COURT UPHOLDS FIRE CE ACT PASSED AT TON OF GEN-BAL ABSEMBLY.

for by D. D. et of Law is D

bis. April 28.—The Supreme day refused to sign an orthe insurance commisthe attorney general from the terms of the anti-com-The decision dismissing

utlopality of the Laneyattacked at a recent strance business in Charles-Ay years. The State officials Posnice attorney general a is dismissed and the used," said the decision

is also a case in which popular interest.

With the many sile

nd the reason of

a act to rpeyent fire insuror associations

ace, and provides

into this in this State, as the company was compelled by of the provisions of said act to ner has, by reason thereof, of the petitioner to raise the quesprived of his busine no other business. He asks insist upon it. We will consider the the insurance commissioner be question as far as it affects the merits ed from proceeding to carry out revisions of the act. The peti-alleges that the act is unconstiin certain patriculars. The commissioner and attorney who also has some duties to under the act and is a party demur to the petition. That is these State officers come into ourt and allege that even admitall the facts pleaded in the petistill the petitioner has not shown he is entitled to the injunction for. A copy of the act is set out case. It is not certified to, but is d to be a true copy of the act. atute is alleged to be unconsti-

"In that the State warehouse comor is authorized to take any all kinds of insurance on all of law, and is denied the protection of the law." A derer admits facts, but not construcof statutes or conclusions of law

to such power is given to the warehouse commissioner. The (no citation is necessary) in the uction of a statute is that gen-

visions are separable and the rule is evitably to one of three propositions: that the unconstitutional exception to a general provision fails and the body of the act stands. In other words, if State, or it is unconstitutional to exempt the State warehouse commissioner and the sires to make discriminatory and unmilis mutuals, then the business by and through the warehouse comnot exempt from the provisions of the right to do business here. There is STATE AND AND THE RESIDENCE

It is next objected that the act is either of the three propositions. unconstitutional in that it confers both legislative and judicial powers the constitution provides that these surance act of the last act does not confer either power. The are against the public welfare. duties of the insurance commissioner of David B. Henderson of are not legislative or judicial but injunction refused. for an injunction was sign- merely ministerial. Carolina Glass Co. of the justices of the su- vs. the State, 37 S. C., 270. The right, of the State to review insurance rates is not in issue.

The next objection is to the title meneys representing Mr. of the act, and it is claimed that the who has been engaged in act does not conform to the title.

ed at the hearing by cle 3, section 16,

but they really raise two questions: to declare the "subject." The details and seventy-six men were saved. o of a very great im- are in the act. The prevention of unlawful combinations by requiring The rates to be submitted to a commis-It signer or commissioners for review, is well recognized in both federal and State legislation. It is the well recogfact that there is nised method by which unjust and disdecision criminatory rates are prevented. No former German Imperial Chancellor, uched in such terms that one should claim that the body of the as saying that Germany now has two who are not trained law- act, which provides the details, contains a surprise when the legislature has adopted the usual method,

(b) It is objected that the : at provides a penalty and there is no menlegislature of this State at its tion of a penalty in the title. When don (1916), passed an act an act forbide the doing of a thing and provides no penalty for its violation, the act is wholly ineffective. An act to prevent and a penalty go hand this State to enter into any in hand. It is said that the penalty sympathizers are active along the combination with any for false swearing under this act is Mexican Northwestern railway. Carinsurance companies, asso- made more severe than perjusy in ranzistas were sent to reinforce the and this can not be al- Cusibuiriachic and sives the insurance com- lowed. This objection is untenable. risons. State power to 're- There is no reason why perjury, under some circumstances, may not be false affidavits there- more severely punished than perjury under other circumstances. It is common to fix a maximum and a mininum punishment, both as to fine or at prior to the enactment of ment, and to allow the trial court a he was doing an insur- discretion to fix the amount of fine and imprisonment, or the fine or im-The insurance commissioner and attorney general have raised tenta-

