

ATTACK LIQUOR LAW.

QUART-A-MONTH LAW ALLEGED TO BE INVALID BY PROBATE JUDGE.

Sumter Citizen Was Refused a Permit by Judge Richardson—Mandamus Proceedings Held Before Judge Sease at Manning This Week.

Columbia, March 12.—The amendment to the "gallon-a-month" law, requiring judges of probate to be reasonably satisfied that applicants for whiskey want the intoxicant for medicinal purposes, will be taken into the Supreme Court in a friendly action to test its constitutionality.

The action is being taken by a citizen of Sumter county who yesterday was refused a permit by Thomas E. Richardson, judge of probate for that county, on the theory that the act is unconstitutional in several respects. Mr. Richardson announced that he would not issue any permits unless compelled to do so by the courts.

The initial action will be an application of a writ of mandamus to compel the Sumter judge of probate to issue the permit. The hearing will be had before Judge Thomas S. Sease, of the Seventh judicial circuit, at chamber at Manning next Friday or Saturday. Mr. Richardson will be represented by D. S. Henderson, Esq., of the Aiken bar, and the petitioner by Thomas H. Peoples, Attorney General. The attorney general will represent the petitioner because the constitutionality of an act passed by the general assembly is being attacked. Whatever decision Judge Sease renders, the party decided against will take an appeal.

The amendment to the law, which is the nucleus of the complaint, reads as follows:

"Provided, that in no case shall the probate judge issue such permit unless he is satisfied of the truth of each statement contained in the affidavit herein required, nor shall such permit be issued by other than the probate judge personally or by his regularly constituted clerk within the precincts of his office. Any violation of the provision of this act by the probate judge shall subject him to prosecution and penalties as for malfeasance or misfeasance in office."

The following is the text of the complaint to be presented to Judge Sease:

"1. That he, the aforesaid petitioner, is a citizen and taxpayer and resident of the county of Sumter, in the State of South Carolina, and as such is entitled to protection under the laws of said State.

"2. That the general assembly of this State, at its recent session, passed an act, which was approved on the 19th day of February, 1918, and became of force according to law, on the 11th day of March, 1918, known as Act No. 190 of the 1918 session of the General Assembly, and entitled (setting forth the title of the new quart-a-month law), which said act of the general assembly so approved and passed and of force as the statutory law of South Carolina, among other things provides in substance that any person desiring to import any alcoholic liquors under this act shall apply to the judge of probate of the county in which he resides and file with him an affidavit that he has not received any liquor permit during the same calendar month, and specifying the amount and kind of alcoholic liquors desired, not exceeding one quart, and that he is not a minor, nor student of any institution of learning and the office of the common carrier from which delivery is desired, the office of which is to be nearest the residence of the applicant, and that the same is desired for medicinal purposes, and upon the receipt of such affidavit and the payment of a fee of ten cents the probate judge shall issue a permit under his hand and official seal to receive such alcoholic liquors, and that in no case shall the probate judge issue such permit unless he is satisfied of the truth of each statement contained in the affidavit required by the act and presented to him.

"3. That on the eleventh day of March, 1918, your petitioner, acting within his rights, as a citizen and resident of the county and State aforesaid, applied to Thomas E. Richardson, Esq., Judge of the court of probate in and for the county of Sumter as aforesaid, at his office at the court house of said county, and filed with him and presented to him an affidavit sworn to by your petitioner, setting forth strictly and fully the requirements of said act of the general assembly, asking a permit thereon, upon such evidence as was needed, to import a quart of whiskey or alcoholic liquor into the State of South Carolina, and that your petitioner tendered to said judge of probate the fee required by the act, to wit, the sum of 10 cents, whereupon said judge of probate, after due inquiry and investigation into the facts concerning your petitioner, and the truth of the affidavit presented to him, addressed to your petitioner a letter in

HOUSE POSTPONES DRAFT.

LEGISLATION LAID ASIDE TILL BAKER RETURNS.

