

MORE ABOUT OUR COURT

BY JUSTICE JOHN FORD, of the Supreme Court of New York

OUR Federal judiciary, through usurped power and perversion of the Constitution, has made that instrument a straight jacket for American democracy. The Supreme Court Justices were not satisfied with arrogating to themselves the function of vetoing laws passed by the responsible representatives of the people.

Nor was their lust for power satiated by the further usurpation of power to disregard the plain language of those laws which they graciously allowed to stand and to give to them such meaning as suited their own private views under the "rule of reason" promulgated in the Standard Oil case. They have gone farther, and now boldly assert their right to declare the public policy of the nation and of every state.

Jefferson's Principle.
A democracy is a living, growing, expanding organism. Social progress is the primary motive of its being. Its constant endeavor is to realize Jefferson's "greatest good for the greatest number." Its life principle flows from the intelligence and ethical concepts of the masses. To bring within their reach opportunity for education, culture and development of the higher human instincts and aspirations is a fundamental necessity for the accomplishment of its sublime mission.

Hampering, hindering, blocking the progress of our democracy toward its ideals stand the nine puny mortals who constitute the United States Supreme Court. And what they say is final and binding upon every subordinate Federal judge and of compelling influence ordinarily upon all the State courts. Illustrative of this obstructive policy of the Supreme Court toward humanitarian legislation are its successive decisions annulling the two child labor laws.

The first act was passed in 1916. For upward of ten years devoted men and women had worked untiringly to procure its enactment. It was backed by the American Federation of Labor and labor unions generally, and especially by the women's organizations and philanthropic and religious societies throughout the country.

Shocking Evils Shown.
Exhaustive hearings were had before the committees of Congress resulting in a mountainous mass of evidence showing the shocking evils incident to the employment of child labor in gainful industry. Here is an extract from a Senate report:

"Evidence is overwhelming that unregulated child labor does not promote a healthy citizenship; that it tends to the deterioration of the race physically; and the dwarfing of children mentally through the denial of full opportunity for education; and that, since the statistics of our juvenile courts show that by far the largest percentages of juvenile delinquents are the children who are put to work too soon rather than the children who are trained in the schools."

During the years of agitation for the measure similar evidence deluged

Congress proving that child labor shortened life, bred disease and fostered criminality. The only opposition came from the employers who were coining the souls of children into tainted dollars. Also, a strong plea was made for the law on the ground of commercial fair play. Some states had effective child labor laws, some had none. The manufacturers of the former could not successfully compete with those of the latter in interstate commerce because of the cheap child labor and consequent smaller cost of production in the States of unrestricted child labor.

Child Law Overturned.
Congress has exclusive jurisdiction over interstate commerce, and the first child labor law passed merely excluded the products of factories employing such labor from that commerce. The vote in the house on the bill was 387 to 46 and in the Senate 52 to 12. It became a law by the signature of President Wilson. The Federal Children's Bureau undertook its administration under the direction of that noble woman, Julia Lathrop. Under her supervision the new law was working out effectively and without material friction. The death knell of child labor restriction in America was sounded when an inferior Federal judge in North Carolina declared the law unconstitutional.

In 1918 the case reached the Supreme Court and that tribunal upheld the judgment of the North Carolina judge in one of its notorious 5-4 decisions. Justice Holmes wrote a telling dissenting opinion concurred in by Justices McKenna, Brandeis and Clarke. Thus again irrevocable, life-term justice set at naught the votes of 337 Representatives, 52 Senators and the views of the Department of Justice, which advised the President that the bill was constitutional.

Margin of Loss Small.
Among these 389 representatives of the people in Congress and in the Department of Justice there were many lawyers of renowned learning and ability. They all in effect had declared the law constitutional. They represented the weight of legal authority as against the five men who declared it unconstitutional. The Representatives, the Senators and the President were all sworn as solemnly to support the Constitution. Yet the votes of five out of the nine justices prevailed over all the others, including four justices who voted to sustain the validity of this great humanitarian enactment.

