

VOL. XVI

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## EDITORIAL BRIEFS.

If Vance were living would Democratic State chairman?

We understand that Col. R. B. Glenn forgot to produce that free silver letter from Cleveland last week.

The town of Wilson has a Populist spirit of water-works. The more of Populist principles that Wilson, and every other town adopts, the better it will be for the town and its people.

The Wilmington Messenger admits that the Democratic machine has been guilty of stealing votes and prostituting the ballot box, but says that it thinks that probably "too much credit has been given to cheating" in estimating the Democratic vote.

The much advertised grand Democratic rallies are proving to be grand Democratic water-hauls. The people have no confidence in the Ransom machine and the McKinley Democrats who controlled the Democratic State convention.

In the campaign of 1892, Mr. C. B. Aycock promised the people that if the Democratic party got complete charge of the government and did not restore free silver that he would leave the party and join the Populist party. The people know how he has failed in this promise. We suppose he is out on the campaign making similar promises.

The speakers representing the Cleveland and Hanson machine are again finding that the people will not come out to hear them speak. In order to get somebody to talk to they hunt times and places where other attractions have drawn a crowd together. They are careful to go to towns during court week, or where a tobacco sale is advertised; and when they cannot do better they find where a patient medicine man has drawn a crowd. This is the way the speakers at some of the much advertised Democratic rallies last week managed to get a few people to hear them.

The Charlotte Observer takes every opportunity, indeed, often goes out of its way, to express its approval of and admiration for the few bolters from the Peoples Party. It has a special admiration for the few bolters who went over to the side of the railroads in the present legislature, and the few fellows who bolted the National Convention meeting at Omaha that called a Populist National Convention at Cincinnati September 5th. This is perfectly natural because the Charlotte Observer itself bolted Bryan in the last campaign. It did not, however, bolt openly, like the Populist bolters, but it tried in a sneaking and underhand way to help Bryan while pretending to be supporting him. The Charlotte Observer's political partner in this dirty work was one G. Ed. Kestler, another bolter and one of the sorriest of the tribe.

The Monroe Journal reports that there are three Populists in Union county who say that they are going into the Democratic primaries this year. This may be so, or it may not be so; but if they believe in the principles of the Peoples Party and should go into the Democratic primaries they would do so with their eyes opened and see their mistake, as was the case with several Populists in Edgecombe at the recent Democratic primaries there were three or four Populists who went into the primaries, and in order to advertise the fact, some or all of them were made delegates to the Democratic county convention. When they got to the convention and saw the goldbugs, McKinley Democrats, in full force and running the party machinery, they were disgusted and openly announced that they had made a mistake, and would at once return home to the Populist Party where they belonged.

## RAILROAD COMMISSION WINS. JUDGE CARLAND DISSOLVES INJUNCTION SUIT AGAINST THE RAILROAD COMMISSIONERS OF SOUTH DAKOTA.

The Full Text of the Decision Handed Down by the Court Declares that the Acts of the Commission Were Constitutional.

The State Board of Railroad Commissioners of South Dakota have won a signal victory for the people of South Dakota. Judge Carland has handed down his decision in the Milwaukee test maximum rate case dissolving the injunction issued against the Commission restraining them from putting into operation a schedule of freight and passenger rates prepared by them in August, 1897.

The decision of Judge Carland is exhaustive and upholds the Commission and the law of the State, giving it the power to establish and put into operation a reasonable schedule of rates.

Before we found a letter from a prominent Populist in South Dakota with reference to the decision, that those rates and fares are prima facie reasonable and just. And it is also provided by the act of the legislature, under which the defendants are claiming to act, that the rates and fares established by them, or any schedule of rates, shall be prima facie evidence that the rates are reasonable and just in any controversy where they shall come in question.

It thus appears that the burden of proof is upon the complainant to establish that the rates and fares which the defendants are seeking to put in force will, if lawfully made and promulgated, result in the taking of complainant's property without due process of law, and will deprive the complainant of the equal protection of the law. In other words, the complainant must show to the court that the acts of the defendant commissioners are unconstitutional as being in conflict with the Constitution of the United States.

