Chatham Record

H. A. LONDON,
EDITOR AND PROPRIETOR.

TERMS OF SUBSCRIPTION,
$1.50 PER YEAR
Strictly in Advance.

The Chatham Record.

VOL. XXII. PITTSBORO, CHATHAM COUNTY, N. C., THURSDAY, APRIL 26, 1900. NO. 36.

Chatham Record.

RATES OF ADVERTISING

One square, one insertion - $1.00
One square, two insertions - 1.50
One square, one month - 2.50

For larger advertisements liberal contracts will be made.

BUTLER ANSWERED.

Some of the Senator's Flimsy Arguments Exposed.

ABOUT THE POLL TAX BUGABOO,

And Other Scarecrows Set up By the Opponents of the Amendment and White Supremacy.

(Webster's Weekly.)

The Caucasian, Senator Marion Butler's paper, says it agrees with the Weekly in wanting the negro question settled, but does not believe the amendment proposed by the Democratic party will remove this disturbing factor from politics. We will give what it says in its editorial comment upon the Weekly's position in order that we may [illegible] of our Populist [illegible] argument [illegible].

"Webster's Weekly, in a recent editorial, says: 'We want [illegible] issue; we want [illegible] permanent [illegible].' The Caucasian cheerfully and heartily [illegible] that sentiment. The [illegible] to raise the cry of 'negro' [illegible] and call the attention of the people from great economic issues, has been a great stumbling block in the path of the State's progress. It has made it possible for politicians of the type of Mr. Simmons, who are without political convictions, or who, if they have any, are against the interests of the masses, to force to the front on the cry of the negro. It was politicians of his kind who repudiated the advice of Bryan and Chairman Jones in 1896 to unite the silver forces and make a large white majority for silver and monopoly. They knew that if the chance [illegible] negro was removed and the great economic issues that affect the welfare and [illegible] of the people were brought [illegible] found that they would be [illegible] the reality. The choice [illegible] between silver and negro, and they selected negro because it suited their selfish ends best.

"We agree with Webster's Weekly; we want to see this question settled and permanently settled. If the proposed amendment would do that we would support it. Will it do it? Look at the Louisiana State campaign which opened two weeks ago, where a similar amendment has already been adopted. What is the only campaign cry raised by the machine Democratic leaders? It is Nigger! Nigger! Nigger! The supporters of the amendment in Louisiana promised the people that if they would adopt this amendment that they would then stop ballot box stuffing and enact an honest election law. Did they do it? No. Their last Legislature made the law worse and opened new avenues for stealing. The election law is so outrageous that a combination of Democrats, Populists and Republicans has been formed to try to overthrow the machine and enact an honest election law. All these elements have joined in nominating for Governor Donelson Caffrey, [illegible] Senator Caffrey. On the stump, each day, he is denouncing the election law and appealing to the people to vote for a Legislature to repeal it. Do the Democratic machine politicians attempt to answer this argument? No. Their only answer is to cry nigger! nigger! nigger!

"So it appears from the experience of Louisiana that even if the present amendment were constitutional that it would not remove the cry of negro. But in spite of the experience of Louisiana and in spite of the many objectionable features in the amendment, if we were not fully satisfied that section 5 is not only unconstitutional, but that the court would knock it out, leaving the remainder to stand thus disfranchising fifty or sixty thousand white voters of North Carolina, we would be disposed to strain a point and support it. If the last Legislature had wanted to effectually remove the negroes as a factor in politics they would have submitted an amendment to prohibit him from holding office, which would have been constitutional. This they were urged to do by prominent lawyers in their own party, but they refused.

"We are satisfied that it was the purpose of the machine leaders of the last Legislature to draft an amendment which would result in disfranchising these illiterate white voters, and in the next issue of the Caucasian we will give some of the reason that impel us to believe this."

Our readers have in the above the worst that Mr. Butler can say against the amendment. It will be noticed that he has no word of criticism for the conditions that made it possible for the last campaign to be fought upon the negro question and made it necessary for the Legislature to submit this amendment. His complaint is that the Democratic party uses the negro issue to keep economic questions in the background. He complains of effects and ignores the cause. Who is responsible for the negro being a disturbing factor in North Carolina politics? Who was it that fused with him and made it possible for him to dominate the eastern counties and towns where he outnumbers the whites?