Again the forces of righteousness set to work and caused a bill to be prepared that would meet the objection of the court to the former measure. The highest legal talent was enlisted, and it was decided to follow precisely the form of other laws which had met the approval of the court. The new measure imposed an excise tax on manufacturers employing child labor when their products entered interstate commerce. This second act was duly passed and approved by the President but scarcely was the ink dry when it was annulled by an inferior judge again in North Carolina. The Supreme Court promptly affirmed his decision, and thus the "brutal conditions of child labor were continued until the Constitution shall have been amended. In the meantime, more than a million children between the ages of ten and sixteen years must go on wrecking their young lives and stunting their intellectual and moral development to the enrichment of soulless employers.

Paints Sad Picture.
In his annual report of last year Secretary of Labor Davis painted this picture of the inhuman conditions which exist under the protection of the Supreme Court:
"The destiny of the poor victims seems clear. When they reach the age of manhood and womanhood, instead of being able to do their share of the world's work and do it effectively and efficiently, they are wrecks physically, mentally, and morally, a large percentage of them landing in the poorhouse, the madhouse, the jail or the grave. There is not a single defense that can be urged to this awful system."
It was Chief Justice Taft who wrote the prevailing opinion annulling the second child labor law. Note

the arrogant tone of him as he nullifies the will of the people as expressed by the overwhelming vote of their Congress and the approval of their President:

Taft and His High Record.
"It is the duty and high function of this court," he proclaimed, "in cases regularly brought to its bar, to decline to recognize or enforce seeming laws of Congress dealing with subjects not intrusted to Congress but left or committed by the supreme law of the land to the control of the States. We cannot avoid the duty, even though it requires us to refuse to give effect to legislation designed to promote the highest good."

The average citizen knows nothing about most of the nine irresponsible men who control so largely his country and its destiny. He had nothing to do with their selection, and never heard of them until their appointment was announced in the newspapers. But he does know a lot about Chief Justice Taft who was President for four years, and the candidate of his party for a second term.

The Taft Administration was distinctly commonplace, except in so far as it was a model of standpatism. It endeared the President to the forces of plutocracy. At the end of his term they were solidly for his re-nomination, but the rank and file of his party, the plain people, were solidly against him and demanded the nomination of Roosevelt in his stead. The agents of plutocracy were notoriously in control of the Republican convention of 1912, and they were deaf to the protests of the Republican voters.

Plutocracy ruthlessly squelched Roosevelt sentiment and forced the renomination of Taft, Roosevelt and his followers revolted, organized the Progressive party, and put a ticket in the field with Roosevelt himself at its head for President.

This great Chief Justice, who now sits where he can by his single vote nullify the people's will and scoff at it as "public clamor," with four years' record as President before the electorate and backed by all the power of plutocracy, his party machine and his presidential patronage, was able to win only 8 out of 531 electoral votes. If the people had had a direct vote on his elevation to the Supreme Bench, how many votes would he have received?

Yet there he is for life, to force his bourbon views upon the country by judicial decree, with no power in the people to get rid of him while he completely draws his \$10,000 pension from the earnings of the steel trust.
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WISHING.

Do you wish the world were better?
Let me tell you what to do.
Set a watch upon your actions,
Keep them always straight and true.
Rid your mind of selfish motives,
Let your thoughts be clean and high.
You can make a little Eden
Of the sphere you occupy.

Do you wish the world were wiser?
Well, suppose you make a start
By accumulating wisdom
In the scrap book of your heart.
Do not waste one part of folly,
Live to learn and learn to live;
If you want to give men knowledge
You must get it ere you give.

Do you wish the world were happy?
Then remember day by day
Just to scatter seeds of kindness
As you pass along the way.
For the pleasures of the many
May be oftentimes traced to one,
As the hand that plants the acorn
Shelters many from the sun.
—Margaret Reedy.

WHOLESALE PRICES.

WASHINGTON, Nov. 26.—Comparing wholesale prices in October with those of a year ago, as measured by changes in the index numbers, the general price level has declined less than 1 per cent, says the United States bureau of labor statistics in its latest release on wholesale prices.
Fuel and lighting materials averaged 24 per cent lower than in October, 1922, while building materials were slightly lower. The group of miscellaneous commodities showed no change in the price level. In all other groups prices were appreciably higher than in October of last year.

Saturday last day to register for school bond election. Register and vote your sentiments, whatever they are. As for us, we are in favor of the school bonds.