While it is true that the legislature of a State may, under its power to regulate rates and fares for the carriage of freight and passengers within its limits, deprive the complainant, or any other person or corporation, of its property without due process of law, or deprive it or any other person of the equal protection of the law, it is also equally true that this court has no power or authority, given by statute or common law, to fix rates and fares for the carriage of freight and passengers upon the complainant's lines, or to revise in any manner rates, or to limit the power of the railroad Commissioner. The court only has the power and jurisdiction to declare acts of the legislature or of the Board of Railroad Commissioners performed in pursuance thereof, unconstitutional and in conflict with the Constitution of the United States.

No court will declare an act of a legislature unconstitutional without it is shown to be so beyond a reasonable doubt. This, then, gives the status of the complainant in this action before this court. This court must be satisfied beyond a reasonable doubt, that the schedule of rates proposed to be promulgated and put in force by the Railroad Commissioners, the defendant in this action, will, if so put in force, deprive the complainant of his property without the process of law or deprive it of the equal protection of the law.

We now come to consider the evidence which has been reported in this action which is asked that this court should permanently enjoin the State of South Dakota, from putting in force a certain schedule of rates and fares made up by the Railroad Commissioners on or about the 20th day of August, 1897, prescribing the rates and fares to be charged by common carriers within the State of South Dakota for the carriage of passengers and freight. At the time of the filing of the bill, a temporary injunction was issued, and the defendants have, in the meantime, been restrained from putting into effect the schedule referred to.

The testimony that has been reported in this action, consisting of about one thousand pages of printed matter, but the testimony which most really decide this case is not of great length.

In the first place, it is proper to briefly state the principles of law which have been established by the Supreme Court of the United States for the guidance of this court in deciding actions of this character. In Smith vs. Ames, 169 U. S., page 526, the Supreme Court has established the following principles of law to be settled.

1. "A railroad corporation is a person within the meaning of the Fourteenth amendment, declaring that no State shall deprive any person of property without due process of law, nor to any person within its jurisdiction the equal protection of the law.
2. "A State enactment or regulations made under the authority of a State enactment, establishing rates for the transportation of persons or property by railroads, that will not admit of the carrier earning such compensation as under all circumstances just to it and to the public, would deprive such carrier of its property without due process of law, and deny to it the equal protection of the law, and would therefore be repugnant to the Fourteenth amendment of the constitution of the United States.
3. "While rates for the transportation of persons and property within the limits of a State are primarily for its determination, the question whether they are so unreasonably low as to deprive the carrier of its property without such compensation as the constitution secures, and therefore without due process of law, cannot be so conclusively determined by the legislature of the State or by regulations adopted under its authority, that the matter may not become the subject of judicial inquiry."

In approaching the consideration of this case guided by the above principles of law, the court fully appreciates the difficulty and embarrassment which surrounds the decision in this question where it is sought to have the court declare the legislative action of the State unconstitutional, and where the decision of the facts involved requires the exercise of knowledge with which courts of justice are presumed to have but a little acquaintance.

It is now settled law that a State by a legislative enactment may directly itself, or through a board of commissioners, establish rates and fares for the carriage of freight and passengers within its limits. This being an exercise of legislative authority on the part of the State, all acts in pursuance thereof, either by the State directly, or by its commissioners, must be presumed, until the contrary clearly appears, to be within the legislative authority and valid.

It necessarily follows, also, that when a Board of Railroad Commissioners, authorized by a law of the State to fix rates and fares for the carriage of freight and passengers within its limits, fix those rates, that those rates and fares are prima facie reasonable and just. And it is also provided by the act of the legislature, under which the defendants are claiming to act, that the rates and fares established by them, or any schedule of rates, shall be prima facie evidence that the rates are reasonable and just in any controversy where they shall come in question.

It thus appears that the burden of proof is upon the complainant to establish that the rates and fares which the defendants are seeking to put in force will, if lawfully made and promulgated, result in the taking of complainant's property without due process of law, and will deprive the complainant of the equal protection of the law. In other words, the complainant must show to the court that the acts of the defendant commissioners are unconstitutional as being in conflict with the Constitution of the United States.

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## A FIZZLE IN ROBESON COUNTY

THE CORRESPONDENTS OF DEMOCRATIC PAPER GOT MIXED AS TO THE NUMBER PRESENT

At the Great and Successful Rally of Democracy in Robeson County. Instead of Populists Embracing Democracy the Hearers of Their Own Party Are Disgusted and Discouraged.

