

SNOW, SAYS KIRKPATRICK

RECORDERS' POWER IS AMPLE

One of Charlotte's Most Active Young Lawyers Declares That It Would Not Do to Extend the Authority of the City Court—He Says That the Rights of the Citizen Should be Protected if the Cost to the Tax Payer is Higher—Col. T. L. Kirkpatrick, President of the Bar Association...

Col. T. L. Kirkpatrick, a member of the Charlotte bar, has issued the following letter to the public:

"I notice through the columns of the public press that there is a message on foot seeking to enlarge the constitutional and territorial jurisdiction of the city court."

"The public has a right to feel that this question has been put at rest for at least two years, as the same was made an issue in the last campaign and one of the candidates who favored an increase of jurisdiction to this court was over-seen, defeated and our present Senator-elect, Hon. H. N. Pharr, supplanted him on a platform, a plank of which contained an opposition to the now proposed bill."

"But like Banquo's ghost, the desire of this office, an ever increasing thirst for more power, will not down. The old Judicial philosopher tells us that a horseleech hath two daughters crying, give, give. There are three things that are never satisfied, yea, four things say not, it is enough: the grave, the barren womb, the earth that is not filled with water, and the unquenchable fire; and verily to these might be added the fifth—the unsatiable greed of the recorder's office of the city of Charlotte for more authority."

A WORD FOR THE POOR DEFENDANT.

"We grant to those who are urging the passage of this bill that they are honest in their convictions to lessen the burdens of the tax payers, and at the same time to preserve inviolate the inalienable rights of the citizen or citizens who may be charged with a breach of the law, still we feel that the enactment into law of the proposed bill will fall far short in every respect of the advantages desired to be accomplished, and instead of curtailing the expense of the tax payers, will increase the already necessary burdens in maintaining the city court and in many cases inflict an irreparable wrong upon the unfortunate and poverty-stricken citizens who are unable to combat with the State in matters of prosecution."

"The recorder's court was never intended to be other than an inferior court, or in the language of the old common law statutes, 'a mere plebiscite court, for the quick adjustment of the dusty-footed suitors in matters of alleged wrong between the State and the citizen. And it makes no difference how laboriously the friends of this proposed measure may strive to invest it with the dignities of a superior court or how ingeniously the legislators might bestir themselves to magnify it with the powers and authority of a court of appeal, or to serve the ends of such, it will still be an inferior court by virtue of the restrictions placed by the founders of our government as prescribed in the constitution, which is the fundamental law of the land."

CASES WOULD BE CARRIED HIGHER.

"As to decreasing the expense budget of the county, no citizen who might be arraigned before a city court and who felt himself aggrieved would submit to an injustice either in conviction or fine imposed, but would forthwith appeal directly to the Superior Court of the county for a trial 'de novo,' and we venture the assertion that 85 per cent. of the cases under the regime of affairs will be carried up."

"But suppose it would cost the county a few dollars more under the present system, as soon as the desired change could be accomplished, in good conscience a few cents in additional taxation, and thereby preserve the citizen its constitutional rights, this would be more preferable than to deny to him a fair and impartial hearing of his cause, which is likely to occur in any human tribunal, but more particularly is this the case with the right of jury trial denied under the one-man power system and too, because of excessive bail that many families from various sections of the State, and in some cases from foreign countries, are obliged to go to jail and await a determination of his appeal. It is always a serious matter to charge a citizen with a violation of the majesty of the law, but still a more serious and heinous crime when that citizen is in jeopardy of being deprived of his inherent rights as an American citizen. One of the most eminent law jurists said, it is better that ninety-nine guilty men escape than one innocent man be punished, and we say it is more conducive to the peace of the State, law and order, to say nothing of good morals, that the county should bear a few extra dollars of taxation than one citizen should be unjustly deprived of his legal rights."

