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MORNING TONIC.

(Phillips Brooks.)

If I could choose a young man's companions, some should be weaker than himself, that he might learn patience and charity; many should be as nearly as possible his equals, that he might have the full freedom of friendship; but the most should be stronger than he was, that he might forever be thinking humbly of himself and be tempted to higher things.

The Supreme court judges have evidently been reading Roosevelt's Federalistic teachings more than the Constitution and decisons of their own court. It is hardly true of them what Duncan K. MacRae once said of a North Carolina Supreme Court: "The judges overrule themselves without knowing it." The majority of the Supreme Court judges were informed by Justice Harlan that they were overruling themselves. We are headed toward complete centralization if there is no hold up and that by the "judicial interpretation" Rooseevit demanded.

Robert Downing, who won reputation as "Virginius" in the Gladiator, is now preaching in evangelistic services in a Methodist church in Washington. "No pleasure of my former life ever brought me the joy that I have experienced in helping to win souls to Christ." Brother Massee might send this to Brother Dixon.

The school tax election to be held in Raleigh next month is by all odds the most important township election of a decade. The continued usefulness of Raleigh's splendid schools is at stake. Plato truly said: "Better be unborn than untaught, for ignorance is the root of misfortune."

Nearly all the delegates elected from Rhode Island are well known Bryan men though there were no instructions. The attempt to make failure to instruct in Rhole Island an anti-Bryan victory has as much foundation as to say failure of the North Carolina committee to instruct was an anti-Bryan victory.

"The American saloon is a relic of frontier days, an institution the like of which exists in no other country on the earth * * * It prospers best when it can make two drunkards grow where but one grew before. The Ohio brewers recognize that it must be prohibition or reform."—Collier's Weekly.

The plan to establish a memorial to the late Nathaniel Jacobi at the Odd Fellows' Orphanage at Goldsboro will be widely approved. He had a great heart and loved his fellow men and the name of Nathaniel Jacobi will be remembered as that of a citizen without guile.

In Tennesseee candidates are branding each other as "cowards and liars." Let us hope North Carolina will escape such political "high-jinks" Plain and straightforward statements without "branding" epithets have more effect with sensible voters.

Governor Glenn is no doubt glad now that he called the extra session and secured the ratification of the compromise. It looks like he feared the Supreme Court would out-Hamilton Hamilton.

Justice Harlan is a Kentuckian. He has evidently read the famous "Kentucky Resolutions." No other member of the court seemed to have read them.

Henry Watterson, interviewed in Cuba, says that Bryan and Taft will be nominees and that Bryan will win. He added: "No party can stand against hard times."

Prohibition was submitted to the people by the legislators of both political parties and is advocated by men of both parties. The attempt to drag politics into it will not be approved.

Mr. Jefferson was right when he called Federal judges "miners and sappers.' They take all the power they can and generally it is used to protect special privilege and "the interests."

The Daily News, of Rock Island, Illinois, was a vigorous opponent of saloons and gambling hells. Its building was blown up by dynamite. Lawlessness is often bred by liquor.

The railroads will be more domineering in politics than ever. The people must be courageous and keep the rule in their own hands.

This paper feared the Supreme Court would out-Hamilton Hamilton. That is why it acquiesced in the compromise.

THE SUPREME COURT'S SWEEPING DECISION.

The decisions of the Supreme Court of the United States in the cases growing out of statutes regulating railroad rates in the States of North Carolina and Minnesota appear finally to confer jurisdiction upon the inferior Federal courts to suspend at pleasure the operation of any State law until a final determination by the Supreme Court of the United States as to whether or not its provisions are repugnant to the 14th Amendment to the Constitution of the United States, which prohibits the taking of property "without due process of law."

In the case from North Carolina an agent of the Southern Railway was tried and convicted of selling tickets at a lower rate than that prescribed in the passenger rate bill of 1907. He was at once released on a petition in Judge Pritchard, who based his dehabeas corpus, heard before cision on the finding that the penalty section of the rate law, which made a sale by agents in violation of the rates prescribed a misdemeanor and gave to the person aggrieved a penalty of $500 against the railroad selling such ticket, was unconstitutional in that it was an attempt to prevent the railroad from asserting its rights in the courts under the Constitution.

In the Minnesota case, the Attorney General of the State had been held in contempt by a Federal judge for proceeding in disobedience of his injunction to initiate an action for the State in the courts of the State itself.

It will thus be seen that the decision of the highest court, which sustains Judge Pritchard on the one hand in his finding that the penalty section was unconstitutional, and which sustains on the other hand the legality of the rule of contempt issued against the Attorney General of Minnesota, conclusively determined the two main contentions of the several States that have sought to regulate rates by legislative enactment in despite of Federal injunctions against the states.

Those two contentions, which in one form or another constitute the basis of the whole mass of recent rate litigation, were:

First. That the Federal courts had no jurisdiction to suspend the operation of a law passed by the Legislature by reason of the inhibition of the Eleventh Amendment to the Constitution of the United States forbidding a suit against a State; and,

Second, that, even if the Federal courts had in any way acquired jurisdiction, their jurisdiction being equitable, they had no power to interfere with the administration of the criminal laws of a State by the courts thereof.