LUMBERTON, N. C., Aug. 5. EDITOR CAUCASIAN: The Democrats held a picnic, and what they term a grand rally, at Regan Springs, in Howellsville township, this county, last Saturday. I notice the Democratic papers give a glowing account of an occasion. They not only distort facts, but make absolute false statements concerning the affair, statements upon which they themselves widely differ. One paper has placed the number of persons, another puts it 1,000, and still another puts it 1,500. They also state that leading farmers, representative Populist men of standing, who heretofore have been allied with the Peoples Party, openly repudiated the past course and declared themselves Democrats in a decisive election, and would forever hereafter stand by the Democratic party. Now, Mr. Editor, this writer is a native of Robeson county; he saw the crowd present on that occasion, and he knows what he is talking about. The speaking had been advertised for several days, posters had been placed in all parts of the county; it was known that Bellamy, the Democratic candidate for Congress, and ex-governor Jarvis would be there and address the people. The people of Bladen and of Columbus had been invited to attend, and the Democratic leaders of this county anticipated and expected a tremendous large crowd would be present. It was advertised for several days, posters had been placed in all parts of the county; it was known that Bellamy, the Democratic candidate for Congress, and ex-governor Jarvis would be there and address the people. The people of Bladen and of Columbus had been invited to attend, and the Democratic leaders of this county anticipated and expected a tremendous large crowd would be present. It was advertised for several days, posters had been placed in all parts of the county; it was known that Bellamy, the Democratic candidate for Congress, and ex-governor Jarvis would be there and address the people. The people of Bladen and of Columbus had been invited to attend, and the Democratic leaders of this county anticipated and expected a tremendous large crowd would be present.

## CAPT. JAS. B. LLOYD NOMINATED

FOR CONGRESS BY THE POPULISTS OF THE SECOND DISTRICT.

Special to THE CAUCASIAN. WILSON, N. C., Aug. 3, '98. The Peoples Party Congressional convention of the second district met here July 29th, and notwithstanding the fact that the farmers in this section are busy with tobacco and other crops there was a very good attendance.

In the absence of Rev. A. T. B. Hoover, district chairman, the convention was called to order by Mr. R. B. Kinsey, of LaGrange, who was afterwards made permanent chairman of the convention. Dr. J. E. Person, of Wayne, was made Secretary.

The convention, after perfecting its organization, proceeded to nominate a candidate for Congress. Dr. H. F. Freeman, of Wilson, in happy, well chosen remarks, presented Capt. James B. Lloyd of Edgecombe. Hon. W. E. Fountain, of Wayne, in an appropriate speech seconded the nomination of Capt. James B. Lloyd who was then nominated by acclamation.

In response to calls Capt. Lloyd arose and thanked the convention heartily for the distinction conferred upon him. He then discussed briefly some of the issues, and called attention to the fact that the Populists throughout the West, and in North Carolina were supporting the great reform leader, Mr. J. Bryan, and that the convention in this State agreed by an overwhelming majority, to make a proposition to the Democrats to unite all of the silver forces. He said that the Populist party did its full duty in endorsing to secure co-operation, which proposition was received with sneers and jeers by the Democratic convention and rejected; and that the responsibility for such failure to co-operate was due to the Democrats.

Mr. Bryan, he said, was in favor of uniting the silver forces, and so were Chairman J. K. Jones, of the National Democratic Committee, and Chairman Butler, of the National Peoples Party Committee. But the Populist party did its full duty in endorsing to secure co-operation, which proposition was received with sneers and jeers by the Democratic convention and rejected; and that the responsibility for such failure to co-operate was due to the Democrats.

The Populist party, he said, would stand loyally by Bryan, and in 1900 if he were not elected the responsibility for this defeat would rest with the Democrats.

Capt. Lloyd said he regretted that the silver forces did not unite in this State, and that the Populist party had done its full duty.

Hon. W. E. Fountain was elected District Chairman, and Mr. R. B. Kinsey member of the State Committee.

## STATE NEWS.

The tobacco market opened last Thursday at Sealed Neck with great success. 15,000 pounds being sold and the prices are reported good.

The Board of Commissioners of Tyrrell county at their August meeting, reported the result of their efforts to secure the first licensed saloons, in about twelve years.

The Senatorial Democratic convention of the Ashe, Alleghany and Watauga districts, have nominated W. C. Fields, Esq. for the State Senate. He has served twice in that body.

Cleveland county farmers have produced more wheat this year than ever before says the Cleveland Star. One farmer sown sixty-eight bushels on less than two acres.

