HE SEMI-WEEKLY ROBESONTAN

STATES' RIGHTS AND POWERS

Case Cited Involved Similar Is suce to Those Involved in Con test Over Rate Law. Winston Sentinel.

The Sentinel has taken the pains to read carefully the dehis letter to the judges (Fifts 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 benfrom 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 defendant?" 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 prose cuting 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 the above act of February 9th, him from prosecuting the indictment. The proceedings being in all respects similar to those pending before Judge injunction of the circuit court Pritchard. This case was taken restraining the institution and to the Sugreme Court of the prosecution of indictments or United States. Justice Harlan rendered the execution of that act. The opinion of the court, and after circuit court discharged the citing many authorities, lays down the principle that a State recognizances. It was error to cannot be restrained from en forcing 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 of- Further, even if the circuit ficers acting simply in the enforcement of its laws.

stitutional law which may be Whitten vs. Toulinson, and raised by citizens, but it is a Baker vs. Grice, above cited. word mode which cannot be applied There were no exceptional or to the States of the Union con- extraordinary circumstances in sistently with the fundamental these cases to have justified the

out their assent, be brought in- Court, under write of habeas vate persons. If their, officers indictments found, in the commit acts of trespass or State courts. wrong to the citizen, they may be individually against for such trespass or directions to dissolve the inwrong. Under the view we take of the question the citizen is not without effective remedy efit of our readers a few extracts when proceeded against under a form of proceeding against him, determination.

> "* * * And if all such officers, attorneys or agents (refering 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

"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 violations of 1895, which they alleged to be unconstitutional, and that their arrest was in disregard of the other criminal proceedings in petitioners upon their own 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. court regarded the act of 1895 as repugnant to the constitution We quote Justice Harlan's of the United States, the custody of the accused by the State authorities should not ficers of the State, a case could have been disturbed by any be made for the purpose of test- order of that court and the ing the constitutionality of the accused should have been left statute by an injunction suit to be dealt with by the State brought against them, then the court, with the right, after the determination of the case in passed by the Legislature could that court, to prosecute a writ be tested by a suit against the of error from this court for Governor and the Attorney the re-examination of the final General, based upon the theory judg went so far as it involved that the former as the execu- any privileges secured to the tive of the State, was, in a gen- accused by the constitution of eral sense, charged with the ex- the United States. Ex-parte ecution of all its laws, and the Royall, New York vs. Eno, I wilf mail you free, to prove merit, samples of my Dr. Shoon'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 some for obtaining a speedy judicial 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 Kidzeys as well, have their controlling or inside blains,' writes John Kemp, East Otisfield, Me. "I apply Bucklen's Arnics Salve. Have also used it for salt rhoum with excellent re-calts." Guessanted to any for the second seco 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.

Lightning Sheves a Mart selbyville (Ey) D.s, sich to New York 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 cision cited by Goy. Glenn in to any court at the suit of pri- corpus, with the trial of the it could have been done by 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 ments, or other criminal proneck, the rest of his hat having ceedings in the State court, to been completely burned. The dismiss the suit brought by ground where he had fallen the receivers 'against the when struck showed signs that Attorney General of Alabama he had rolled over and over for and the solicitor of the eighth some time. judical district of the State, and

> 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 Seavice to those who suffer with lame back and kidney trouble," says J. R. Blankenship, of Beck, Tenn.— "I have proved to an absolute cer-tainty that Electric Bitters will tainty that Electric Bitters will town Exposition and will prove very good reading to those who contemplate attendcondition. The first bottle gave me great relief and after taking s few more bottles, I was completely cured; so completely that it be-maps of Norfolk-Portsmouth and the comes a pleasure to recommend this great remedy.' Sold under guarantee at all drug stores. Price 50 cents.

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to remand Clem and Babson to

the custody of the proper State

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of the highest court in the na

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Maggie Morrison; J. B. Mc

tie Sessoms; Sellers Skipper to

authority."

tion on this matter.

Rosa Thompson.

Neill to Ida Moore.