of the case. No citizen of this State can have a vested right (as between himself payment of the first of the four inand the State) in a contract to carry stalments of St. Maeks, Clarendon on business as agent for a foreign corporation within this State; because a until October 31; but this apportionforeign corporation can do business in ment was raised at the vestry meeting this State only by permission of the today. It's believed this church will State and can continue to do business within the State only so long. as the State permits it. If a citizen of this State had any such vested right, then has been in this parish 20 years. all that a foreign corporation would have to do would be to make contracts for 50 years with some citizens as its agents and the power of the State to rid itself of the corporation within the 50 years would be destroyed. This position is unterable. This principle does not apply to contracts of insur- American and French ports has been ance already made between citizens sunk by a submarine. The Industry of property, at any rates he of this State and, foreign insurance was bound for America, at the time see fit, while the petitioner can companies, nor to contracts of insur- and was unarmed. The crew was accept any risk and therefore is ance hereafter made between citizens left in open boats one hundred and ed of his property without due of this State and such foreign com- twenty miles from land, but was panies, who are not doing business in picked up. this State.

It is said that by reason of this act the Liverpool & London & Globe Insurance company has been compeiled to withdraw from business in this State. That is a statement of a conclusion of fact and not admitted Labor Wilson today conferred with by the demurrer. The facts stated in President Wilson at the cabinet meetwords, and it makes no difference the record do not bear out the con- ing concerning the anthracite mine general, will be confined to the clusion that this company was com- troubles. It is probable that he will et treated of. So, here, the lan- pelled to withdraw from business in take a personal hand in the negotiae, however general, would con- this State by reason of the act of the tions by sending conciliators to New the insurance procured by or legislature. This company has al- York, where a dead lock now exists the warehouse commissioner ready withdrawn from the State. The at the conference. Further labor disincurance procured by or through affidavit as to unlawful combinations turbances are feared on May 1st. warehouse is not required to be filed now. It is to be filed 1st March, 1917. (The act CARRANZA GOVERNMENT It is also objected that the mills contemplated a year and the necessary and factory insurance asso- delay must be added). And that affitions are exempted and this is said davit is for a renewal of the license to Report of Effort to Make Villa Natbe an unjust discrimination. It is do business for another year. That unlawful to classify business and affidavit is that they have not entered wide different rules for 'he differ- into an unlawful agreement within the big movement in Mexico to make Villa classes. That insurance in which year. That feature, therefore, can a national hero, it is reported, and the

The objection to the other feature both insurer and insured. If, how- of the act, that rates shall be submitver, these two provisions should be ted to the insurance commissioner in denies a split with Carranza.

held to be unconstitutional, it would order that he may see that they are not affect this case, because the pro- not discriminatory or unjust, leads in-

> 1. It is impracticable to get a fair and just review of rates in this 2. The insurance company de-

just rates, or 3. A denial of the right, of the missioner and the mills mutuals is State to impose any conditions on its

nothing in the petition to sustain

The constitution, article, 2, section 13, requires the legislature to enact

The petition is dismissed and the

BRITISH BATTLESHIP SUNK.

The Russell Reported to Have Been Destroyed in Mediteranean by Mine London, April 28. It is officially reported today thatt he British bat-The constitution requires the sub- tleship Russell, was sunk in the Medject to be expressed in the title, arti- iterranean, by a mine on Thursday, The Russell was the dag ship of the There are three specifications here, squadron and carried a crew of seven hundred and fifty. Twenty-four of (a) It is said that there is nothing the crew are reported lost. A tre-The opinion was written in the title to indicate that the com- mendous hole was blown in the hull missioner is to be given power to re- below the waterline. Admiral Freering is the decision of the view rags: It is not the funtcion of mantle who was on board and twentythe title to set out the entire act, but four other officers and six hundred

MANY NEW SUBMARINES.

Germans Reported to Have 250 New Submarines, Blockading England. London, April 28,-A Berne dispatch reports Prince von Buelow, the hundred and fifty new submarines, engaged in blockading the English coasts, attender

VILLA MEN AGAIN ACTIVE.

Curranza Forces Sent, to Strengthen Garrisons. San Antonio, Mexico, April 28, Gun. Pershing has heard that Villista

SERVE PINEWOOD CHURCH.

