

**THE LIEN LAW KILLED.**

**ADVOCATES OF THE LAW DIE HARD.**

The fight to have the law protracted into the night and many strategies were tried to save it but all amendments and substitutes were voted down.

Columbia, Feb. 19.—After a three days' fight, which may or may not have been a filibuster to keep certain other bills in the background, the senate has finally decided to kill the lien law. A great deal of time has been lost and much of the most important legislation of the session remains to be done within two days—providing the legislature adjourns Saturday night. None of the three appropriation and supply bills have been touched by the senate.

The lien law repeal advocates gained a complete victory yesterday by having the lien law section of the bill repealed, the senate thus partly rescinding its action of the day before. The vote on the question was finally reached as the midnight hour approached. The ayes and nays were not called for on the passage of the bill but on every motion previous to this they were demanded and much time was consumed in the discussion and vote upon the various amendments.

In the bill as finally adopted the lien law section is repealed and there is a proviso that this shall not effect laws made prior to January 1, 1910. This was to throw safeguards around all transactions made prior to the time when the measure goes into effect.

The last vote before the bill was passed was on a motion to reconsider the motion whereby the senate killed the amendment providing that the question be submitted to the people of the State. This was tabled by a vote of 23 to 14.

The friends of the repeal bill were very much gratified at the overwhelming victory of their side.

All of this fight on the lien law may cause other important bills to be postponed.

When the bill came up for discussion the pending question was whether or not the motion of Senator Rogers to except certain counties upon a general election thereon should pass.

Senator Bates stated that the adoption of Senator Rogers' motion would render the bill unconstitutional as had been suggested. The constitution forbids 19 subjects from being made special on local laws by the legislature. None of these refer to the lien law.

However, the constitution provides also that in any case where a general law would apply no special legislation shall be enacted.

Senator Bates stated that he had examined the court decisions upon similar questions.

The general proposition is: "The question whether a general law can be made applicable is for the legislature to decide."

Of course all this pertains to cases where a special law is not prohibited. The question from the various decisions seems to be left to the legislature and not to the courts. Senator Bates pointed out general cases in the United States courts where this matter in some form or other had come up for consideration.

Senator Bates referred to a case in which the Supreme Court held that the exemption of certain counties from the stock law was held to be constitutional.

Senator Earle read from Justice Jones' decision in the State against Burns. This decision practically is to the effect that the special legislation shall not interfere with the general uniformity of the law in question. In regard to the stock law, said Mr. Earle, there are different conditions in various parts of the State. For the reason the law can be made applicable to the different sections of the State.

Senator Kelley in reply to the senator from Barnwell objected to the reading down of his bill with amendments. He claimed the amendment would kill the bill, as to excepting certain counties. He had objected to the amendment of Senator Clifton because he believed this would have nullified the provisions of the bill.

That the bill would be unconstitutional with certain counties exempted was the stand taken by Senator Kelley, the author of the lien law repeal bill. He did not want the passage of the law to occasion a "multiplicity of law-suits."

Senator Laney and Senator Kelley indulged in some amusing interlucatory remarks as to the question of State-wide prohibition and local options.

Senator Otts offered an amendment to the effect that the whole question be submitted to a vote of the people at a general election held next August.

"Let the people say whether or not they will want a repeal of the lien law," said Mr. Otts. "I am satisfied if Senator Rogers' amendment is adopted the law will be nullified. Let

the people speak and thus we can settle the question for at least a decade." Senator Kelley stated that the people of the State had already spoken on this matter.

Senator Kelley moved to table the amendment of Senator Rogers. The vote resulted: Ayes—Carlisle, Carpenter, Christensen, Crosson, Earle, Forrest, Graydon, Hardin, Harvey, Johnstone, Kelley, Lide, Mauldin, McKeithan, Muckenfuss, Otts, Rainsford, Stewart, Sullivan, Summers, Walker, Weston—22. Nays—Appelt, Bass, Bates, Black, Clifton, Griffin, Hough, Johnson, Laney, Montgomery, Rogers, Sinkler, Spivey, Walker—14.

So the senate laid on the table the "local option" amendment of Senator Rogers.

Senator Otts then offered his amendment, which would give a State referendum on the question of "lien law repeal" or "no lien law repeal." If a majority of the people should vote for the repeal of the law the governor should then by order ratify the repeal, but if the vote is against the repeal, then it should remain on the statute books.

Senator Laney favored the referendum and made extended remarks thereon.