The Supreme Court of the United States has now held that the inferior Federal courts have the jurisdiction to suspend the statutes, even when the law is "self-executing" and not dependent upon any officer for its promulgation, and that the Federal courts have likewise the jurisdiction to enjoin an action in the State courts and to release upon habeas corpus persons convicted in the courts of a State upon the finding that the penalties prescribed to ensure the enforcement of the law which has been violated are unconstitutional.

In this situation, it is difficult to ascertain what has become of the Eleventh Amendment unless it has been practically decided by the court that it was swallowed in the Fourteenth. Probably it is the fact that what Judge Avery said when he appeared for the Southern Railway in the criminal proceedings against it and its agents in Wake County is literally true: That when he laid down his gun at Appomattox, he knew that State's rights was dead; that experience had confirmed his impression: and that the only thing for the Southern people to do was to recognize the inevitable.

Grave as the decision is to the people of the South, it must not be construed as denying in toto the right of a State to regulate public service corporations, although it will in many quarters be considered tantamount to that. The equity litigation which is still pending between the railroad on the one hand and the State on the other is not affected by the decision, except in so far as the State's contention as to the jurisdiction of the Federal Court is decided in these other cases adversely to its view. That litigation will, of course, never go to either the Circuit or the Supreme Court for decision, on account of the recent agreement of compromise entered into between the Governor and the railroads and endorsed by the Legislature.

In the light of the decision in these causes it is interesting to note that both the opinion of the North Carolina court in the $30,000 fine case and the dissenting opinion of Chief Justice Clark in that appeal are over-ridden. In the opinion of the North Carolina Court Justice Walker held, with much authority, many cases being from the Supreme Court of the United States, that the Federal Court did not have jurisdiction of the subject matter on account of the inhibition of the Eleventh Amendment, but that, in the case of the fine imposed by Judge Long against the railroad, the criminal section of the act imposed no penalty on the corporation for the violation of its provisions. The court, through Justice Walker, held that Agent Green was properly convicted, despite the injunction of Judge Pritchard, but that the only remedy against violations of the law by the corporation was the suit for five hundred dollars penalty prescribed by another section of the act. Chief Justice Clark, on the other hand, while holding with the majority of the court respecting the lack of jurisdiction in Judge Pritchard, went further in his dissent and contended that a corporation that advised an agent to commit an act declared to be a misdemeanor, was guilty as an individual would be who would advise and procure another to commit a crime.

The decision of the highest court in the land, however, sweeps away both these contentions impartially, sweeping away at the same time its own express declaration of the law as laid down by it in the case of Fitz vs. McGehee.

THE NEXT GREAT ISSUE.

When the national rate bill was pending in the Senate, the majority of the Democratic Senators, lead by Senator Bailey, of Texas, sought to put in the bill a section which should prevent the Federal Courts from enjoining the orders of the Interstate Commerce Commission pending a judicial determination as to the fairness of the rates prescribed.

This provision was supposed to be favored by President Roosevelt who, through the medium of ex-Senator Chandler, was at the time dealing with Benjamin R. Tillman, of South Carolina, in whose hands the Senate Committee had placed the management of the measure.

Suddenly, to the surprise of Tillman and Chandler, the President gave up this important feature of the legislation, yielding to the demands of Senator Aldrich and other trust and railway Senators, and incidentally gave ex-Senator Chandler membership in the Ananias Club for the crime of remembering what the President had said before he changed his mind.

This much of ancient history, in the light of the recent decision of the Supreme Court of the United States that confers almost limitless jurisdiction on the inferior Federal Courts that may now act with impunity as the absolute arbiters of whether or not a State may enforce its statutes after having passed them. The result shows how well founded were the fears of the Democrats who fought for the provision first advocated for a time by the President, and indicates a remedy that may be far away, but that we believe will yet be applied. The remedy is the statutory limitation by Congress of Federal Court jurisdiction. That jurisdiction, by virtue of the decision of the constitutional Supreme Court, has been extended to a point never dreamed of before even by the most pronounced advocates of centralization. It shatters the last pretense of a dual form of government as at first contemplated by the founders of the Republic. It leaves the states the shadow and takes from them the substance of authority. It puts a State appellate court (so far as any case of which an inferior Federal judge may see fit to assume jurisdiction) in a position somewhat less important than the court of a justice of the peace in the judicial system of North Carolina. Yet the State Courts are Constitutional bodies, and the inferior Federal Courts are statutory bodies. The people, through their representatives in Congress, sought to create a servant. Their creature has been made their master!

