

E. J. HALE, Editor and Proprietor. E. J. HALE, Jr., Business Manager.

JUDGE CLARK'S MEMORABLE ADDRESS AT THE CHATHAM MONUMENT UNVEILING.

The women of Chatham unveiled their fine monument to the Confederate dead on Friday. They were fortunate in the selection of their orator, Chief Justice Walter Clark, who delivered a memorable address. It is by all odds, the best address of the kind which we have read.

The gifted orator paid a noble and comprehensive tribute to the soldiers of Chatham, of North Carolina and of the Confederacy, and to the women of the Confederacy, and gave in detail the career of the companies and parts of companies which Chatham sent to the front, some two thousand in all, and added:

"This monument commemorates collectively the services of all the soldiers whom Chatham sent to the field. This is well and fitting. It is a noble record and a noble monument. But the individual soldier should be remembered. I respectfully suggest that now before it is yet too late, long hands should prepare a roster giving the name, company and regiment of every soldier who went from this county. This has been done in Mecklenburg county, in Lincoln, in Cumberland, and I believe in Johnston, Edgecombe and some other counties. It ought to be done here. Many names are omitted in Moore's Roster. It is peculiarly appropriate that it should be done in this county which sent, besides its eleven full companies, in its own name, many men to eighteen other companies from Wake, Harnett, Moore, Alamance and Orange and other counties, besides scattered men in other commands. These names should all be collected in one grand roster for Chatham, to be filed in your court house and with your Memorial and Historical Association in perpetuum memoriam rei."

Effect of the War Upon Our Form of Government.

But of chief interest, particularly at this time when the legal effects of the war upon our form of government have become the burning issue, is the learned speaker's powerful presentation of the rights of the people and of the States which the war amendments did not change. This part of his address should be in the hands of every child in the North and the South, to the end that we may rear patriots rather than slaves of the predatory classes. He said:

"But 'Peace hath her victories no less renowned than war,' and hence has its struggles not less strenuous and important to the public welfare. It is not only in the revolutionary warfare that a State has rights and liberties. We have them at all times. Whenever there is a struggle to assert the liberty and rights of the people, whenever there is a movement to put into practical effect the grand doctrine set out in our State constitution, that 'all government of right originates from the people, is founded upon their will alone' and the further declaration 'that the people of this State have the inherent, sole and exclusive right of regulating the internal government, and the police thereof.' Whenever and on whatever occasion, the State has sought to exercise this power 'for the good of the whole' there has been opposition by the forces of the hour who wish to control all the powers of government for their own special benefit, and in their special interests. And at their bidding a swarm of toadies echo their contentions, men who like Esau of old have sold their birthright for a mess of pottage. Their motives are self or covardice, the same which actuated traitors and deserters in open war. We need no words with such. Let public contempt brand them. Indeed there is a very small minority who take the Tory side. The overwhelming majority are sound at heart. Those who are purchased need not be named. The moment they speak in the interest of their owners the ownership is proclaimed. Like Peter of old, 'their speech bewrayeth them.' How much man lived in the revolution they would have lived in the hands of their State and their own neighbors for the sake of King George's gold. Had they lived in 1861-'65 they would not have been found in the ranks of the glorious men whom that monument is raised to commemorate."

This Republican form of government is based upon the principle that all government is founded upon the people's will and when that will has been regularly and formally expressed, the government must obey it. The sovereign power in North Carolina is the expressed will of her people, and that is restrained by federal authority only so far as North Carolina, joining with the sister States has conferred a limited power upon the federal government. That there should be no mistake about this, the tenth amendment to the constitution of the United States rings as clear as a bell. 'The powers not delegated to the United States by the constitution, nor prohibited to the States respectively or to the people.' There is nothing ambiguous in these words and not a line or word of it has ever been modified. 'The hopes of our perpetuity as a government and the maintenance of our liberties as a free people depend upon upholding this guarantee of the rights of each state, in its integrity. There are a few good men who panic-stricken at the result of the war of 1861-'65 have declared that 'states' rights died at Appomattox.' Nothing is further from the truth. 'The theory of our government has been summed up: 'An indivisible union of indestructible States.' The war did settle that this was an indivisible union. But it did not destroy the other branch of the theorem, that these are indestructible states. The union is necessarily one of States. Destroy the states and there is not union but a consolidated government. This with our vast expanse of territory and diversity of interests would be impracticable and indeed an impossible government."

