MR. OVERMAN'S ADDRESS

EXTENSION FEDERAL POWER

Junior North Carolina Senator's Address to the Senate of the United States in Opposition to the Bills Introduced by Lodge and Beveridge—His Argument Based Upon the Great Doctrine of States' Rights—Cites Decisions and Authorities in Support of His Position.

Following is the speech of Senator Lee S. Overman, delivered in the Senate of the United States Tuesday, January 8th, in opposition to the proposed Federal child labor laws:

The Senate having under consideration Senate resolution No. 200, defining the rights delegated to the government and those reserved to the States, etc.—

Mr. Overman said:

Mr. President: Written in the constitution of the great State of North Carolina, which I have the honor in part to represent, is the following clause, which at the present time is very significant:

A recurrence to first principles is absolutely necessary to the preservation of our liberties.

Judging from newspaper articles, magazines articles, and certain banquet speeches, the very significant utterances of men of prominence, great leaders of the Republican party, who fearlessly and candidly declare the doctrines of the old Federalists, and who propose in a measure to shape the policy of their party and declare its issues, and, judging from certain measures which are proposed here, it is high time that we should recur to fundamental principles and maintain those immortal truths and tenents upon which rest the very framework of this great republic; and it is about time to stop and take our bearings and see whither we are drifting, to guard against being dashed to pieces against the rock of anti-Republicanism or against being driven into unknown seas.

Chief Justice Marshall never stated a greater truth than when upon one occasion he stated that delegated powers are often abused. If they were liable to abuse in his day, how much more now, when men are thirsting for more power, are they liable to abuse to suit the purpose of those in authority, who, acting perhaps as they think for the best interests of the country, are tempted to put the most strained construction upon the commerce clause of the constitution?

Bills have been introduced in this Congress to regulate child labor in the factories and mines of the States. One bill introduced by the senior Senator from Massachusetts [Mr. Lodge]. And a bill proposed by the senior Senator from Indiana [Mr. Beveridge].

This bill has also been proposed as an amendment to the bill now pending to regulate child labor in the District of Columbia.

Mr. President, the enactment into law of either one of these bills, in my judgment, would be not only to stretch almost to the breaking the commerce clause of the constitution, but would be a usurpation of the rights of the States or the people, an assumption of that power which they reserved when the tenth amendment to the original constitution was adopted.

Mr. President, the old confederation entered into after our independence was established for the benefit of the colonies proved a dismal failure. With no provision for the regulation of commerce, no provision for the raising of revenue or the laying of imposts, all was inharmonious, distress came, and the people were not only humiliated but degraded. Then, upon the invitation of several of the States, a convention was called for the purpose of establishing a more stable government and the adoption of a constitution. In this convention all the States were represented.

The constitution then adopted was submitted to the States for ratification and was adopted by nine of the States, that being the number required for its ratification. Some of the States, however, refused to ratify until they were assured that it would be amended so as to protect the people in their rights, home rule and local self-government; so that it should be clearly understood and written in the instrument itself that the government to be established should be one of limited powers only, and that all the powers not granted therein should be reserved to the people. I doubt if the State of Massachusetts would have ever ratified the constitution if she had not been assured by John Hancock that certain amendments would be adopted, one of which she herself proposed, among others, was almost in the language of the tenth amendment itself. The State of North Carolina, always conservative, but always jealous of her rights, absolutely refused to adopt the constitution until it was made certain that the ten amendments were or would be adopted. She was not in the Union and did not participate in the election of the first President and refused to join until November, 1789, when she ratified the constitution. She was one of the last to go in as she was the last of the Southern States to secede.

The very prefix to the resolution of the Congress submitting these amendments to the States for their adoption stated that a number of States at the time of the ratification of the constitution expressed a desire, in order to prevent misconstruction and abuse of its powers, that further declaratory and restrictive clauses should be added. It is therefore evident that not only the States, but the Congress itself, in every way they could endeavored to throw around it every safeguard to prevent strained constructions and abuses of power which seemed to have been anticipated as well as to extend the guarantees of public confidence in the government.

In this connection and for the purpose of this argument I will read the tenth amendment or article as well as the ninth article to be taken in connection therewith.

Article IX. The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Article X. The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

Now, Mr. President, it is well settled not only upon the language of the written, which seems simple and plain enough and which is to be interpreted in the great case of Gibbons vs. Ogden (9 Wheat., p. 188) Chief Justice Marshall says, in relation to it, that—

"As men whose intentions require no concealment generally employ words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our constitution and the people who adopted it must be understood to have employed words in their natural sense and to have intended what they have expressed."

