

Read What You Vote on May 26

An Act to Prohibit the Manufacture and Sale of Intoxicating Liquors in North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to manufacture or in any manner make, or sell, or otherwise dispose of, for gain, any spirituous, vinous, fermented or malt liquors or intoxicating bitters within the State of North Carolina: Provided, this act shall not be construed to forbid the sale of such spirituous, vinous, fermented or malt liquors or intoxicating bitters by a legalized medical depository, or by any licensed and registered pharmacist, for sickness, upon the written prescription of a regular licensed and actively practicing physician or surgeon having the person for whom such prescription is made under his charge, which said prescription shall specify the amount of spirits required: Provided further, that wines and ciders may be manufactured or made from grapes, berries or fruits, and wine sold at the place of manufacture only, and only in sealed or crated packages containing not less than two and a half gallons per package; but no wine, when sold, shall be drunk upon the premises where sold, nor shall the package containing the same be opened on said premises; and, provided further, that nothing herein contained shall be construed to prevent the sale of cider, in any quantity, by the manufacturer from fruits grown on his lands within the State of North Carolina.

Sec. 2. That all liquors or mixtures thereof, by whatever name called, that will produce intoxication shall be construed, and held to be intoxicating liquors within the meaning of this act: Provided, that medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia and National Formulary which contain no more alcohol than is necessary to extract the medicinal properties of the drugs contained in such preparations, and no more alcohol than is necessary to hold the medicinal agents in solution, and which are manufactured and sold as medicines and not as beverages, shall not be held or construed to be or to come within the meaning of provisions of this act.

Sec. 3. That any physician or surgeon who shall make any prescription (except in case of sickness) for the purpose of aiding or abetting any person or persons who are not bona fide under his charge to purchase any intoxicating liquors, contrary to the provisions of this act, and any licensed and registered pharmacist who shall sell or otherwise dispose of, for gain, any spirituous, vinous, fermented or malt liquors or intoxicating bitters without the written prescription of a legally qualified physician or surgeon, or who shall duplicate the prescription of a physician or surgeon for intoxicating liquors, for any person or persons not bona fide under such physician's or surgeon's charge, without the written direction of the physician or surgeon who gave the same, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned; or both, in the discretion of the court, for each and every offense; and all licensed and registered pharmacists selling intoxicating liquors by prescription as aforesaid shall keep a record thereof, which shall bear the true dates of the sales, the names of all persons to whom sales were made, the names of physicians or surgeons upon whose prescriptions the sales were made, which said record shall be subject at all times to the inspection of the solicitor of the district, the sheriff and other peace officers of the county, the mayor and police officers of the city or town in which said licensed and registered

pharmacist's business is located, and all other persons; and any licensed and registered pharmacist failing to keep the record aforesaid, or refusing to permit the examination of such record by the officers named or other persons, shall be guilty of a misdemeanor, and upon conviction be fined or imprisoned, or both, in the discretion of the court.

Sec. 4. The place where delivery of any intoxicating liquor is made in the State of North Carolina shall be construed and held to be the place of sale thereof, and any station or other place within said State to which any person shall ship or convey any intoxicating liquors for the purpose of delivering or carrying the same to a purchaser shall be construed to be the place of sale: Provided, that nothing in this act shall be construed to prevent the delivery of any intoxicating liquor to any licensed and registered pharmacist in sufficient quantities for medical purposes only.

Sec. 5. Nothing in this act shall be construed as making it unlawful to sell to any minister of religion or other officer of a church wine to be used for religious or sacramental purposes.

Sec. 6. That nothing in this act shall be construed to prevent the county commissioners or governing body of any city or town from prohibiting the sale of spirituous, vinous, fermented or malt liquors or intoxicating bitters by any licensed and registered pharmacist in their respective counties, cities or towns: Provided further, that said county commissioners or governing body of any city or town may levy a special privilege tax upon any licensed pharmacist licensed to sell spirituous, vinous or malt liquors.

Sec. 7. That all laws or parts of laws in conflict with this act be and the same are hereby, to the extent of such conflict, repealed: Provided, however, that nothing in this act shall operate to repeal any of the local or special acts of the General Assembly of North Carolina prohibiting the manufacture or sale or other disposition of any of the liquors mentioned in this act; but all such acts shall continue in full force and effect and in concurrence herewith; and indictment or prosecution may be had either under this act or any special or local act relating to the same subject: Provided, that, if the provisions of sections one to nine (inclusive) of this act shall fail to go into effect on the first day of January, one thousand nine hundred and nine, because of the failure of a majority of the votes cast in the election hereinafter provided for to be "Against the Manufacture and Sale of Intoxicating Liquors," then this act shall not be construed as a repeal of any laws under which prohibition or a dispensary has been established; nor shall it have the effect of restoring license where prohibition or a dispensary now obtains.

