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JUDGES FOR LIFE People Should Elect the Federal Justices. Itries. In not one of them would the hereditary monarch venture to veto or thereditary monarch veto or thereditary monarch venture to veto or thereditary monarch veto or thereditary m

Federal Justices.

They Should be Made to Feel Their **Responsibility and Their Ele**vation Due to the People-

Arena contains as its frontispiece a full page picture of Chief Justice entire personnel of the other two great Walter Clark, of this State, and an departments of government, a whole article from his pen on "The Election generation must pass away before the article from his pen on "The Election of Federal Judges by the People." It is a timely theme, for the iron heel of many Federal judges has been/felt upon the necks of the people. In North Carolina the people have been cursed by the petty tyranny of Federal Judges whose elevation to office could Judges, whose elevation to office could decisions, never have occured if the people in the State had been given any voice in In the

the masses were uneducated and the men in official positions under the State governments were as a rule chosen by the influence of the edu-cated and wealthy few. A representachosen by the influence of the edu-cated and wealthy few. A representa-tive Democracy was an experiment, and there was a frankly expressed fear of committing nower to the masses. In committing power to the masses. In only one State was the governor at that time elected by the people, and in none were the judges so chosen. In all there were property qualifications either for the electors of the State Senate or of both houses, or for the members themselves of the General Assembly, and in some in all these particulars.

This state of things was naturally reflected in the Federal Constitution, which still, after the lapse of nearly a century and a quarter and the demonstrated capacity of the people for self-govern-ment, presents in the full blaze of the montic the content of the distribution of the people twentieth century the distrust of popular government which, before its trial, was natural in the men of the gightcenth century. The unnatural eighteenth century. The unnatural thing is, not its adoption in 1787, but the retention, unchanged, of the nonelective features of the Constitution in 1904. The Federal Constitution, framed according to the ideas then prevailing, gave to the people the selection of only one-sixth of the government-the members of the lower judges in this country. Subject to no Sunday school and mission work. House of Congress. The choice of the supervision or revisal from any source 2. That the officers of the conference executive and the judiciary, and of the it is absolute power. If the Federal together with the officers of the conexecutive and the judiciary, and of the other half of the legislative depar ment, was carefully placed beyond their reach. The Senate was made at second-hand by the State Leg-islatures. The President was in-tended to be elected at third-hand by islatures. electors chosen by the State Legislatures, and the judiciary at fourth-hand by the appointment of the execjudges farther beyond the possibility life. of responsibility to the people or influence by that popular opinion which the choice of only one-sixth of the partment and pledge to it and to its is the foundation-stone of a free gov- government—the lower House of Conernment, the tenure was for life. A more complete denial of popular control of the new government could electors to their arbitrament and then not have been devised. Hamilton by common consent the electors were would have executive. That would not have been vote for the candidate for President as efficient for his purposes as an appointive life judiciary, for we know the ballot on which the electors are that the hereditary executive in Eng- voted for. Legally each elector is land has not dared to exercise the free to vote for whom he pleases, but veto-power since the revolution of no elector has ever dared violate the 1688, more than two centuries. But implied order given him at the ballot-by reason of the power which the judiciary soon bestowed upon them-in the Constitution, the people early selves, by construction, of declaring captured the Executive Department any statute unconstitutional, the and practically vote direct for Presijudges have set aside acts of Congress at will. Thus the legal-tender act, Fcr years a similar struggle has the financial policy of the government, gone on to secure the election of was invalidated by one court and then United States Senators by the people. validated by another, when the per- At least four times the House of Repsonnel of the court had been increased resentatives has passed a bill to amend for that purpose. Thus also ten the Constitution to provide for the for that purpose. Thus also ten been held constitutional by the court for a hundred years, and after being mous or practically so. The measure o'clock. Rev. Dr. Staley preached a at first again so held, was by a sud-cen change of vote by one judge held unconstitutional, nullified and set aside. The result was that one hun-dred million dollars of annual taxes were transferred from those most able the base of those corporations. The bill to the base of those corporations is the bill to the base of those corporations is the bill to the base of those corporations is the bill to the base of those corporations is the bill to the base of those corporations the bill to the base of those corporations the bill to the base of those corporations the bill to to bear them and placed upon those least able to bear them, necessarily forcing the retention of the high tariff which is a tax upon consumption, and bill to some committee which shall not the Income Tax, passed by both Houses of Congress and approved by the President, was thus set original by nominating the Senators hum ford the President, was thus set aside, this change of front by this one judge has cost the toilers, the producers of this country, one thousand million dollars! satisfactory, for the large and in-Had the court been elective, men not biased in favor of colossal wealth would have filled more seats upon the bench, and if there had been such decision, long ere this, under the tenure of a term of years new incumbents would have been chosen, who, returning to the former line of decisions. would have upheld the right of Congress to control the financial policy of appointment of judges for life, subject the government in accordance with the will of the people of this day and age. and not according to the shifting views which the court has imputed to language used by the majority of the fifty-five men who met in Philadelphia Such methods of controlling in 1787. the policy of a government are no whit more tolerable than the conduct of the augurs of old who gave the permission for peace or war, for battle or other public movements, by declaring from the flight of birds, the inspection of the entrails of fowls, or other equally wise devices, that the omens were lucky or unlucky--the rules of such divination being in their own breasts and the augurs being always wealth, they often end by believing privatly informed as to the wishes of those in nower.