But let us see how these principles were understood at the time of their adoption. Mr. Jefferson defined the duty of the government to be—

"The support of the State governments in all their rights, as the most competent administrations for our domestic affairs, the most adequate protection against foreign injury, the preservation of the general government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad."

And Mr. Madison declared the purposes of the government to be under the constitution—

"To support the constitution, which is the cement of the Union, as well in its limitations as in its authorities, to respect the rights and authorities reserved to the States and to the people and equally incorporated with and essential to the success of the general system."

As there was in those days of its adoption, there is today, it seems, a strong sentiment growing in this country for a consolidated or centralized government, for the extinction of the rights of the States, and abolition of State lines. This sentiment has grown with the insatiate desire for the dollar, the desire for grandeur and glory has increased with the growth of commercialism, the building up of mighty fortunes, the growth of a moneyed aristocracy, the centralization of great wealth in the hands of the few, produced by the great trusts and monopolies, many of which were organized for the purpose of crushing out competition and which have been robbing the people of untold millions.

A great writer years ago said:

"With the aristocracy which great wealth brings comes the desire for power and glory, conferring greater power and necessarily reducing many to weakness, misery, and oppression."

And, I will add, with it comes corruption, if not despotism, and with the power that great wealth brings comes the desire for centralization of power in the government, and with these desires realized a government of the people, for the people, and by the people will be a thing of the past.

Under our dual system of government, the reserved and delegated powers respected and no intrenchment upon one nor the other, this country has progressed beyond the wildest dreams of the fathers, our civilization has rapidly advanced, our increase of wealth has been marvelous, and there is no reason why the system should be changed and the limitations placed in the constitution be obliterated; there is no reason for any departure from the fundamental principles as construed and expounded by the founders of the republic and by the highest court of the land.

There is no question but that this government derived all the power it has from the people of the States, and its constitution was adopted by them with its written limitation and checks against abuses and usurpations. Shall the Congress not respect the limitations of the constitution? And in the language of that great charter of our liberties, shall it disparage the rights retained by the people?

No, Mr. President, the rights reserved to the States or to the people must be peacefully but efficiently protected against any encroachment by the general government. And this great body which represents the States should see to it that there shall be no invasion upon these powers, should see to it that the fundamental principles of our free institutions are maintained in their full strength and vigor. For an encroachment upon these reserved rights to the extent which the tendencies of the time seem to be leading would be for the central government to interfere with, administer upon, and control the industrial, the local, and the domestic concerns of the people in the States, and when once begun and the precedent established there is no telling where it would lead nor where it would end, and State sovereignty would finally be no more. Instead of impairing the sovereignty of the State it is the duty of Congress to uphold and protect it to the last.

If more power is needed for the successful operation of the government owing to changed conditions, the way is clearly pointed out; the method is provided for in the constitution by Article V. Let an amendment be submitted to the States. In any event, let the people be consulted; let their sacred will be known, let their consent be given to the surrender of any of their rights, and without their consent let nothing be done by an unwarranted construction.

I will here read, Mr. President, the inter-State commerce clause of the constitution:

"The Congress shall have power to regulate commerce with foreign nations and among the several States, and with the Indian tribes."

It might be important here to observe that in the debates in the constitutional convention history shows that much more extensive grants of commercial power were proposed, asked for, and most strenuously advocated, but all such propositions were voted down and this simple clause adopted by the wise men who composed that convention and who, being fresh from the people, respected their will.

Under the power here given, which was absolutely necessary for the general government to have in order to harmoniously and efficiently regulate the commerce between the States and foreign nations, it is now claimed and seriously contended by some in this day and time that there is no limit to the extent of the power of Congress in commercial matters, and this is claimed in the face of frequent deliverances of the Supreme Court construing this clause.

There is probable, Mr. President, no limit to the power of Congress to deal with commerce as soon as it begins its transit or journey and until it ends and to deal with it while in transit between the States, and also it has full power to prescribe all the rules, regulations, and conditions under which it is governed, but as Congress has the exclusive power over inter-State commerce, so the State has the exclusive power to control its own domestic and internal affairs and it should be permitted to do so without question. Without the consent of the State the Congress has not only no business, but no power to interfere. And for any fancied act of omission or commission, I must say it is going very far for one citizen of another State or one high in authority in this government to condemn and threaten the extinction of her rights as a State.