The Democratic party did not tell the Fusionists to elect 40 negro magistrates in New Hanover county, twenty-six in Craven, and a swarm of negro policemen, deputy sheriffs, school committeemen, etc., in other eastern counties and towns. It did not tell them to gerrymander Greenville so as to make one negro equal to two white voters. The handful of Democrats in the Legislatures of 1895 and 1897 protested against the legislation that made this possible and warned the Fusionists of the coming storm. If their advice and protests had been heeded, a campaign on the color line would not have been possible. Why were these things allowed? Simply because the politicians who owed their election to negro votes could not resist the pressure. The negroes demanded a part of the spoils and the white leaders had to turn over the eastern counties to them.

Mr. Butler saw the danger in 1897 and tried to put a check upon the negroes, but his proposed system of cumulative voting designed to protect white minorities against black majorities, was rejected. He saw the storm in 1898 and announced that the Legislature would afford protection to the eastern counties by providing a different system of government for them. But it was too late. Now he [illegible] through his paper and on the floor of the Senate the statement that there was negro domination in the eastern counties. In an open letter to the people in the closing days of the campaign of 1898 he said that the Bryan Populist would hold the balance of power in the Legislature and announced as their policy in this matter:

"I take the liberty of stating at this time and in this manner that those men will offer bills in the next General Assembly to provide one system of county government for certain counties and another system of county government for the few eastern counties where such a system may be necessary."

Why one system of county government for the east and another for the west, if there was no danger of negro domination?

Mr. Butler condemns the Democratic party for not offering an amendment denying the negro the right to hold office. That would be constitutional, he says. Will he not kindly explain why the Fusion Legislature, which had the necessary two-thirds vote to have submitted this proposition to the people, did not even consider it? Did he suggest it to them? The Democratic party proceeds upon the theory that the negro, excluded [illegible] the ballot, [illegible] the negro from voting there is not much danger of his getting elected to office.

We know nothing about the conditions in Louisiana, but respectfully submit that a fusion of gold Democrats, Populists and Republicans is a delightful combination. What sort of principle is it that makes a Populist stay outside the Democratic party because there are a few gold Democrats in the party and [illegible] him to [illegible] gold [illegible] politics, [illegible] office?

But Mr. Butler admits that the conditions in Louisiana would not justify him in opposing the amendment. He fears the Supreme Court will knock out the 5th section of our amendment. He does not inform us who will raise the question. Will the Populist party? Will the Republican party? It all are agreed that the illiterate white voter must be protected, that is the end of the matter.

We call attention to the fact that no one has attacked the Louisiana constitution in the courts. If it is in conflict with the Federal Constitution, why don't the Republicans, Populists and Caffrey Democrats attack it, instead of wasting their energies on the election law? Is it because they know it is impregnable or is it for fear of the people? Mr. Butler is welcome to either horn of the dilemma. If the grandfather section is constitutional in Louisiana, it is constitutional in North Carolina. If the opponents of the Democratic party in Louisiana are restrained from [illegible] the white man's vote by fear of incurring the lasting hatred, will not the same rule work in North Carolina? We have not the least doubt in the world about it.

All the talk about the 5th section being knocked out is pure bluff and will not be heard of after the August election. The Republicans can not afford to attack the amendment after it is adopted. It is as [illegible] to [illegible] all their illiterate white voters as much as it does the same class of Democrats and Populists. If the 5th section is knocked out and the rest stands, what [illegible] heavy loss in their white strongholds, Wilkes, Mitchell, Madison and other counties, where the white illiterates have not been numerous. And besides they would lose several hundred negro voters who are lineal descendants of the free negroes who voted prior to 1835. Self-interest alone will keep them from meddling with the amendment after it is adopted.

Mr. Butler may see how the cause of reform will be advanced by keeping 90,000 ignorant negro voters on the poll books to kill the votes of an equal number of Populists and silver Democrats, but we can't.

We think the negro question, so far as politics is concerned, will be settled when the ballot is restricted to those who have intelligence enough to use it and when all parties are organized on a white basis and refuse to put negroes in office. Cut off the negro's vote and politicians will have no interest in stirring him up against his white neighbors every two years.

