

# Columbia Bus Segregation Case Thrown Out by Court

## Knowland Backs Aid Restoration

**Johnson Says Ike's Case Not Convincing**

WASHINGTON, June 13 (AP)—Sen. Knowland of California, the Republican Senate leader, said today the administration "has made and is making a strong case" for a large federal aid authorization that the House voted.

Knowland talked with reporters after Sen. Lyndon Johnson of Texas, the Senate Democratic leader, said the administration hasn't yet made a convincing case for a larger sum.

The Republican leader declined to say whether he thought the administration case was strong enough to warrant restoring \$60 million dollars of the reduction voted by the House under White House requests.

He said the case was, however, strong enough to justify Senate approval of a sum "somewhere between" the House figure of \$3,800,000 and the administration request of \$4,900,000.

Knowland frequently has disagreed with some aspects of administration foreign policy and his comment today was his first in support of an increase over the House figure.

He said the Foreign Relations Committee, which began working on the foreign aid bill in morning and afternoon sessions today, may start voting tomorrow on the size of the authorization.

The committee, of which Knowland is a member, held a 2½-hour afternoon session today.

Knowland said he hadn't joined in an appeal by 10 Republican senators for a chance to re-examine the bill because he didn't want to commit himself on something that nature before the Foreign Relations committee.

He also said it was a partisan statement at the passage of the bill. (Please turn to page 11A, col. 8.)

## Split at Party Convention Seen

BY BILL WINTER Staff Writer for The State

Statement of a definite program and purposes by the South Carolina delegation to the National Democratic Nomination Convention was called for this week by Douglas McKay, Columbia attorney.

Mr. McKay served as chairman of the South Carolinians for Eisenhower, the independent organization which almost carried the state for the president in 1952.

"The people of South Carolina are entitled to know what their delegation is going to do in Chicago in August," he asserted.

"If we form a plan and announce it now, it would tend to solidify attitudes of the Southern and border states—they would come nearer following our lead," he reasoned.

Other states, Mr. McKay said, followed South Carolina pretty well in 1952, chiefly because of the "splendid leadership of Governor James F. Byrnes."

However, he thinks some of the members of the State Democratic organization may not want to do this—that some of them would be unwilling to "put the welfare of the country above the welfare of the party."

"The Columbian sees no question but what there will be a terrific split developed at the Chicago convention. This will be inevitable, he thinks, because the Stevens-Kefauver group do not represent the Democratic party in the South."

"The patriotic thing for the delegation to do," Mr. McKay asserted, "is to go to the (Democratic) national convention, and announce their terms. If the terms are not accepted, they should walk out and come home."

"Then we should get behind independent electors—such as the petition movement initiated by Micah Jenkins in Charleston, and groups in some other states," he added.

"I don't like the idea of a splinter party any more than a lot of other people," Mr. McKay continued, "but we're in the position of the people who were all dressed up for dinner and no place to go."

The race issue Mr. McKay sees as only a part of a much broader issue, and therefore the race issue becomes of secondary importance.

"Of course it's of basic concern to us right now—but primarily the most important thing is to get out of our form of government as outlined in the Constitution—not the constitution, however, as misinterpreted by the United States Supreme Court," the attorney said, finally.

He feels there is great unrest throughout the country, and a "growing tendency of the Court to take into itself legislative power, and to destroy checks and balances inherent in our form of government."

Overall, the national political picture was seen as "desperate" by the 152 independent leaders, "It's hard to come to any conclusion," he remarked.

"One thing now seems certain: we in South Carolina must get down a plan and stick to it," he added.

In Mr. McKay's opinion, both political parties are playing for votes from minority groups which espouse ideals entirely antagonistic to the ideals of Southerners. He sees little difference in the attitude of the two national organizations.

**ONLY HOPE**  
As he sees it, the only hope South Carolina and the South has for the conservative groups in each party to chart their own course. Even if the Southern states alone unify their efforts it might cause the presidential election to be thrown into the House of Representatives, he surmised, and this would give them the balance of power now exercised by other minority groups.