St. Marks Holds Annual Election o

Pinewood, April 27 .- Conforming to the church laws the vestrymen of St. Marks parish met Monday and hold a business session and an election. A. F. Richardson, junior warden, W. Liverpool & London & prisonment. Bosides this, section 344 D. Epperson, senior warden, John S cance company of Liver- of the criminal code allows an addi- Richardson, secretary-treasurer, and sland, and that by reason of tional punishment for perjury of sev- the old vestry were redected. H. B. of this statute the said en years, with no option to pay a fine. Richardson, Jr., declined reelection as chairman of the vestry and W. D. Epperson was elected instead. Repto do husiness in this State; that tively the question as to the right resentatives to council: R. C. Richardson and W. D. Epperson; A. F. Richss; that he tions made in this case, but do not ardson and J. S. Richardson, alternates.

> Walter D. Epperson, chairman. the Sewance fund, today mailed his check to the Rev. A. R. Mitchell in county, Pinewood, although not due be the first in the State to meet this obligation six months in advance. The rector, the Rev. W. H. Barnwell.

> > BRITISH STEAMER SUNK.

Crew Forced to Take Open Boats 120 Miles from Land.

London, April 28.-The British steamer Industry, sailing between

FEAR LABOR DISTURBANCES.

Secretary Wilson Confers With President on Mine Strike Situation.

Washington, April 28 .- Secretary of

SHAKY?

ional Mexican Hero.

Washington, April 28.—There is a

TRAINMEN MAY STRIKE. .

o Decision Reached at Conference With Railroad Officials-More of International Harvester Workers Strike

Chicago, April 28.-Five hundred more International Harvester workers have joined the strike, making total of four thousand strikers. Disorder resulted in arrests at the bearing plant where the police are particularly active.

No agreement was reached it was announced at the conference of railon the insurance commissioner, and laws to prevent agreements against the road officials and the trainmen's leadpublic welfare. The legislature must ers. The meeting has adjourned unpowers shall be kept separate. This primarily determine what agreements til June. It is reported that the trainmen may strike yet.

STREET CAR STRIKE NEXT.

Pittsburg Threatened With a General Suspension of Street Railways. Pittsburg, Pa., April 28 .- A strike of all street railway employes will be ordered Sunday at midnight unless the demand for an increase in wages is granted. The men today voted power to their leaders to take that action if the conference with the company officials does not result in all

WESTINGHOUSE PLANT GUARD-ED,

a strike.

Two Hundred Special Officers With proposed rural credits legislation were Plenty of Ammunition on Duty at Shady Side.

Pittsburg, April 28 .- Two hundred special officers are on guard at the Shady Side plant of the Westinghouse plant and a large supply of ammunition was sent there today. Preparations have been made to protect and house the strike-breakers at Shady Side.

BERRIES SENT FROM CONWAY.

Grawers' Union Begins Shipment in Carload Lots-Best in Several Sea-

Conway, April 27.-The Strawberry Growers' union began carload shipments of berries last Saturday. A few crates of berries had been shipped by express the first of the w Saturday the shipments began in earnest and the officers of the union the morning until after the berry train leaves in the afternoon is the busiest part of town.

The quality of the berries has never ocen better than those of this season, being large and in perfect conlition for shipping, R. O. Hanson, secretary of the union, said when speaking of the berries: "They are the finest we have seen in several seasons and are bringing good prices. Those which have been heard from bring gratifying reports. This year's crop and the prices are very encouraging to the truck growers of the 'independent republic."

WILSON TO NEWSPAPERS. Comes by the Star war to Donat

Message from President Read at Publishers' Meeting.

New York, April 27 .- A message from President Wilson expressing the hope that the press of the United States may always use its influence for "fair play, right understanding and the peace, prosperity and glory of America," was read tonight at a hanquet which brought to an end the annual meeting of the American Newspaper Publishers' Association. Men of prominance in many walks of life were the guests of the organization. They included Gov. Whitman, of New York, Secretary of War Baker, Mayor Mitchell, Dr. V. K. Welington Koo, Chinese minister to the United States, Representative Fitzgerald, Senator Harding, Otto H. Kahn, and Daniel Willard.

In reply to the president's message message signed by Herbert L. Bridgeman, president of the association, was sent to the White House assuring Mr. Wilson that the American Newspaper Publishers' Association stands for the first word of its name and will defend it against all-comers."