Oxendine.

principle that they cannot, with- the interference by the Circuit "The judgment of the Cirproceeded cuit Court is reversed, with junction restraining the institution or prosecution of indict-

legislative enactment void for repugnancy to the supremelaw of the land; for, whatever the 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

Justice Harlan winds up his opinion as follows:

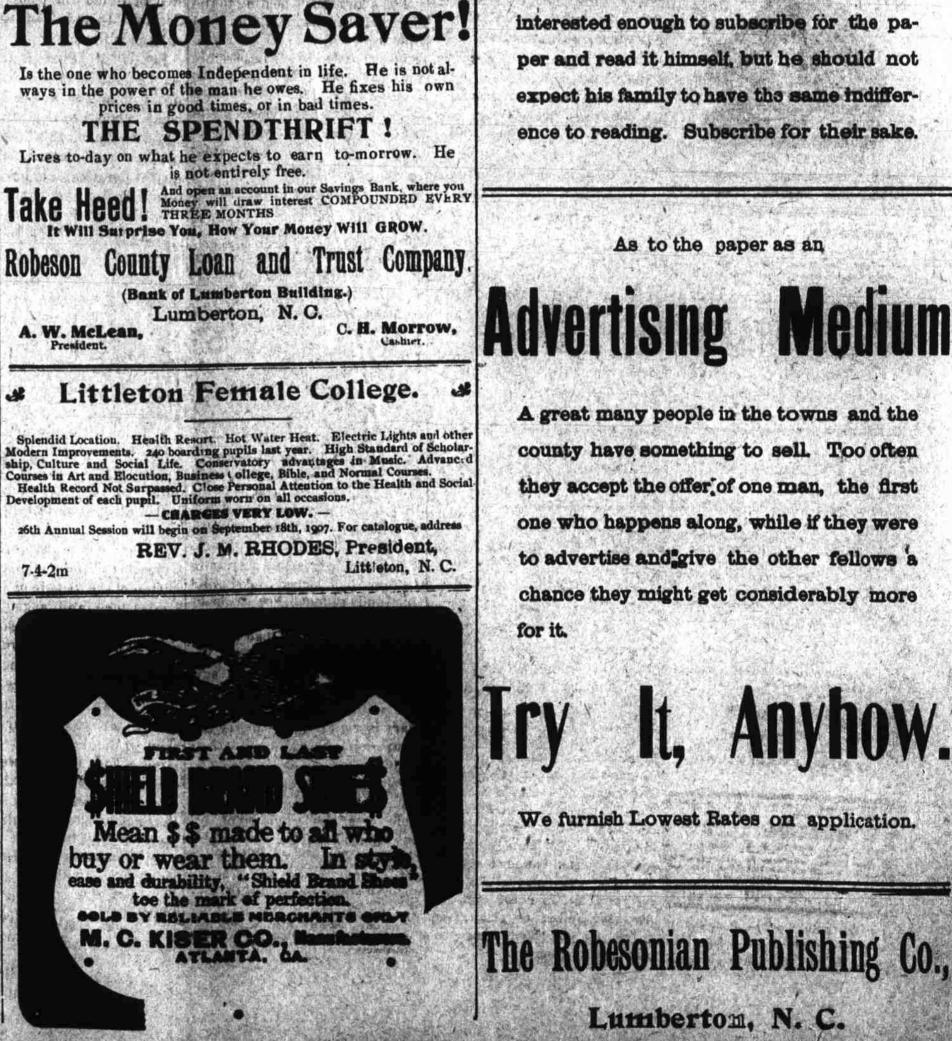
Wise Counsel From the South. vice to those who suffer with lame back and kidney trouble," says J. R. Blankenship, of Beck, Tenn.-

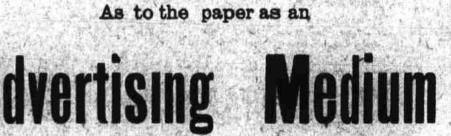
language:

"If, because they were law ofcanstitutionality of every act latter, as Attorney General, might represent the State in litigation involving the enforcement of its statutes. That would be a very convenieat way termination of questions of con-

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