I am free to admit, Mr. President, that in some matters affecting the inter-State commerce where citizens or corporations of one State are so conducting their business as to work an injury to citizens of other States, and where the other States, even under their reserved power are powerless to protect themselves against the wrong done them on account of the power which has been surrendered to the government, it is necessary for Congress to interfere and legislate for the purpose of controlling and regulating in these matters—such as the rate bill, the pure-food bill, and the food-inspection law, all of which receive my most hearty indorsement and in my opinion no legislation for a century has done more for the good of all the people.

But when it is proposed to regulate and control these matters which can be controlled whether the State will or will not, as regards articles of commerce which in themselves can possibly work no injury upon citizens of other States, I deny the power of the general government to interfere in any respect to the point where it begins its transit.

Though commerce and the scope of Congress over its regulations under these laws have been extended so as to include manufactures, the mere fact that goods are manufactured in the State for export to another, this fact in itself does not construe into them inter-State commerce within the meaning of the constitution. This was held by the Supreme Court of the United States in the case of Coe vs. Errell (116 U. S., 517).

In that case certain logs cut at a place in New Hampshire had been hauled to the town of Errell on the Androscoggin river in that State for the purpose of transportation beyond the limits of the State to Lewiston, Me., and were held at Errell for a convenient time for shipment and taxes were assessed on these logs for city and county and State purposes, and the question was whether these logs were subject to taxation like other property in New Hampshire, as they were to be exported into another State, and Justice Bradley, delivering the opinion of the court, says:

"The owner's state of mind in relation to the goods, that he has the intent to export them and his partial preparation to do so, cannot exempt them from taxation." This is the precise question for solution.

"There must be a point of time when they come to be governed exclusively by the domestic law and begin to be protected by the national law of commercial regulation, and that moment seems to us to be a legitimate one for this purpose by which they commence their final transit for transportation from the State of their origin to that of their destination. When the products of the farm or the forests are collected and brought in from the surrounding country to a town or station serving as an entrepot for that particular region, whether on a river or a line of railroad, such products are not yet exports, nor are they in process of exportation, nor is export trade begun until they are committed to the common carrier for transportation out of the State to the State of their destination or have started on their ultimate destination to that State.

"Until then it is reasonable to regard this as not only within the State of their origin, but as a part of the general mass of property of that State, subject to its jurisdiction and liable to taxation. Then if not taxed by reason of their being intended for exportation, but taxed without any discrimination in the usual way and manner in which such property is taxed in the State, * * * the point of time when State jurisdiction over the commodity of commerce begins and ends is not an easy matter to designate or define, yet it is highly important both to the shipper and to the State that it should be clearly defined so as to avoid all ambiguity or question. But no definite rule has her adopted with regard to the point of time at which the taxing power of the State ceases as to goods exported to a foreign country or to another State. What we have already said, however, in relation to the products of a State intended for exportation to another State will indicate the view which seems to us to be the sound one on that subject, namely, that such goods do not seem to be part of the general mass of property subject as such to its jurisdiction and to taxation in the usual way until they have been shipped or entered with a common carrier for transportation to another State or have been started upon such transportation in a continuous route or journey."

The courts have held that the police power of a State is as broad and plenary as its taxing power. This being the doctrine as to the taxing power, Mr. President, all property in the State, therefore, is subject to the police power of that State so long as it remains in the State and before it starts upon its journey as commerce from one State to another.

If Congress can regulate child labor in our factories and mines under the inter-State commerce clause or any other clause of the constitution, it has the power and can with the same reason regulate child labor upon the farm, can regulate the ages at which the boys and girls of the farm can pick from the boll the fleecy staple which is taken to the gin and then to the factory to be manufactured into cloth. It can regulate the ages at which the farmers' children shall work in the great wheat fields in the States of the Northwest, for the farmers have in mind when the wheat is produced that a greater portion of it is for inter-State commerce, and it is to be shipped abroad to other States and foreign countries. The production of wheat and its manufacture into flour, though intended for such, is not inter-State commerce. Neither is the production of cotton and its manufacture into cloth inter-State commerce, though intended for such. As Justice Bradley says, "It is not the owner's or producer's mind which makes the commodity inter-State commerce."