Mr. McKay is in thorough agreement with the South Carolina Convention's action to recess until after the Chicago convales. It is almost certain that neither the

## BENSON SEES TEXTILE IMPORTS RESTRICTED

WASHINGTON, June 13 (AP)—Secretary of Agriculture Benson said today he expects the government to restrict imports of textile products to protect domestic manufacturers who might be hurt by the nation's new cotton export program.

Surplus American cotton is being offered for sale abroad at prices greatly below prices which domestic manufacturers must pay under a farm price support program. The latter have protested that this would put foreign mills in a position to undersell U. S. manufacturers in their home market.

Benson did not amplify on what specific action was likely to be taken. He did say, however, that it might involve asking the Tariff Commission for import limitations.

## Shots Fired at Catholic Meeting for Negroes

KINGSTREE, June 13 (Special)—A religious meeting conducted for Negroes by leaders of a Catholic order was fired into last night.

Sheriff Buford Boyd said a Williamsburg County white man is being held in the incident.

Father Patrick Walsh, head of Our Lady of Springbank Dominican Friary said four white men fired four pistol shots.

Three of the shots lodged into a screen where "Christ the King," the Passion play, was being shown.

Sheriff Boyd said the investigation is being continued and other arrests are possible.

Father Walsh gave his report on the incident: "He was followed by four men in a pickup truck for five or six miles.

"They stopped me" for about 15 minutes and "used abusive language." Father Walsh suggested they make any complaints to the sheriff and "they gave me to understand to hell with the sheriff. We're the law around here."

By the time Father Walsh arrived at the scene—the Sandy Bay section 10 miles northwest of Kingstree—help of the sheriff's office was asked after the men drove down signs advertising the first moves.

The deputies arrived about 8:05 p.m. but did not stay. From 8:15 to 8:45 p.m. the men in the pickup truck went up and

## Jury Studies Caudle Case

ST. LOUIS, June 13 (AP)—A jury deliberating the fate of Matthew J. Connelly and T. Lamar Caudle, former Truman administration officers accused of conspiracy, was locked up for the night at 10 p.m. CDT after failing to reach a verdict.

U. S. Court Judge Rube M. Hulien ordered the jury of eight men and four women to return to the courtroom at 3 a.m. tomorrow. The jury deliberated for seven hours and 20 minutes before the verdict was called. It took time out for lunch and dinner after taking the case at 11:23 a.m.

In his instructions to the jury, Judge Hulien said circumstantial evidence could be as "conclusive as direct evidence."

Connelly, White House appointment secretary to former President Truman, and Caudle, head of the Justice Department's Tax Division, are accused of conspiring to defraud the government by trying to sidetrack criminal prosecution of Irving Sachs, St. Louis shoe manufacturer.

Sachs was fined \$40,000 in 1951 on the plea of guilty to income tax evasion but escaped a prison term on health grounds.

Caudle was wearing a black suit, Connelly a light gray one. Caudle's wife was on hand.

Also in the courtroom were Maj. Gen. Ralph E. Truman (Ret.) of Springfield, Mo., and his wife. The Trumans are friends of Connelly.

Rep. Truman is a cousin of former President Truman.

Judge Hulien, in making his opening charge to the jury, cautioned that an indictment is an accusation only and that the guilt of a defendant must be proved "beyond all reasonable doubt." He emphasized the distinction between "reasonable doubt" and "possible doubt."

The judge told members of the jury to disregard that part of the indictment charging Connelly and Caudle conspired to commit bribery, perjury, make false statements, violate the Corrupt Practices Act and internal revenue laws.

## 1st Tropical Storm of '56 Moves Inland

NEW ORLEANS, June 13 (AP)—The season's first tropical disturbance moved inland today and is expected to continue northward through the Gulf of Mexico area of the Louisiana coast.