MEW (COMPANIES INSPECTED.

Army Officer Pleased With Florence Organization.

Florence, April 27 .- Yesterday afternoon at 3:30 o'clock in the auditorium of The Times building, in West Evans street, Capt. J. Malcom Graham, U. S. A., on detached inspection duty, inspected the new military company recently organized by Capt. Charles W. Muldrow, with forty men, and last night he inspected the other company organized by Capt, R. Lee Brunson, with fifty men. The latter street, at 8 o'clock last night.

GERMANS SUPPLIED ARMS.

British Government Now Discovers That German Submarines Landed Arms in Ireland.

London, April 28.-The government that German submarines landed great tion bill embodying the Lever cotton quantities of munitions in Ireland for futures bill, the grain grading bill the use of the rebels. More warships have been sent to Dublin to prevent submarine aid to the rebels. Warships are also at Cork, Queenstown, Limrick and Galway. Fighting is in progress in five counties in the southeast and west of Ireland. Ten thousand rebels destroyed two Dublin railroads for miles, including telegraph wires. The casualties are reported to have been heavy already.

NORTH STATE DELEGATES.

Simmons, Overman, Craig and Carr to Attend Democratic Convention-All for Wilson.

Raleigh, April 27.-North Carolina Democrats in State convention here today indorsed President Wilson for reelection and chose Senators Overman, and Simmons, Gov. Craig and Gen. Julian S. Carr as delegates at agreement for a wage increase. The large to St. Louis convention. District men are overwhemingly in favor of delegates were elected at meetings earlier in day. A. W. McLean of Lumberton was elected national committeeman, succeeding Secretary Daniels. who declined reelection.

The preparedness programme and approved.

that President Wilson and Col. Roosevelt would be the presidential candi-Mr. Wilson, he declared, would be able to keep the country at peace.

The convention did not instruct its guided by the result of a preference primary to be held June 3. Candidates for State offices also will be named on that date.

WILL NOT RETURN TO STATE

Milwaukee Mechanics' Insurance Co. Refuses to Operate Under Present

The Milwaukee Mechanics' Insurance Company, in a letter to the Conhave been busy since receiving berries solidated Insurance Agency, states a squadron of motorcycles with maand writing receipts for the members. Positively that it will not return to chine guns for use when speedy re-Around the depot from 9 o'clock in this State and continue operations under the present anti-compact law. as passed at the last session of the general assembly. The company front that four trainloads of Carranza states that it has withdrawn from business and will cease to do business near Guerrero. Military authorities here for the present.

. It is stated that the company remay have been the reason for the report that it would return to the State.

NITRATE PLANTS HAVE PLACE.

Proposal of Senator Smith Will be Included in Army Measure Passed. Washington, April 27.-It has become apparent here that no army increase bill will be agreed upon at the present session of congress, matter how pressing the need, less it contains the proviso as proposed by Senator E. D. Smith and passed by the senate, for the establishment of nitrate plants as a concomitant feature of any preparedness bill which may go through. Senator conferees. He had no comment to make today regarding the matter. will not be passed unless it had his proposition included.

big pieces of legislation which the people of Florence. si: ''-fourth congress will put th. ugh, and it is to the credit of South Carolina that one of her senators will do it.

NEWBERRY BOY WINNER.

Jno. Floyd Awarded High School Oratorical Medal.

Columbia, April 27.-John Floyd, of Newberry, won the State High school oratorical contest here tonight, his subject being "Alaska," Second place went to Winfred Godwin, of the Union High school at Rome. Honorable mention was accorded to A. Stokes King, of Conway. Mr. Floyd wins the Reese paper metal for one year for his school and also gets the Will Evans medal. The preliminaries were held at the University this afternoon and the finals tonight. Tomorrow morning the athletic meet will begin on Davis Field at 9:30, and the finals will take place tomorrow afternoon at 3

inspection took place at the Cannon pos of in police court Friday morn- corn, bacon, bay, etc., out, of town, Tobacco Warehouse in North Dargan ing, Geo. D. Sistrunk was charged hought on a lien when every bit, can se party is insurer and the other the have had no legitimate effect on its collapse of the Carranza government Graham made a short address to forfeited his bond of \$20. Sistrunk main poor. A short crop, of cotton them, telling them and explaining to was charged with running into an means a good price for seed and gots them the regulations that governed automobile on Bartlette street, dam; ton; a big crop means, a lew price Juarez, April 28.—Gen. Obregon the enlisted forces of the State and aging both his own and the other for both. It is un to you, Mr. Farmer.