Mr. Butler is not fair when he charges that the amendment is the work of those who opposed cooperation of the silver forces two years ago. The fact is that the original bill was introduced by Hon. F. D. Winston, who was a zealous advocate of cooperation. There are none who support it more heartily than those Democrats who worked to bring the silver forces together. The Populist members of the Legislature from Mr. Butler's own county voted for it and it was generally understood that they voiced his sentiments at the time.

Must Stand or Fall as a Whole.

(The Progressive Farmer, April 3.)

A correspondent asks: "Are you still of the opinion expressed in you last year that if the courts should declare section 5 of the grandfather clause of the proposed constitutional amendment unconstitutional that the whole amendment would be invalidated—in other words, that all the sections stand or fall together?"

In reply, will say that we still hold that opinion. In fact, we are more firmly convinced of its correctness than at the time our editorial announcing this view was written. As every one knows, if the grandfather clause of the proposed amendment is unconstitutional, it is so because of conflict with the Fifteenth amendment to the Constitution of the United States. That amendment reads as follows:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude."

The important question is, therefore, "Does Section 5 of the amendment, which contains the grandfather clause deny or abridge the right of citizens to vote on account of race, color, or previous condition of servitude?" An examination will show conclusively that it does nothing of the kind. On the contrary, this section is for the purpose, not of denying, but of granting to a certain class of persons, the right of suffrage denied them by Section 4. Hence, it does not of itself conflict with the fifteenth amendment. Nor is Section 4 of itself unconstitutional. A moment's thought will convince any right thinking man that it is only by considering the amendment as a whole that it can possibly be considered in conflict with the fifteenth amendment to our national constitution. Let us repeat for the sake of emphasis: No one will for a moment attempt to maintain that Section 5 or the grandfather clause of itself "denies or abridges" the right of any citizen to vote on account of race, color, previous condition of servitude or for any other cause. Therefore, it taken alone, cannot [illegible] the [illegible] of the fifteenth amendment. [illegible] the court in considering the constitutionality of the grandfather clause, must consider it in its relation to Section 4—in connection with that clause; that is, as one link of a chain, which, being broken, all falls. In other words, it must consider the amendment as a whole, and if Section 5 be unconstitutional, declare it, as a whole, unconstitutional and void.

But, [illegible] some one, "have you [illegible] the arguments of those who hold that the sections would not fall together? And haven't Senators Allen, Edmunds and Pettigrew declared that the grandfather clause may fall without invalidating the other sections? And doesn't the principle laid down by the renowned jurist, Judge Cooley, in his 'Statutes Unconstitutional in Part' show that such would be the case?"

Yes, we have read the speeches referred to and the views of all the Senators that have given out opinions regarding the amendment. We have also carefully studied Judge Cooley's views on the subject in hand. Excepting examples given to illustrate his points the principal part of the opinion of Judge Cooley is given in full herewith:

"It will [illegible] be found that an act of the legislature is opposed in some of its provisions to the Constitution, while others, standing by themselves, would be unobjectionable. So the forms observed in passing it may be sufficient for some of the purposes sought to be accomplished by it, but insufficient for others. In any such case the portion which conflicts with the Constitution, or in regard to which the necessary conditions have not been observed, must be treated as a nullity. Whether the other parts of the statute must also be adjudged void because of the association must depend upon a consideration of the object of the law and in what manner and to what extent the unconstitutional portion affects the remainder.

"A statute, it has been said, is judicially held to be unconstitutional because it is not within the scope of legislative authority. It may either propose to accomplish something prohibited by the Constitution or to accomplish some lawful and even laudable object by means repugnant to the Constitution of the United States or of the State. A statute may contain some such provisions, and yet the same act, having received the sanction of all branches of the legislature, and being in the form of law, may contain other useful and salutary provisions not obnoxious to any just constitutional exception. It would be inconsistent with all just principles of constitutional law to adjudge these enactments void because they are associated in the same act, but not connected with or dependent on others which are unconstitutional.

"But if its purpose is to accomplish a single object only and some of its provisions are void, the whole must fall unless sufficient remains to effect the object without the aid of the invalid portion. And if they are so mutually connected with and dependent on each other, as conditions, considerations or compensations for each other, as to warrant the belief that the legislature intended them as a whole, and if all could not be carried into effect, the legislature would not pass the residue independently, then if some parts are unconstitutional, all the provisions which are thus dependent, conditional or connected must fall with them."