Coast Guard and Navy helicopters rescued five men from a Coast Guard station in the South-west Pass at the mouth of the Mississippi. The building was threatened by high seas whipped by the disturbance. The dock was washed away.

A Navy helicopter was sent to rescue six men who were aboard a floating fish factory which broke from its moorings in the Mississippi delta.

The Weather Bureau's advisory said winds will remain 2 to 4 feet above normal from Grand Isle, La., to Mobile, Ala., tonight and will fall Thursday.

During the day the winds reached a peak of 52 miles an hour at Grand Isle.

Earlier today the fishing vessel Milmar went aground in the vicinity of the mouth of the Mississippi River. A Coast Guard helicopter rescued the six men aboard.

The Coast Guard said further attempts would be made to move the tug Kahlben which went aground with a large barge 35 miles north-west of New Orleans, yesterday. All crewmen were safe.

Five persons were injured in the New Orleans area as the result of slippery streets and ceiling plaster weakened by the rain.

## Negroes Maul White Sailors In 2nd Fight

PEARL HARBOR, June 13 (AP)—Four white sailors were "jumped and mauled" by four Negroes on the Navy base here last night in the second Negro-white battle in less than a week, a Navy spokesman said today.

The spokesman said that within hours after the Negro Marines arrested in their bunks, and one made a statement implicating the others, who refused to talk.

The spokesman said police aren't sure yet if it was a racial affair. It seems to be just another fight.

The big Navy base was still edge of a fight Friday night between about a dozen Negro and white crewmen from the carrier Lexington. The spokesman said a Negro sailor admitted he stabbed a white shipmate fatally in a 20-minute riot that also injured three others.

The spokesman said one of the four arrested Marines—Pfc. Howard N. Hooker, 20, of San Diego, Calif., for the last night's fight was touched off after "some remarks" were passed.

The spokesman identified the four as William J. Williams, 18, of Russ, 13, Washington, D.C.; Darrell R. Smith, 19, of St. Louis, Mo.; and two others. (Please turn to page 11A, col. 4.)

## Tumble From Airliner Kills Passenger in NC

CHARLOTTE, June 13 (AP)—A room of one day was swept to his death from the open door of a Piedmont Airlines plane winging 10,000 feet over Shelby tonight.

Police found the badly mangled body of the man in a cemetery six miles north of Shelby.

The State Highway Patrol identified him from a driver's license in his billfold as Oren Ace Pruitt, 38, of Charlotte.

Neighbors said that Pruitt and his bride, Blandie Tidd of Charlotte, were married yesterday in York, S.C., and that they were on a honeymoon trip.

Piedmont's Charlotte agent, John Newell said that the Pruitts boarded the plane here.

Newell said the man apparently left his seat to go to the men's room at the rear of the plane when the passenger door, about two-thirds of the way back in the cabin, came open in flight and Pruitt apparently was swept out.

Charles Austell, to whose Shelby funeral home the body was taken, said Mrs. Pruitt told him that Pruitt got up to get her a drink of water, tried the toilet door, turned away when he found it locked and "somehow got the wrong door."

The airline launched an immediate investigation. (Please turn to page 11A, col. 3.)

## INSIDE: NEW AIR POWER GOAL SET

SOUTH CAROLINA

Number of legislators race runoff battles. Page 1D. Mississippi judge speaks in Sumter today. Page 1D. Third party movement activity continues. Page 1D. Kershaw man held in wife's death. Page 1D.

## WORLD

Yugoslav ex-leader under fire. Page 3A. Trial of French tax-payer Foudjaje closes. Page 3A.

## SPORTS

U.S. Open starts today. Hogan ed. Snead mad. Page 7C. Chicago White Sox finally beat Yankees. Page 7C. South Carolina junior golfers lose. Page 9C.

Bridge ..... 4B  
Comics ..... 6 11C  
Deaths ..... 8:0A  
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Science ..... 1 2C  
Theater ..... 7:3C  
Wants Ads ..... 4:7D  
Weather ..... :2B

## No Right to Relief Shown, Judge Rules

By The Associated Press

A federal district court case involving race segregation on city buses in Columbia was thrown out yesterday on grounds the plaintiff, a Columbia Negro woman, "has shown no right to relief."