Sec. 8. Any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Sec. 9. That the foregoing provisions of this act shall go into effect on the first day of January, in the year of our Lord one thousand nine hundred and nine, if a majority of the votes cast at the election hereinafter provided for shall be "Against the Manufacture and Sale of Intoxicating Liquors."

Sec. 10. That on the last Tuesday in May in the year of our Lord one thousand nine hundred and eight, an election shall be held in the several election precincts in each county of the State of North Carolina to determine whether the provisions of sections one to nine (inclusive) of this act shall become effective. Said election shall be conducted and held under the same rules and regulations and in the same manner as elections for State officers; and, unless otherwise provided in this act, the general laws regulating elections, as set forth in chapter ninety of the Revisal of one thousand nine hundred and five of North Carolina, and the amendments thereto, shall be applicable to said election. At said election every person qualified to vote for members of the General Assembly shall have the right to vote. At each election precinct there shall be a ballot box provided for the purpose of said election, which shall be labelled

in plain Roman letters, "For or Against the Manufacture and Sale of Intoxicating Liquors." In all other respects said ballot box shall be in conformity with the general laws regulating elections, as set forth in chapter ninety of the Revisal of one thousand nine hundred and five of North Carolina and the amendments thereto. At said election every qualified voter shall have the right to vote a written or printed ballot, or ballot party written and partly printed, bearing the words "For the Manufacture and Sale of Intoxicating Liquors," or a written or printed ballot, or a ballot party written and partly printed, bearing the words "Against the Manufacture and Sale of Intoxicating Liquors." The ballots shall be of white paper and shall be without device. The votes cast at said election shall be counted, compared, returned, canvassed, certified and reported under the same rules and regulations and in the same manner as the vote for State officers, as provided in the general laws of the State above referred to, except that the Board of State Canvassers shall, immediately after it has completed its canvass of the returns of the said election from the abstracts transmitted to the Secretary of State, certify to the Governor a statement of the result of such canvass, and the Governor shall forthwith issue his proclamation announcing and declaring the result, and such proclamation by the Governor shall have the effect to determine the result of said election. The State Board of Elections and the several county boards of elections are hereby authorized, empowered and directed to take all such actions as may be necessary to fully provide for the election to be held in accordance with this act. The several county boards of elections shall meet in their respective counties, not later than the second day of April in the year of our Lord one thousand nine hundred and eight, and arrange for the holding of said election, by selecting and appointing a registrar and two judges of election for each election precinct in their respective counties, the duties and powers of whom shall be in all respects as provided in the general election laws of the State, as above referred to. In making the appointments of judges of election the county boards of elections shall, if possible, each appoint for each election precinct one competent person generally known to be in favor of the manufacture and sale of intoxicating liquors in the State of North Carolina and one competent person generally known to be opposed to the manufacture and sale of intoxicating liquors in the State of North Carolina. The several county boards of elections shall make publication of the names of the registrars and judges of election and serve notice upon them as required by the general election laws of the State. The compensation of all officers engaged in the said election shall be the same as is provided by law for similar service in case of general State elections. In order to fully effectuate the purposes of this act, and to carry out the true intent and meaning of the same, it is hereby provided that the State Board of Elections, in matters affecting the entire State, and the several boards of elections, in matters affecting their respective counties, shall respectively have full power and authority, and they are hereby directed, to make all such rules and regulations and to do and perform all such acts and things as shall be necessary to complete the details for the holding of said election, and to conform the same as nearly as possible to the general laws of the State regulating State elections, as set forth in chapter ninety of the Revisal of one thousand nine hundred and five of North Carolina and the amendments thereto now or hereafter adopted; and if any officer shall willfully neglect or fail to perform any duty, act, matter or thing required or directed in the time, manner and form in which such duty, act, matter or thing is required to be performed by the terms of this act, the person so offending shall be guilty of a misdemeanor.

Sec. 11. This act shall be in force from and after its ratification. In the General Assembly read three times, and ratified this the 31st day of January, 1908.

Now Read the Comments Concerning It.

Have you read the "Bill" on which, for which, you, as a citizen of North Carolina, are asked to vote on May 26th? If not, read it, as it is printed in full. Have you heard any of the prohibition orators discuss the Bill? No, they do not talk of the Bill, they talk prohibition. Why do they not discuss the Bill, and why do they speak only on prohibition? Because no man, no matter how much ability he has, can defend it, therefore, they seek to muddle your mind by talking prohibition. You do not vote on the question of prohibition, you vote on the adoption of the "Bill"—see Section 10, of the Bill. Read the Bill carefully, and then ask yourself if any man can defend such an absurd, such an outrageous proposition? What does this Bill mean?