It is true that there is the Fourteenth amendment which was passed solely to secure the rights of the newly emancipated colored people. The monopoly and plutocracy of this country have sought to use it as a device to draw all jurisdiction of all questions concerning them, from the state courts, whose judges are mostly elect-

ed by the people, and responsible to them, into the subordinate federal courts whose judges are in most instances elected by the great capitalistic combinations and hold for life. 'Like sappers and miners,' to quote the words of Mr. Jefferson, they have been at work night and day to wrest the fourteenth amendment into something very different from its true meaning, and to make it repeal both the tenth and eleventh amendments and, indeed, nullify the whole spirit of the constitution.

Should this succeed, there would be no longer use for state judges or state legislatures, and even the acts of congress would be set aside as will by a judge appointed for life at the selection of Wall Street.

The same powerful combinations which have sought in their own interest to make or prohibit law making, or the due execution of laws when made, by taking a hand in the election of presidents and governors, legislators, congressmen and senators have by no means withheld their hands from the other branch of the government. The sudden reversal of 100 years of precedents in the income tax case and the transfer, contrary to law, of \$109,000,000 annual taxation from the millionaires most able to bear it, to the backs of the toiling masses, revealed, as by a flash of lightning, to the public what lawyers had long known, that the popular will has been thwarted by predatory wealth even more by the courts in setting aside statutes or in misconstruing them, than by lobbies in defeating legislation.

Fortunately the subordinate federal judges are created by, and have been abolished at will, by congress. They have no powers whatever except those conferred by act of congress, all of which that body can recall at will. And even the Supreme court of the United States, while created by the constitution, is subject to this provision 'under such regulations as the congress shall make.' That court acts under the judiciary act of 1789, which congress has often amended since, and can further change at will, provided it does not confer powers beyond the limits authorized by the constitution.

So this brings me back to my proposition that the war, whose heroism that monument commemorates, in no wise impaired the rights of the states but confirmed only that the union was indissoluble and that no state had a right to withdraw from it. The public opinion of the people of a state as to what is for their best welfare, is the only legally created and remains conclusive unless within the limits of those powers expressly granted to the United States in the constitution, and as to those the people of the United States speak through congress.

In short, I hold with that grand old patriot, James Hunter, who declared after the battle of Alamance was lost, 'I believe that the people are as much master now as ever.' That was in 1771. At Mecklenburg in May, 1775, at Halifax in April, 1776, at Philadelphia in July, 1776, the Declaration was taken up and repeated, and its echoes have been rolling down the years ever since and will never cease.

Those who believe in the absolute and unlimited power of judicial supremacy, and that irresponsible judges can make their own jurisdiction and amend the constitution at will by grotesque constructions of the fourteenth amendment forget that the 'people's will,' nor a judge's edict, is the supreme power. If the swollen tide of federal judges, who have powers were correct, in 1861 all that would have been necessary to stem the rising tide would have been to get some federal judge to issue an injunction against the people of North Carolina and other states. Probably his would have been attempted if some special interest had been endeavoring to assert its supremacy over the law. But as it was the government of the United States, whose supremacy was called in question, its officials had some common sense. As quick as they could, they got three millions of men into line, and then it took them four years and billions of money to assert that authority superior to an act passed by authority of the people of North Carolina.