The sum and substance of the argument, as the reader will readily see, is this: "A section of a statute cannot be declared unconstitutional without annulling the remaining sections, unless that section is independent of, or not connected in subject matter with, other sections." As Judge Cooley, as a conclusion of the whole matter, after stating it as a general rule that an unconstitutional section may fall leaving constitutional sections standing, gives these notable exceptions: * * * Cases where it is evident that, from a contemplation of the statute and the purpose to be accomplished by it, that it would not have been passed at all except as an entirety and that the general purpose of the legislature will be defeated if it shall be held valid as to some cases and void as to others."

A man with half an eye, it occurs to us, can see that this exception amply covers the case of the proposed amendment. If it be passed by the popular vote, it will be passed as an entirety, and with it as a matter of common knowledge that it could not have been passed without a provision exempting illiterate whites now of age, and that to hold it void and Section 4 valid would "defeat the general purpose" of the people.

So that were Section 5 unconstitutional all the sections, being to quote Judge Cooley, "connected in subject matter, dependent on each other, operating together for the same purpose" all would stand or fall together.

The arguments to the contrary by Senators Edmunds, Allen and Pettigrew are based upon the mistaken assumption that the sole purpose of the people, should they adopt the amendment, would be the establishment of an educational qualification, whereas their purpose would be to restrict the right of suffrage to the educated and to such illiterates as they consider by long training, etc., qualified to vote intelligently. To make the amendment require a simple educational qualification and exclude these illiterates would "defeat their general purpose."

The view of the case which we have maintained in this article finds confirmation in numerous court reports and arguments. From the mass of testimony that might be cited in confirmation of our contention, we [illegible] that of a very recent case [illegible] we are considering, only about [illegible] months ago, Jan[illegible] 1900, [illegible] Judge [illegible] of the United States Circuit Court, [illegible] the Illinois anti-trust law, the [illegible] section of which exempted a certain class from the provisions of the remaining sections, (the [illegible] Section 9 [illegible] of the amendment exempted a class of [illegible], whites, from the provisions of sections 4) handed down an opinion.

"It is urged that, granting the unconstitutionality of said ninth clause, yet it may be declared void without affecting the validity of the remaining clauses of said act. If this were so, then by declaring said clause void, the courts would make the act binding upon those classes of persons within the State which the legislature had specially exempted from its provisions. This would be judicial legislation of the most dangerous character. In my opinion the said clause 9 [illegible] the whole act and renders it all void."

This case, as anyone can see, involves the same identical principle and that the court would have [illegible] considering the independence [illegible] tions of the proposed amendment. And the courts would be compelled to declare, as in the case just cited, that because the grandfather clause void, the courts would make the act binding upon those classes of persons within the State which the legislature had specially exempted from its provisions. And [illegible] in the language of the court itself, would be "judicial legislation of the most dangerous character." In view of this strong and unmistakable language it [illegible] the views of Judge Cooley [illegible] doubt that if the grandfather clause of the proposed amendment [illegible] [illegible] the whole amendment [illegible] declared void and of no effect.

STATE POLITICS.

Run of Things as Seen From Our Capital City.

Special [illegible]

[illegible]

The state convention meets next Wednesday, at the Academy of Music. There are 900 delegates and it is expected that the greater part will attend. [illegible] of these will [illegible] as yet known. [illegible] Raleigh [illegible] [illegible] place not only for [illegible] but [illegible] other large [illegible] [illegible] The [illegible] of [illegible] the 12th [illegible] county [illegible] [illegible] Republican and [illegible] [illegible] [illegible] to [illegible] [illegible] Republican or Populist.

There is a funeral [illegible] at Raleigh [illegible] He is a [illegible] of the [illegible] [illegible] State [illegible] and the Republican district and national tickets. [illegible]

At Charleston today two questions were argued before Judge Simonton of [illegible] whether [illegible] corporation [illegible] of North Carolina can [illegible] [illegible] [illegible] corporations [illegible] affairs.

SOME POINTS

Strongly Set Forth By a Prominent Educator

[illegible]

[illegible]

THE REPUBLICANS AND [illegible] [illegible] THE WHITE MAN.

