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TEN CENTS A WEEK

McMULLEN SAYS PROHI. MEASURE EFFECTIVE

Introducer of Resolution Makes Extended Reply to Col. G. B. Wells' Recent Article.

Senator Don C. McMullen, of Tampa, has, at the request of C. L. Collins, superintendent of the Anti-Saloon League of Florida, prepared a reply to the article recently written by Hon. G. B. Wells, of Plant City, in which Mr. Wells stated that the proposed amendment to the constitution of this State, passed by the Legislature during its recent session and prohibiting the sale of liquor in Florida after June, 1911, will be ineffective if ratified by the people at the election in November, 1910.

Senator McMullen, who is an authority, not to be lightly considered, takes the stand that the amendment will become effective at the time specified, should the people pass it next year. The Sun published Mr. Wells' letter, and in a spirit of fairness it reproduces Senator McMullen's reply, which is as follows:

Tampa, Fla., July 4, 1909.
Mr. C. L. Collins, Jacksonville, Fla.:

My Dear Sir—Your letter of the 1st inst., calling to my attention the article signed by G. B. Wells, Esq., in which some one, over Mr. Wells' signature, feebly attempts to show the proposed amendment to the constitution to be ineffectual, has been received.

My reluctance in granting your request for a reply to this article arises from the doubt which I have as to the authorship of it. I like to know to whom I am replying, and I feel quite sure that Mr. Wells never composed the article referred to. The proposed amendment to the constitution is as follows:

"Senate joint resolution proposing an amendment to Article XIX of the

constitution of the State of Florida, relating to the manufacture and sale or other disposal of intoxicating liquors or beverages.

"Be it resolved by the Legislature of the State of Florida, That Article XIX of the constitution of the State of Florida be, and the same is, hereby amended so as to read as follows:

"Article XIX. Section 1. The manufacture and sale, barter or exchange of all intoxicating liquors and beverages, whether spirituous, vinous or malt, are hereby prohibited in the State of Florida, except alcohol, for medical, scientific or mechanical purposes, and wine for sacramental purposes; the sale of which alcohol and wine for the purposes aforesaid shall be regulated by law.

"Sec. 2. The Legislature shall enact suitable laws for the enforcement of the provisions of this article.

"Sec. 3. This article shall go into effect on the first day of July, A. D. 1911."

The writer of the Wells article proceeds to demonstrate:

First. That the proposed amendment is of no effect because it provides by its terms that it doesn't go into effect until July 1, 1911, a date subsequent to its adoption.

Second. That if the author of the article is mistaken as to his first proposition (which he seems to think probable) and the amendment does become a part of the constitution, there can be no legislation under it until the session of 1913.

The Contentions Made.

The first grounds of the argument reminds me of a pompous but stupid fellow who was in the law class with

HOTEL AT LUKENS DESTROYED BY FIRE

GUESTS HAD NARROW ESCAPE FROM BURNING TO DEATH.

J. P. Little, a Traveling Salesman, Badly Burned About Arms and Hands in Making Escape.

CEDAR KEY, July 9.—The hotel building at Lukens, three miles from Cedar Key, was totally destroyed by fire Wednesday morning. The fire started from an unknown cause about 3 a. m. in a back room on the first floor, occupied by a traveling salesman and soon spread over the entire building. The occupants were sleeping soundly at the time and several persons made very narrow escapes. Mr. J. P. Little was one of the heaviest sufferers, losing his clothes, watch and his surveying outfit, and barely escaping with his life. His arms and face were painfully burned.

The building was a two-story frame building, owned by the Tilghman Cypress Company, and used as a boarding-house. Scarcely anything was saved, many of the survivors losing all of their belongings; and escaping in their night clothes.

me, who made the discovery that the constitution was unconstitutional in several points. The author of the Wells article discovers that because the Supreme Court, in its advisory opinion to the Governor, 34 Florida, page 509, advises that an amendment to the constitution which prescribes no time at which it shall go into effect, becomes operative at once; that, therefore, the people are powerless to adopt an amendment to the constitution going into effect at a date subsequent to the date of the election at which it is adopted. He seems to forget that the constitution is the creature of the people of Florida, and that they can amend it as they please. He also seems to overlook a fact appearing in plain language in his article, that "the constitution of the State of Florida, which was adopted by the electors of said State at the general election held in November, 1886, by an ordinance of said constitution became effective on January 1, 1887." He also seems to have forgotten, if he ever knew, that constitutional provisions are divided into two well recognized classes, viz.: Those that are self-executing and those that are not. A constitutional provision that is not self-executing remains inoperative until the Legislature, in its discretion, shall by supplemental legislation carry it into effect. And a constitutional provision which requires subsequent legislation to carry it into effect is not self-executing. It seems to me that the argument of the author of the Wells article on this point is so absurd, so utterly lacking in precedent or logic, that it is hardly worthy of consideration.

The Second Point.

As to the second point, I am quite sure that the consideration was given the language of the proposed amendment or a different conclusion would have been reached.

The first section prohibits the manufacture and sale of intoxicating liquors, except for specified purposes.

The second section requires the Legislature to enact legislation to enforce or to carry into effect the first section.

The third section says when it shall go into effect.

The first section is not self-executing. Therefore, it is necessary for the Legislature to act to make the first section operative.

The third section provides that it shall go into effect on the first day

DAVE HADDOCK KILLED IN PECULIAR MANNER

Sad Fate of One of the Best Known Engineers of the Atlantic Coast Line.

D. H. Haddock, a former citizen of Gainesville, and for over twenty years one of the valued engineers on the Coast Line railway system, was killed in a wreck on this road at Micanopy Junction Thursday night about 8:15 o'clock.