The order dismissing the \$25,000 damage suit against the South Carolina Electric and Gas Co., was issued by Judge George Bell Timmerman.

It was Timmerman's second dismissal of the case, brought by Mrs. Sarah Mae Fleming Brown as a result of a June, 1954 ride on a crowded bus. Mrs. Brown charged her civil rights were violated when the bus driver allegedly ordered her to vacate a front seat then struck her when she attempted to leave the front exit.

Timmerman ruled that the company could not be made "liable in damages for acting under a 'valid and subsisting' state segregation laws at the time.

He also held that the plaintiff failed to show that the driver was acting under color of state law to enforce racial segregation on the bus" when he ordered her to vacate the seat.

Attorneys for the plaintiff said they would "have to study the order," before deciding on an appeal. They have 30 days to make one.

When the case first came before Timmerman last year, he ruled it did not state a cause of action.

The circuit court of appeals, however, reversed him and held that segregation on buses operating within the state is unconstitutional. The U. S. Supreme Court has ruled that such segregation is unconstitutional. This was interpreted later as meaning an appeal was premature.

**ALL WHITE JURY**  
An all-white jury was chosen to try the case Tuesday. Timmerman later rejected a defense motion for a directed verdict on the grounds the Brown woman had not shown the bus driver failed to act in "good faith" in accordance with state laws requiring segregated seating.

In considering his rejection of the motion, Timmerman told the jury that "no person has a civil right to violate a valid and subsisting law."

Referring to the circuit court of appeals action in overturning the separate but equal doctrine, Timmerman said, "I do not understand that the court of appeals intended to make its reversal . . . retroactive but 'equal' doctrine."

"I do not believe that the court is intended to violate a valid and subsisting law."

He had been reported earlier as "at times" but "quite chipper" after spending half an hour at work in his hospital bed this morning.

He got out of bed twice for about 30 minutes during the morning and walked about his room. He planned some more walking exercise this evening.

The President had gone more than 80 hours with nothing but intravenous nourishment since the bus operation was performed before dawn last Saturday. Hagerly said he was "very happy" to take what the bulletin describes as "a small amount of beef broth."

## Tito's Nation Is 'Buddy-Buddy' With Soviet Again

LONDON, June 13 (AP)—Yugoslav President Tito told a cheering Soviet crowd at the Black Sea resort of Sochi tonight that his nation and the Soviet Union were "again establishing firm friendly relations."

Tito, who made an official news agency Tanjug report that Tito, now making a triumphant tour of Russia, spoke of the emergence in "new men, educated in a new spirit according to the ideas of Marx, Engels and Lenin."

While Stalin lived, Tito was branded the avowed enemy of the Kremlin brand of communism.

Anastase Mikoyan, Soviet deputy premier, told the crowd: "We are today convinced that President Tito's visit to the Soviet Union . . . constitutes a palpable proof of the resolve of the two governments closely to cooperate in the future. . . ."

## DEATHS

Mrs. M. K. Davis, West Columbia. Miss Mathias, Lexington. A. B. Sanders, Columbia.

Mrs. Mary Miller, Newberry. Mrs. Charles Talbert, Edgefield. Mrs. J. B. O'Neal, Mullins. Sgt. Everett Rees, Denmark.

Everett Reese, Jr., Denmark. Mrs. T. S. Knight, St. George. Miss Lula Mitchell, Rock Hill. A. B. Jolly, Rock Hill. H. C. A. J. Dorman, Horry County. John Wallace, Chesterfield. E. L. Wingle, Myrtleville. (See Page 8-A for Details)

## WEATHER

FORECAST FOR SOUTH CAROLINA — Partly cloudy, warm and humid today and Friday. Light weather with showers and evening thundershowers. For 24 hours ending 7:30 p.m. yesterday, maximum temperature 86 at 3 p.m., minimum 66 at 6 a.m.; precipitation 0 inches. Sun rises today 5:12 a.m., sets 7:36 p.m.; moon rises 11:39 a.m.