FIRST: It means that you are requested to go to the ballot-box on May 26th, and vote that local option be destroyed forever in North Carolina. What is local option? It is the right of the people of each community to settle among themselves the question of selling liquors. Is local option in existence in North Carolina now? It is in towns of over 1,000 inhabitants, but the Watt's bill has taken it away from the people in smaller towns, and all the people in the country. How do the two great political parties in our State stand on local option? Both of them are committed to it in their platforms. Was Governor Glenn elected on a platform in favor of local option? He was, and Senator Simmons was elected by a Legislature which was elected on a local option platform, and so was Governor Aycock. What has made them change front and repudiate the platform on which they were elected? Politics, and the fear that the Prohibition party would capture the Democratic party.

Is a man who takes a drink of whiskey and preaches prohibition a temperance man, and do you know any of that kind now preaching prohibition in North Carolina? Has any town under local option voted on prohibition? Yes, Charlotte, Durham, Greensboro, Asheville, Goldsboro, and others have voted "dry"; Wilmington, Salisbury, Winston, Rocky Mount, Washington, Tarboro, Reidsville, Morganton, Marion, and others have voted "wet." Well, do you think those towns that have voted "dry" should have the right to say that those towns which have voted "wet" shall be dry; and do you think that the "wet" towns should have the right to say to the "dry" towns you shall be "wet"?

SECOND: It is a blow at personal liberty, it takes away the right of local self-government, by allowing the people in dry communities to vote that other communities now "wet" shall be made "dry." It allows the people of all the State to vote whether Wilmington shall be dry, and the people of Wilmington under local self government have settled that for themselves. Personal liberty and local self government are the two basic principles upon which our government is founded, and yet you are asked by these office-seeking politicians to vote your liberties away.

THIRD: It is dishonest and unfair. Read the "Bill" and you will see that if the whole State votes "wet" then that part which is now "wet" remains "wet," and that part which is "dry" remains "dry," but if the whole State votes "dry" then the whole State shall be "dry." Now, what honest man, what decent man, what sane man, can defend a proposition like that?

FOURTH: There is no true temperance in it. It allows liquors to be sold in drug stores, and changes bar rooms into pharmacies. It says that you can make wine and sell it in 2 1/2-gallon packages, but you cannot make brandy out of your fruit, and the only reason that can be given for this is that wine will not make one as drunk as brandy. Is that temperance?

FIFTH: It will not and cannot keep men who have the money from ordering all the whiskey they want from Virginia and elsewhere out of the State. It will not keep the rich man and the club man from having all the whiskey he wants, but it will keep the poor man and the farmer from having any, unless he pays a doctor to write a prescription, and then have to go to a drug store and pay twice as much for it as he does now. It means that millions of dollars will be sent out of this State yearly for liquor, none of which will ever return. It means that the poor man and the farmer will be denied the right to go and purchase a drink without paying a tax for the same, which the rich man does not have to pay, when he orders his whiskey by the case from out of the State.

SIXTH: It is a fraud and an intimidation in that the ballot you are asked to vote is not "for" or "against" prohibition, but "for" or "against" the manufacture and sale of whiskey. This is done to intimidate people.

SEVENTH: It is nothing but pure politics, there is no morality in a fraudulent proposition, and any honest man who reads the "Bill" cannot help but say it is dishonest and unfair.

EIGHTH: There are grave doubts as to its being constitutional. Two of the leading constitutional lawyers of the United States have written opinions that it is, and they say that the man who wrote the "Bill" must have known it would not hold. The "Bill" as first drawn was clearly unconstitutional in that it provided for two ballot boxes, but the Legislature changed that, and at least preserved the right of secret ballot, by allowing only one ballot box.

Finally, let us look at the history of this "Bill." The Legislature was called in special session on the rate matter by our Governor. No one dreamed of State Prohibition until the politicians got their heads together and agreed that we must have something new to go before the people with; there was so much unrest in the State, so many people were out of work, and they were blaming the party with too much legislation, hence it was in order to frame up something to get the people's mind off of the conditions which existed, then the Governor and two ex-Governors and the other smaller politicians said we make the Legislature pass a State Prohibition law, knowing that such a measure would excite the people. The Governor sent his message calling for State Prohibition, all the politicians and pie hunters joined in with him, but the Legislature did not pass State Prohibition. It agreed to leave the matter to the people, and they passed the "Bill" which you have read, a measure which is unjust, unwise, undemocratic and unrepudiable.