"As the office of the recorder by virtue of the inherent principles upon which it is founded is clothed with no more dignity than a trial justice of Mecklenburg county, and entitled to no more, why should it be accorded any more power? Why should it be necessary to make summons issued by magistrates in the county returnable before the officer who presides over that court? Can it be that the magistrates throughout the various townships in the county, and who have contributed their quota of bone and sinew in all matters appertaining to public good, have not a sufficient intelligence to act as trial justices and maintain the peace and good order of the various townships that compose the county? Such an insinuation does violence to the citizenship of the townships and county."

A PARODY ON INTELLIGENCE OF VOTERS.

"We heartily agree with the mayor of the city in the pressed sentiment before a recent meeting of the board of aldermen. If it should be found to be necessary to enlarge the constitutional and territorial jurisdiction of the city court, then let the gentleman who presides in that office be amenable to the qualified suffrage of the citizens of this municipality. We know it is contended by some, and honestly too, that the officer who presides in that office, and who by virtue of his duty must pass on all classes and conditions of alleged offenders and matters that appertain to public interest, should be removed one step from the sovereign people in matters of election. From this proposition we must vigorously dissent."

"It is a parody on the intelligence of this community to argue that they are qualified to vote on the executive, legislative and judicial officers from the Governor down, and yet do not possess either sufficient intelligence or moral stamina to elect to office one of their citizens to preside over an inferior court that possesses no more authority or dignity than a trial justice court."

"Can it be logically argued that the sovereign voters of this community are not sufficiently intelligent, or lack in mental caliber to put into any office one of their citizens at all times and under all circumstances who shall be held to be without the assertion that there is no politician, be he a pious; Lilliputian, or of greater state, who values his future at any price, would have the nerve to go on the stump and publicly tell the voters that they are not endowed with a sane judgment and have a faint hope adequate to elect to office a citizen of Charlotte to preside over the recorder's office."

"No man who has had any experience in dealing with the unfortunate class who perchance may be charged with an offense would take the position that a defendant can maintain his rights as impartially before a one-man power as when his liberties are hedged about with the impregnable bulwark of 12 of his fellow citizens, who compose the grand jury, 12 who constitute the petit jury and a learned and able Superior Court judge versed in the law."

"As stated, it is true, the unfortunate blighted culprit has his right to appeal, who with some this would be denied, were it not eternally guaranteed to him by the fathers who framed the constitution, and yet, with all the restrictions of safeguard intended to be thrown around an alleged criminal his rights are often times prescribed because of excessive bail."

"It would be a very dangerous proposition, if not a ravishment of the constitution and the inalienable right of the citizen to give one man the unlimited power, or measurably such, to sentence one of his fellow men to wear stripes or undergo penal servitude on the county roads for a period of two years or any like term. There are numbers of unfortunate citizens, who when charged with an offense, are too poor to employ counsel and are too ignorant of the meshes of the law, and upon whom irreparable and lasting injury would be inflicted, to say nothing of their families, by not availing themselves of the right of appeal."

RAYSON BILL IN THE HOUSE

FOR DISTRICT HIGH SCHOOLS

House After Spending Most of Morning Debating RAYSON BILL From Senate Passed It in Amended Form to Third Reading—Provides for High Schools in Any School District to be Established on a Two-Mill Special Levy—Restricted to Towns of 1,000 Population and Less—\$50,000 to Help the Poorer Districts.

Observer Bureau, 1209 Main Street, Columbia, S. C., Feb. 6.

The House to-day spent most of its morning session debating the Rayson high school bill from the Senate. It killed the Nash bill, which is the same, in order to save time. It finally passed the bill amended so as to limit its benefits to the towns of 1,000 or less, this amendment coming from Representative Ayer, of Florence. In that shape Representative Rucker, of Anderson, vigorously attacked the bill, but his amendment to cut out the \$50,000 for State aid was lost by a three to one vote, and the bill finally passed to its third reading by a large majority.

The bill provides for a high school in any school district to be established on a two-mill special levy—the curriculum to provide for grades from two to four years above the seven-year grade of the public schools of the State. Before it was amended it allowed graded schools of more than seven grades, like those in a dozen or more of the leading cities of the State, to benefit, though, of course, in all cases an election must be held to determine whether the levy shall be made. The \$50,000 is to help the poorer districts. The bill was heartily endorsed by State superintendent of Education Martin, and had the support of the State and denominational colleges. Each high school is to be governed by a local board, the State aid to go through a State high school board.