The cotton farmer knows that more than nine-tenths of his cotton will be shipped abroad; he knows that the price of cotton is fixed in Liverpool, a foreign market. While we manufacture about 2,500,000 bales in this country, about 7,500,000 bales are shipped to foreign countries. This does not make the raw material nor the manufactured products articles of inter-State commerce. It does not become so until placed in cars or boats of the carrier for shipment.

If Congress is to regulate the cotton mills, why not let it go into the regulating business generally? Regulate the flour mills, the steel mills, the shoe factories, the clothing factories, and regulate the farms; regulate the laws in regard to health; let it regulate every branch of industry which contemplates an inter-State or foreign market, and then there will be little left for the State to do.

I wish to say, Mr. President, that I am heartily in favor of reasonable child-labor laws. I favor a child-labor law for the District of Columbia, and, with some amendments, shall support the bill for that purpose now pending. I have favored a reasonable child-labor law for the mines and factories of my own State. We have such a law upon our statute books passed in 1903, a law passed by the Legislature of that State, which had the power and whose concern it was, and not by the Congress, which has not the power and whose concern it was not. Such legislation by the general government I am opposed to as being a step toward centralization and an invasion upon the rights of the State. The President, in his message, recognizes the fact that the power to control child labor is in the States and does not belong to Congress, for he says in his message to this session of Congress:

"The horrors incident to the employment of young children in factories or at work anywhere are a blot on our civilization. It is true that each State must ultimately settle the question in its own way, but a thorough official investigation of the matter, with the results published broadcast, would greatly help toward arousing the public conscience and securing unity of State action in the matter."

I am glad to state, too, Mr. President, that our cotton-mill children have the opportunity afforded them of an education. Many of our factories maintain the very best schools for from four to eight months, with the very best school buildings with modern equipment, and employ the best teachers, all at their own expense, and every opportunity is given for the education of the children.

While there may be much truth in it, and there may be, and perhaps is, an evil that should be corrected in the proper way, yet, in my judgment, there is a good deal of claptrap in all this cry about the crimes against humanity and slavery in the cotton mills.

Where the evils exist the States can and will correct them. I insist that in this Christian land of ours there is no less of higher moral ideas and humanitarianism—the brotherhood of man—in one State than another. We are all living and moving on a higher, nobler, and more Christian-like plane, I trust, and where one State has seen its duty and legislated in favor of humanity and corrected these evils you may soon expect that the Christian and patriotic sentiment in other States will cause their Legislatures to act in these matters until we have the uniformity that is so much desired.

And again, Mr. President, the flaw which will suit one State might not prove satisfactory to the people of another State, where conditions are entirely different, and the regulation should be left to each State, which knows its own conditions best. The power to pass such a law is exclusively in the State. The States never surrendered to the general government the power or its right to legislate upon questions affecting the life and liberty of its citizens. It never surrendered its right to legislate upon the rights of person or property or upon questions affecting the good order of society, the public health, or upon any of its internal, industrial, or domestic concerns. It never surrendered its police power, and it never will. These rights they not only did not surrender, but the people have always jealously guarded them and reserved them. This was clearly understood when the constitution was adopted, and to properly safeguard them was the reason for the adoption of the ten amendments.

These questions have been before the Supreme Court, and, in my opinion, have been settled in a variety of cases.

In the case of Kidd vs. Pearson (128 U. S., 1), Justice Lamar, writing the opinion of the court, says (p. 16):

"The line which separates the province of Federal authority over the regulation of commerce from the powers reserved to the States has engaged the attention of this court in a great number and variety of cases. The decisions in those cases, though they do not in a single instance assume to trace that line throughout its entire length, or to state any rule further than to locate the line in each particular case as it arises, have almost uniformly adhered to the fundamental principles which Chief Justice Marshall, in the case of Gibbons vs. Ogden (9 Wheat., 1), laid down as to the nature and extent of the grant of power to Congress on this subject, and also of the limitations, express and implied, which it imposes upon State legislation, with regard to taxation, to the control of domestic commerce, and to all persons and things within its limits of purely internal concern.

"According to the theory of that great opinion the supreme authority of this country is divided between the governments of the United States, whose action extends over the whole Union, but which possesses only certain powers enumerated in its written constitution, and the separate governments of the several States, which retain all powers not delegated to the Union. The power expressly conferred upon Congress to regulate commerce is absolute and complete in itself, with no limitations other than are prescribed in the constitution; is to a certain extent exclusively vested in Congress, so far free from State action, is coextensive with the subject on which it acts, and can not stop at the external boundary of a State, but must enter into the interior of every State whenever required by the interests of commerce with foreign nations or among the several States. This power, however, does not comprehend the purely internal domestic commerce of a State which is carried on between man and man within a State or between different parts of the same State.