It is up to you as a voter and a citizen to say whether you will be hoodwinked into voting your liberties away upon a fake "Bill" which the politicians and the fanatics together have put before you. If you value your liberty, if you believe in local option, if you advocate local self government, if you are a temperance man, and not a fanatic, you will vote "for the manufacture and sale of whiskey," as a lasting rebuke to the crowd who would take away from you your rights and liberties, which your ancestors fought to win and which they left you as a priceless heritage.

Vote this "Bill" down, if you are a true North Carolinian, if you love your State, its history and its glory. Vote it down if you are opposed to unjust, unwise, sumptuary and arbitrary law.

CRIMINAL DOCKET ENDED.

Judge Council Adds Many Recruits to Rowan's Road Force—John Shaw Acquitted of Charge of Murder—Old Negro Entry to Case of Unusual Interest.

Correspondence of the Observer. Salisbury, May 12.—The May term of criminal court adjourned this afternoon and the civil docket was at once called. Solicitor Hammer left on the afternoon train to spend a few days at his home, after a hard eight days' term of the criminal court. The county road force will be very materially increased by this term; 20 convicts will be sent out to serve terms aggregating 21 years.

Two of the three murderers get 15 years each in the penitentiary and one came clear. In the case of John Moore, for murder, what was thought at the time to be a very dark case resulted, under the able management of Hon. Theo. F. Klutts, and Hudson A. Klutts, not to be as represented. A clear case of self-defense was developed and the jury very promptly returned a verdict of not guilty.

A case of unusual interest came up for trial this morning when State vs.

John Palmer was called. Joe Ballard, a very venerable negro, of 85 winters, had the promised mule, but not the 40 acres. The mule became infested with troublesome insects. The young negro Palmer being of a merciful turn of mind, offered to give it immediate relief. A quart of kerosene and lard was poured over it and killed with a match, from which treatment the old negro complained and in his own way to the court, regardless of the questions and objections of the solicitor. After the defendant had been sent to the roads the old man wanted to remind Judge Council of some things that took place in 1852 and 1853, but the judge had no recollection of the current news of those days and objected. Mr. L. H. Clement very kindly raised the price of another mule among those within the bar and presented it to the old negro.

Mr. Klutts, Sr., relates an amusing little incident relative to this old negro and his honesty. In 1853 during Governor Holden's administration while Pilgrim Ashley was Superintendent of Public Instruction the Governor and Superintendent were in Salisbury making speeches to the negroes. Pilgrim told the negroes that

they paid their part of the taxes and ought to demand their part of the school funds. At that time W. A. Walton was sheriff of Rowan and had appointed "Uncle Joe" to collect the taxes from the negroes. After the speech of the superintendent the old negro arose and addressing the speaker said: "Gentlemen, I want to say that I hold in my hands (reaching for a wallet hanging at his side and exhibiting a book of tax receipts) de evidence dat dese niggers don't need no school. I has 125 tax receipts and will dese taxes are paid da has no right to remand dese schools." The argument of the old negro found greater sympathy with many present than the Governor and Pilgrim.

DAVIDSON NEWS NOTES.

Dr. Clarence Eubank, Examination With an Extraordinary Result. Adams Returns to Complete M. A. Course—Fire Threatened New Cotton Mill.

philosophy work with the final examination. Strawberries and their natural accompaniments on these occasions are in evidence and abundance, and the guests always come prepared to do execution. Mr. Jeff Adams, who has for two or more years been teaching in the Berry School, Rome, Ga., has returned to Davidson to finish his work on a M. A. course in English. He hopes to find time to complete his work before the close of the current year. Mr. Fred Blythe is a visitor on the hill, coming from Kenansville, where he has been engaged in teaching with two other Davidson men, Messrs. L. McNeill and C. C. Shaw. The school is of very ancient standing, but increasing in strength as it does in years. The management will greet at once a \$5,000 or \$6,000 modern school building.

Concord after a two days' visit at the home of Mrs. A. B. Young. Considerable stir was created in the village Sunday morning during the hour of morning service by an alarm of fire, coming from the Delburg Cotton Mill in process of erection. An engine and plating machine has been in operation for some time close to the building and a great many pine shavings had accumulated on the spot. In some way these shavings caught fire and it looked at first as if things might get serious, but the fire was extinguished before any real hurt was done. It is thought that possibly the spark of fire had been smoldering in the heap ever since Saturday evening and was not fanned into flame till some 11 or 12 hours later.

DAVIDSON'S B. & L.

