THE CAUCASIAN

PUBLISHED EVERY THURSDAY
BY THE CAUCASIAN PUBLISHING CO

SUBSCRIPTION RATES.

ONE YEAR.....$1.00
SIX MONTHS.....60
THREE MONTHS.....35

Entered at the Post Office in Raleigh, N. C. as second-class mail matter

SENATOR MORGAN'S SPEECH.

The speech of Senator Morgan in the United States Senate on Senator Pritchard's resolution in which he proposed to discuss the constitutionality of the proposed North Carolina constitutional amendment, was disappointing alike to those who favor the amendment and to those who oppose it. What everybody expected to hear from Senator Morgan was a legal and constitutional argument: first, as to the constitutionality of Section 5 (known as the grandfather clause); and second, as to whether the Court would declare section 5 unconstitutional alone or declare the whole amendment unconstitutional.

But, to the surprise of everyone, the learned Senator refrained from discussing either one these questions—the only questions at issue to be discussed. It is clear that Senator Morgan well knew that if he attempted to defend the constitutionality of the Section 5 by a legal and constitutional argument that his argument would be dissected and replied to, and he well knew he could make no argument that could not be successfully replied to. So discretion was the better part valor with him, and he refrained from making such an argument. He delivered a long speech but his only reference to Section 5 was to express an opinion about it and not to make an argument. Anybody can express an opinion about it and the only reply to it is to express a different opinion. It is evident to everyone that the Senator's purpose was not to make a legal argument but simply to deliver a speech for circulation in his campaign in Alabama. It is also well known that his oppenent for the Senate, Gov. Johnston, does not endorse his views, and the indications are that Senator Morgan will be defeated, and that Johnston will be elected to the Senate. If the Simmons red shirt mob in North Carolina can get any comfort out of this speech of Senator Morgan's, they are heartily welcome to it.

COL. GLENN AND HIS INTERVIEW.

Recently Col. Bob Glenn was in Washington. The Washington correspondent of the Atlanta Journal sent an interview with Col. Glenn to that paper, in which he is quoted as saying that the purpose of the proposed amendment in North Carolina is to get rid of the illiterate voters of the State. When Col. Glenn got back home and saw this interview reproduced in the North Carolina papers he at once hastened to deny the interview or rather to say that he did not tell the correspondent that he was in favor of getting rid of the illiterate vote, but only the illiterate black vote. This is not the first time that the Ransom machine politicians have been quoted just as Mr. Glenn was quoted when interviewed out of the State, and it is not the first time they have hastened to deny the interview when published. It is a little strange that the reporters should quote all of them as saying the same thing when they are talking confidentially to them, unless these reporters quote them correctly. It is no doubt true that Mr. Glenn did not intend his talk with the reporter to be published and it is also no doubt true that what the reporter quoted him as saying is what he thought whether he said it or not, for he must know that the result of the proposed amendment will be to disfranchise as many white, as blacks, unless the whole thing is declared unconstitutional.

AN ABLE ARGUMENT.

Especial attention is called to the sound and able argument made by Hon. Frank Nash, of Hillsboro, in an article contributed last summer to the Asheville Register, which we are glad to reproduce in this issue.

It should be read with care, as it is an able legal discussion of the proposed amendment. The Raleigh Post says that anything Mr. Nash writes is entitled to "respectful consideration." We bespeak it for him. Mr. Nash is a Democrat.

Judge Simonton has reversed his decision on the railway tax cases, on the ground that the Federal Courts are bound by the interpretation of the State Courts of local statutes. Our State Supreme Court, since the former dicision of Judge Simonion, has decided the Corporation Commission has the power to assess railway property. It will be remembered that Judge Simonton in former decision stated that the last legislature, either through carelessness or on purpose, omitted to give the corporation commissioners the power to assess railway property, and while this is true, yet our non partisan Supreme Court held that the old railway commission law was not repealed by the last legislature, and that they had that power under the old law and in spite of the attempt of the last legislature to repeal it.

THE CASE OF GEORGIA AND NORTH CAROLINA CONTRASTED.

