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CENTRAL EXPRESS

THE NATIONAL DEMOCRAT.

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Vol. V. SANFORD, NORTH CAROLINA, WEDNESDAY, OCTOBER 29, 1890. No. 10.

THE TARIFF TROUBLE.

Is the McKinley Bill Constitutional or Not?

SOME LAWYERS SAY THE OMISSION OF [illegible] TIATES [illegible] DISCUSSION OVER THE MATTER—A NOVEL FEATURE OF AN OLD TARIFF.

NEW YORK, Oct. 23.—Senator McPherson very recently wrote as follows to a member of a prominent importing house in this city: "I beg to call your attention to the conference report and tariff bill sent you about ten days or two weeks ago, a quarto pamphlet of 214 pages. On page 175 you will find in amendment 449 and section 30, the reading matter relating to draw backs on tobacco stricken out. Turning over to page 176, sixth line from the top, you will find the following: "Conference restores section 30.

Now in the tariff bill before you, you will find "Section 30, that on and after the first day of Jenuary," &c., ending with "six cents per pound" leaving all the rest of the original section 30 out altogether.

This omission is fatal to the bill and in the opinion of eminent lawyers here, Senator Carlisle among them, it vitiates the whole bill. It is an internal revenue section, but being part of the tariff bill passed, it stands and falls together.

In accordance with this discovery a protest against Collector Erhardt's official action under the internal revenue bill was last evening forwarded to the leading importers in the city for signature.

Under the law, protests against the collectors' assessments cannot be lodged until the liquidation of entry, and must be lodged within ten days after that stage in the importer's business in the government.

WASHINGTON, D. C. Oct. 23.—Senator Carlisle, who was one of the conferers of the tariff bill, was asked what in his opinion would be the effect of the omission of section thirty from the tariff bill as signed by the President.

"I have not" he said, "examined the authorities on the subject, but it seems quite clear to me that the omission of one section is just as fatal to the bill as if it had all been omitted. If the President can sign half of a bill passed by both Houses, and make a law, of course it makes no difference how small a part it is.

Should the constitutionality of this law be tested in the courts, the question would have to be determined by the journals of the two Houses because they constitute the only legal evidence of what is done. The two Houses passed the tariff bill, but in different forms. When it came back from the conference committee there was nothing to act upon except its report, which I suppose was entered upon the journals as is usual in such cases."

WASHINGTON, D. C. Oct. 23.—The alleged fatal defects in the new tariff bill formed an interesting topic of discussion in official circles to-day and, while the defects were not thought to invalidate the bill as a whole, sentiment was almost unanimous that section 30, of the tobacco paragraph, which was omitted in its entirety, could not be enforced, where by construction, referred to other paragraphs it might impair their strength. As to the law signed by the President not being the law passed by Congress, Private Secretary Halford said the bill President Harrison signed was the same bill signed by the Speaker of the House and the President of the Senate. These officers, by their signatures, certified that the bill had passed their respective branches of Congress, and their attention of that fact was the usual mode of procedure, and the only official notification the President ever received that a bill had passed. Whether the law was constitutional or not was a question for the courts to decide.

Secretary Windom, when questioned on the subject, said it did not become him to question the constitutionality of legislation passed by Congress. He was simply an executive officer to carry out the will of Congress, and when laws were placed upon the statute books, all he had to do was to execute them. If doubts existed as to a given law being constitutional, those doubting it could have their doubts removed or confirmed by taking the matter to the proper judicial tribunal.

An interesting point bearing on the subject was pointed out at the Treasury Department to-day. Under the tariff law of July 14th, 1852, duties were increased on all brown or bleached linens, ducks, canvass paddings, cot bottoms, burlap, drills, coatings, brown Hollands, blay linens, damasks, draperies, etc., five per cent. advalorem, making the duty on the articles named 35 per cent., the former tariff having imposed a duty of 30 per cent. advalorem. In 1864, June 30th, another tariff law was passed imposing an additional duty of 5 per cent. on all the articles namd above, but by a clerical error, a whole line was omitted, and drills, coatings, brown Hollands, blay linens, and damasks, were left out of the paragraph altogether.