"The distinction is stated in the following comprehensive language:

"The genius and character of the whole government seem to be that its action is to be applied to all the external concerns which affect the States generally, but not to those which are completely within a particular State, which do not affect other States and with which it is not necessary to interfere for the purpose of executing some of the general powers of the government. The completely internal commerce of a State, then, may be considered as reserved for the State itself. (P. 195.)

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"No distinction is more popular to the common mind or more clearly expressed in economic and political literature than that between manufactures and commerce. Manufacture is transformation, the fashioning of raw materials into a change of form for use. The functions of commerce are different. The buying and selling and the transportation incidental thereto constitute commerce, and the regulation of commerce in the constitutional sense embraces the regulation at least of such transportation. The legal definition of the term as given by this court in County of Mobile vs. Kimball (102 U. S., 691, 702) is as follows: 'Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities.' It is to be held that the term includes the regulation of all such manufactures as are intended to be the subject of commercial transactions in the future, it is impossible to deny that it would also include all productive industries that contemplate the same thing. The result would be that Congress would be invested, to the exclusion of the States, with the power to regulate not only manufactures, but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short every branch of human industry. For is there one of them that does not contemplate, more or less clearly, an inter-State or foreign market?

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"The power being vested in Congress and denied to the States, it would follow as an inevitable result that the duty would devolve on Congress to regulate all of these delicate, multiform, and vital interests, interests which in their nature are and must be local in all the details of their successful management.

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"This being true, how can it further that object so as to interpret the constitutional provision as to place upon Congress the obligation to exercise the supervisory powers just indicated? The demands of such a supervision would require, not uniform legislation generally applicable throughout the United States, but a swarm of statutes only locally applicable and utterly inconsistent. Any movement toward the establishment of rules of production in this vast country, with its many different climates and opportunities, could only be at the sacrifice of the peculiar advantages of a large part of the localities in it, if not of every one of them. On the other hand, any movement toward the local, detailed, and incongruous legislation required by such interpretation would be about the widest possible departure from the declared object of the clause in question. Nor this alone. Even in the exercise of the power contended for, Congress would be confined to the regulation, not of certain branches of industry, however numerous, but to those instances in each and every branch where the producer contemplated an inter-State market. These instances would be almost infinite, as we have seen; but still there would always remain the possibility—and often it would be the case—that the producer contemplated a domestic market. In that case the supervisory power must be executed by the State, and the interminable trouble would be presented that whether the one power or the other should exercise the authority in question would be determined, not by any general or intelligible rule, but by the secret and changeable intention of the producer in each and every act of production. A situation more paralyzing to the State governments and more provocative of conflicts between the general government and the States, and less likely to have ben what the farmers of the constitution intended, it would be difficult to imagine.

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"These questions are well answered in the language of the court in the license-tax cases (5 Wall., 462, 470): 'Over this commerce and trade (the internal commerce and domestic trade of the States) Congress has no power of regulation, nor any direct control. This power belongs exclusively to the States. No interference by Congress with the business of citizens transacted within a State is warranted by the constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature. The power to authorize a business within a State is plainly repugnant to the exclusive power of the State over the same subject.'

In Wilkerson vs. Rahrer (140 U. S., 545) the justice, in writing the opinion of the court, says (p. 554):

"The power of the State to impose restraints and burdens upon persons and property in conservation and promotion of the public health, good order, and prosperity is a power originally and always belonging to the States, not surrendered by them to the general government nor directly restrained by the constitution of the United States, and essentially exclusive.

"And this court has uniformly recognized State legislation, legitimately for police purposes, as not in the sense of the constitution necessarily infringing upon any right which has been confided expressl yor by implication to the National government.

"The fourteenth amendment, in forbidding a State to make or enforce any law abridging the privileges or immunities of citizens of the United States, or to deprive any person of life, liberty, or property without due process of law, or to deny to any person within its jurisdiction the equal protection of the laws, did not invest and did not attempt to invest congress with power to legislate upon subjects which are within the domain of State legislation.