As stated in the last issue of the CAUCASIAN, the Atlanta Constitutian was appealed to by Simmons and his machine to try to explain away the action of the Georgia legislature in defeating the same disfranchising amendment that is proposed in North Carolina. This was a very hard task for the Constitution to perform, because the Constitution published a full report of the debate in which the members gave as one of their reasons for voting it down that it was unconstitutional, and the Constitution had endorsed the action of the legislature. All the Constitution could say was that Georgia did not need this proposed amendment, while it was satisfied that North Carolina did, and this explanation, as weak and impotent as it was, was published by all the Democratic papers in this State with much relief and satisfaction—so desperate is their condition.

Now what are the facts?

Georgia has over sixty counties in which the colored vote is in a majority, while in North Carolina there are only thirteen such counties. Then how absurd it is to say that North Carolina could need this amendment if Georgia does not need it? The fact is that there is a desire on the part of the Simmons machine to disfranchise the illiterate white voters in North Carolina, while there seems to be no such desire in Georgia. There are fewer illiterate white voters in Georgia than in North Carolina, so the adoption of the amendment would be more dangerous in this State than it would be in Georgia.

NO PERMISSION NEEDED OR DESIRED

We notice that the Wilmington papers have grudgingly and with considerably growling and bad humor announced that they will permit Senator Pritchard to speak in Richmond county and Senator Butler to speak in Wilmington. We suppose the meaning of this declaration on the part of the Wilmington papers is that they will not try to incite a riot to prevent the speaking. These papers, however, need not trouble themselves about the matter one way or the other as far as Senator Pritchard and Senator Butler are concerned, because they will speak in Richmond county or in Wilmington or anywhere else, whenever they get ready without any permision from the Wilmington papers and regardless of whether they oppose it or not. All the red shirt mobs the Simmons machine can organize will not be able to prohibit free speech in North Carolina, or to prohibit the fifty thousand majority that is ready to bury them and their methods from registering their votes and having them counted.

BUTLER'S LETTER READ.

Kernersville People Delighted in the Senator's Recent Article.

Asheville Gazette.]

KERNERSVILLE, N. C., Jan. 11.—Nobody wants to read a stronger, more forceful, more logical or a more inspiring letter than that of Senator Butler appearing in a recent issue of the Gazette. In that he covered the whole ground and left not a stone unturned regarding the amendment question. Educate the people of North Carolina with such forceful arguments as therein contained and the defeat of the constitutional amendment will be written 40,000. I read that letter, with a gavel in hand, scoring the minute points, to a company of listeners, and each one, Democrats included, breathed a spirit of exultancy that the good old North State would overwhelmingly defeat the measure when the vote is cast. One man said Butler would succeed himself in the United States Senate, another one remarked he should do so.

More About the Kentucky Ballot Box Stuffers.

Washington Post.]

"Why did Messrs. Pryor and Ellis resign their positions as State election commissioners?" asked a Post reporter of Mr. H. E. Billings, of Kentucky, at the Normandie.

"Because they were heartily sick of the job," was the answer.

"By refusing to transcend their authority and throw out the vote of Jefferson county, they made enemies of the Goebelites, and neither did their conduct please the Republicans, who felt sure that those officials wanted to compass the defeat of Taylor, and only hesitated on account of the usurption of power such a proceeding would involve. Besides there is a great deal of hard work and no emolument going witn the office of State commissioner, the salary being only $200 a year. But at all events, Pryor and Ellis did well in refusing to carry out the radical demands of Goebel and his partisans. Such a course would probably have led to a revolution worse than the 'Bloody Monday' that brought terror of Louisville in the days when the Know Nothing party was a factor in American politics."

"White Supremacy."

Chatham Citizen.

Democrats want white supremacy, they say. They do not want negroes to hold office. Then why did they not offer us an amendment forbidding negroes holding office? This would not have been unconstitutional and would not have disfranchised white men. Why disfranchise white men, put educated negroes above illiterate whites and leave the negro cry and race problem still in politics.

If the Baby is Cutting Teeth.