Those who remember the spirit of North Carolina in those days and in the great revolution, and see how we honor the memory of those who have stood for the sovereignty of the people know well that we will not submit to judicial usurpation now. North Carolinians will not 'lay down at the popping of a cap.' That may be seen that in opposing the amendment of our federal constitution, and the absorption of states' rights by the stealthy process of judicial usurpation and strained construction I have good authority, I quote, in his farewell address to the American people, Washington said: 'It is in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates. But let there be no change by usurpation; for, though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.'

And in his first message to the American congress, Lincoln said: 'To maintain inviolate the rights of the states to order and control under the constitution their own affairs by their own judgment exclusively, is essential to the preservation of that balance of power on which our institutions rest.'

And, finally, Chief Justice Marshall said in Gibbon v. Ogden: 'The genius and character of the whole government seem to be, that its action is to be applied to all the external concerns of the nation, and to those internal concerns which affect the states generally; but not to those which are completely within a particular state, which do not affect other states, and with which it is not necessary to interfere, for the purpose of executing some of the general powers of the government.'

The same sturdy spirit which supported the right of the people of this state to control their own affairs in days past still exists. 'Shame on the false Etruscan Who lingers here at home. When Porcius Cato said, 'Is on the march to Rome.' And shame on the North Carolinian who falters when the rights of his people are at stake. And double shame on him if honored by his state with public office he fails to act and to speak in maintenance of the rights of her people.

New Presbyterian Church at Bennettsville Burned. The Presbyterian church at Bennettsville was burned Saturday morning. This church had just been dedicated at a cost of more than \$20,000, the furniture had been installed only last week. It was insured for \$5,000. The fire is supposed to have originated from defective electric wiring.

WHERE OPTIMISM NEEDS INSTRUCTION.

The Baltimore Sun pays high tribute to the sentiments expressed by Governor Hughes of New York in his recent Chautauque address, remarking that he declared himself an optimist with an abiding faith in the sobriety of judgment and integrity of motive of the American people. Our excellent contemporary added that 'those who think they can detect traces of decadence in the people of this republic, who fear that Americans can not cure existing evils without disturbing the very foundations of the nation's prosperity, will find the opposite view presented strongly by Governor Hughes.'

In the course of his address, the Governor gave expression to these admirable sentiments, as quoted by the Sun: 'I am convinced that we shall have more and more intelligent and unselfish representation of the people's interest; that political leadership will be tested more and more by the soundness of its counsel and the disinterestedness of its ambition. I believe that with an increasing proportion of true representation, with increasing and discriminating public discussion, with the patient application of sound judgment to the consideration of public measures, and with the inflexible determination to end abuses and to purify the administration of government of self-interest we shall realize a greater prosperity and a wider diffusion of the blessings of free government than we have ever hitherto been able to enjoy.'

Without doubt the Governor's optimism springs from the abundant evidences that lie about us of the awakening of the people to their public duties which the Chicago platform of 1856 brought about. But this sturdy reformer has his ABCs to learn if he thinks the present revolution can find such an immediate response to its demands in the field of national legislation as he has found to be the case in the simpler field of State government. Like most of the Northern statesmen, Governor Hughes has inherited, however unconsciously he may concede in his case, the Northern ante-bellum doctrine that the Constitution was 'a league with hell and a covenant with death,' and his mind has not been turned to considering the potent barrier to remedial legislation by the national government which the Constitution's once beneficent 'checks and balances' now present. As we have so often pointed out, these excellent contrivances of the framers were designed to prevent the flow of power to the central government. It was rightly calculated that, according to the doctrine of chances, no thoroughly bad bill could ever pass House, Senate, President and Supreme Court without a check somewhere in its attempt to evade the patriotism and the watchfulness of them all. But when the law were silent, during the war, and worse than silent in the years just after, centralization had its innings. Now, the 'checks and balances' act as a reversed valve, and it is next to impossible to enact any legislation which seriously interferes with the huge agitations of wealth whose foundation were laid by the protective tariff and whose hideous superstructure the demoralization of silver completed.