Senator Weston referred to the question of local option, which he said has nothing to do with the matter.

As to Otts' amendment, Senator Weston characterized this as "an absurd proposition."

"It would give the governor the power to abrogate the law," said Mr. Weston. "And this is without parallel. Lien merchants and farmers would have already made and taken liens while this matter is being submitted to the people."

Senator Spivey felt that the referendum would be a happy solution of the whole matter.

Senator Muckenfuss thought the referendum unnecessary as the lien law was a "stump issue." The fact that senators were sent here argues that their position is indorsed. Why submit the question to the people? A light vote, such as is always the case in these special elections, would not necessarily show the true sentiment.

Senator Sullivan moved to lay Senator Otts' amendment on the table.

On this the vote resulted: Ayes—Carpenter, Christensen, Crosson, Earle, Forrest, Graydon, Hardin, Harvey, Hough, Johnstone, Kelley, Lide, Mauldin, McKeithan, Rainsford, Rogers, Sinkler, Stewart, Sullivan, Summers, Walker, Waller, Weston—23.

Nays—Appelt, Bass, Bates, Black, Carlisle, Clifton, Griffin, Johnson, Laney, Montgomery, Otts, Spivey—12.

So the senate tabled the amendment.

Senator Rogers moved to reconsider the motion, whereby the senate tabled the Otts amendment, and made a speech thereon. He argued that the passage of the repeal would be heard in years to come. He has investigated the question very thoroughly. Has found out the right side in this matter, and he made an appeal to the senate to take care in their action.

Senator Clifton made one of his characteristic humorous speeches, touching upon the liquor law and other questions of general interest. He finally touched upon the measure in question, objecting to the forcing upon the counties the provisions thereof.

The trend of Senator Clifton's remarks was for local self-government.

Senator Clifton had submitted an amendment to submit the question of lien law or no lien law to the counties of the State simultaneously.

There arose some question as to a disposition of the matter. It was 11 o'clock, and Senator Clifton was still speaking. A motion to recur to the morning hour was made and this was lost by a vote of 17 to 14.

Senator Griffin explained his position on the lien law on a question of personal privilege. He referred to the wishes of the people of his county and at the time he had not voted one way or the other on this question his people were considering the matter, and as he was a servant of the people, he wished to represent his people.

He was of the opinion that the wish for the repeal of the lien law came from the wrong source.

It is interesting to note that in the recent tax roll in New York Mrs. Russell Sage is assessed for twice as much as John D. Rockefeller. Mrs. Ida A. Flagler is down for \$2,000,000. The two daughters of the late Mr. Brockaw and two daughters of the Vanderbilts are the other millionaire women. These women and others not mentioned pay more taxes than the Harrimans, the Goulds, Astors and J. Pierpont Morgan.

After today's work the senate adjourns to Tuesday, night and the house to Wednesday night.

The bill to do away with the limit for recording papers was given the final reading in the senate and was amended to make the limit ten days.

The senate passed to third reading the house bill appropriating twenty-five thousand dollars to help poorer schools to lengthen their terms.

By a vote of twenty to ten the senate refused to kill the bill doing away with mileage book regulation. The bill was passed to the third reading as amended last night, which cuts out reduction of maximum rate. This

leaves the railroads free to withdraw the present reduced rate, which it is understood they will do. The only amendment made to the bill today is that exempting roads not over fifty miles in length.

Columbia, Feb. 19.—We have a remarkable situation in the legislature. The members of the house are longing to go home. They have worked hard and faithfully, and did everything possible so that they might adjourn tomorrow. If the assembly does not adjourn tomorrow the fault is not on the house side. The appropriation bill was over on the senate side in ample time. The supply bill could have gotten through the senate except for objection made there. From 1886 to 1895 the sessions were for 30 days with the exception of one year. For four years after 1895 the sessions were prolonged on account of the new constitution. From 1899 until this year the regular sessions have never been extended beyond forty days, and now the senate insists upon an extraordinary session. Members are put out that the senate did not today consider the supply, nor appropriation bill. Members of the house insisted that it was buncombe, pure buncombe to talk about coming back next session, and the house hurrahed that it had practically finished its work, and had fully cleared its decks to go home tomorrow night.

The suggestion has been made that the senate is bluffing, and expects to adjourn by Sunday morning, but when the news came over that the senate had agreed to adjourn from tomorrow noon until Tuesday night, the house did not know how to get the senate to do anything except wait for the senate, as the house cannot adjourn without the senate. There were various and sundry efforts made to send the senate official notice that the house was ready to adjourn tomorrow.