The wreck occurred on what is known as train No. 9. It was in charge of Conductor Miller and Engineer Hunt and was backing out from having made the trip into the station from the junction; when, nearing this point, the first-class coach left the track and embedded its rear end in the sand bank about 100 yards from the Junction station.

Haddock, in company with Conductor Miller and the flagman, were all standing on the rear end of the coach at the time the train left the track, and before they were aware that anything had happened the coach struck the embankment with sufficient force to bend the iron hand guard over and crush the life from the old-time engineer. He was in this position when recovered from the wreck and it was very evident that death was instantaneous.

Both Conductor Miller and the flagman had each been embedded in the sand, and while they were badly frightened and shook up from the accident neither now feel that they have been injured to any extent.

The first-class coach which overturned on the side of the embankment contained some twenty or more passengers at the time, but no injury is reported to have occurred to any of them.

The colored coach also left the rails, but did not turn over, for the train was stopped in less than two car lengths after the accident happened.

There were many rumors afloat as to the cause of the accident, but at a late hour Friday afternoon no direct cause had been given the superintendent of the road in this city. He is inclined to think that some obstruction was on the track at the time that caused the coach to jump the rails, and which afterwards tore up

the track. He believes that the report that the rails spread is untrue, as the cars would have never left the road bed had such been the case.

The train was within a few hundred yards of the junction at the time the accident happened and was not running at a rate of over four or five miles an hour when it struck the embankment.

As soon as the officials could be notified they at once had a relief train brought out from Palatka, as well as a wrecking train and crew from High Springs, and by 6 o'clock Friday morning the wreck had been fully cleared up. Conductor Williams and his crew, which make the round trip from Palatka to Rochelle, were brought into use and the passengers were transferred and carried on to their destination, Williams' train being used for the service all of Friday.

The remains were taken to Ocala by the railway officials, who secured an undertaker and had the body embalmed and prepared for burial and later shipped to the home of the deceased at St. Petersburg.

Mr. Haddock began his career as a railroad man in the old days of the Florida Southern and had been running as engineer for the company that absorbed this system until about five months since.

Up to about twelve months ago he and his wife were residents of Gainesville, but after the great change in the system he moved his family to St. Petersburg, which city has been their home ever since, although they both visited Gainesville regularly up to a few months since.

Dave, as he was familiarly known, had a large acquaintance all over the State and was universally esteemed by a large circle of friends.

The regular Micanopy connection was made from the wreck to the station by the engine and baggage coach of the wrecked train on Friday morning with Conductor Miller and Engineer Hunt, and they remained

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Whiskeyites Won Fight In Bristol, Va., by 32 Votes

BRISTOL, Va., July 9.—By the narrow margin of 32 out of a total of 344 votes polled the anti-prohibitionists won the local option election held here yesterday, following one of the most hotly contested campaigns of its kind shown in the South.

Pandemonium reigned here last night, in that part of Bristol which lies in Tennessee, as well as in the half of the city which has declared for the sale of liquor after a dryness of two years. Preparations are already being made for opening up saloons and wholesale houses for supplying not only the immediate territory, but the half-dozen nearby States which are in the prohibitive column.

The "wets" declare that the victory following the recent one against prohibition at Petersburg, Va., will have the effect of checking the State-wide prohibition movement in Virginia, and will have some influence toward preventing further inroads of the prohibitionists in the South. They say, too, that the whiskeyites of yesterday's fight were the victors.

The anti-prohibitionists conducted a "will hunt" campaign and worked under cover until the past week, when they suddenly burst into print, and flooded the city with literature

thousands of dollars. Nearly a hundred representatives of the saloon, distillery and brewery interests were here to witness the election, and lend what assistance they might to corraling votes. Many of them came here with a view to starting in business. Half of the business buildings in the city had been optioned for sale or rent at very high prices, pending yesterday's result. And these options were paid for in cash, too.

The campaign was begun a little over a month ago when Judge John W. Price, of the corporation court, ordered the election on petition of one-fourth of the qualified voters. The temperance people brought many out-of-town speakers here, and for two weeks meetings have been held nightly on the streets, in churches and in halls. Hundreds of women and children were on the grounds at the main voting places all day, singing and praying for the success of the temperance cause. The women served lunches and hot coffee near the polls, and stood through drenching rains and continued their work from early yesterday morning till the polls closed.

The anti-prohibitionists conducted a "will hunt" campaign and worked under cover until the past week, when they suddenly burst into print, and flooded the city with literature

Supt. Holloway Honored By the N. E. Association

DENVER, July 9.—By a lead of six votes over his nearest competitor, J. Y. Joyner of North Carolina was made the choice of the nominating committee for president of the National Educational Association yesterday. Benjamin Blewett of St. Louis was second.

Other officers elected were: Treasurer, A. H. Chamberlain, California, re-elected; first vice-president, L. H. Harvey, Wisconsin.

The election of James Yarkin Joyner, superintendent of public instruction of North Carolina, as president of the National Educational Association yesterday is regarded by his supporters as a victory in their fight against any regulation of the prices of school books. Mr. Joyner was elected over Ben. Blewett, head of the St. Louis schools, and Dr. J. H. Phillips of Birmingham, Ala.

The association passed a resolution

people of Porto Rico. Immediately a member from Alabama proposed freedom for the Philippines. Then Miss Mary Shirley of California declared that "if there is going to be freedom advocated here, I want the voice of this association to be raised in behalf of those who deserve it most, the women of the United States."

That was the end of the resolution. Irwin M. Sheppard of Winona, Minn., was re-elected secretary; A. H. Chamberlain of California was re-elected treasurer, and Lorenzo D. Harvey, the retiring president, was elected first vice-president.

Florida was honored by the election of State Superintendent Holloway as one of the vice-presidents of the National Educational Association.

San Francisco was selected as the next meeting place of the National