FINAL AMENDMENTS OFFERED.

Agricultural Appropriation Bill Virtually Ready for Final Vote to Come Soon.

Washington, April 27.-Amendadmits that it has discovered ments to the agricultural appropriaand a measure to authorize federal licensing of warehouses for farm products were offered in the house today by Representative Lever, chairman of the agricultural committee. Representative Madden of Illinois made a point of order against them, but Mr. Lever announced that he would ask for a special rule tomorrow to provide for their consideration. Except for these amendments the measure virtually is ready for a final vote.

CAVALRY CROSSES BORDER.

Largest Force That has Left Columbus Since Pershing Entered Mexico.

Columbus, N. M., April 28 .- The argest force of troops that has left Columbus since the initial command crossed the border six weeks ago is encamped tonight 15 miles west of here. The troops, consisting of more than a regiment of calvary are preparing to cross the line into Mexico at daybreak tomorrow.

The soldiers left Columbus upon orders of Gen. Pershing, expeditionary commander, and it was stated at military headquarters here tonight that no reasons had been outlined in the Gov. Craig in an address predicted order. Persons in touch with border the situation offered various solutions. One belief expressed was that the dates of the two leading parties and American line of communication, that the November election would be which extends from Columbus to a declaration for or against war. Only San Antonio, needs further strengthening. Another was that the expeditionary commander fears that one of the stipulations in the El Paso condelegates to St. Louis and they will be ference will be that no more American troops will cross the horder and is anticipating such an agreement by bringing his command to a strength

> Active preparations for continuing the punitive expedition continued here today, aeroplanes and a device calculated to equip motors for railway despatched to the troops in the field. Plans were being made also to equip inforcements are necessary.

that will enable it to cope with any

Some apprehension was aroused here today by press reports from the soldiers were being reconcentrated here, however, seemed satisfied that

Gen. Pershing's command is amply newed its license in January, which able to care for itself in any emergency which might develop.

FLORENTINES ENTERTAINED.

Cadets Parade Through Streets of Vital tle Gate City.

Camp Barringer, Florence, April 27.—The Main street of Florence was paraded this afternoon by the cadet battalion under the command of Maf. Bowen, following the cadets were automobiles conveying Maj. Bowen and Col. Bailey, superintendent of the Military Institute and other prominenet officials. The parade stopped in front of the high school, where an immense crowd had gathered to witness an exhibition drill by the cadets. Smith was in the house when the The young soldiers were in full dress bill was sent to conference and is in and put up a snappy drill that greatclose touch with the work of the ly pleased the people. Friday afternoon at 5 o'clock the battalion will be reviewed by Adjutant and Inspector but it is almost certain that the bill Gen. Moore and Capt. Graham, of the United States army. Friday evening a reception will be tendered by the It is realized that this is one of the faculty and battalion to the young

RED DAHLIA THE FAVORITE

Chosen by Popular Vote as Clarendon's Emblem Flower.

Manning, April 27 .- Pursuant to a resolution adopted by the directors of the Clarendon County Fair Association, at a meeting held on the 5th of March last, a popular vote has recently been taken on the adoption of an emblem flower for Clarendon county, As a result of said election it appears that the red dahlia received the largest number of votes, and it has been declared the chosen flower. Mr. F. P. Ervin, the president of the Fair Association, has announced that he will offer a prize of \$5 in gold for the best half dozen red dahlias exhibited. at the county fair next year, which will doubtless stimulate the production of some choice specimens of the chosen flower.

A Sad Sight.

One of the saddest sights we know There was only one case to be dist about, is to see a farmer hauling flour, with reckless driving of automobile be raised on his farm. As long as our -Abbeville Medium.