

STATES' RIGHTS AND POWERS.

Case Cited Involves Similar Issues to Those Involved in Contest Over Rate Law.

Winston Sentinel.

The Sentinel has taken the pains to read carefully the decision cited by Gov. Glenn in his letter to the judges (Fitts vs. McGee, 172 U. S., page 516), and, apart from any sentiment upon the question of States' rights or other political questions involved in the railway rate cases in the State, have decided to present for the benefit of our readers a few extracts from this case.

The facts in the case were that the General Assembly of Alabama in 1895 prescribed certain maximum rates of toll to be charged on the bridge across the Tennessee river in the State of Alabama. It also declared that if the owners, lessors or operators of the bridge demanded or received a higher rate of toll than was prescribed they should forfeit to such person twenty dollars for each offense, and the general laws of the State made such acts indictable. This bridge passed into hands of the railway company and the receivers of the road instituted civil proceedings against the State of Alabama, the Governor of the State and the Attorney General, upon which they obtained an injunction against "persons whomsoever from instituting or prosecuting any proceedings." Afterwards indictments were found by the grand jury for charging excessive tolls and the bill was amended so as to include the solicitor of the district, against whom an injunction was obtained restraining him from prosecuting the indictment. The proceedings being in all respects similar to those pending before Judge Pritchard. This case was taken to the Supreme Court of the United States.

Justice Harlan rendered the opinion of the court, and after citing many authorities, lays down the principle that a State cannot be restrained from enforcing its criminal laws and the Circuit Court has no jurisdiction except where the act committed or charged to be committed was done by an individual as an individual, and that an injunction does not lie against a State or any of its officers acting simply in the enforcement of its laws.

We quote Justice Harlan's language:

"If, because they were law officers of the State, a case could be made for the purpose of testing the constitutionality of the statute by an injunction suit brought against them, then the constitutionality of every act passed by the Legislature could be tested by a suit against the Governor and the Attorney General, based upon the theory that the former as the executive of the State, was, in a general sense, charged with the execution of all its laws, and the latter, as Attorney General, might represent the State in litigation involving the enforcement of its statutes. That would be a very convenient way for obtaining a speedy judicial termination of questions of con-

stitutional law which may be raised by citizens, but it is a mode which cannot be applied to the States of the Union consistently with the fundamental principle that they cannot, without their assent, be brought in to any court at the suit of private persons. If their officers commit acts of trespass or wrong to the citizen, they may be individually proceeded against for such trespass or wrong. Under the view we take of the question the citizen is not without effective remedy when proceeded against under a legislative enactment void for repugnancy to the supremelaw of the land; for, whatever the form of proceeding against him, he can make his defense upon the ground that the statute is unconstitutional and void. And that question can be ultimately brought to this court for final determination.

"* * * And if all such officers, attorneys or agents (referring to State officials) are personally subjected to the process of the court, so as to forbid their acting in its behalf, how can it be said that the State itself is not subjected to the jurisdiction of the court as an actual and real defendant?"

Justice Harlan winds up his opinion as follows:

"It appears from the record that Clemm and Babson were indicted in the State court under section 4151 of the Criminal Code of Alabama. Having been arrested under these indictments, they sued out writs, as we have seen, writs of habeas corpus upon the ground that they were indicted for taking tolls in violation of the above act of February 9th, 1895, which they alleged to be unconstitutional, and that their arrest was in disregard of the injunction of the circuit court restraining the institution and prosecution of indictments or other criminal proceedings in execution of that act. The circuit court discharged the petitioners upon their own recognizances. It was error to discharge them and thereby interfere with their trial in the State court. As already indicated, the circuit court, sitting in equity, was without jurisdiction to prohibit the institution or prosecution of proceedings in the State court. Further, even if the circuit court regarded the act of 1895 as repugnant to the constitution of the United States, the custody of the accused by the State authorities should not have been disturbed by any order of that court and the accused should have been left to be dealt with by the State court, with the right, after the determination of the case, in that court, to prosecute a writ of error from this court for the re-examination of the final judgment so far as it involved any privileges secured to the accused by the constitution of the United States. Ex-parte Royall, New York vs. Eno,

I will mail you free, to prove merit, samples of my Dr. Shoop's Restorative and my book on either Dyspepsia, The Heart, or the Kidneys. Address me, Dr. Shoop, Racine, Wis. Troubles of the Stomach, Heart or Kidneys, are merely symptoms of a deeper ailment. Don't make the common error of treating symptoms only. Symptom treatment is treating the result of your ailment, and not the cause. Weak Stomach nerves—the inside nerves—means Stomach weakness, always. And the Heart, and Kidneys as well, have their controlling or inside nerves. Weaken these nerves, and you inevitably have weak vital organs. Here is where Dr. Shoop's Restorative has made its fame. No other remedy even claims to treat the "inside nerves." Also for bloating, biliousness, bad breath or complexion, use Dr. Shoop's Restorative. Write me for sample and free Book. Dr. Shoop, Racine, Wis. The Restorative is sold by all dealers.

Whitten vs. Tomlinson, and Baker vs. Grice, above cited. There were no exceptional or extraordinary circumstances in these cases to have justified the interference by the Circuit Court, under writs of habeas corpus, with the trial of the indictments found in the State courts.