# Split

(Continued from page 1)

cent in South Carolina," he observed.

He believes Eisenhower really received a majority of the South Carolina votes cast in November, 1952, but thinks that his mismanagement of the polls in at least two counties on a substantial scale. He further maintains that Eisenhower got about 60,000 majority of the "white votes" in South Carolina in 1952.

Mr. McKay thinks Governor Harriman, Governor Stevenson, Senator McFaul, and Henry Truman would be unacceptable to the South, although he thinks Stevenson the most acceptable to the South generally than the other three.

Governor Lausche he estimates to be the most acceptable of those prominently mentioned as the Democratic nominee. He thinks the South would probably go along with Lyndon Johnson, but says Sen. Stuart Symington is an unknown quantity.

Although he believes Eisenhower will get only about half the votes this fall he did in 1952, he says the President is still personally highly regarded in South Carolina.

There's a general feeling that Eisenhower, through his advisers, has let us down on state's rights. Mr. McKay observed, but he is still probably the best thing in sight (as a likely presidential nominee).

**INDEPENDENCE ESTABLISHED**

Mr. McKay thinks the 1949 and 1952 revolts established the independence of the individual voter in South Carolina.

"He threw off party shackles; we are no longer in the bag for anyone," he declared. "A revolt this year—again assuming an unacceptable candidate and platform—would mark perfectly definite and certain the principle we're going to adhere to if we're going to maintain our way of life. It will create a standard."

"It's there's a revolt this fall, I may cheer from the sidelines. I'm not a politician—but it's a patriotic duty to follow our principles," he added.

Leaving the strictly "Southern dilemma" out, he sees the greatest danger to the country as the looming labor dictatorship and the danger of big city bosses and racketeers. At present, he thinks they have the greatest voice in the Democratic Party.

"The great danger is that each party, in its desire for dominance, will forget the welfare of the individual," he concluded. "I have the greatest of faith in the individual working man, but I fear that the despoticism of some of labor's leaders, and their political powers."

# Columbia

(Continued from page 1)

of appeals intended to place its approval on the strange and un-American doctrine that any court under established government has the power to make retroactive laws so as to make a person liable for acts done which were at the time of their doing perfectly lawful.

**CONSTITUTION CHANGED**

"This is important in the present case," Timmerman said, "because it concerns the changing of a well understood constitutional doctrine that had not been changed by any legal authority for well over half a century."

"When I was a boy the constitution ranked next to the Bible in the thinking of good citizens. Now there are those who seem to think that it has no higher standing than that of a statute, if even that high."

Timmerman said his second reason for dismissing the case was

based on the plaintiff's testimony that no white people were behind her when she took the seat from which she was ordered by the bus driver. (State law restricts Negroes to sit from the rear of buses to the front).

Since this was the case, Timmerman said, apparently "The bus driver was not acting under color of state law to enforce racial segregation on the bus, whatever other evil motives he may have had for ordering the plaintiff to change her seat. This court does not have jurisdiction of any such situation."

# Tumble

(Continued from page 1)

date investigation, sending G. W. Bennett, district sales manager of Charlotte, and P. P. Jones, district station supervisor from Charlotte, to Shelby, said Bennett:

"Why the door came open we don't know. All sorts of safety devices, including locks, are attached to the door to prevent accidents. It is something we can't explain at the moment."

Bennett said the door, which opens downward and carries its own steps, could not be closed in flight and was still open when the plane reached Asheville.

Cleveland County Coroner Ollie Harris impounded a six-man jury to investigate the mishap. No time for the inquest was set.

State Highway Patrol Sgt. J. B. Kuykendall of Shelby said Pruitt's body was found in a graveyard near Zion Church. He said the body "was broken all to pieces" and that part of the man's clothing and his shoes were torn off by the impact. He said the body made a hole about four inches deep when it hit and then rolled 27 feet.