"As observed by Mr. Justice Bradley, delivering the opinion of the court in the Civil Rights cases (109 U. S., 3, 13), the legislation under that amendment can not 'properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have) are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons of the equal protection of the laws is prohibited by the amendment, therefore Congress may establish laws for their equal protection.'

"In short, it is not to be doubted that the power to make the ordinary regulations of police remain with the individual States and can not be assumed by the national government, and that in this respect it is not interfered with by the fourteenth amendment. (Barbier vs. Connolly, 113 U. S., 27-31.)

"'Commerce undoubtedly is traffic,' said Chief Justice Marshall, 'but it is something more; it is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches and is regulated by prescribing rules for carrying on that intercourse.' Unquestionably, fermented, distilled, or other intoxicating liquors or liquids are subjects of commercial intercourse, exchange, barter, and traffic between nation and nation and between State and State, like any other commodity in which a right of traffic exists, and are so recognized by the usages of the commercial world, the laws of Congress, and the decisions of courts. Nevertheless, it has been often held that State legislation which prohibits the manufacture of spirituous, malt, vinous, fermented, or other intoxicating liquors within the limits of a State, to be there sold or bartered for general use as a beverage, does not necessarily infringe any right, privilege, or immunity secured by the constitution of the United States or by the amendments thereto. (Mugler vs. Kansas, 123 U. S., 623, and cases cited.) 'These cases,' in the language of the opinion in Mugler vs. Kansas (p. 659), 'rest upon the acknowledged right of the States of the Union to control their purely internal affairs, and in so doing to protect the health, morals, and safety of their people by regulations that do not interfere with the execution of the powers of the general government or violate rights secured by the constitution of the United States. The power to establish such regulations, as was said in Gibbons vs. Ogden (9 Wheat., 1, 203), reaches everything within the territory of a State not surrendered to the national government."

And in Knight case (156 U. S., 1) the chief justice, in delivering the opinion of the court, says (p. 11):

"The fundamental question is whether, conceding that the existence of a monopoly in manufacture is established by the evidence, that monopoly can be directly suppressed under the act of Congress in the mode attempted by this bill.

"It can not be denied that the power of a State to protect the lives, health, and property of its citizens, and to preserve good order and the public morals, 'the power to govern men and things within the limits of its dominion,' is a power originally and always belonging to the States, not surrendered by them to the general government, nor directly restrained by the constitution of the United States, and essentially exclusive. The relief of the citizens of each State from the burden of monopoly and the evils resulting from the restraint of

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Before we made the Fairmont purchase we had a large line of pulley and hanger patterns. The purchase brought to us a full line from Philadelphia. The two lines together make by far the most complete and exclusive line of patterns in the South, and ours would be a leading line anywhere. Having a foundry and large shop facilities, we can make better deliveries than can be had elsewhere.

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We manufacture waste cleaning machinery under the McDonald-Miller patents. Our system not only cleans and separates the different kinds of waste, but it absolutely clears all waste of iron, stone and other foreign matter. Our system saves all the other machinery in subsequent processes and gives better final results.

COTTON OIL MACHINERY.

We build complete outfits of machinery for cotton seed oil mills. When desired, we take contracts to build oil mills complete.

ELECTRIC.

We rewind armatures, build switchboards, contract to put in plants complete and carry a full line of electrical supplies and appliances.

IN GENERAL.

We contract to do complete installations of automatic sprinklers and other fire protection, steam heating, power plants, light and heavy repairs in oil mills and cotton mills, rebore and otherwise overhaul Corliss engines, cover drawing rolls, renick and refluted bottom steel rolls.

THE D. A. TOMPKINS CO.,
Machine Builders,
CHARLOTTE, N. C.

Charlotte's Best Conducted Hotel
THE BUFORD

Special attention given to Table Service, making it unequalled in the South. This is a feature of The Buford that is claiming the attention of the Traveling Public.
Clean, Comfortable Beds, Attentive Servants.

C. E. HOOPER
Manager

"The Matchless"

is especially gotten out to meet the demand for a high-grade

STEEL RANGE

that can be sold at a price within the reach of all.

A guarantee bond with each Range.

J. N. McCausland & Co.
Stove Dealers and Roofing Contractors,
221 S. Tryon Street.

Electric Cooking

We have an electric kettle in which one may cook three eggs, in three minutes, and with three teaspoonfuls of water.

We have other appliances to do other cooking. We keep in stock appliances to do every line of grill-room cooking by electricity.