THE SENATE

An effort was made in the House to-day to recall from the Senate the Sullivan resolution from that body endorsing Senator Latimore's good roads scheme, but the motion was lost by an overwhelming majority. Three were only 31 votes for the resolution, members of the Anderson delegation from Mr. Latimore's own home voting against it.

The galleries and aisles of the Senate chamber were crowded to-night, the occasion being a continuance of the legislative debate. No vote was reached. Mr. Walker finished and Messrs. Sinker and Blaise spoke. The House passed a second reading bill to-night, providing for the sale of any seal not conforming to the standard of weights. The bill was amended by adding a certain computing scales concern which advertised boys to cheat in weights by its scale. A concurrent resolution was introduced in the House to-day calling upon the railroads to give better freight facilities and asking all roads to double-track their lines.

The pardon board met to-day and heard argument on the R. A. Adams case, but took no action on any of the many cases before it.

MARRIAGE RECORD BILL KILLED

The Senate killed the bill requiring a record of marriages to be kept, the president casting the deciding vote on it. The South Carolina is fond of her peculiarity of being the State where it is easiest to get married and hardest to get out of it. The bill was urged as a corrective against this State's being the national dumping ground for North Carolina in the interest of morality in the mill districts where there are many pathetic cases of ill-advised marriages among mere children.

THE RECEPTION IS OVER

Perhaps your gloves or gown, maybe your dress suit was soiled. We Can Dry Clean 'em. We are also "some" on Dress Shirts, Vests, Collars and Cuffs.

Have You Tried Us? CHARLOTTE STEAM LAUNDRY

Laundries, Dyers, Cleaners.

ACADEMY

Matinee and Night Saturday Great Broadway Theatre Success "The Vanderbilt Cup"

Great Automobile Effect

Matinee prices, entire lower floor, \$1.00. Matinee, 75, 50. Night, \$1.50, \$1.00, 75, 50. Seats now selling.

ACADEMY

FRIDAY, FEBRUARY 8TH MR. H. B. WHITAKER Offers the Successful Rural Comedy-Drama "A COUNTRY KID"

(By Nesbit Scoville An Entire New Production This Season. See the Old Country Mill. See the Funny Rube. See the Fight in the Snow. You Have a Lot of Fun Coming. Prices: 15, 25, 35, 50c. Seats on sale at Jordan's.

WITH SHELBY PEOPLE

Dr. J. A. Young Removes to Newton to Practice Medicine—Miss Carrie Wray II—Boiling Springs Supply Co. Files Deed of Assignment.

Special to The Observer. Shelby, Feb. 5.—Dr. J. A. Young, who is a graduate of the Atlanta Dental College, and who has been located at Fallston for several months, has removed to Newton for the practice of his profession.

Mrs. Geo. W. Wray left last week for Hay River in response to a telegram telling of the serious illness of her daughter, Miss Carrie Wray, who has been teaching at that place. Her many friends hope for her speedy recovery.

The Boiling Springs Supply Company filed a deed of assignment on Friday, February 1, naming Mr. W. E. Yount, of Charlotte, as trustee. The president of the company is Mr. R. H. Green, Jr., of Boiling Springs.

Mr. J. C. Caddell, of Wake Forest, who has been in Shelby for several weeks, was called home last week by the illness of his son.

Mrs. James Archer is visiting at Mount Holly.—Mr. O. M. Mull, Cleveland's Representative at Raleigh, spent Sunday and Monday here.—Mrs. H. G. LeGrand, of Charlotte, is visiting her daughter, Mrs. Hugh Miller.—Mr. William Eskridge, a student of the Agricultural and Mechanical College, is at home for a few days.—Mr. A. Blanton left last week for a business trip to New York, Philadelphia and other points.