The cure can only come through the efforts of men trained in the Democratic faith. We had our opportunity in 1852, when, for the first time after the war, the Democracy relying upon the tariff issue was swept into control of House, Senate and Presidency. And we lost it by the sidetracking of that paramount issue in order to make way for the money-changers' unconditional repeal of the Sherman silver law.

By this lamentable act, the tariff-swelled fortunes of 1852 were increased many fold, until now our primitive republic, hardly out of the woods, has several times as many millionaires of the class over 20 millions as all the old countries put together notwithstanding their centuries of accumulation under class government.

The people will win, for it is evident now that they mean to do so. But the duty of statesmanship is to educate the people to the necessity of assimilating our form of national government to those simpler methods which give to the people's will such immediate effect in Britain and in Switzerland. The Constitution provides the way for such a change. Let this be availed of before the pent-up resentment of the people finds a ruder way.

PAVE THE STREETS.

It is certain that no place in the civilized world, comparable with Fayetteville in population and importance, presents such a disgraceful appearance in its principal streets as Fayetteville. It was a hard struggle to get the forfeited charter back in 1892, (and a costly one to the chief agency that accomplished it). It was a hard struggle to get the waterworks, the first condition of a city's progress. It was still harder, after six years (we believe it was six) of total darkness in the streets, to get them lighted, (though they were brilliantly lighted with fine gas before the war). It was quite as hard to get the half-way system of sewerage which has lately been trying our souls without satisfying them. Are we to be cursed with the same dilatory methods, now that our wonderful natural advantages have at last forced the wheels of progress liberally to run over us, in the matter of street paving, the last condition of progress from the village to the city state?

COURTS HAVE JURISDICTION.

The Legislature has authorized the issue of \$100,000 bonds for the paving of our streets. The private property owners' assessments will swell this considerably. Let the people agitate and agitate, until the city authorities are forced to act, and to act quickly. Let the new blood that has recently come to us from the bustling world outside help the progressive spirits in our midst who have for so many years been outnumbered—or at least outvoted—by the croakers and anti-progressivists.

CURRENT COMMENT.

The extravagant style in which our ambassador to England lives has caused criticism there, where many nobles much richer than he live less pretentiously. His manner of living is described as 'vulgar' by critics who, of all people in the world, know and practice the fine living of the right sort. A contemporary observes with much point that while our so-called republic sends a glided vulgarian to an old world monarchy, that democratic land of king and nobles sends to us a simple gentleman of literary and statesmanlike attainments of the first order, its eminent Mr. Bryce.

JUDGE PARKER IS IMPROVING.

In his recent address before the North Carolina Bar Association at Asheville, Judge Parker made suggestions concerning the common law, as the source of inherent power in the Federal courts, which were quite disheartening to those who recalled the fact that he was, but the other day, the Democratic standard bearer. He seemed oblivious of the fact that three quarters of a century ago the Supreme Court of the United States had settled that matter. It pointed out that, while the common law was most useful as an instrument or means of applying the jurisdiction conferred by the Constitution upon the Federal courts, it was in no degree to be considered as a source of jurisdiction.

As president of the American Bar Association, Judge Parker delivered a strong address at Portland, Maine, on Monday, in which he is described as holding up the Constitution of the United States as a bar to the encroachment of the Federal power on that of the States; as standing uncompromisingly for the rights of the Commonwealths and pointing out their duties in curbing the corporate power. He replied to the arguments of President Roosevelt and Secretary Taft; quoted Washington's warning against 'stretching' the Constitution in just view emergencies as the present, and made an earnest plea for his favorite doctrine—'government of law and not of men.'

The leading features of his address are thus summarized: 'He who surveys the action of the legislative and executive departments of the State governments during the last few months cannot with truth say that they have been inactive, nor can he say that the Federal Government has been more active or more drastic. 'There was ardent support for a strong centralized government prior to the adoption of our present system. In the beginning, the advocates of this idea could see only failure in the plan adopted. Almost a century ago a jurist of actual experience has shown that they were mistaken. 'It amounts to this, if the present plan is allowed: That powers hitherto exercised by the States, with the Federal Government, may now be exercised by the Federal Government. The only foundation for this doctrine would be the assertion that the powers were wrongly exercised in the first instance and that, ever since, the States have usurped the functions of the national Government.'