Mr. Sawyer called up his resolution on the Calendar, but Mr. M. L. Smith raised the point of order that the house was under the head of second reading bills, and that had been clinched and it could not take up a resolution. The point was sustained and the resolution could not be considered.

Then a new motion to adjourn tomorrow was tried, but could not be considered, ten members objecting. Then Mr. Rucker tried to get through a motion that the clerk be instructed to convey a verbal message to the senate that the house was ready to adjourn. But this was ruled to be out of order. The house could not get its official announcement to the senate that it was long to adjourn but it refused on a yea and nay vote to agree of Mr. Fraser's motion that the house, when it adjourns tomorrow, meet again Wednesday. He did this, he argued, simply because he could not help himself, on account of the situation in the senate.

Columbia, Feb. 20.—The senate decided last night to take a recess until Tuesday evening at 8 o'clock when it recedes from business today at 12:30 o'clock. This means that the time-honored custom of 40 days' and 40 nights' sessions has been broken. The senate will meet today for a brief session, beginning at 10 o'clock, and will return next week for business with no definite adjournment sine die now in sight. Probably the senate will not continue in session longer than Saturday, February 27.

The state of affairs is about as follows: The supply and appropriation bills have not been yet considered in the senate. An adjournment today would have been necessarily impossible as in order for this to have been within the range of possibility the supply bills would have had to be considered yesterday. This was not done. Members having important bills wished to get them up and the result was that the appropriation and supply bills were not taken up out of their regular order for second reading. They had not been on the desk the necessary 24 hours and under the rules this point was raised. The railroad rate bill had been made a special order yesterday and this had the right of way. The lien law discussion had taken up three days, all of which tended to not allow the supply and appropriation bills to be considered.

**THE GENERAL ASSEMBLY.**

**HOUSE BUSY CLEARING UP ODDS AND ENDS.**

Senator Otts Threatens to Keep Legislature in Session Until He Can Force a Vote on His Prohibition Bill—Supply Bills Have Not Yet Been Passed.

Columbia, Feb. 19.—Senator Sullivan's bill requiring ginners to mark cotton was killed in the house as were Senator Weston's bill making the burning of an insured building a felony and Senator Carlisle's bill doing away with the forty days limit for recording papers. Mr. Bryce has a bill pending in the senate making the limit twenty days. This will likely pass amended to ten days which will be acceptable to Mr. Bryce.

The House gave the second reading to Senator Weston's factory inspector's bill. Mr. Irby tried to amend by having the inspectors investigate the charges that the oil mills are putting hulls in meal, but failed.

**Debate in Senate.**

Columbia, Feb. 19.—By a vote of 25 to 8 the senate refused Prohibition Leader Otts' motion to have his State-wide prohibition bill supersede the bill to do away with the present mileage book regulations. The chair ruled out of order Senator Mauldin's motion to limit debate on the prohibition and mileage book bills to two hours each. The senate then entered upon the debate on the mileage bill.

**Otts Makes Threats.**

Columbia, Feb. 19.—After failing to get up his prohibition bill Senator Otts said he would keep the general assembly over through next week, if necessary to get a vote on his prohibition bill.

**Adjournment Not in Sight.**

Columbia, Feb. 19.—There is practically no hope now of sine die adjournment tomorrow, unless the senate passes the supply bills this afternoon, which is not likely. The mileage book bill didn't reach a vote.

**Publication Forbidden.**

Columbia, Feb. 19.—Senator Kelley's bill making the publication of the name of the victim of rape a misdemeanor becomes a law. The house is giving it its final reading.

**STANDARD OIL BILL.**

Columbia, Feb. 19.—On its final reading in the house today a fight was made by Mr. C. A. Smith on Mr. Earle's bill directed at the Standard Oil Co., to prevent it selling oil at different prices. The bill was passed and ordered enrolled for ratification.

**TWO CLIFTON BILLS PASS.**

Columbia, Feb. 19.—Senator Clifton's bill regarding special masters was killed in the house by a narrow majority. His baggage and cotton weighers bills got through and were ordered ratified.

Columbia, Feb. 19.—After spending practically the entire legislative day in consideration of the railroad rate bill the senate tonight killed that part of the measure relating to a 2 1-2 cent rate, but left the section referring to the taking up of mileage coupons on the trains. The indications are that the whole bill will be killed when debate thereon will be resumed tomorrow. Although the senate had by a close vote refused to table the entire bill when the motion to pass the bill to third reading was pending, an amendment was offered and adopted which, in effect, struck out the provision as to a 2 1-2 cent rate.