[illegible]

IF THE REPUBLICAN PARTY HAD LISTENED TO REASON

If I had had the [illegible] of the [illegible] leaders of the Republican party [illegible] [illegible] I should have [illegible] [illegible]

[illegible]

ter that the [illegible] it is no less than that which [illegible] the State. Therefore, I would have advised the leaders of the party not to [illegible] in continuance of negro illiterate suffrage, but holding [illegible] to have been ready to welcome [illegible] voters in the State who believe in Republican principles and would [illegible] to that party if it would [illegible] the supremacy of Anglo-Saxon civilization. A party with [illegible] negro voters and thirty thousand white voters, is constrained to [illegible] [illegible] by its majority. In the legislation of 1897 negroes dictated to the Republican and Populist party and they [illegible] dared not refuse. The negroes held the [illegible] of power in the Legislature and although there were only eight or ten of them they soon made it known that they must be consulted. This year [illegible] a great opportunity to the Republicans. They had been saying that they were a [illegible] and as the [illegible] negro's life and that the Democrats were the real negro party. The party had everything to gain and nothing to lose by joining the Democrats for the amendment, and making their fight on national lines, where they have [illegible] they have absolutely none the [illegible] of their strength on State [illegible].

"HEART FOR [illegible] BUT STOMACH AGAINST IT."

Many Republicans will vote for the amendment for [illegible] herein set forth. Others will be in favor of the law, but are opposed to "the bill." If it had been [illegible] different; if it included all [illegible] in the United States, [illegible] this way or that way, they [illegible] In 1881 Governor Vance [illegible] the situation [illegible] when he told [illegible] wailed on him in regard to the prohibition of the liquor traffic [illegible] heart [illegible] for it, but his [illegible] against [illegible] with these [illegible] heart [illegible] for it, and [illegible] against it. Like [illegible] [illegible]

THE PITIABLE CONDITION OF THE NEGRO—A CAT'S PAW.

I pity the negro from the bottom of my heart. He had been made a cat's paw and a tool by those who sought their own selfish purposes and not the negro's good. There was never a kindlier relation than that which existed between the old negro and his master. It amounted to affection. [illegible] ended it all at one stroke. Instead of affection it engendered hatred. The Republican politicians fearing that the master would have undue influence made it his business to [illegible] [illegible] [illegible] [illegible] the white [illegible] [illegible]

[illegible] POLL TAX BY THE AMENDMENT

[illegible] Let it be said that we [illegible] poll tax annually in one [illegible] the [illegible] in the State in [illegible] negroes failed to pay poll tax. This was nearly half of those subject to that tax. In that [illegible] of the poll-tax went to the [illegible]. While the negroes paid only [illegible] of the tax [illegible] all of them [illegible] [illegible] the amendment. Most of the poll tax delinquents are negroes [illegible] the polls from the [illegible] of the south and rendered their votes yet were listed for [illegible] The [illegible] will continue to pay [illegible] poll tax because they have acquired some property and [illegible] and they will generally [illegible]. As to the white poll tax, why [illegible] [illegible] that they can read and write or not and it will be a great incentive to the [illegible], and [illegible] to read and write [illegible] [illegible] pledged to [illegible] Saxon [illegible] and white men [illegible] the Democratic party is pledged to [illegible] school terms, [illegible] the school appropriation [illegible] $100,000.

I have been asked [illegible] my views of the [illegible] amendment from [illegible] [illegible] point of view. It will be seen that I lay no great stress on that [illegible]. Incidentally, the cause of education will be greatly [illegible] and that is by no means a [illegible] to be despised, but high over all, above educational questions, above all questions of political [illegible] is the larger question of the survival of the fittest, and no real friend of the Anglo-Saxon or of the African, unless he does so unavoidably [illegible] will ask the negro to stand on the [illegible] in front of the merciless [illegible] of civilization. When some [illegible] [illegible] [illegible] I have [illegible] but pity and [illegible] commiseration for the misled negro, but [illegible] who for his own selfish purposes [illegible] him in the place of peril [illegible] would be nothing but the condemnation of an unforgiving people.

J. ALLEN HOLT.

[illegible]

RICHMOND'S GREAT SHOW.

A Free Street Fair to Be Given May 14th to 19th.