Be sure and use that old and well tried remedy, MRS. WINSLOW'S SOOTHING SYRUP for children teething. It soothes the child, softens the gums, allays all pain, cures wind colic and is the best remedy for diarrhoea. 25 cts per bottle.

Section 5 in Conflict with the Federal Constitution

ACCORDING TO RULES GOVERNING COURTS IN REACHING CONCLUSIONS.

The Arguments of the Advocates of its Constitutionality Analyzed and Answered—The Proposed Amendment not Candid and Honest.

Editor of the Register:—

"Written constitutions are the product of deliberate thought and the words which express that thought are crystalized into strength. If ever there is power in words, it is in the words of a written constitution."—Judge Elliott, of Indiana.

All regulations of the elective franchise, however, must be reasonable, uniform and impartial. They must not have for their purpose, directly or indirectly, to deny or abridge the Constitutional right of citizens to vote or unnecessarily impede its exercise. If they do they must be declared void."—Cooley Constitutional Limitations, 602.

The proposition laid down in my first article (to the Post) was this: When a general law is enacted, which in restricting the suffrage, acts equally upon all races and colors and regardless of their previous condition, that law is constitutional, though it disfranchises a greater number of blacks than whites, or whites than blacks. This principle, however, does not extend so far as to permit the State to establish a merely arbitrary qualification, though it does not in terms import a discrimination by reason of race etc., if in fact and in truth it is such discrimination. So much the more would this be true, if the proposed qualification was adopted with the intent to discriminate, by reason of race, etc.

I proceeded further and argued that the intent of Section 5, on its face perfectly harmless, is to be, and will be, discovered by the Supreme court, in this way:

1st. By considering the political history of the country which surrounds and is mingled with the Fifteenth Amendment and Sec. 5.

2nd. By considering the effect of the adoption of said Section, upon that equality in the exercise of the suffrage which the Fifteenth Amendment secures.

Applying these rules of construction and interpretation, I concluded that Section 5 was plainly obnoxious of the Fifteenth Amendment, because its necessary effect was to establish an educational qualification for every former slave, or decendent of a former slave, while expressly removing it from all, or practically all, white men.

Since that article was published, the editor of the Morning Post, Mr. Simmons and Mr. Aycock have discussed the constitutionality of Section 5 so ably and ingeniously that they have forced me to re-examine the authorities, with a view to any possible mistake that I may have made. After such re-examination I find myself confirmed in my original opinion. This opinion, however, was formed at the time, that Louisiana was discussing a simular provision in its Constitution, and I have not seen nor read nor found anything to shake it, since.

It seems to be admitted on all hands that if the above canons of construction and interpretation are correct ones, then Section 5 necessarily must be unconstitutional, for they are the principal points of attack.

I purpose to show, first: That they are sustained by the very best of authority; and, second: To consider any new suggestions made by the gentlemen above mentioned, and show their utter fallacy.

Mr. Simmons says, anent the first canon above laid down: "Well, for the sake of the argument, let us admit it; although it must be confessed that this would be a novel method of interpreting a written constitution."

A novel method! Let us see.

Chief Justice Marshall, in Brown vs. Maryland, 12 Wheat, gives a succinct, yet full account of the difficulties that confronted the old Confederation, to illustrate the extent and force of the words in the Interstate and Foreign Commerce provision of the Federal Constitution Chief Justice Taney, in the Dred Scott case, says, in discussing Art. 4 Sec. 3 and sub-sec. 2: (I quote his exact words) "A brief summary of the history of the times, as well as the careful and measured terms in which the article is framed, well shows the correctness of this proposition."

He then proceeds and gives this summary.

Daniel J., in the same case, concurring, says:

"In the construction of pleadings either in abatement or in bar, every fact or position constituting a portion of the public law, or of known or general history, is necessarily implied

* * *

It is what the world, at large, and every individual, are presumed to know—nay, are bound to know and be governed by"

Campbell, J., concurring in the same case, said: "I pass now to the evidence afforded during the Revolution and Confederation"; and further, "An examination of this clause of the Constitution in the light of the circumstances in which the convention was placed, will add us to determine its significance."