utive, the unanimous vote of Congress (and the Income Tax was very near receiving such approval) cannot avail against it.

Such vast power cannot safely be deposited in the hands of any body of men without supervision or control by any other authority whatever. If the President errs, his mandate expires in four years and his party as well as himself is accountable to the people at the ballot box for his stewardship. The November number of the If members of Congress err, they too must account to their constituents. But

the judiciary hold for life, and though popular sentiment should change the unless corruption were

In the State governments the conthe selection of Federal judges. Chief Justice Clark's strong and able article in The Arena is as follows: When the Constitution of the United States was adopted at Philadelphia, the magnet was non-additional the members of the been made elective by manhood sufbeen changed. In all the States the deliver the next annual address with governors and the members of the General Assemblies have long since been made elective by menhead with A. Banks was elected assistant secrebeen made elective by manhood suf-frage. In all the forty-five States, save four (Delaware, Massachusetts, New Hampshire and Rhoue Island), the judges hold for a term of years, and in three of these they are remov-able (as in England) upon a majority ing a supervision of their conduct which is utterly lacking as to the Federal judiciary. In Rhode Island the judges were thus dropped summarily. once, when they had held an act of the Legislature invalid. In thirty-three States the judges are elected by the people, in five States by the Legisla-ture and in seven States they are appointed by the Governor with the consent of the Senate. Even in England the judges hold office subject to re-moval upon the vote of a bare ma-jority in Parliament—though there the judges have never asserted any power to set aside an act of Parliament. There the will of the people, when expressed through their representatives in Parliament, is final. The King cannot veto it, and no judge has ever dreamed he had power to set it aside. Professor Bryce overlooked these es-sential differences in avowing his

> ective. for rention of years, as State judges have become. there would be the corrective force of duty it shall be to direct the work. public opinion, which could select 3. We endorse most heartily the more considerate of the policy in pub- vention, in creating, during its nore considerate of the poincy in pub-lic matters which is approved by the statutes enacted; while in all private litigation elective judges would be al-together as efficient as if appointed for 4. That we approve the establishtogether as efficient as if appointed for

Sunday Schools of the Sketch of North Carolina Christian Church. Granite Company. Recently a large quantity of eut stolle has gone to the Navy Yard at Washington, and similar material is now being delivered in Lexington, Kentucky for the requiries are now cutting a large order for stone that will go into the great railroad tunnel in going to the great railroad tunnel in the great railroad t

Eastern Conference in Session. Com² Immense Quantities of This Stone Ship-

mittee on Moral Reform Takes Strong Ground Against the **Divorce Evil.**

(Special to News and Observer.) Jonesboro, N. C., Nov. 12 .--- The Eastern North Carolina Christian conference has been in session at Shallowell church near here for the past three days. Prof. W. C. Wicker, of Elon College, N. C., is the president; Rev. M. W. Butler, of Raleigh, N. C., is the standing secretary, and J. E. Ballentine, of Fuquay Springs, is the treasurer. There were about twelve ministers present and forty churches represented. The annual sermon was preached by Rev. W. C. Wicker. It was excellent. Rev. W. G. Clements, of Morrisville, N. C., was elected to vited to seats as deliberative members. The following report was discussed by S. M. Smith, L. F. Johnson, M. W.