At first the treasury department imposed 40 per cent. duty on the omitted articles the same as on the enumerated, holding that such was the evident intention of Congress: but subsequently the department reversed itself and refunded the 5 per cent. increase in the bill of 1863 over the bill of 1862, and afterwards changed the duty on "drills, coating, etc," at 30 per cent, ad valorem. It was not argued that the omission of "drills, coating, etc," from the paragraph invalidated the paragraph or applied to any other articles than the ones omitted, or that the error in regard to the paragraph not being complete tended to make void the bill as a whole, or that the articles, in being omitted, belonged to the free list because they were not enumerated in the dutiable list. All former tariff acts contain more or less omissions or errors, and even so late as February 27, 1877 an act was passed to supply omissions in the revised statutes.

It is thought at the Treasury department that the same course will be pursued in regard to any defects of the present tariff law, if they are of a character serious enough to call for it.

"Come out from Among them, My People.',

Statesville Landmark.

One of our exchanges contains this paragraph:

Mr. W. A. Jones, the most popular Republican leader in Granville county, openly proclaims that if you will show him three white Republicans in the South he will show you two scoundrels.

We concur with the Asheville *Citizen* in disapprobation of this publication. It is not true; no man either with or without sense, believes it to be true, and nothing is to be made by this wholesale traduction. There are many white Republicans in the South who are personally honorable, honest men. How they can affiliated with those men of the North who hate the South, who are now trying to dragoon it by means of a force bill, who rob it by pension legislation in the benefits of which it does not share, who have just enacted a tariff law which is vilely sectional in its character, who are seeking to strike down a great Southern industry by legislating against cotton seed oil—how they can tolerate a party the stock in trade of which is denunciation of their people, we can in nowise comprehend. Though he believes in every tenet of the Republican party and repudintes every principle for which the Democratic party stands, still no Southern white man should league himself with the enemies of his people. Yet some honest men among us do so and it is neither neighborly nor just to brand them as scoundrels. The prejudices of the war control many of them and others are Republicans by inheritance. Many of these despise their association and would tremble at a thought of their party carrying a State election, well knowing that the bad element in it predominates and that it would wreck the State. These ought to abandon their party; they should not allow any false pride of consistency to keep them in a company in which they do not belong. Many of them, moved by the outrageous sectionalism of the present Congress and the present national administration, have come out on the side of their own people, but none have been aided to do so by being abused.

We hope no honest white Republicans will think the Democratic party generally has any sympathy with such intemperate utterances as that quoted above. On the contrary they are estimated at exactly what they are and will be welcomed into the ranks of those who are their natural allies if they will come out and abandon their party to the black people and to the ignorant and vicious white men who belong to it by instinct.

STATE NEWS.

Raleigh correspondence Wilmington *Messenger*: The taxes for pensions this year aggregate $80,000. It is learned that the four classes of soldier pensioners will receive annual allowances as follows: First class, about $90; second, about $65; third, about $40; fourth, about $20; and that the widows will receive about $20. This will be a considerable increase for them.

Prof. J. P. H. Leigh was teaching school at Cana, Davie county, a year ago, and the Davie *Times* gave as the reason of his departure that he had been too fond of his female pupils. Leigh had moved to Perquimans county, and brought an action in the Superior Court for libel against Mr. Will. X. Coley, the editor of the *Times*. The editor stood his gound, employed counsel and was prepared to defend the suit, when Leigh, week before last, took a non-suit and paid the costs. Hurrah for editor Coley!

The Supreme Court has filed an opinion in an important and novel case—a $10,000 damage suit brought by J. L. Young, of Cravan county, against the Western Uunion Telegraph Company. Last year Young's wife was taken ill in Greenville, S. C., and telegraphed her husband to come on. He did not get the message until six days later and in the mean time Mrs. Young had died and been buried, Young not knowing of either fact till all was over. Young obtained damages in the Superior Court, but the telegraph company took the matter to the Supreme Court, which sustains the finding of the lower conrt.

General Political News.

Hon. Justin S. Morrill, of Vermont, was last week re-elected to the United States Senate. He is the oldest member of that body.