Planned by Crowder—Bill Proposed to Secure Soldiers on Basis of Number of Men in Class One.

Washington, March 13.—Legislation to change the system of apportioning drafted men by making the basis the number of men in Class 1 instead of the population of States was held up in the house today with the filing of an adverse minority report by members of the military committee and by the statement of Chairman Dent that the measure would not be called up until after Secretary Baker's return from France.

This will delay the second draft, as Provost Marshal General Crowder has announced that he will not go ahead with it until the law is changed.

At the time the minority report was filed General Crowder was before the senate military committee urging speedy consideration of the measure and of another to require registration of all men attaining 21 years of age since last June, 5.

He appeared greatly concerned when he learned that the legislation was checked in the house.

The senate has passed the bill changing the basis of apportionment and is expected to pass this week the measure to register young men. The house committee already has filed a favorable report on the bill changing the apportionment.

Vigorous opposition to General Crowder's plan to change the basis of apportionment of men for the National Army to the number registered in Class 1, instead of population of the States, was launched in the house today with the filing of a minority report from the military committee on the pending resolution for that purpose.

A favorable report on the resolution, already passed the senate, also has been made but will not be brought up in the house until Secretary Baker returns from Europe.

Representatives Gordon, Shallenberger, Wise, Nichols, Harrison and Hull joined in the dissenting report which declared that the proposal would subject "to the arbitrary will and authority of those in control of the nation's military power the 9,000,000 men registered, except only those unconditionally exempt from the draft as fully and completely for all practical purposes as those already inducted into the military service."

"If congress," the dissenters added, "is prepared to deliver the bodies of these 9,000,000 men into the hands of the military authorities, without condition or limitation, then it should pass this joint resolution; if not, it should be defeated."

Five Democrats and one Republican constituted the minority which spared no words denouncing the resolution as a repudiation of the principle of universal liability to service, declared that it substituted the arbitrary will of the military and would create a favored class to feast on war profits.

copy of which is as follows, to wit:

"Sumter, S. C., March 11, 1918.

"Dear Sir: You have this day applied to me under the act of the general assembly, approved the eighteenth of February, 1918, for a permit to transport into the State one quart of whiskey, and you have filed an affidavit in this office requesting said permit and stating the facts. Under the terms of that act I am required before I could issue such permit to be satisfied of the truth of each statement contained in the affidavit; and I ask to say that from your character and my knowledge of you and my personal inquiries, I am satisfied of the truth of each statement contained in your letter, but nevertheless being conscientiously of the opinion that said act of the general assembly on various grounds is unconstitutional, I decline, unless compelled by the courts, to deliver to you a permit to transport into the State the quart of whiskey as you request, and it is my purpose to adopt the same course as to all others who apply, unless I am compelled by the court to change my course. I wish to assure you of my desire in no way to offend you, but to obtain an investigation of this matter.

"Very respectfully yours,

"Thos. E. Richardson,

Judge of Probate of Sumter County."

"And your petitioner further states that the said judge of probate as aforesaid declined to receive the fee of 10 cents provided by law and absolutely refused to issue the permit to your petitioner, which your petitioner shows and charges he was entitled to receive as a matter of right, and it is submitted to the court that said action of judge of probate is arbitrary, contrary to the requirement of the aforesaid act of the general assembly of South Carolina.

"Wherefore, petitioner prays that a writ of mandamus do issue out of this court, requiring and commanding the respondent, Thomas E. Richardson,

RAILROAD MEASURE PASSED.

SENATE ADOPTS CONFERENCE REPORT ON CONTROL BILL.

Seven Republicans and Senator Gore of Oklahoma (Democrat) Record Votes in Negative.

Washington, March 13.—The senate tonight adopted the conference report on the administration railroad control bill by a vote of 47 to eight, after it had rejected and the conferees had eliminated a provision limiting power of the States to tax the carriers while under federal control. The bill now goes to the house for final action, probably tomorrow.