'It seems rather late to argue, after a century of judicial and political interrelation, with the acquiescence of the State and Federal Governments, that the Constitution is not, after all, what it has seemed to be all these years. 'Washington's solemn admonition in his Farewell Address as to our duty in such an emergency should be faithfully adhered to. Let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always overbalance in permanent evil any partial or transient benefit which the use can at any time yield. 'Guided by the ideas and principles which prevailed in the creation of the State governments, the framers prepared the Constitution under which our national Government came into the existence. Every power with which it was deemed necessary to endow the national Government was given to it, and in the exercise of these it was made supreme. To prevent any possible assertion by the national Government that it had further powers, these assigned to it were carefully and expressly enumerated. 'It leaves no room for finding in the language of the Constitution a claim that there are certain unmentioned and inherent powers which the Federal Government may exercise. 'That claim has been made on one occasion, only to be denied by it. 'Every patriotic student of the times, while hoping for the best, fears that the consequences will be disastrous unless we again take up and press forward in all earnestness the shipboreth of the fathers: 'A government of law, not of men.'

SALMAGUNDI'S COMMENTS.

Mr. Editor: When the peach trees and dogwood were in bloom last April and a cold wave driven by a north-east wind was passing, our old friend, D. H. Stokes, said that the east wind in his destructive as it was in Egypt, when Pharaoh was dreaming there four thousand years ago of the fat and lean streaks—how the latter followed the former, and the hill country poured its shekels into the lap of the valley of the Nile. Ever since then a similar occurrence is expected. Hence Shylocks take up their positions and wait for Africa's sunny fountains to roll down their rocky sands. In Great Britain the Rothschilds have the right-of-way. Famous as they are for their power, the great transportation of the goods of the arteries through which the masses of mankind are bled until they are so weak they are absolutely helpless. See the masses of Russian peasants at the mercy of a few heartless plutocrats. Europe, Asia and Africa—wherever civilization has planted its foot—in the same condition, and this American continent is drifting in the same direction. Ex-President Cleveland's reference to tariff reform a few days ago sounds faraway in the dim distance, when opportunity passed by him unheeded, and now, the plutocrat in the shoes of his glory, comes down, like the wolf on the fold. 'When legislators shall not be for sale at any price, millionaires will be as harmless as panthers. In fact, both will soon disappear from the face of the earth. Both are the result of dis-honest methods. Then the blessings that Agur prayed for will be realized and enjoyed by all the inhabitants of earth. Hell will be broken up, and the glory of God will fill all space. Reader,

what reasonable objection could you oppose to this plan? Will you not admit that it would be better than the rules in vogue now? These remind us of the poor fellow who once asked us to help him to get off a drunk, and a fit of delirium. All right, we said. We had just crossed a creek, much swollen by recent heavy rains. He could not walk the foot log, and he was too heavy for us to carry; but we loved him over the best we could, and when we had landed on the hither side, he asked our advice. He carried a pistol, which we had seen him flourishing in the village, and a quart of white eye. 'Where is that gun?' we asked. He fished it from the hip pocket and handed it to us. You don't need this, we said. No, he said, no particular use for it. They've tossed it far back into the swamp. Now, where is that bottle? He drew it from another pocket and handed it over. It was a moonlit night, and objects were plainly visible. Do you see yonder tree, we asked. Of course I do, he said. Do you think you could hit it with this bottle, from where we stand? You throw first, and, if you miss it, then I will throw the bottle. He seemed to reflect for a moment, and then he said, 'That would spoil the liquor.' He joined the church after that, and continues to have spasms alternately. One while it will be delirium tremens, superinduced by drinking to excess; and the other while it will be excess of piety, brought on by a remorse of conscience. It is a continual brain storm, and the victim is a fit subject for the inebriate asylum. Some people insist that it can be cured by legislation, but this scribble differs with them in opinion, and does so honestly. But we presume they are like Balham—he could not see the angel clothed in shining apparel. Please excuse Sal for hitting straight from the shoulder. As Ever, SALMAGUNDI.