Senator Joseph E. Brown, of Ga., to the surprise of everybody, has announced his purpose of speaking at the Georgia Fair to-day, the 23d. It is estimated that he will endorse the farmers fully and advise them to select a Senator as successor to himself who is in complete accord with their policy.

More than a dozen of the county Farmers's Alliances in Georgia have already passed resolutions instructing their delegates-elect to the Legislature to vote against the election of John B. Gordon to the United States Senate, because of his alleged opposition to the scheme of the Alliance. As matters now look, Gov. Gordan's chauces for the senatorship are regarded as slim, as the Alliance men constitute at least three-fourths of the legislature. In the meantime, Judge J. K. Hines, an able Democrat, has also announced himself for the Senate, on a square Alliance platform, including the sub-treasury scheme.

TO QUESTION

the Constitutionality of Laws is Brazen Arrogance.

Col. W. H. S. Bourgwyn in a recent speech to the Farmers' Alliance at Kitrell made use of the following language: "The Colonel then took up Hon. Z. B. Vance, our junior Senetor. After commending his past history and service, he proceeded to araign him for his opposition to the demands made by the Farmers' Alliance, and showed the utter fallibility of Mr. Vance's argument and position as the constitutionality of certain measures demanded. He said that the man was indeed bold who essayed to attack the constitutionality of any law and that the assumption of an opinion of any other than the Judges of the Supreme Court of the United States, he characterized as brazen arrogance. The Colonel then defined his position on the practicability of the sub-treasury plan. He not only demonstrated its practicability, but advised the Alliance to stick to its demands and elect only men to the United States Senate and Congress who were in favor of the reform movement, the expresspression of which sentiment met with loud and continued cheers."

THE "NEWS AND OBSERVER'S REPLY.

We regret to see such view attributed to him in regard to the nature of our government. As expressed, it would be "brazen arrogance" for any person other than the Judges of the Supreme Court of the United States to entertain the opinion that a law is unconstitutional! As these judges cannot originate law cases, according to this views, no case should ever be brought involving the constitutionality of a law! It would be "brazen arrogance" for any citizen to suggest through his counsel, or for any counsel to suggest to the court that a law is unconstitutional! All laws are to be accepted by the people as constitutional, and if any citizen shall presume to have an opinion about the matter he is guilty of "brazen arrogance!" It would be brazen arrogance for a Hampden to question the lawfulness of ship money! It were brazen arrogance in a Campbell to question the constitutionality of the Civil Rights law, or for a Burgwyn to question the constitutionality of the Force Bill. If a citizen shall presume to hold any opinion on the meaning of the constitution of his country, he is guilty of "brazen arrogance."

The king can do no wrong. The Congress cannot err. The members of Congress are infallible. Behold the change! As a citizen a man would be guilty of brazen arrogance to have an opinion on the meaning of the Constitution; he is elected to Congress—and his opinion is now become so infalliable that it is brazen arrogance in a citizen to have a different opinion!

But that is not exactly what Col. Burgwyn is represented as saying. The view attributed to him is so broad that even a member of Congress must be guilty of brazen arrogance if he had an opinion as to the meaning of the Constitution. He is called on to make a law, and if he shall stop to consider the bill and to form an opinion as to whether the law would be constitutional or not, he is guilty of brazen arrogance. Yet he is sworn to do that very thing. He is sworn to support the constitution, and that limits the power of Congress to legislate to certain specified subjects. He is sworn to observe those limitations, and yet if he has an opinion as to those limitations, he is guilty of brazen arrogance.

Let us suppose that a bill is introduced into Congress to seize Col. Burgwyn's property and hand it over to Mr. Quay for a Republican campaign fund. No citizen, no member of Congress, not, even Col. Burgwyn can hold an opinion that that measure is unconstitational without being guilty of brazen arrogance. The bill is passed into a law; Mr. Quay seizes the property; Col. Burgwyn asks a lawyer to interfere; but the lawyer would be guilty of brazen arrogance were he to hold and express the opinion that the law is unconstitutional.

We do not think that Col. Burgwyn entertains these views absolutely. A system founded on such a view would be unsuited to the genius of a free people. It would be foreign to our traditional method of government. Indeed, it would be utterly inconsistent with American institutions and the free enjoyment of popular rights. It would repress manhood, stifle the spirit of liberty, and train our citizens into a passive slavery.