Columbia, Feb. 20.—A sharp fight was made on third reading in the house on the factory inspection bill, on account of the amendment making it a misdemeanor for mill authorities to discriminate against union employes. Mr. Cotthran's motion to recommit was tabled by a vote of 58 to 26 and the bill was given the final reading. There was also fight on the mental anguish bill and that forbidding the publication of the name of the woman in rape cases, but both passed.

The bill regulating fertilizer manufacture and sale was passed by the house, and will become law. It is a bill the farmers have been after for several years.

**In the Senate.**

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Mr. Sawyer called up his resolution on the Calendar, but Mr. M. L. Smith raised the point of order that the house was under the head of second reading bills, and that had been clinched and it could not take up a resolution. The point was sustained and the resolution could not be considered.

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the fact that the house could not go without the consent of the senate and important bills had not yet been passed by that body.

Mr. Cosgrove argued for adjournment, holding that it was wrong to hold the house here. On an aye and nay vote of 48 to 42 the Richards resolution was tabled.

Mr. Sawyer's motion to adjourn Saturday, which was on the calendar, was ruled out of order, as was Mr. Rucker's motion that the clerk of the house notify the senate that house was ready to adjourn. The point was raised by Mr. M. L. Smith. Mr. Cosgrove's motion that the house adjourn Saturday was objected to by ten members.

The house refused to continue all second reading bills.

The house killed Senator Carlisle's bill to declare the word "heirs" unnecessary in fee simple conveyances.

**Mr. Otts Explains Position.**

Senator Otts rose to a question of personal privilege in the senate last evening and answered the charge that he has blocked legislation by not allowing the supply bill to come up. Senator Otts said:

"I have been a member of the house of representatives or of the senate off and on since 1894, when I was first elected a member from the County of Union, and this is the first time I have ever felt impelled to rise to a question of personal privilege.

"I have just been informed by the speaker of the house of representatives that I am responsible for this general assembly not adjourning sine die on tomorrow, because I this morning refused to accede to the proposition to take up the rate bill and discuss it for two hours and then vote upon it; and also refused to

agree to limit the discussion of the State-wide prohibition bill to two hours and then vote. I need not tell this senate such is untrue, when I earnestly urged and instantly agreed to the resolution proposed by the senator from Greenville, and the opposition came from the senators who are opposed to the prohibition bill, and the point of order, came from that side and not from the prohibitionists.

"I did object to the consideration of the supply bill, which I had a right to do under the rules of the senate, because I believe that a quorum can not be kept here after the supply bill is passed. This bill was kept in the house of representatives by the dilatory tactics of its opponents. It came to the senate just before the noon recess on yesterday. Yesterday afternoon I convened the committee on police regulations and reported the bill at the night session. This morning it was on the desk of senators less than 24 hours. That was another reason why I favored the resolution proposed by the senator from Greenville. But I say now, deliberately, that I shall use every power conferred upon me by the rules of the senate to keep this assembly from adjourning until a vote is had on the prohibition bills. I have as great a desire to go home as any senator on this floor, and professional reasons, my court convening for a three weeks' term next Monday. But for me to have sat in my seat and allowed this senate to adjourn without acting upon the house bill would have been for me to have played a traitor to the cause of prohibition, and every senator on this floor knows it. I have only done my duty as I see it, and I shall continue to do so, if there is no adjournment until June."

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"I did object to the consideration of the supply bill, which I had a right to do under the rules of the senate, because I believe that a quorum can not be kept here after the supply bill is passed. This bill was kept in the house of representatives by the dilatory tactics of its opponents. It came to the senate just before the noon recess on yesterday. Yesterday afternoon I convened the committee on police regulations and reported the bill at the night session. This morning it was on the desk of senators less than 24 hours. That was another reason why I favored the resolution proposed by the senator from Greenville. But I say now, deliberately, that I shall use every power conferred upon me by the rules of the senate to keep this assembly from adjourning until a vote is had on the prohibition bills. I have as great a desire to go home as any senator on this floor, and professional reasons, my court convening for a three weeks' term next Monday. But for me to have sat in my seat and allowed this senate to adjourn without acting upon the house bill would have been for me to have played a traitor to the cause of prohibition, and every senator on this floor knows it. I have only done my duty as I see it, and I shall continue to do so, if there is no adjournment until June."

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