

Unique Legal Question

Attorney General's Office Presents Appeal to Judge

The appeal of the Attorney General's office presented yesterday by Capt. Morris Lumpkin, Assistant Attorney General to Judge K. H. Townsend, now presiding over the court of Common Pleas for Sumter county, judge of the Fifth Judicial Circuit, to rescind his order of habeas corpus releasing from custody Isaac Murray and Christian Parris, wanted at Augusta, Ga., for alleged burglary was refused by the jurist. Recently the accused men were arrested by the chief of police of Sumter and he was directed on an extradition warrant by Governor Cooper to turn them over to the Georgia authorities.

It was then that Judge Townsend, on petition of the attorneys of the plaintiffs, issued his writ of habeas corpus nullifying the requisition of Governor Dorsey of Georgia, and the extradition warrant of the South Carolina executive. The conflict of authority between two coordinate branches of the State government presents a unique legal question which may have to be threshed out in the State Supreme Court.

The petition and the order of Judge Townsend follow:

To Hon. W. H. Townsend, Presiding Judge, 3rd Judicial Circuit, Sumter County:

Your petitioner respectfully shows that he appears for the Attorney General of South Carolina upon the request of His Excellency, the Governor of South Carolina to submit to the Court that the order made herein of date March 25th, 1919, in the above entitled proceeding, releasing from the custody of the officers of the law the persons above named, should be rescinded.

Your petitioner would further show that the Governor of South Carolina while greatly respecting the Courts of this State and the decisions thereof, believes and submits that the order mentioned above should be rescinded upon the following grounds:

1. That duly authenticated papers of extradition were submitted to him, the Governor of South Carolina by the agent of the State of Georgia and that upon such papers he, the Governor of South Carolina issued his warrant for the delivery of the persons to be extradited to a person certain i. e. R. J. Morgan the duly appointed agent of the State of Georgia.

2. That the function of extradition is one purely and solely for the executive and to be exercised by him alone.

3. That the issuing of the warrant by the Governor of South Carolina was, is and should be conclusive as to the propriety, sufficiency and validity of the extradition papers forwarded by the Governor of Georgia to the Governor of South Carolina.

4. That the warrant issued by the Governor of South Carolina in this case is the only authority necessary to vest the agent of the State of Georgia with full power and authority to take a fugitive back to the State from whence he was fled.

It is therefore respectfully submitted that the agent of the State of Georgia in this case, having with him a warrant of authority from the Governor of South Carolina was entitled to receive and take the prisoners in question back to the State of Georgia without further evidence of the reasons for his arrest or for the action of the governor of South Carolina in honoring the extradition.

That this Court was therefore without jurisdiction to pass upon the action of the Governor in issuing his

warrant as aforesaid and the order of this Court of date March 25th, 1919 should therefore be rescinded.

Respectfully submitted,
Morris C. Lumpkin,
Assistant Attorney General for South Carolina.

Upon hearing the Assistant Attorney General in support of the foregoing application to rescind the order of March 25, 1919, and Messrs. Clifton, Jennings and Harby, contra: It is ordered that the application to rescind be, and hereby is, refused.

W. H. Townsend,
Presiding Judge,
Sumter, S. C., April 2nd, 1919.

Graham-Kelly

Popular Couple From Bishopville Marry in Columbia

Columbia, April 3.—Mrs. Cora Graham and J. Baron Kelly, both of Bishopville, were married Sunday evening at 9:30 o'clock at the home of the bride's sister, Mrs. Thomas B. Williams, 1709 Senate Street, the Rev. Mr. Fountain of the Baptist Church of Bishopville officiating.

The wedding, though simple in the extreme with no attendants and only near relatives and a few intimate friends present, is an event of interest to the wide circle of friends whom the bride and bridegroom possess in Bishopville.

Mrs. Williams' home was beautifully decorated in potted plants and spring flowers and after the ceremony a delicious ice course with wedding cake was served. The bride wore a stylish traveling suit of midnight blue with hat and accessories to match and the couple left immediately for a tour of Florida, after which they will go to Bishopville, where a beautiful new home awaits them.

The bride was before her first marriage Miss Cora Myers of Camden, a young woman of engaging manner and of exceptionally sweet character who is widely beloved wherever she is known.

Mr. Kelly is a prominent merchant of Bishopville and is one of the best known men in his section of the State.

NOTICE

All persons holding warehouse certificates of The Sumter Cotton Warehouse Company for cotton stored on the compress platform or shed No. 1, are requested to deposit with the undersigned, a Committee appointed by all of the Banks of Sumter, the warehouse certificate representing said cotton, and to receive from said Committee a proper receipt for such certificates so deposited, which receipt is guaranteed by all of the Banks of Sumter. It will be necessary for the undersigned Committee to have all of the warehouse receipts so as to enable said Committee representing the Banks of Sumter to cooperate in the adjustment and settlement of the insurance covering said cotton. The warehouse receipts may be deposited with either member of the undersigned Committee.

C. G. ROWLAND,
J. P. BOWTH,
I. C. STRAUSS,
Committee.

Paris, April 2.—(By the Associated Press).—It is officially announced that Gen. Jan Christian Smuts, member of the British league of nations commission, is proceeding to Hungary to investigate certain problems arising from the armistice, owing to the supreme council's desire for further information.

Cotton Market Up

More Favorable European News Comes

New York, April 2.—More favorable European news and a renewal of foreign and domestic trade buying caused a further advance in the cotton market early today. The general list closed steady at a net advance of 29 to 40 points on the new and of 10 to 36 points on the old style contracts.