A janitor at the church saw Pruitt's hurtling body hit in an unused portion of the cemetery. He notified Shelby Police.

Piedmont identified the pilot as Capt. Baxter Slaughter and the first officer as Albert J. Sholtz. They said the flight, which originated in Fayetteville, had as its ultimate destination Louisville, Ky.

R. D. Hager of Winston-Salem, a Piedmont vice president, said that Pruitt's death was the first fatality the line has had since it was established Feb. 20, 1948. Hager said Piedmont had flown 384,981.12 miles without a fatality.

The Charlotte Piedmont office said that the flight, No. 5, left Charlotte at about 5:40 p.m. The accident happened at 6:08 p.m.

The body was taken to the Lutz-Austell Funeral Home in Shelby. Piedmont said that 24 passengers a full load, was aboard when the tragedy occurred.

Pruitt was employed as a surveyor's assistant here. His wife is a hostess at a hotel here where Pruitt once served as a chef.

A grammar school for disabled boys will be opened at Alton, England.

Several foreign firms are planning to develop oil concessions in eastern Bolivia.

# Negroes Maul

(Continued from page 1)

win G. Robinson, 19, Gary, Ind.; and Pic, Frank J., Carrington, 21, Los Angeles.

The spokesman said the four sailors were Boileman 2, C. Samuel Lee Kager, 27, who suffered a broken nose; Boileman 2, C. Richard Dwyer, 25; Boileman 3, C. Daniel Rampehal, 21, and Boileman 3, C. Joseph Dupont, 21.

The sailors are aboard a ship at sea and their home towns were not available.

# Plans Announced for 2 New District 1 Schools

Plans for construction of two new schools in the Richland County School District One are under way following a meeting of the School Board Tuesday night. One will be a new elementary school in the St. Andrews area of the school district and the other is in the Belvedere area off Two Notch Road.

The St. Andrews area school would be an elementary school. Plans for this school are now approximately 75 percent complete, the Board learned from Guy L. Varn, Superintendent. The Board has directed that "construction of this school take place at the earliest feasible date."

The Belvedere area school would also be an elementary school and the Board directed it be constructed at a "very early date."

**APPOINTMENTS**

The Board approved the following appointments:

Mrs. Annanda B. Hampton, formerly elementary consultant, to become principal of Satchel Ford Road Elementary School. Mrs. Hampton is a graduate of Winthrop College and has a Master of Education degree from the University of South Carolina. She has been employed by the Columbia City Schools for 23 years as a teacher, head teacher and elementary consultant.

Miss Agnes McDuffie, who has been a teacher in the Columbia City Schools for the past 18 years, has been appointed as elementary consultant. She holds an A. B. degree from State Teachers College in Farmville, Va., and a Master of Education degree from the University of South Carolina. Before coming to the Columbia City Schools, Miss McDuffie taught in Virginia.

Miss Virginia Pack has both A. B. and M. A. degrees from Winthrop College and has been appointed an elementary consultant. She served as an elementary consultant during the past year. Prior to that time, she was for 13 years in the Clarendon and Wallerboro Schools as a teacher. In Columbia, she taught at Schneider School for eight years prior to 1935-36.

representatives and was active in civic affairs.

The Satchel Ford Elementary school will retain that name officially the Board has decided.

The next senior high school to be completed in the district will be named in honor of A. C. Flora, former Superintendent of the Columbia City Schools.

# Knowland

(Continued from page 1)

foreign aid bill will require bipartisan support.

Democratic Leader Johnson said:

"The administration is going to have to make a case which it hasn't done yet."

"If it makes a case, fortifies the testimony its officials gave the House, the Senate will do what is best for the country."

President Eisenhower asked \$4,000,000,000. The House cut its authorization bill to \$3,800,000,000 despite pleas from Eisenhower, Secretary of State Dulles and other officials.

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