

The Budget Commission met in the Ways and Means Committee room, Tuesday morning, October 28, 1941, at 9:30, all members being present.

The following departments and institutions appeared before the Commission in connection with their requests for appropriations for the year 1942-43:

State Treasurer
Board of Bank Control
State Board of Health
South Carolina Sanatorium
Clemson College
Comptroller General

Messrs. Pinckney Cain and Clint T. Graydon appeared before the Commission and urged that some action be taken in connection with the payment of attorney fees of the four attorneys employed by the Governor in the case of G. B. Edwards et al versus Rut L. Osborne et al, concerning the diversion of highway funds. These gentlemen were informed that upon the advice of the Attorney General it appeared that these fees could not be paid from highway funds and that the small balance in the Civil Contingent Fund prevented the payment of the fees by the Budget Commission. The Commission agreed to present the matter to the General Assembly and request that some action be taken to liquidate these claims.

Attorney B. B. Evans appeared before the Budget Commission and stated that he had endorsed on the two Notices of Pendency of Action filed in the office of the Clerk of Court for Richland County a statement to the effect that the Lis Pendens were cancelled under the Order of the Governor of the State and that in his opinion all litigation formerly authorized by the Budget Commission involving the Columbia Canal had been dismissed and ended. He stated, however, that he would be willing to

take such additional action as might be necessary to effectuate a complete dismissal. He requested payment of the remaining sum due to him and his associates, Mr. Cordie Page and Mr. Thornwell McMaster. The Commission told Mr. Evans that it would communicate further with him, Mr. Page and Mr. McMaster in connection with what further steps the Commission thought best to bring this litigation to a final end. The Commission ordered the Secretary to write a letter to Messrs. Evans, Page and McMaster, a copy of which is made a part of these minutes.

"October 28, 1941.

"Mr. B. B. Evans, Columbia, S.C.
Mr. Cordie Page, Conway, S. C.
Mr. Thornwell McMaster, Columbia, S. C.

"Gentlemen:

"Mr. Evans appeared before the Budget Commission today in connection with fees claimed by you gentlemen for litigation involving the Columbia Canal and as the result of his appearance, the following entry has been made upon the minutes of the meeting, to wit:

"Attorney B. B. Evans appeared before the Budget Commission today and stated that he had endorsed on the two Notices of Pendency of Action filed in the office of the Clerk of Court for Richland County a statement to the effect that the Lis Pendens were cancelled under the Order of the Governor of the State and that in his opinion all litigation formerly authorized by the Budget Commission involving the Columbia Canal had been dismissed and ended. He stated, however, that he would be willing to take such additional action as might be necessary to effectuate a complete dismissal. He requested payment of the remaining sum due to him and his associates, Mr. Cordie Page and Mr. Thornwell McMaster. The Commission told Mr. Evans that it would communicate further with him, Mr. Page and Mr. McMaster in connection with what further steps the Commission thought best to bring this litigation to a final end. The Commission ordered the Secretary to write a letter to Messrs. Evans, Page and McMaster, a copy of which is attached and made a part of these minutes.'

'The Budget Commission directs me to say that it is satisfied with the action of Mr. Evans in having the two Notices of Pendency of Action marked "cancelled" in the office of the Clerk of Court for Richland County but the Commission directs me to call to your attention the fact that the Summons and Complaint filed by you gentlemen in the United States District Court and which was dismissed by Judge Wyche for lack of jurisdiction will not finally stand dismissed until the time for appeal expires. The Commission, therefore, feels that Messrs. Evans and Page should move for an Order before Judge Wyche or some other United States District Judge permitting the abandonment of the case together with any appeal therein at this time in order that the effective date of the dismissal will not have to wait for the expiration of the time allowed for an appeal. This Order can recite that the case has been abandoned and that no appeal will be taken from the Order of Judge Wyche and the Order will provide that the case is finally and completely dismissed and that the same be marked "ended" on the records of the Court.

"I am directed by the Commission to say that as soon as a certified copy of such an Order is filed with the Commission, it will give further consideration to the payment of any balance you gentlemen may claim for compensation in connection with services in this matter.

'Yours very truly,

J. M. Smith, Secretary
State Budget Commission"

Upon the request of the Board of Medical Examiners the Commission approved a transfer of \$20.00 from Special Payments - Per Diem of Members to Wages.

The Commission declined to approve the request by the Code Commissioner for a small transfer of funds appropriated for the years 1939-40 and 1940-41.

The Commission approved an allotment from the Civil Contingent Fund to Mrs. Polly C. Scovill for clerical work for the South Carolina Rural Housing Authority, these funds to be returned to the Contingent Fund when the Housing Authority receives its allotment of funds from the Federal Government.

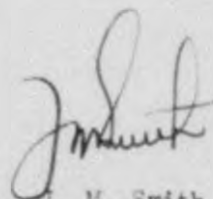
The Commission then recessed until 3 P. M. and heard budget requests of the following institutions and departments:

State Penal Board
State Penitentiary
Industrial School for Boys
Industrial School for Girls
John G. Richards Industrial School
State Fair Association
Department of Labor
National Defense Council

The Commission then recessed until 7:30 P. M. and heard the following departments:

Secretary of State
State Planning Board
South Carolina Aeronautics Commission

The Commission then adjourned.


J. M. Smith
Secretary.

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Mr. B. B. Evans, Columbia, S. C.
Mr. Cordie Page, Conway, S. C.
Mr. Thornwell McMaster, Columbia, S. C.

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