The market opened firm in response to the firmer Liverpool cables. Notwithstanding reports that Lancashire mills using American cotton would close for 14 days this month because of poor trade, the strength of the English market was accompanied by reports of small offerings and an increased spot demand. Houses with Liverpool connections were good buyers here while the reported lifting of the blockade on German-Austria and talk of increased offerings of ocean freight room also made a bullish impression on sentiment. Later the buying appeared to be further stimulated by reports that the peace conference had received definite proposals from the Russian government to end hostilities with all active months making new higher ground for the present movement.

The reported suspension of a stock and cotton exchange house was followed by a flurry of Wall Street selling during the early afternoon but it was understood that the interest of the firm in cotton was a very small one and the incident was not an important factor. Later, however, the market was easier under realizing and reports of increased spot offerings. Old style months were again very quiet, opening one to 10 points higher compared with advances of 15 to 24 points in new style months and closing at a net advance of 10 to 36 points.

Not a Fable

It was Mr. Nathan Straus who suggested, when I presented myself as a contributor, that possibly I might wish to adopt the fable form and write in the homely vernacular of the streets. If I seem to disregard this suggestion from a man for whom I have a most overwhelming regard, it is because the use of the colloquial American speech as distinguished from the precise and formal vocabulary of our British Allies, might seem to imply a playful and bantering treatment of a situation which is pretty much devoid of playfulness.

One of the immediate rearrangements of this war has been to blow away, as if by shell, a lot of rigid and conventional barriers which divided and separated races and religions and so-called "classes." The fact that Nicholas Romanoff was stood up against a wall and shot by his own soldiers may be set down as one of the surprises of the war but if you want a real miracle, observe Sol Rosenfeld, formerly of the Eagle Clothing Store, now installed as a social favorite in the recreation circles of the Knights of Columbus!

The Nebraska plow-boy and the exquisite dancing man who used to hang around the Biltmore are now "Buddies" together and caked with the same mud. It is unbelievable, but it is true.

The artificial areas may be re-established after the war is over but just now the dust of a common service has made us all one color.

So far as war helpfulness is concerned, there is no difference between the Jew and the Gentile at present except that the Jew gives in larger amounts.

Some persons who are annoyed by



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the masterful assertiveness of the Jewish race in the world of trade and among the learned professions say that the Jews are too absorbent in their ambitions. They go out to harvest the entire crop. This seems all wrong to spectators who are sitting under the trees, resting.

In any campaign to feed the hungry or lift up the stricken or shelter the homeless it is taken for granted as a matter of course that the Jews will do their full share and then oversubscribe a little. They are accustomed to do things in a big way and not dismayed by ordinary tasks.

Now they are up against an extraordinary task; an undertaking, vast in proportion, hedged in by appalling handicaps. The American Jewish Relief Committee is endeavoring to save from starvation 3,000,000 Jews who are the helpless victims of the German Terror. Between the committee in New York City and the unfortunate refugees or penned-in prisoners that they are trying to help are open seas and devastated provinces and great armies locked in battle.

It can be done and the committee will do it. It will get money and food to the helpless victims, even if in the farther and remote parts of Europe if it is backed up and supported here at home.

I have lived in several towns but I cannot remember the names of a place in which Jews were exempted from contributing to Gentile funds. The call of humanity knows no foreign language, no racial dialect, no favored accent.

If every citizen of America who has been somewhat directly the beneficiary of Jewish philanthropy should now come forward and help the American Jewish Relief Committee the necessary funds would be ready tomorrow. They should come forward.

George Ade.

THE MEETING SUNDAY AFTERNOON.

The meeting next Sunday afternoon in the Opera House at half-past three o'clock in the interest of the Jewish Relief Work promises to be a most interesting one in every way. Of course the great cause of the relief of humanity will be the first consideration in the hearts and minds of the people; but efforts have been made to make the meeting an unusually attractive one. In addition to the sacred concert to be given by the trio sent by the Alkalest Lyceum System of Atlanta, there will be a sacred song recital by Mrs. Marie Nicholson, and an address by Doctor J. A. Rice.

Doctor Rice needs no word of introduction to this community. He has made a marked impression since he has been in Sumter and all will be very much pleased to hear him.

Mrs. Nicholson of New York City has been in the city but a few days; but during that time she has delighted a number of audiences with her charming voice. Mrs. Nicholson very graciously consented to postpone a visit to Charleston in order that she might help on Sunday afternoon.

At Home.

Mrs. A. C. Phelps and Mrs. I. C. Strauss were hostesses on Tuesday afternoon at a reception held at the beautiful home of Mrs. Phelps on Washington St. The spacious rooms were elaborately decorated with a profusion of spring flowers. The numerous guests who called during the afternoon were received by Mrs. Phelps and Mrs. Strauss, assisted by Mrs. Perry Moses, Jr., and Mrs. R. C. Williams.

In the dining room, the punch bowl was presided over by Mrs. I. A. Ryttenberg, and a salad course was served by Misses Dorothy Phelps, Ethel Green and Doris Mosee.

The residence of Mr. Geo. E. Bruner on South Harvin Street was damaged by fire Wednesday. Before the flames were gotten under control by the fire department the greater part of the roof was burned off.

Paris, April 3.—A belief that the peace preliminaries to be imposed on Germany will be ready before Easter, unless something unexpected arises, was expressed by French Foreign Minister Pichon yesterday in replying to questioners at a banquet given by French republican journalists, according to Le Matin.

Adis, Abyssinia, Wednesday, April 2.—A grandson of King Johannes, who died in 1889 has revolted and declared himself king under the name of Theodore. The government has sent a punitive expedition to put down the revolution.

Geneva, April 3.—Field Marshal Von Hindenburg, with a large staff has arrived at Gliwice, Northern Silesia, and contrary to the terms of the armistice has ordered a general mobilization in that region, according to dispatches to the Journal de Geneve.



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