Also electric foot warmers, flat-irons, curling irons and other economic shocking things.

Buy one of these complete outfits and let the cook go.

The D. A. Tompkins Co.
Engineers and Machinists,
Charlotte, N. C.

DRAUGHON'S Business Colleges
Raleigh, Columbia, Knoxville, Atlanta. 16 Colleges in 15 States. POSITIONS secured or money REFUNDED. Also teach BY MAIL. Catalogue will convince you that Draughon's is THE BEST. Call or send for it.

HICKS' CAPUDINE CURES ALL ACHES
And Nervousness
Trial bottle 10c All druggists

CHAMBERLAIN'S COUGH REMEDY A SAFE MEDICINE FOR CHILDREN.

In buying a cough medicine for children, never be afraid to buy Chamberlain's Cough Remedy. There is no danger from it, and relief is always sure to follow. It is intended especially for coughs, colds, croup and whooping cough, and there is no better medicine in the world for these diseases. It is not only a certain cure for croup, but, when given as soon as the croupy cough appears, will prevent the attack. Whooping cough is not dangerous when this remedy is given as directed. It contains no opium or other harmful drugs, and may be given as confidently to a baby as to an adult. For sale by R. H. Jordan & Co.

port of North Carolina.

The Call OF The Wise

GIVE ME A CAN OF THAT EXCELLENT

White House Coffee

It's delicious and satisfying.

"I had tried everything for my baby, until Dr. Lyle recommended Cascasweet. I can truthfully say it is the best medicine I ever used for babies."—Nannie L. Taylor, Bedford, Va. Cascasweet is sold by Hawley's Pharmacy.

It is undigested food that causes sourness and painful indigestion. Kodol is a solution of vegetable acids. It digests what you eat and corrects the deficiencies of digestion. Kodol conforms to the National Pure Food and Drug Law. Sold here by Hawley's Pharmacy.

HALF THE WORLD WONDERS.

how the other half lives. Those who use Bucklen's Arnica Salve never wonder if it will cure cuts, wounds, burns sores and all skin eruptions; they know it will. Mrs. Grant Shy, 1139 E. Reynolds St., Springfield, Ill., says: "I regard it one of the absolute necessities of housekeeping." Guaranteed by all druggists. 25c.

Seaboard Air Line Railway

Direct line to the principal cities North, East, South and Southwest. Schedule taking effect January 6, 1907, subject to change without notice.

Tickets for passage on all trains are sold by this company and accepted by the passenger with the understanding that this company will not be responsible for failure to run its trains on schedule time, or for any such delay as may be incident to their operation. Care is exercised to give correct time to connecting lines, but this company is not responsible for errors or omissions.

Trains leave Charlotte as follows:

No. 40, daily, at 4:15 a. m. for Monroe, Hamlet and Wilmington, connecting at Monroe with 33 for Atlanta, Birmingham, and the Southwest; at Monroe with 38 for Raleigh and Portsmouth. With 46 at Hamlet for Raleigh, Richmond, Washington, New York and the East with 31 for Columbia, Camden, Jacksonville and all Florida points.

No. 123, daily, at 10:15 a. m. for Lincolnton, Shelby and Rutherfordton without change, connecting at Lincolnton with C. & N. W. No. 10 for Hickory, Winnoir, and western North Carolina points.

No. 182, daily, 7:15 p. m. for Monroe, connecting with 4 for Atlanta, Birmingham and the Southwest, with 34 at Hamlet for Richmond, Washington and New York, and the East with 43 for Columbia, Camden, Jacksonville, Tampa and all Florida points; with 33 at Monroe for Richmond, Washington and New York, and the East, with 38 at Hamlet for Raleigh, Portsmouth and Norfolk. Through sleeper on this train from Charlotte, N. C., to Portsmouth, Va., daily.

Trains arrive in Charlotte as follows:

No. 133, 10:00 a. m., daily, from points North and South.

No. 132, 7:00 p. m., daily, from Rutherfordton, Shelby, Lincolnton and C. & N. W. Railway points.

No. 39, 11:00 p. m., daily, from Wilmington, Hamlet and Monroe, also from points East, North and Southwest, connecting at Hamlet and Monroe.

Connections are made at Hamlet with all through trains for points North, South and Southwest, which are composed of vestibule day coaches between Portsmouth and Atlanta, and Washington and Jacksonville, and sleeping cars between Jersey City, Birmingham and Memphis, and Jersey City and Jacksonville. Cafe cars on all through trains.