Butler and adopted: Report of Committee on Sunday Schools.

We, your committee on Sunday schoois, beg to submit the following

report: To begin with, we wish to say that the Sunday school work of our con-ference is far from being satisfactory. We believe that to whatever extent we may become dissatisfied with present conditions in the work, to that extent we may have to accomplish greater things. Aside from what is done at our annual Sunday School Conventions we see little evidence of advancement. We believe provision should be made whereby the interim between conventions may be used for an intelligent and aggressive prosecution of the preference for a life-tenure, appointive judiciary in this country.

A great power, however, is claimed and has been often asserted by the meetings be devoted regularly to our

constitute

ped. The Corporation a Great Factor in Mount Airy's Growth. (Special to News and Observer.) Mt Airy, N. C., Nov. 12 .- The peo-

ple of North Carolina do not know, perhaps, that one of the State's largest industrial plants is located at the western terminal of the old Cape Fear and Yadkin Valley railroadnow a part of the great Southern railway system.

Sixty-nine miles northwest of Greenboro, encircled by the eternal hills of the Blue Ridge, is situated a very old village—a comparatively young town—an embryo city. In the suburbs of this mountain town is located the great industry of which I write and of which, I believe, the people of the State, generally speaking, know little-the great granite quar-ries of the North Carolina Granite

Corporation. In some great convulsion of the prehistoric ages and perhaps in the Archaen period of the Earth's struc-ture an inexaustible mass of granite was placed most conveniently for man's operations and uses. If this assumption as to age be true, and there are abundant evidence to warrant the conjecture, this immediate section dates its birth to remote antiquity. Adjacent to the town and two miles

from the ratiroad station as the spur track meanders among the hills is the mammoth plant of which I write. The quarries are visible from several points

in the streets of the town and, at this distance, have much the appearance of a great snow-clad hill. We find at the quarries more than forty acres of exposed granite. This huge mass of stone whose longitudinal side faces the railroad siding for a half mile, rises at an angle of about thirty degrees to the top and there becomes a great planeau. The shape and acces-sibility of the quarries and the natural qualities of the stone when added to the inexhaustible quantity make this one of the very finest granite properties in America. In fact, in some respects, particularly for its workable properties, it is said to head the list of American granites. These quar-

ries were opened soon after the com-pletion of the railroad to Mount Airy, by the Mount Airy Granite Company. I few rears later Thomas Woodroffe of

huge basin, two of the largest ships afloat; the Land Title Building of Philadelphia and the Manayunk Nat-ional Bank of the same city and the St. Nicholas Church of Atlantic City. Recently a large quantity of cut stor course of construction in Washington. The highest compliment ever paid

a southern quarry is the award to the North Carolina Granite Corporation told of a few days ago in a special to the News and Observer under the head of "a big contract awarded." Your correspondent saw the official notice sent to the different successful bidding quarries that submitted bids for stone to be used in the New Nat-ional Museum to be erected in Wash-ington at a cost of millions of dollars. The stone alone for this great building will cost about eight hundred thous and dollars. The official notice of the

awards contains this paragraph "The Attic story to the North Carolina Granite Corporation as being the lowest bidders for the most suitable colored stone to be superimposed upon the Bethel (Vermont) stone of the first and second stories." This contract it will be remembered amounts to neadly \$108,000.00. This statement by the Construction Department of the Government places Mount Airy granite in the forefront of American ranites and establishes for all time ts claims as a building stone of the irst class.

Extensive improvements are being made at the quarries and the facilities are being greatly increased in order to handle the rapidly growing usiness. A mammoth cutting shed, thoroughly up-to-date, 300 feet in length by 65 feet in width is now beng erected. Every facility for handling cut stone work will be installed in the new shed and there will be no cessation at any season on account of veather.

The receipts of the railroads for handling the products of the Mount Airy quarries are \$50,000.00 annually.

What a Quick Witted Girl Did.