"The judgment of the Circuit Court is reversed, with directions to dissolve the injunction restraining the institution or prosecution of indictments, or other criminal proceedings in the State court, to dismiss the suit brought by the receivers against the Attorney General of Alabama and the solicitor of the eighth judicial district of the State, and to remand Clem and Babson to the custody of the proper State authority."

This is the unanimous voice of the highest court in the nation on this matter.

Marriage Licenses Issued.

White: J. T. Sanderson to Bertie Seasons; Sellers Skipper to Rosa Thompson.

Indian: Will Maynor to Rosa Oxendine.

Colored: J. O. Mallet to Mary C. McCormic; M. Morrison to Maggie Morrison; J. B. McNeill to Ida Moore.

Wise Counsel From the South.

"I want to give some valuable advice to those who suffer with lame back and kidney trouble," says J. R. Blankenship, of Beck, Tenn.—"I have proved to an absolute certainty that Electric Bitters will positively cure this distressing condition. The first bottle gave me great relief and after taking a few more bottles, I was completely cured; so completely that it becomes a pleasure to recommend this great remedy." Sold under guarantee at all drug stores. Price 50 cents.

Lightning Shaves a Man.

Shelbyville (Ky.) Dispatch to New York World. With ax on his shoulder, Lige Huffman was returning home from work when he was struck by lightning, which removed his beard and hair as smoothly as it could have been done by a razor.

When found, he was walking around in a small circle in a dazed condition, with blood flowing from his mouth and nose. He was bareheaded, with the rim of his hat around his neck, the rest of his hat having been completely burned. The ground where he had fallen when struck showed signs that he had rolled over and over for some time.

Thomas Giddings, 67 years old, who was arrested last week at Winston-Salem on the charge of an attempt to criminally assault his daughter and was released Friday on bail, attempted to shoot and kill his 16-year-old daughter Tuesday morning and her life was saved only by the failure of the pistol to fire. After his arrest Giddings confessed to the officers that it was his intention to kill his daughter and then himself, his reason being that his two daughters refused not to swear against him on the charge of attempting to rape his oldest daughter.

An Attractive Booklet.

The Industrial Department of the Seaboard Air Line Railway has just issued a very attractive Magazine devoted to the Industrial and Agricultural Development of the South. This issue contains a very interesting article descriptive of the Jamestown Exposition and will prove very good reading to those who contemplate attending. It contains handsome views of all the Government and State Buildings, Hampton Roads, Birds Eye View of the Grounds, Geographical and Historical maps of Norfolk-Portsmouth and the Jamestown Exposition, and that portion of Virginia in the vicinity of Jamestown. Copies of this magazine can be secured by addressing C. H. Gattis, Traveling Passenger Agent, Raleigh, N. C.

The Semi-Weekly ROBESONIAN

Is published Monday and Thursday of each week. It gives All the News it thinks its readers would be especially interested in and particularly the News of local nature.

It Has Correspondents All Over The County

And endeavors to keep its readers in touch with all the happenings of interest to them. We should like to have a copy of the paper taken in every home in the county and by those who have moved away and still retain their interest in the county and its people. There are one-hundred and three issues a year, all

For \$1.50 A Year.

Sometimes the head of the family is not interested enough to subscribe for the paper and read it himself, but he should not expect his family to have the same indifference to reading. Subscribe for their sake.

As to the paper as an

Advertising Medium

A great many people in the towns and the county have something to sell. Too often they accept the offer of one man, the first one who happens along, while if they were to advertise and give the other fellows a chance they might get considerably more for it.

Try It, Anyhow.

We furnish Lowest Rates on application.

The Robesonian Publishing Co., Lumberton, N. C.

The Money Saver!

Is the one who becomes independent in life. He is not always in the power of the man he owes. He fixes his own prices in good times, or in bad times.

THE SPENDTHRIFT!

Lives to-day on what he expects to earn to-morrow. He is not entirely free.

Take heed! And open an account in our Savings Bank, where you Money will draw interest COMPOUNDED EVERY THREE MONTHS

It Will Surprise You, How Your Money Will GROW.

Robeson County Loan and Trust Company.

(Bank of Lumberton Building.) Lumberton, N. C.

A. W. McLean, President. C. H. Morrow, Cashier.

Littleton Female College.

Splendid Location. Health Resort. Hot Water Heat. Electric Lights and other Modern Improvements. 240 boarding pupils last year. High Standard of Scholarship, Culture and Social Life. Conservatory advantages in Music. Advanced Courses in Art and Elocution, Business College, Bible, and Normal Courses. Health Record Not Surpassed. Close Personal Attention to the Health and Social Development of each pupil. Uniform worn on all occasions.

—CHARGES VERY LOW.—

26th Annual Session will begin on September 18th, 1907. For catalogue, address

REV. J. M. RHODES, President,

7-4-2m Littleton, N. C.

Advertisement for Shield Brand Socks. Text: 'FIRST AND LAST SHIELD BRAND SOCKS Mean \$\$ made to all who buy or wear them. In style, ease and durability, "Shield Brand Socks" toe the mark of perfection. SOLD BY RELIABLE MERCHANTS ONLY M. C. KISER CO., Manufacturers. ATLANTA, GA.'