL LIMIT TO REACH ORIGINAL STARTING POINT NOT LATER THAN MIDNIGHT MARCH 10th.

GREAT :: MILITARY :: PARADE.

FOR FURTHER INFORMATION, RESERVATIONS, ETC., CALL ON NEAREST TICKET AGENT OR WRITE.

W. J. CRAIG, Pas. Traf. Mgr. T. C. WHITE, Gen. Pas. Agt.
WILMINGTON, N. C.