By cultivating the faculty of doing the right thing at the right time—that is, the faculty of acting on one's own nitiative when the occasion calls for it in the minor duties of the subordinate -he is preparing himself for the time, sooner or later, when by exercising his resourcefulness he will be able to

render his employer a great service. This is the emergency that once who was employed as book-keeper and general office clerk by a steam-heating contractor in an Indiana city, says the New York Commercial: The contrac-tor, his assistant and the young woman book-keeper constituted the office force. The contractor had not been in business for himself long and was hampered by lack of capital. He often in desnerate

wood at Gettysburg. His Capture and Escape. How a Believ-

Wounding of Lieut. Nor-

er in State's Rights Aided Him. **Breakfast With General**

Lee.

The following copy of a letter from Lieutenant (later Capt.. Thomas Lenoir Norwood (Co. A., 37th Regiment, N. C. Troops, a A. N. V., nephew of

Judge John W. Noward, of Hillsboro, and who was wounded at the Battle of Gettysburg, is furnished us through the courtesy of Judge Walter Clark. As a contemporaneous document from those stirring days of the War Between the States, it has a distinct interest. In a note to Judge Clark ac-companying the letter, the writer, speaking of aCpt. Norwood, who died in 1889, says:

At the time this letter was written he had been in service one year, and had passed his 18th birthday two veeks before the battle of Gettys-

Capt. Norwood believed that the grave which he feit sure was that of Wm. Mickel's marked the spot where North Carolina went "farthest at Gettysburg. MARGARET NORWOOD.

Historian, G. B. Anderson Chapter U. D. C

Richmond, Va., July 10, 1863. My Dear Father:—By the mercy of God I find myself well, and comfort-

ably guartered with Uncle William. In the battle of July 3rd, at Gettysburg, I received a wound in the left shoulder, the ball passed entirely through without injury to bone or leader, not impairing the use of the arm

But you must hear about my adventure. I was taken prisoner when I was shot, being very near the battwiss shot, being very hear the bat-teries, and undertaking to retreat. I fainted from loss of blood and general exhaustion. So the first thing I knew I was picked up and hurried over the breastworks and as soon of Louid breastworks, and as soon as I could walk I was carried about three miles to the rear, where there were many more unfortunates, and we remained there till our army fell back. We were kindly treated. They did their best for us, but it was not much. There were so many among whom to divide a little.

For my part I had lost everything, and lay for two days and nights on the ground with nothing on me but a pair of pants, and half a shirt. I lost

very wealthy, by the levy of a grad- Federal decisions has been pronounced. uated income tax. The same system Then, too, incumbents of seats upon is in force in all other civilized covn- the

Given by the Constitution of 1787 gress-the people soon forced the transfer of the choice of Presidential

preferred a hereditary made mere figure-heads, compelled to whose name is placed at the head of dent and Vice-President.

of elect Senators by the people has not been defeated directly, but by the chloroform process of referring the been sought to attain the same end by nominating the Senators by a State ing," as he termed it of the lifesatisfactory, for the large and in-creasing number of newspapers which such office. In short, they possess the are owned or controlled by corporate wealth antagonize any method save the election by the Legislature, whose limited number makes the choice of a far," says the French proverb. This by dexterous manipulation.

But by far the more serious defect and danger in the Constitution is the to confirmation by the Senate. So far as corporate wealth can exert influence, either upon the President or the Senate, no judge can take his seat upon the Federal bench without the approval of allied plutocracy. It is not charged that such judges are corruptly influenced. But they go upon the bench knowing what influence procured their appointment, or their confirmation, and usually with a natural and perhaps unconscious bias from having spent their lives at the bar in advocacy of corporate claims. Having attempted as lawyers to persuade courts to view debated questions from the standpoint of aggregated sincerely in the correctness of such views, and not unnaturally put them In England one-third of the revenue in force when in turn they themselves is derived from the superfluities of the ascend the bench. This trend in Federal Circuit and District

sions, and Sunday school work." whose 3. We endorse most heartily the acjudges at the expiration of such term tion of the Southern Christian Con-

a "board

ment of the Young People's Worker, as the organ of the above-named de-5. We recommend that our Sunday

schools use our own literature published by our publishing house at Dayton. Ohio.