Voting against the report were: Senators Borah of Idaho, Cummins of Iowa, Gronna of North Dakota, Johnson of California, Kenyon of Iowa, Norris of Nebraska and Townsend of Michigan (Republicans), and Gore of Oklahoma (Democrat).

Elimination of the tax provision results from initial use of the new senate rule prohibiting conferees from writing new matter into a bill.

A point of order by Senator Frelinghuysen of New Jersey (Republican) against the tax clause was upheld today by Vice President Marshall and sustained by the senate, 51 to 23. The bill then was returned to conference where the original tax section, providing that State taxes and railroad regulations shall not be interfered with so far as they are consistent with federal control, was reinstated.

Other principal provisions of the bill, retained as the conferees adjusted them, are those for compensating the railroads on the basis of their net income for the three years ending June 30, 1917, involving an estimated federal guarantee of about \$495,000,000 annually, limiting federal operation to 21 months after the war; authorizing the president to initiate rates, subject to approval by the interstate commerce commission; appropriating \$500,000,000 for a revolving fund for the director general and placing all "short lines" within the federal system.

In the final debate today, Senator Johnson of California (Republican) said the bill was "unfair and unjust to the people and outrageously generous to the railroads, while Senator Townsend of Michigan (Republican) and Senator Cummins of Iowa (Republican) reiterated their criticism of some sections. Some of the bill's principles, said Mr. Townsend, are "subversive of good government."

"It is never proper for a republic to confer blanket power on an executive or a railroad director," said the Michigan senator. "I some times think we are cowards. A bill is introduced and some one raises the flag of patriotism and says unless we support this bill, we are not supporting the president.

"I would rather be for my country. I will support the president whenever that is necessary for the successful prosecution of the war."

Senator Cummins said he believed the compensation proposed for the roads would "do more to sow the seeds of discontent" than any other measure ever enacted by the senate.

"My objection to the bill," said the Iowa senator, "is that it gives unjust, unfair and excessive compensation to a large percentage of the transportation facilities of the United States.

"If it were necessary in order to continue the government of the roads to pay them their compensation, I might agree to the provision, but it is not necessary to pay the roads the sum of money here authorized."

Criticizing the rate making provision, Senator Cummins said it was to be expected that the railroad managers whom Director General McAdoo has gathered around him will continue to urge rate increases. Within six months, the senator predicted the rates will be "substantially increased."

Chattanooga, March 14.—Burglars blew open the vault of the Bank of Ringgold, Georgia, last night and escaped with between four and five thousand dollars.

Washington, March 14.—The dock and channel project for Charleston, South Carolina, at an estimated cost of nine million dollars was included in the bill under vote by the senate naval committee today.

London, March 14.—In last night's air raid one airship crossed to the coast, and dropped four bombs in Hartlepool. Six dwellings were demolished, there and thirty damaged. Five persons were killed and nine injured.

Esq., judge of the court of probate of Sumter county, to issue forthwith, and to the petitioner herein, the permit to transport into South Carolina the alcoholic liquors specified in the affidavit which was presented to him, and of such other and further relief as petitioner is entitled to."

TEST OF SEAPLANE.

GOVERNMENT ACCEPTS FIGHTING AIR CRAFT.

Machine Equipped With Liberty Motor First of Big Fleet to Hunt Submarines.

Washington, March 13.—America's first fighting seaplane equipped with Liberty motors has been tried out and accepted, it was learned tonight, and a number of the craft are now being delivered for the use of the naval air service. They are the advance guard of a big fleet which will be added to the forces engaged in submarine hunting in the war zone.

A second type of fighting plane for the American army, known as the Bristol model, also has reached the production stage and a considerable number will become available during the present months. Still another type, a two-seated machine, also is being manufactured.

Construction details of these planes have never been published. It is known, however, that the seaplanes are substantially similar to the British flying boats and are equipped with two Liberty motors which provide approximately 700 horse power. This is understood to be much in excess of the power used in similar British craft and their performance is expected to be proportionately better. In this connection it was learned that engineers of the aircraft board have overcome the last minor defects of the Liberty motors, having to do with the lubrication system.