When the Supreme Court held that the constitution meant a certain thing which our fathers thought it did not mean, they promptly put into the instrument a clause that the Constitution "should not be construed" to mean what the court said it did mean. The citizens reserved the court.

As we have said, we do not think that the Colonel, who is a gentleman of liberal education, acquainted with the history of his country and entirely familliar with the fact that ever since the adoption of of the Constitution, the basis of parties has been the different opinions entertained by citizens as to its meaning, intended to express the views attributed to him without some modification, which however, our ingenuity fails us to supply.

The only proper basis of permanent parties in a constitutional government is the correct construction of the constitution. Every citizen has a right to his view, to his opinion—to his own construction. The party in power enforces, as far it can, its own opinion and construction. Indeed one of the allegions made against the Democratic party in former years was that on gaining power it would declare that certain additions to the constitution were not lawful amenements of the instrument, were without force or validity.

Even the Supreme Court may reverse itself, as in the legal tender cases.

The Herald's Estimate.

The New York *Herald* of Oct 15, says that "conservative estimates indicate a Democratic majorty in the next House of eighteen, but it may be larger." The *Herald* gives the following resume of the causes leading to this great revolution in the political sentiments of the country:

"Of all the issues which will tend to shape the result, the new tariff law is likely to prove the most potent factor in determining it, because its effects are so far-reaching and it comes home to every individual consumer in the land. While President Harrison was elected on the protective issue by a minority of the popular vote, though a majority in the electoral college, the Republican leaders never intimated that they proposed to go to the lengths of the measure that has just become a law.

"The bill has been passed despite the protest of large and important elements of the population. Already its effects are being felt. Prices are slowly but steadily going up on articles of almost universal consumption. On the other hand wages have not acted in sympathy with prices. The home industries, which are expected to receive such an impetus by reason of the new tariff, can not experience it until the large stock of foreign stock which has been laid in has become exhausted."

"The effect of all this must operate to the detriment of the Republicans, and nowhere more than in the agricultural States of the West, where the farming interests are greatly depressed. Senators Paddock, of Nebraska; Pettigrew, of South Dakota, and Plumb, of Kansas, realized this fully when they voted against the McKinley bill on its final passage, and in doing so they represented the views of their constituents. The absence of harsh criticism of their votes in the columns of the Republican papers in those States proves this incontestably.

"The Force bill has had the effect of nerving up the Southern Democrats to a supreme effort and very few Republicans will sit in the next Congress from that section. So strong is the feeling on the subject that Mr. McComas, who has been repeatedly elected to represent the Sixth District of Maryland as a Republican, is thought this year to be in danger of defeat. This same thing will apply to Congressman Brower, of North Carolina, who has twice been elected as a Republican. No effort will be spared by the Democrats in the South to carry every district possible, and an increased Democratic representation may be expected.

"In this connection it is advisable to touch on a movement which is attracting widespread attention and which is expected to play an important part in the future politics of the country. I refer to the Farmers's Alliance. The Republicans are laying the flattering unction to their souls that through this wedge they will be able to break up the Solid South and perhaps prevent the Democrats from organizing the next House. In this they are likely to be badly deceived.

"True, in many districts in the South, Alliancemen have defeated Democratic veterans for the nomination. This happened in six of the ten Georgia districts. But it was merely a primary contest, and the nominees are running as Democrats and with the understanding that they will participate in the Democratic caucus. They well know that to prove recreant to this pledge would doom them to future political oblivion. The Southern Alliance Democrats will stand by their party."

The Last Cause of Difference Removed.

State Chronicle.