John Justice, of Hendersonville, is here this week, the guest of Mr. J. A. Anthony. He is an expert civil engineer and is engaged in making some extended surveys.

Everybody is Glad

The reinstatement of John Asbury as a member of the Charlotte police force will delight almost everybody. John is one of the best fellows that ever lived; old John Barleycorn took advantage of him. He is noted among the few handsome officers on the force. He carries himself well and looks the part of a uniformed officer.

When Freedom from the Mountain high. Unfurled her Standard for all to see. These words appeared in black and white. "Drink Rocky Mountain Tea." R. H. Jordan & Co.

your breath

will be pure and your teeth perfect when you get the good habit of using Meade & Baker's Carbolic Mouth Wash

the only PLEASANT antiseptic any drug store, 25c., 50c., \$1.00

The Reception Is Over

Perhaps your gloves or gown, maybe your dress suit was soiled. We Can Dry Clean 'em.

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AS A JOKE ON RAILROAD

Last Chapter in Incident Caused by "Heart Failure" Inscription on Corpse of Man Killed by Train.

Special to The Observer. Greenville, S. C., Feb. 4.—There were two burglaries in the city last night, the Poe Mill store and the grocery of H. W. Hunt, being broken into. The police say they have a clue and will be able to land the thief.

The funeral of Mrs. W. C. Cleveland was held to-day at the First Presbyterian church, services being conducted by Rev. T. W. Sloan.

Coroner Wooten to-day held a final inquest over the body of Cordova Williams, which was shipped in here from Concord, N. C., with a certificate saying the man died of "heart-failure," when upon the coroner's first examination the man was found to have had both legs broken, his skull crushed, and abdomen mashed. At the inquest to-day it was proved that the man was killed by a freight train, and a witness from Concord stated that the undertaker there told him to put the "heart-failure" card upon the box as a joke on the railroad.

Married Women Mother's Friend Every woman covets a shapely, pretty figure, and many of them deplore the loss of their girlish forms after marriage. The bearing of children is often destructive to the mother's shapeliness. All of this can be avoided, however, by the use of Mother's Friend before baby comes, as this great liniment always prepares the body for the strain upon it, and preserves the symmetry of her form. Mother's Friend overcomes all the danger of child-birth, and carries the expectant mother safely through this critical period without pain. It is woman's greatest blessing. Thousands gratefully tell of the benefit and relief derived from the use of this wonderful remedy. Sold by all druggists at \$1.00 per bottle. Our little book, telling all about this liniment, will be sent free. The Bradford-Perinlet Co., Atlanta, Ga.

PROCLAMATION By the so Justly Appreciated The Mechanics Perpetual Building and Loan Association INTERESTED PUBLIC TAKE NOTICE that on Friday, March 1st, this Association will issue shares of its 49th Series—the subscription book to which will be open from TO-DAY, Feb. 1st. An discerning public has already scented the coming opportunity to invest its savings in a peradventure safe institution, and prospective borrowers are already subscribing to this "New Series"—realizing our inflexible rule of FIRST COME, FIRST SERVED It has ever been the policy of this Association to take the Public in its confidence, hence it may not be amiss to give a short synopsis of what it has accomplished since its formation, 24 years ago the 1st of March coming (lacking but one year of a quarter of a century of successful existence: Shares issued since organization, 50,000 Equal in par value to \$5,000,000 Shareholders since organization 4,800 Cash handled since organization \$4,150,000 Loaned out during life of Ass'n \$2,082,000 Paid in matured stock \$1,381,000 Transactions during 1906 445,627 Assets January 1st, 1907 704,000

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HOTEL WOLCOTT 5th Ave. and 31st St. NEW YORK CITY. ABSOLUTELY FIREPROOF. Situated in the most convenient location and in the most desirable neighborhood. A HOTEL OF THE HIGHEST STANDARD. Rooms at moderate prices reserved by wire or letter. J. H. BRESLIN.

Go To The ODEON 208 S. Tryon. Meet Me at The RINK HARKNEY BROS. Plumbing and Heating Contractors. Jobbers in Supplies.