Catron J., concurring, said: Almost every provision in that instrument (i. e. the Federal Constitution) has a history that must be understood before the brief and sententious language employed can be comprehended in the relation its authors intended."

McLean, J, dissenting, said, "I will now consider the relation which the Federal Government bears to slavery in the States." He, then enters into a long historical examination of slavery in the United States. He said further on: "It is refreshing to turn to the early incidents of our history and learn wisdom from the acts of the great men, who have gone to their account."

Curtis J., dissenting, after a long dissertation, without any remarks prefacing it, said in preface, to the further discussion:

To determine which of these is the correct view, it is needful to advert to some facts, respecting this subject, which existed when the Constitusion was framed and adopted."

Chase, Chief Justice., in discussing the meaning of the term "direct tax" in the Federal Constitution, in Bank vs. Fenno, 8 Wallace prefaced his remarks by these words:

"We are obliged, therefore, to resort to historical evidence, and to seek the meaning of the words in the use and in the opinion of those whose relation to the government, and means of knowlege, warranted them in speaking with authority."

Fuller, Chief Justice, in delivering the prevailing opinion in the "Income Tax Cases and White, J., who wrote the principal dissenting opinion, both in discussing the meaning of the term "direct tax," enter into long historical dissertations.

Miller J., who, as a constitutional lawyer, is considered by some as second only to Marshall, said in Ex Parte Bain of S. C., Rep, in discussing the functions of a grand jury:

"It is never to be forgotten that in the construction of the language of the Constitution here relied on, as indeed in all other instances where construction becomes necessary, we are to place ourselves as nearly as possible in the condition of the men who framed that instrument."

Bradley, J., in Hans vs. Louisiana, decided in March 1890, reviews fully the history that surrounds the enactment of the Eleventh Amendment to the Federal Constitution.

Cooley, Chief Justice, (the author of Constitutional Limitations) in people vs. Harding, 53 Michigan, said:

"In seeking for the real meaning of the Constitution, we must take into consideration the times and the circumstances under which it was framed, the general spirit of the times and the prevailing sentiments among the people. Every constitution has a history of its own, which is likely to be more or less peculiar, and unless interpreted in the light of this history, is liable to express purposes which were never in the minds of the people when agreeing to it. This the court must keep in mind when called upon to interpret it." etc. etc.

I call the roll of all these great names, Marshall, Taney, Daniel, Catron, McLean, Curtis, Chase, Fuller, Miller, Bradley, White and Cooley—is this a novel method of interpreting written Constitutions, then?

2nd. The effect of Section 5 if adopted. The cases which illustrate this cannon come thronging upon my memory as I write. There are bushels of them. I repeat what I wrote before: "There is not a case which defines the control of the State over private right, or limits the police power of the State by the Interstate Commerce provision of the Federal Constitution, in the determination of which the courts have not gone back of the face of the act, to the results which may ensue from its practical operation." In defining the limit of the police power over the private right, all the courts say that the act of the Legislature which destroys a private right, must, to be constitutional, be reasonably adapted to the end desired, i. e. the public health, the public morals or the public safety. How can they determine the act's reasonable adaptation without considering its effects? I cite, however, the following cases:

Judge Campbell, who was second probably, only to Judge Cooley among Michigan judges, says, in Park vs. Press Co. Nov. 1888:

"But we do not think the State controls the action, or is within the power of constitutional legislation. This will in our judgment, appear from a statement of its effects, if carried out."

In Henderson vs. the Mayor, etc., 92 U. S., the United States Supreme Court says: "In whatever language a statute might be framed, its purpose must be determined by its natural and reasonable effect."

So it may be considered certain, that the same court will consider the effect of section 5. Now considering the history that surrounds and so is mingled with the fifteenth amendment and section 5, and the natural and reasonable effect of said section, we find that there is not a single ex-slave or descendent of a slave or of an ex-slave, who has not the educational qualification imposed upon him, while no white man, practically, has it imposed upon him

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

There is not a word in this 15th amendment that has not been forged in the fire of public opinion, and by its authors welded into continuty and strength. No, no, Mr. Editor, there is no surplusage in it. Can there be any doubt about the unconstitutionality of section 5?