For information, time-tables, reservations on Seaboard descriptive literature apply to ticket agents or address,

L. SEVIER, 2nd. V. P.,
Portsmouth, Va.
JAMES KER, JR., C. P. A.,
Charlotte, N. C.
C. H. GATTIS, T. P. A.,
Raleigh, N. C.
CHAS. B. RYAN, G. P. A.,
Portsmouth, Va.

Southern Railway

N. B.—Following schedule figures published only as information and are not guaranteed. Effective January 6th, 1907:

1:15 a. m., No. 40, daily, for Washington and points North. Pullman sleeper and day coaches to Washington.

3:30 a. m., No. 8, daily, for Richmond and local points, connects at Greensboro for Winston-Salem, Raleigh, Goldsboro, Nerbern and Morehead city, at Danville for Norfolk.

4:10 a. m., No. 39, daily, for Atlanta, Pullman sleeper and day coaches, Washington to Atlanta.

5:25 a. m., No. 27, daily for Rock Hill, Chester, Columbia and local station.

6:00 a. m., No. 44, daily, for Washington and points North. Handles Pullman car and day coaches, Atlanta to Washington.

7:25 a. m., No. 16, daily except Sunday, for Statesville, Taylorsville and local points. Connects at Mooresville for Winston-Salem, and at Statesville for Asheville and points west.

10:15 a. m., No. 33, daily, for Columbia and Augusta. Handles Pullman sleeper New York to Augusta and day coaches, Washington to Augusta. Dining car service.

10:20 a. m., No. 36, daily, for Washington and points North. Pullman Drawing Room sleepers to New York and Richmond. Day coaches New Orleans to Washington. Dining car service. Connects at Greensboro for Winston-Salem, Raleigh and Goldsboro.

10:30 a. m., No. 11, daily, for Atlanta, and local stations. Connects at Spartanburg for Hendersonville and Asheville.

11:00 a. m., No. 30, daily, for Washington and points North. Pullman Drawing Room sleeper to New York, day coaches Jacksonville to Washington. Dining car service.

11:00 a. m., No. 28, daily, for Winston-Salem, Roanoke and local stations.

11:05 a. m., No. 37, daily, Washington and Southwestern limited. Pullman Drawing Room sleping cars, Observation and Club cars, New York to New Orleans. Pullman Drawing Room sleeping car, New York to Birmingham. Solid Pullman train. Dining car service.

3:30 p. m., No. 41, daily except Sunday, for Seneca, S. C., and local points.

5:30 p. m., No. 25, daily except Sunday, freight and passenger, for Chester, S. C., and local points.

6:35 p. m., No. 34, daily, for Washington and points North. Pullman sleeper, Augusta to New York. Pullman sleeper, Charlotte to New York. Day coaches to Washington. Dining car service.

7:05 p. m., No. 12, daily, for Richmond and local stations. Pullman Drawing Room sleeper, Charlotte to Richmond, and Salisbury to Norfolk.

7:15 p. m., No. 24, daily except Sunday, for Statesville, Taylorsville and local points. Connects at Statesville for Asheville, Knoxville, Chattanooga, Memphis and points west.

8:55 p. m., No. 43, daily, for Atlanta. Pullman sleeper, Charlotte to Atlanta. No coach equipment.

9:05 p. m., No. 38, daily, Washington and Southwestern Limited, for Washington and points North. Pullman Drawing Room sleeping cars, Observation and Club cars to New York. Dining car service. Solid Pullman train.

9:30 p. m., No. 35, daily, for Atlanta, and points South. Pullman Drawing Room sleepers to New Orleans and Birmingham. Day coaches Washington to New Orleans. Dining car service.

11:35 p. m., No. 29, daily, for Columbia, Savannah and Jacksonville. Pullman Drawing Room sleeper and day coaches, Washington to Jacksonville.

11:36 p. m., No. 32, daily except Sunday, Southern's Palm Limited for New York. Pullman Drawing Room, Compartment and Observation cars to New York. Electric lighted. Dining car service. Solid Pullman train. First trip northbound January 9th.

4:41 a. m., No. 31, daily except Monday, Southern's Palm Limited for Jacksonville and St. Augustine. Pullman Drawing Room, Compartment and Observation cars to St. Augustine. Electric lighted. Dining car service