Hickory timber is scarce on this market. The spoke and handle men have been shut down some time on account of it. There is plenty of it in the country. A good quantity would not be found here in Greensboro Record.

Last week the tobacco market opened in Kinston, at three warehouses selling 90,000 pounds of tobacco at prices. It is estimated that about 5,000,000 pounds of the weed will be sold this year in Kinston.

The Murphy Scout notes with pleasure the building of new roads in Cherokee county. Good and convenient roads are great town builders, and they add much to the charm of life in the country by bringing communities in closer touch.

Governor Russell has been interviewed as to the war. He says that the United States ought by all means to hold Cuba and Porto Rico, but not to hold the Philippines. He says that the United States should be paid to the highest bidder among the nations for the Philippines, and that the money should be made to pay for the war.

A Generous Deed. Mr. W. T. Dorch, chairman of the Board of Trustees of the Odd Fellows Orphan's Home of this city, yesterday received a check for \$500 from a prominent citizen of our State, resident in another town, to be applied to the general fund of the institution.—Goldboro Argus.

## HOW A CROWD WAS SECURED

BY DEMOCRATIC SPEAKERS AT A GRAND RALLY—THEY CLAIM EVERYTHING IN SIGHT.

A Patient Medication. Many Americans and a Hesse. Trade's Crowd Captured to Swell the Small Attendance at the Democratic Rally.

Special to THE CAUCASIAN. KANAWASVILLE, N. C., Aug. 6, 1898. The Democrats had speaking here on Tuesday, and the special dispatch in the News and Observer states that it was the largest and most enthusiastic rally that the speaking would bring to any city of Duplin, that has ever been held in Duplin county.

My purpose in writing this communication is to give the precise facts to that rally.

Court was adjourned for the occasion and with a great "burrak" it was announced that the speaking would be held promptly at 12 o'clock, the speaker a little distance from the court house.

Everybody was invited to attend, and according to actual count only 85 people gathered there. The speaker, W. K. Allen and Capt. Chas. R. Thomas, Democratic nominee for Congress in this district, were present.

Considerable effort was made to increase the crowd, and finally, after appealing almost in vain for an audience, one other person came, thereby increasing the number to 86.

A patient medication man and some horse traders had a crowd some distance away, and a "contrived" democracy, which that they will secure an audience unavailing, announced their stand at the spring and required to that place to speak to the crowd gathered around the medicine vender.

Then the speaking began, and this is the way they got the crowd, for which profound thanks are due the medicine dealer.

## MONEYED WORDS WONT WORK.

The Democratic Papers That Have Tried to Drive Populists Back Into the Democratic Party Are Now Being Cast Aside With Swift Success.

EDITOR CAUCASIAN: After hooping and hawing about the Populists ever since the party was organized, some of the Democratic papers in this State have recently adopted a different method; they now admit that the Populist party is stronger than when they first started off to malign and vilify its leaders. These papers now say that abuse will no longer avail, and frankly concede that the Populists have a right to their views and convictions on public questions, and that the press must be mild and reasonable in dealing with them.

This is a nice little ruse that it will have no weight with any thoughtful independent man who has any convictions.

The mild tone of some of these papers now is for the purpose of deceiving honest men in order to get them to support the same miserable monopoly-goldbug machinery that controlled the Democratic party in this State during and ever since Cleveland's administration.

They will not deceive any Populists by using their soft, tender, honeyed and seductive phrases.

X-PLAYS.

THE NORTH STATE FAIR. Colonel J. S. Cunningham Expresses His Views on the Coming Fair in That State.

Colonel John S. Cunningham, president of the North Carolina Agricultural Society, was in the city yesterday. He was much interested in the next North Carolina State Fair, and in speaking of it to a Register reporter, he said:

"The next fair will be held in Raleigh. The people are taking much interest in the matter, and all sections of the State. The fair will be on October 24th, and as the crops are about gathered at that time the farmers will continue to go in large numbers. "The races, too, will be a big attraction. Large crowds, besides the many other features connected with the fair that all of the people take an interest in. The managers have ordered all bacco, buffaloes and wagons will doubtless send in especially large exhibits from the regular troops."

"The fact that no fair will be held in the vicinity of Danville," Colonel Cunningham said, "will, I hope, cause a large number of Danville people to favor the North State fair, and in speaking of it to a Register reporter, he said:

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