REPRODUCTION OF DEWEY ARCH.

Fifteen Bands of Music—A Floral Parade—A Wonderful Show—Many Premiums—Mimic Mardi Gras—Thousands of Visitors—Many Other Attractions.

During the week, from Monday, May 14th, to Saturday, May 19th, Richmond, Virginia, will take on an entire new dress. Broad street, 118 feet wide, is to be transformed into a World's Fair of attractions, consisting of manufacturers of tobacco, booths for the merchants' exhibits, some of the booths to be built of stone. These will occupy two miles of streets at both ends, for which contracts have been let to erect [illegible] of arches, modeled after the Dewey arch in New York. These will be built of artificial stone, and will give to thousands of people in the South the first idea of what the Dewey arch is like. The magnitude of this Free Street Fair, undertaken by the combined Business Associations of Richmond, can be estimated when it is known that they are to build an independent electric light plant to supply the thousands of lights necessary to make the night as bright as day. Fifteen bands, including the Stonewall Band of Staunton, one of the most famous in the South, and others from different cities of North and South Carolina, who will play continuously throughout the day, which will be one of the grandest collections of bands ever assembled in this section of the country.

The Floral Parade has been taken in hand by the leading society ladies of Richmond, whose magnificent carriages and horses will make one continuous parade of flowers, which will take more than one hour to pass a given point.

Direct from Brooklyn, N. Y., will come the great Hagenbeck Animal Show, combined with the Streets of Cairo, German Village, and other oriental features to make this Free Street Fair worth coming hundreds of miles to see.

Every railroad will give special rates to Richmond during this Carnival Week, and at committee headquarters board can be obtained for as little as $1.00 per day, including lodging.

Besides the Free Street Fair, the Floral Carnival, the Brass Band Carnival, and the Hagenbeck Animal Show, the Streets of Cairo, the German Village, the Crystal Maze, Yatch Riding on Land, all of which will be crowded into Carnival Week. The Business Men's Association have arranged for Mardi Gras [illegible], for which artists from New Orleans are now building ten floats, symbolical of some historical subject, and in which all the fraternal organizations, consisting of the Elks, Odd Fellows, Knights of Pythias, Royal Arcanum, Heptasophs, Red Men, Woodmen of the World and many others are preparing floats, designed to illustrate the objects of the various orders. Also thousands of Richmond's citizens will parade en masque, and [illegible] fireworks and the throwing of paper Confetti. From reports this fair will be as elaborate as was that in New Orleans.

It is expected that some five thousand millionaires from the South will be present to help participate in the [illegible]. A special feature of the [illegible] will be a dinner given to some of the business men of Richmond by the managers of the famed animal show, at which these men will sit down [illegible] with the famed wild animals [illegible].

Nearly five [illegible] premiums, to be given away on different days of carnival week, including pianos, clothing, [illegible] and even $1000 gold pieces, for [illegible] in any section [illegible] contest. The con[illegible] and a premium [illegible] mail free if you [illegible] to the Richmond Carnival Association, Richmond, Virginia. [illegible] have been made to entertain three hundred thousand visitors.

Notes.

[illegible] recently appeared before Judge Lent, of Westchester, N. Y., [illegible] for naturalization. His Honor [illegible] lecture [illegible] one of the most [illegible] of American [illegible] Judge, "and I [illegible] columns and daily [illegible]"

[illegible] lightning plant has been installed at Hawes, Yorkshire, England. It was built on a capital of $1,500 [illegible] two large generators [illegible] The boiler [illegible] About [illegible] has been [illegible]

One English nobleman [illegible] to work for his living. The Viscount of Normanby, who was a clergyman when he succeeded to the title [illegible] ago, and is now a canon of Windsor, found his estate heavily encumbered. He thereupon turned schoolmaster and opened a preparatory school for the sons of noblemen and gentlemen that has brought him money.

In San Francisco the board of health has created the post of assistant city physician with a salary of $100 a month, and put it in the hands of Dr. Beatrice Hinkle. Her duties will be the care of sick women and children in the public institutions.

Temperance is making headway in Munich and the German Medical Total Abstinence Union announces that hereafter at the academic kneipe "only a moderate use of beer will be allowed." Dr. Bunge and Dr. Kraepelin are the leaders in the movement.