This is an anomalous condition and one that cannot last. Sooner or later Congress must act. It is within its power to lay down in the exact terms of a specific statute what class of matters shall be within their jurisdiction and what shall not be. As the judge-made law of the land now stands it waits only a small stretch of authority to put the special tax bonds, for instance, into a judgment against the State, with the power of the nation behind the enforcement of the execution. Already Judge Pritchard, sustained in one apparent usurpation of power, is reaching out to take from a Sovereign State the control of the money in its treasury. Today, on the markets of the country, railroad securities are advancing because the impression has gone out that the people are beaten: because the people of the country have learned that, if the need is for a Federal Judge, the railroads always have one ready at hand. But, in the day of rejoicing, in the new flush of a threatened power, there has struck somewhere in the future a day of reckoning. It will require the fighting out of an issue that will shake the country, but it is not for patrotism to doubt that the people will some day again secure their right to govern themselves.

THE WILSON CONNECTIONS.

We have already referred locally to the inconvenience to the traveling public occasioned by the closely missed connections at Wilson between the East and West bound trains of the Norfolk and Southern Railroad between Washington and Raleigh and the North and South bound "Shoo-fly" trains on the Atlantic Coast Line. The inconvenience already experienced will be accentuated when the Southern Railway takes off the two local trains between Goldsboro and Greensboro next week. The Norfolk and Southern has in the past made it a policy to act for the comfort of its patrons when possible, and there is no apparent reason why it should not co-operate with the Corporation Commission, if that body should see fit to bring to pass connections that could be easily made and that would be of much value to a large portion of the traveling public.

As it is now the Norfolk and Southern leaves Raleigh in the morning at 6:35 a. m., arriving at Wilson at 8:35 and missing by twenty-five minutes the A. C. L. train from Fayetteville to Rocky Mount that passes Wilson at 8:10 o'clock. Returning the same train arrives at Wilson at 8 p. m., leaving before the arrival of either of the trains from Rocky Mount, at 8:47 and 8:57 respectively. As a result the traveler from Raleigh to many sections of Eastern North Carolina is forced to leave here several hours earlier in the morning by the Southern and experience a long wait at Selma and travelers from the East are compelled to come to Raleigh via Selma, arriving here two hours later and after a longer trip. As the necessary connections to obviate these difficulties could be made with small changes by either road, it would appear that the reformation of the schedules would be harmless to the railroads while beneficial to the public.

In Leslie's Weekly, Charles M. Harvey, writing of the Republican National Convention, says: "Avoid the scandals associated often in the past with the selection of Southern delegates and their conduct in the conventions. Keep the Federal office-holders in the background as far as possible." But Teddy and "Me Too" need them in their business.

The same arguments that are being used today against Bryan were used to nominate Parker in 1904. By the way, did the New York World and the Brooklyn Eagle elect Parker?

Vote State Prohibition and we will have peace in North Carolina and money now going out for liquor will stay at home to procure better food and better clothes.

Booker Washington advises the members of his race not to worry about the national debt until they have paid the corner grocer. That's sound advice for men of every race.

Knicker—What did the doctor recommend for a diet?

Bocker—He cut out everything except the tip to the waiter.—New York Sun.

COTTON

To the Editor: Not since the time the Southern Cotton Association was organized, has there been so great a need for a strong organization in the South, for the protection of the price of cotton as at the present time.

Here with an admitted shortage of near 3,000,000 for the adequate demands of the world, the speculators unwarrantedly drive the price down $10—per bale in the face of these facts.

Are our farmers and business men to sit quiet and see their asset for doing business, lifted from beneath them? No, never. Then let every man in every cotton county get to his county court house on Monday, April 6th, and look the situation fairly in the face, we are up against a serious problem and one which requires the immediate consideration of every thinking man.

School house meetings, cross road meetings, blacksmith shop meetings should be called at once. Do not wait for some one to suggest the place for your neighborhood, go to work and call out your neighbors, get them all out, tenant and landlord and look at what is before the business interest (no matter of what kind) of the State, if the calls of cotton is permitted at present prices, stop the sale of cotton and cut off the planting of cotton at least 25 per cent, one half would be even better.

Landlords, just so sure as you permit your "croppers" to plant the same acreage as they had last year, you are helping to bring stagnation to all business interest in the State.

Talk to the one and two horse farmer who does not read the paper, tell him about the Southern mills piling up their products, because they can not sell, tell him to cut out cotton and raise corn to sell at 75c. to $1.00 per bushel, hay that is selling at $18 to $22 per ton, oats that sells at 65c. to 75c. per bushel. Tell them to raise hogs and make butter, anything rather than to ruin every business in the South by making more cotton when the world will not consume at a fair price, the small crop of 1907.

The farmers of North Carolina cotton counties are in good condition, in fact they are more independent than they have been for years. It is up to them to now use good business judgment and save the business interest from disaster.

President A. J. McKinnon will call for cotton association meetings in every county for Monday, April 6. Let every farmer and every business man hear that call and go to the court house.

C. C. MOORE.

Charlotte, N. C., March 23, 1908.

"I hear your wife was a prominent member of the Mothers' Congress."

"Prominent? Chairwoman of the committee on measles."——Louisville Courier-Journal.