Officials in close touch with progress on production of fighting planes in this country are still satisfied that the output will tax shipping facilities before July, when delivery in quantities in France has been scheduled. Already the problem of caring for the planes on the other side is one to which General Pershing's staff is giving serious thought.

Those produced in the United States are in addition to the fighting aviation equipment to be provided under contracts through the French and British governments. There are indications that these foreign contracts also are not up to the original schedule of delivery.

The success of the Liberty motor is known to have attracted the attention of both French and British airmen and both governments have had experts in this country studying its construction and

methods of quantity production employed.

Meanwhile American engineers are devoting themselves to a study of the motor to be used next year, which undoubtedly will show a very considerable increase in horse power over the present 12 cylinder model. There is now time for a very careful study of the various types of motors, both of foreign and domestic design, and a decision as to the machine to be made the standard for 1919 will not be necessary before July.

More powerful motors will be needed for machines to carry such an armament as General Pershing has proposed. In response to an inquiry some time ago as to the gun power of American fighting planes, General Pershing recommends at least two heavy and two light machine guns, adding:

"We should anticipate the use of three Vickers synchronized guns and three Lewis unsynchronized guns on every air plane."

Washington, March 13.—Samuel Gompers, president of the American Federation of Labor, on behalf of American alliances for labor and democracy, today forwarded to the Russian soviet congress at Moscow a message of sympathy "to the Russian people in their struggle to guard freedom."

Washington, March 14.—To study the labor situation in the Hampton Roads district of Virginia for recommendations concerning wages, housing facilities and other matters, a joint commission was appointed today.

Washington, March 14.—Meat exports to the Allies will be increased fifty per cent and perhaps doubled shortly under arrangements being negotiated by the Food Administration with Allied food representatives. The purpose is to build up Allied meat reserves from the surplus of the United States.

Washington, March 13.—Consolidation of eight railway ticket offices into one union office in Atlanta was ordered today by Director General McAdoo. The union office will be at Nos. 74 and 80 Peachtree street.

Berlin, March 14.—The German troops which occupied Odessa were sent in accordance with an agreement with the Roumanian government, today's army official statement announces.

WIDOW OF GARFIELD DEAD.

Was Wife of Twentieth President—Six Grandsons Now in Service of Country.

Los Angeles, Cal., March 13.—Mrs. Lucretia Rudolph Garfield, widow of James A. Garfield, 20th president of the United States, died at her winter home in South Pasadena early today.

Six of Mrs. Garfield's grandsons are in their country's service. Two of them now are in France.

Funeral services will be held Sunday and members of the family will accompany the body to Cleveland for burial there.

BLACKMAILER ON TRIAL.

Mrs. Hirsch Who Attempted to Extort Money from Mayor Candler.

Atlanta, March 14.—Mrs. Margaret Hirsch went to trial here this morning on the charge of attempted blackmail of Mayor Asa G. Candler, for which she was indicted jointly last month with J. W. Cook, who has already been tried, convicted and sentenced. Judge Hill permitted her counsel to question the talesmen as to their prejudices, so as to assure the woman a fair trial. The jury, however, was quickly selected, and Mayor Candler was the first witness called. He again related the details of Mrs. Hirsch's visit to his office and the alleged attempt to blackmail him.

Sacramento, March 13.—A world's record production of 918.6 pounds of milk was made in the seven days ended last night by Raphaella Johanna Aggie III, a registered Holstein, owned by the Napa State Hospital, according to a statement today by Owen Duffy, business manager of the hospital. The best previous record was 902.1 pounds of milk in seven days, made by Riverside Sadie De Koll Burke, owned in Woodland, Cal.

London, March 14.—British raiders brought back prisoners from a German prison near Epehy, southwest of Cambrai last night. The official statement today also reports the repulse of a German raid in the Ypres sector.

Paris, Wednesday, March 13.—French aviators have accounted for four enemy machines, according to the statement of the war office tonight, which also reports a successful Belgian forward movement near Lembertzyde.

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