A prominent and influential member of the Alliance, a Democratic candidate for the Legislature writes us under date of Oct. 15th, the following private letter. It accords so exactly with the position of the *Ckronicle*, and seems to us to contain so much wisdom, that we take the liberty of giving it to the readers of the *Chronicle*, withhoold the name of the writer for the present. Its statements are commended to the consideration of every Democrat, and particularly the Democrats who honestly criticised the letters and position of Senator Vance. Our Alliance friend writes:

"I am delighted to receive the *Chronicle*, and find Senator Vance's letter to Mr. E. C. Beddingfield. This letter harmonizes everything in my district, and it is the biggest thing for the Democratic party that has taken place for many years, not only in North Carolina, but for the whole union. It at once makes Vance the hero throughout the land. Nothing can stand before him. This letter should bring every farmer, mechanic and laboring man to his feet, and cause them to work as they never have before. It should make every township in the State Democratic by a big majority. I am sure Wake county will go wild with the glad news, and you will have no trouble to roll up a large majority on the night of the 4th of November. This letter puts Senator Vance just where I have claimed he was ever since reading his letter to Mr. Carr. The State press (I have claimed) did Senator Vance great injustice in declaring throughout the State that he was opposed to the principles of the sub-treasury bill. This letter will do great good in North Carolina, and should Senator Vance take the stump with Polk and others in the west and advocate the sub-treasury bill as he can and inform the people on the finances of the country we will have no trouble in destroying the power of money to oppress the people, and Vance would at once be the biggest man in the Union. We must have more money and cheaper money in this country. The scarcity of money and hard times in the rural districts is driving our men to the towns and to the west. It takes the manhood and the womanhood out of the young people of the country."

The Speech of Senator Ransom.

Statesville Landmark.

If a discriminating stanger, without having heard the name or known the station of the speaker, had dropped into the court house at this place Tuesday and heard Hon. Matt. W. Ransom from the first to the last word of the address which he delivered here that day, he would have said at its conclusion, "That man should be in the Senate of United States." While yet under the immediate spell which he threw around all who heard him, and while the music of his voice yet rang in the ear, we would not have undertaken to put on paper an estimate of this effort and invited judgement upon it as a temperate, considerate opinion. Thirty-six hours afterward we do not hesitate to do so.

Looked at in whatever light one chooses to regard it, this speech was entirely great. It was purely an intectual performance. There was no appeal to prejudice or to passion. The speaker brought a message to the people, and he addressed it to their intellectual faculties. His manner was at no time declamatory. He never left the path of true conservatism. He indulged in no jest, employed no sophistry, and at no moment dropped from the high key on which he pitched his argument. Here he was tenderly persuasive; there the lightning of his rebuke withered and blasted its object; everywhere he was the embodiment of the dignity, the stateliness, the conservatism of the Senate. From first to last there was no flaw in the argument. With the care of a man who has for eighteen years moved upon a stage where keen blades quickly find the joint of every armor, his every premise was a conceded truth and every deduction drawn was the irresistibly logical sequence from the fact stated. "There it is!" he would say as he enclenched every proposition and dropped his arms by his side. And there, indeed, it was for any man who could controvert. His mastery of his audience was complete. For minutes at time the stillness was broken by nothing save the speakers voice. A deep solemnity was upon the people. There was no inclination to applaud; there was no desire for applause.

The speech lifted men up. It impressed them with the dignity and responsibility of cisizenship. It declared unto them the law of liberty and taught them that the American birth-right must be as sacredly guarded, as was the ark of the covenent in the devious windings of Israel.

The sentiment was high—this has already been said. The diction was faultless, the manner of delivery incomparable. No language could so aptly describe the man and his marvelously impressive and effective utterances as that which Ben Johnson employed to describe Lord Bacon:

"There happened in my time one noble speaker who was full of gravity in his speaking. His language, where he could spare or pass by a jest, was nobly censorious. No man ever spoke more neatly, more precisely, more weightily, or suffered less emptiness, in what he uttered. No member of his speech but consisted of his own graces. His hearers could not cough or turn aside from him without loss. * * * The fear of every man that heard him was lest he shonld make an an end."

As the oratory, pure and simple, "no member of his speech but consisted of his graces." The eloquence was the stately eloquence of the Senate—not the thin rhetoric of the rostrum. The manner of the speaker was the poetry of action, and what measure his maguiffcent presence contributed to the witchery he flung about his audience it is difficult to say.

Surely none who saw and heard this man on Tuesday but felt his heart swell with pride as he reflected that this polished orator, this profound logician stood for North Carolina in the highest deliberative body on earth.

The people of Iredell will be most fortunate if they ever hear this great oration equaled. They need not hope to ever hear it surpassed.