WIT AT RANDOM

She—Oh, I wish the Lord had made me a man!
He—(bashfully)—He did. I am the man.—Punch Bowl.

Grace—Oh! Stealing jam! I'm going to tell mama!
Freddy—Wouldn't you rather have some jam?—Delineator.

"There's a man outside, sir, that wants to see you about a bill you owe him. He wouldn't give his name."
"What does he look like?"
"Well, he looks like you'd better pay it."—Life.

"Did any of your family ever make a brilliant marriage?"
"Only my wife."—Boston Evening Transcript.

"Well, I imagine those who have been married themselves start it, and the others join in."—Boston Evening Transcript.

Shop Foreman—You ain't one of them blokes wot drops their tools and scoots as soon as knock-off blows, are you?
Lily White—Not me. Why, I often have to wait five minutes after I put me tools away before the whistle goes.—The Sydney Bulletin.

Mother (to daughter)—My goodness, how did you get all that ink on the side of your face?
Daughter's fiance (unconsciously searching in his vest pocket)—Gosh! Is that pen leaking again?—Jack-o-Lantern.

Teacher—(jocularly)—"Do you know anything worse than a giraffe with a stiff neck?"
Pupil—"Yes, sir!"
Teacher—"What?"
Pupil—"A centipede with corns."
—Kasper (Stockholm).

The Sunday School teacher asked the small boy, "Tommy, what must you do to save your soul?"
Tommy stuttered and stammered. He did not know. Then a little neighbor whispered to him: "Worship."

Tommy then said: "Oh, yes. To save my soul I must wash it."

A colored revival was in full blast and one old fellow was exhorting the people to contribute generously.
"Look what de Lawd's done fo' you all, bredren!" he shouted. "Give Him a tenth. A tenth belongs to de Lawd!"
"Amen!" yelled a perspiring member of the congregation, overcome by emotion. "Glory to de Lawd! Give Him mo'. Give Him a twentieth!"
—Selected.

A speaker at a minister's meeting in Boston told the story of a negro clergyman who so pestered his bishop with appeals for help that it became necessary to tell him that he must not send any more appeals. His next communication was as follows: "This is not an appeal. It is a report. I have no pants."—Houston.

A chap was arrested for assault and battery and brought up before the judge.
Judge—(to prisoner)—What is your name, your occupation and what are you charged with?
Prisoner—My name is Sparks, I am an electrician, and I am charged with battery.
Judge—Officer, put this guy in a dry cell.—The Inland Merchant.

"Pass?" asked the sentry.
"Countersign?"
"Countersign! Don't know nuthin' 'bout no countersign."
"Well, you can't leave camp without the countersign."
Rastus thought it over and his grievances mounted high within him. The time had come for action. With a swift motion he produced a razor from his puttee and flourished it open under the sentry's nose: "Listen, Mistuh Sentry, Ah don't want to stant no trouble, but—Ah got a moth in heaven, a father in hell, and a gal in this yeah town, and Ah'm suah gwine to see one of dem tonight!"

Of course the story of the lazy negro who guided his mule simply by saying "gee" and "haw" is well known, but a man in a small town who was making a purchase in a store found a lazier person.

As he came out of the store he noted that a tramp was leaning on a wheel of his buggy. As the man got into the wagon, he asked the tramp, who was still leaning, what he wanted.
"I'm just waiting for you to start so the wheel will light my match," was the reply.

Blinks, after inviting his friend Jinks to dinner, was telling him about the remarkable memory of his little son, Bobby. "And do you think he will remember me?" asked Jinks.
"Remember you? Why certainly he will."
An hour later they entered the house, and after Jinks had greeted Mrs. Blinks, he called Bobby over to him.
"And do you remember me, my little man?"
"Course I do. You're the man that pa brought home last year, and made ma so wild about it that she didn't speak to pa for a week."—Mobile Register.

A STARTER.

Farmer—"Now, come along, and I'll teach you to milk the cow."
Cockney Hand—"Sein' I'm new to it, Mister, hadn't I better learn on the calf?"—London Opinion.

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NOTE:—Gamble Drug Company very kindly consented to sell tickets in North Charlotte for the convenience of the citizens of that section of the city.