It Has Done Much to Help Along the Erection of Residences and Other Buildings. Special to the Observer. Davidson, May 13.—Davidson is another one in the long list of North Carolina towns that furnishes testimony to the value of a building and loan association to a community. The association here began business a

little over a year ago, with Dr. T. P. Harrison as president, Frank J. Knox as vice president, W. H. Thompson, secretary and treasurer. Those original officers are still retained in office and the number of shares subscribed is now about 515. The company has all the calls for money that it can respond to, indeed there are at present applications for loans that would employ all the funds available for nearly a year. Some of the enterprises in the way of building that have been helped by the local association are the following: A dwelling house for Captain Nichols, another for Mr. L. A. Christy at Cornsboro, remodeling the old school buildings for Mr. D. E. Brown, taking under its control a home for Mr. J. T. Gibbs, and now in process of erection or soon to be begun houses for Messrs. James Johnsons, Holt, Armon, Earle, Loherty. Still others are under consideration and will be doubt be arranged for during the summer. The Davidson Building and Loan Association has been doing its work very quietly and making no boast of its achievements, but none the less its presence here has been a very potent influence in the development of the town and in promoting home and residence building. Its charter members are very justly

proud of what has been done and feel that the wisdom of their course is abundantly evidenced.

Sixth and Seventh Legislative Districts. For Terms. Baton Rouge, La., May 13.—The sixth district Republican convention met here to-day and elected two delegates and two alternates, who were instructed for Secretary Taft. The delegates were: W. J. Behan, of Iberville parish, and G. J. Reilly, of East Feliciana parish. Alternates: W. R. Frazier, of St. Tammany parish, and H. B. Hickman, of Washington parish. Resolutions endorsing the administration of President Roosevelt were adopted.

Lake Charles, La., May 13.—At the seventh district Republican convention here last night the delegates were instructed for W. H. Taft for President. Delegates: W. E. Godhart, of Calcasieu parish, and Dr. A. N. Bousni, of St. Landry parish. Alternates: W. A. Cornish, of Calcasieu parish, and W. P. Fowler, of Rapides parish.

Mr. Klutts Last Night; Mr. Craig To-Night. Special to the Observer. Goldsboro, May 13.—Mr. W. W. Klutts spoke here to-night in the Messenger Opera House to a packed house. The audience was enthusiastic from the beginning and the speaker held his crowd for two hours. It was indeed a great speech and is complimented on all sides. To-morrow night in the same house Mr. Leake Craig will speak. Saturday is the day set for the primaries for Wayne county and the friends of all candidates are active.

A CALIFORNIAN'S LUCK. "The luckiest day of my life was when I bought a box of Bucklen's Arnica Salve," writes Charles F. Budahn, of Tracy, California. "Two, 50c boxes cured me of an annoying case of itching piles, which had troubled me for years and that yielded to no other treatment." Sold under guarantee at all drug stores.

TRUTHFUL REPORTS.

Charlotte Reads Them With Uncommon Interest. A Charlotte citizen tells his experience in the following statement. No better evidence than this can be had. The truthful reports of friends and neighbors is the best proof in the world. Read and be convinced. Mrs. J. W. Mitchell, 506 N. Pin Street, Charlotte, N. C., says: "I have no doubt as to the merit of Doan's Kidney Pills and advise any one afflicted with kidney trouble to give them a trial. Although I have not been using them very long, the results I have already received have greatly demonstrated their curative ability. They have strengthened my kidneys and have restored them to their normal condition, thus causing my system to be rid of uric poison and improving my health. They have also greatly lessened the back-ache and pains in my loins and I feel confident that with a continued use I will be cured." For sale by all dealers. Price 50 cents. Foster-Milburn Co., Buffalo, New York, sole agents for the United States. Remember the name—Doan's—and take no other.

Promptness

To the policy-holder the first consideration is security—the ability of the company to safeguard the money deposited with it, and to meet every obligation in full. The second consideration is Quick Service. The total payments to policy-holders by The Equitable in 1907 aggregated \$45,308,531. (An average for each working day of \$150,000.) Of the death claims settled throughout the United States and Canada 97 per cent. were paid within one day after receipt of proofs of death; and during the month of August, 1907 per cent. were thus paid. This is an unexampled record of prompt payment. And when it is remembered that the bulk of this money was distributed to settle estates, or give support to widows and orphans upon the death of the bread-winner, the value of this Quick-Service cannot be overestimated. Write, phone or call. W. J. RODEY, Manager, Rock Hill, S. C. WM. WHITE JOHNSON, Res. Agt., Hunt Bldg., Charlotte, N. C.

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