S. M. SMITH. W. C. WICKER,

Rev. C. W. Schiffer, Secretary of the New York Southern Conference was extended the courtesies of the floor The committee on education was made yesterday. Strong speeches were made in support of the report. Dr. Staley, the president of Elon College took His management of the college part. has brought it up out of debt and given it a permanent endowment fund

The committee on moral reform read their report which was discussed by the Hon. J. H. Fleming, of Raleigh. It took strong ground against divorce evil, Sabbath desecration the sale of liquor and the cigarette habit To-day the committees on Home and fine sermon yesterday.

bench cannot be oblivious to the in fluence which procures promotion; and how fatal to confirmation by the plutocratic majority in the Senate is the expression of any judicial views not in with the "safe, sane and accordance sound" predominance of wealth.

As far back as 1820, Mr. Jefferson it such office. In short, they possess the autocratic power of absolute irrespon-Mars hall ascended the bench, and their jurisdiction in 1904. The Contheir jurisdiction in 1904. stitution has been remade and rewritten by the judicial glosses put upon it. Had it been understood in glosses put 1787 to mean what it is construed to mean today, it is safe to say that not single State would have ratified it. This is shown by the debates in State conventions, in many of which the bare possibility of much less objectionable construction was bitterly denied and yet nearly caused defeat of ratification. In 1822, in his letter to Mr. Barry, Mr. Jefferson said that it was imperative that the United States judges should be made elective for a term of years, and suggested six years

as the period. The tenure of judges for a term of years is the popular will and judgment as is shown by the adoption of that method in forty-one States. It has worked satisfactorily in those States, else they had returned to the appointive life-tenure. The latter system of selecting the United States judges has dry dock at Newport News which is (Continued on Page Two.)

Messrs. Thomas and George Woodroffe mentioned as "Sons" in the above named firm have been connected with the quarries since the early days of development. These two sons combine the finest business qualifications with a thorough knowledge of introduced

States. Jury first these quarries passed into then out of the city. the hands of the North Carolina Gran- dispatch and began to figure. talization is one million dollars. The

The president of the corporation is Mr. Woodroffe's office is at the ager. quarries and he has personal oversight of the entire plant which is under the immediate supervision of the superintendent, Mr. R. D. Clark, of Philadelphia. Mr. George late Woodroffe, also an officer of the corporation, has charge of the finances and the offices at the quarries. It is fortunate for the new concern that the Messrs.. Woodroffe whose business sagacity, personal foresight and energy have built us such a large market and such an enviable reputation for Mount Airy granite, remain largely inerested in the guarries and identified with their management.

There are few industries in the State. if indeed any, from which the communiy in which they are located, derives an large a part of the earn-ings. This is readily understood when ings. is known that almost the entire cost of production goes into the pock-ets of the laborers. The raw material

is all in sight, waiting only the intelligent direction of men's hands. The quarries give employment to

which it is worked, its handsome ap-

pearance, and its durable properties make of it a desirable stone for all structural purposes. Many of the largest and most important structures one. Notable among them are the great

pany, took over the quarries and have since woked them with geat success. government contract was to be let in knew that a heavy bond would be re-quired and he didn't know where he could get a bondsman; but he told his

representative to go ahead and get a bid in, if possible, hoping almost against hope that he might be able by bid in. hook or crook to "land" the contract. The young book-keeper knew nothing the stone business and a practical about the bond difficulty that confront-knowledge of architecture, and I may ed her employer. The assistant went knowledge of architecture, and I may add, the qualities that draw and hold off to bid on the contract. There was men, nave built up an immense busi- no dodging, the government requireness and introduced Mount Airy ments, he found. A \$20,000 bond granite into more than a dozen must accompany the bid. He wired Mount Airy ments, he found. to his employer, but the latter was then out of the city. The girl read the

She had ite Corporation, whose authorized cap- only an hour and a half in which to get a bond into the mail in time subscribed stock (fully paid) is \$250,-000. reach its destination before the bids were to be closed. Besides, where was the bond to come from? She knew Mr. Colin Fraser with office in Phila-delphia. Mr. Thomas Woodroffe is the vice-president and General man-ried to the bank where the contractor nust furnish a bond at once, she ex-plained. She jut the situation streng-ly and emphasized the necessity of inmediate action. The bancr was im-pressed by the girl's earnestness in-finally and cliffs in the nitch don't was never seen-and she saw him. She take care of you.' pressed by the girl's earnestness and her pluck, and she hardly gave him to take a second thought. time In ten minutes he had wired the government officials that he would go on the bond. The bid was accepted and the contract was awarded to the girl's employer.