Cameron, N. C. From Mississippi.

Camp meeting began at McHenry last week, but the writer has not attended it yet. We have all the new sweet potatoes we want now and have had for some time. We are all looking forward to 'sugar cane time' now, which will be in September and we have the real ribbon kind which is good chewing. Misses Carmie, Annie and Pearl Culbreth and three other young people have planned a trip to McHenry next Sunday to the camp meeting. Mr. George Price and Mr. Murray Fisher, of Wood Market, were the guests of the Misses Culbreth last week. Mr. C. S. Entzinger was in New Orleans on business last week. Cards are out announcing the marriage of Miss Marion Stiglets, of Wood Market, and Mr. Frank Beasley. Mr. McK. Culbreth spent last week at A. A. Culbreth's at Elarbee's still in West McHenry. The Mississippi Tar Heel was surprised to see a letter from South Georgia signed by R. S. Burns. I didn't know he had gone to Georgia but judging by his letter, I think the farmers there are very much like these here; if they have a little patch of corn, sugar cane and potatoes, that is what they call farming on a big scale. Why they seldom ever pull and save the fodder: they gather the corn, pull up the stalks and cut the hay, and in North Carolina they save the fodder and the hay both. 'I've never seen a big field of cotton or corn here like they have on the east side of the Cape Fear river about three miles from Fayetteville. But they have some fine farms in North Mississippi, but all over the South of Mississippi the saw mills and turpentine companies have taken the day, and wages are very good and of course the people are not going to follow farming when they can make from \$1.50 to \$3.00 per day at anything else. With best wishes for old Fayetteville and its improvements and good people. Mississippi Tar Heel.

Judson Items. Aug. 22, 1907.—The rainy spell seems to be broken, and hot weather is upon us again. Fodder pulling is in full head-way. The ground is fully wet and the crops can move on to maturity. Cotton is beginning to open, with plenty of sunshine now. Cotton picking will begin early in September. The boat excursions are numerous now-days. Last Thursday Faircloth and Dunn ran their excursion on the City to Wilmington; to-day Burney Dunham and Dunham ran their big White Oak excursion on the steamer City to Wilmington. Mr. Bash's saw mill near Judson was burned this morning about day-light. The damage is light, as nearly all the lumber had been hauled off. The engine was damaged very much. The fire caught in a large pile of dry slabs near the mill. Some colored people who live near the mill saved the saw and carriage from burning. Mr. G. L. Haywood's saw-mill ran away with itself yesterday evening. The governor failed to work, and cut off the steam. The drum or pulley on the saw mantle flew all to pieces, some of the pieces striking two of the boys and there was running done. Mr. H. B. Downing, wife and daughter, returned home a few days ago from several days journey up in the mountains visiting Morganton, Black Mountain, Asheville, etc. The boys on this side of the river are glad and rejoicing that the iron bridge over Lock's Creek is about completed. This bridge has been a great hindrance to the people in this section and down to the river. Mr. George King has spent his vacation and is back on his mail route. George went up to the Exposition and he says he saw lots of things up there. He says we ought to go. Roosevelt Against Bryan.

National Committee-man Norman B. Mack, of New York, says: 'The Republicans, I believe, will nominate Roosevelt. His speech at Provincetown on Tuesday strengthens the impression that he is to be nominated again. I believe that sentiment in the Republican party will force the nomination of Roosevelt, just as the feeling in the Democratic ranks will force the nomination of Bryan. The Republicans will have to nominate Roosevelt to stand any chance of success, and the Democrats will be forced to nominate Bryan for the same reason.'

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