It turned out to be his salvation. His profits from the contract put lim on a firm financial footing and his business prospered from that time on. The young woman's salary was promptly raised, of course.

Kleptomania and Stealing.

Marshville Home.

The Monroe Enquirer scores a good point when it tells about how the more than 350 men. Nearly 100 of Charlotte papers failed to make these are skilled mechanics-stone cut news item complete last week when ters-who receive \$3.00 per day for they refused to give the name of a eight hours work. Most of these men young lady who stole a lot of goods the election by the Legislature, whose limited number makes the choice of a Senator by them more easy of control by dexterous manipulation. But by far the more serious defect the mutual good feeling existing here therefore pronounced a victim of Klepto the absolute fairness and consid-to the absolute fairness and consideration with which the Messrs. Wood-roffe have ever treated their employ-ees. The output of these quarries include The output of these quarries include every kind of material where granie is required. A citizen of Mount Airy would be on his "native heath" in Norfolk Winston or Cincinnati, in Norfolk, Pittsburg or Philadelphia. These are heard nothing about "Kleptomania." among the many cities and towns either. This is another instance that which have taken large quantities of shows how being prominent and curbing and paving blocks from the wealthy covers up some awfully bad Mount Airy quarries. Stone for street purposes, however, is only one of the uses of this fine granite. The case with being the background of the set that will apply in such cases without calling it stealing.

> A woman might be happy without a new bonnet if no other woman had

capable of accommodating, in its would never guarrel.

blanket in that desperate charge and my other clothing was ruined by blood. It was raining all the time too, but I stood it very well and cited the amazement of friend an by my indifference to my unple atuation.

When our army left the vicini Gettysburg we were carried there uartered in the big college bui That was Tuesday, a week ago. Thinking the prospect of parc exchange a gloomy one, and seein guard at the hospital I resolv, escape. So the day after we got there I walked off on the Chambersburg pike, the road by which our army came, about two hours before sun-Chambersburg down with a student's cap and blouse on.

-I walked on unmolested till about o'clock when as I had almost reached the top of South Mountain, a man came into the road from a by-path and hailed me, and asked me where I was going. I tried to bluff him with a short answer, but he would not be bluffed, and soon asked me if I was not a rebel. I told him plainly, "Yes." the low water mark. She asked to speak to the president, who she had never seen—and she saw blue had man. Come home with ma

ed his house right on top of the mountain. He gave me supper, or rather his wife did, and a bed. Next rather his wife did, and a bed. Next morning he gave me a suit of citizen's clothes such as laborers wear there. He was a smaller man than I, so you can imagine the figure I cut in his clothes, but I set out on my journey having nothing about me that apper-

tained to the army. I wandered about in nooks and dens and caves of the earth till I got into the road our army had taken in falling back and pursued it till about two hours by sun in the afternoon, everybody taking me for a laborer looking for harvest work, for that whole country was turned out harvesting. I frequently fell in with their soldiers and went along conversing freely, no one showing the slightest suspicion.

About two hours by sun, as I said, I came into Waynesbore; which is tweive miles from Hagerstown, on the Chambersburg pike, and here I had stumbled into the universal whole Yankee army.

Just as I was beginning to think my game played out, an old citizen hailed me and wanted to hire me to do some work on toward the rebel lines, in the vicinity of Hagerstown. I agreed to his terms and gave my name as John Knauss. "Oh yes," he said. "I know all your folks mighty well." . So he, being well known there, went and got me a pass from the Provost Marshal, I went with him. It

the Yankee pickets I gave that Abohtionist the slip and made for our own lines.

Our pickets sent me to General sent me to General Lee. I arrived at General Lee's cuarters about midnight. having walked a distance of forty miles. Here I slept till morning, and then went in to see the General.

He received me very politely, got from me the information I had about If woman could have her way she erable, for I had successfully recon-(Continued on Page Two.)