But I promised, in the second place to examine more minutely the recent arguments for the constitutionality of said Section and show their fallacy in each instance. The editor, of course, shall be first: "The amendment does not discriminate against the negro on account of his race, but because of his disqualifications," says he on May 14th. But, if those disqualifications are inherent in his race, the Fifteenth Amendment says that he cannot be disqualified on that account. If he could, why this trouble? Disfranchise the negro, not because he is is a negro, but because he is not fit to vote. That is the logic of his editorial of May 14th. And the Fifteenth Amendment was incorporated in our "supreme law" just to meet such an argument as that.

Again, in his issue of May 20th, he says:

"All who possesss certain qualifications, age, residence, educational, will be be allowed to vote. This will unquestionably include a number of negroes, who, if they were not slaves themselves, are immediate descendents of slaves."

That is true, but that is Section 4, which everybody admits is constitutional. When we come, however, to Section 5, we find the educational qualification removed from the white man while it remains in full force and effect upon the former slave and his descendent. Is there anything impartial in that? Is there anything uniform in that? Does it act equally upon both races? If we cannot answer, Yes, to all these questions then Section 5 is unconstitutional.

Again, in his editorial of June 9th, he has something to say about the District of Columbia. But Congress there disfranchised every citizen, white and black alike, the law acting, equally, impartially and uniformly upon both and all races, and that it had constitutional power to do so appears from Art. 1, Sec. 8, sub-Sec. 17 of the Federal Constitution. So this comes within the principle enunciated in my first article and set forth in full above.

Now I come to the denial of citizenship to the Chinese. The editorial of June 9th, as does Mr. Simmon's article of May 21st, states the position of the Federal Government towards the Chinese incorrectly. There never was a time from 1802 to 1873 that a Chinaman could become naturalized. The words of the Naturalization Act being "The provisions of this Title shall apply to aliens, being free white persons." In 1870 Mr. Sumner, in his universal and indiscriminate love for all mankind, moved to strike out the word "white" in the Naturalization Act. His motion failed. In the 1873 Revision, however,, this word was omitted. Geo. S. Boutwell of Massachusetts, made this revision. But it was again restored to the Act by Congress, Feb. 18th, 1875. Mr. Sumner, however, in 1870, did succeed in incorporating the following clause in the law," and the aliens of African nativity and to persons of African descent." In 1882 Congress prohibited absolutely the naturalization of Chinese. But before that time Judge Sawyer in the case In re Ah Yup, 5 Sawyer, decided that Chinese could not be naturalized. See 39 Cent. L. I. 235. Nobody but a free white person or an African can be naturalized Section 8, sub-Sec. 4 of Art. 1 of the Federal Constitution gives Congress plenary power over naturalization and it must not be forgotten that the "citizens of the United States" of the Fifteenth Amendment are those born or naturalized in the United States.

Now I come to the cases about which Mr. Simmons makes such an eloquent peroration. I wish I could copy it but it is too long. The cases are Foong Yue Ping vs. United States, 149 U. S. 698, and Lem Moon Sing vs. United States, 40 Cent L. I. 467. See 28 Am Law Rev. p. 289 et. seq.

Congress holds the key that unlocks the door which prevents aliens from entereng into citizenship in this country. When that door is unlocked then they may become citizens, protected in their civil rights by the Fourteenth Amendment and in their suffrage rights by the Fifteenth Amendment. No Chinaman born in this country has ever been deprived of his right to vote. If he was born elsewhere, the naturalization laws have no application to him, and he can never become a citizen. Nor can a Jap nor any of the yellow races. We are either white or black under our naturalization laws. There are no mixed colors among them. See article of Mr. Lawyer, 40 Cent L. L. p. 106.

I come now to examine one of Mr. Simmon's positions in which he seems to have great confidence. I quote him:

"If there is anything that is absolutely certain, it is that the Supreme court of the United States cannot hold that a law, which would be constitutional in our State and would be unconstitutional in another. The Federal Constitution applies to every inch of territory in the Union, and there be one State in which such constitutional provision would be constitutional, it would be constitutional in all."

If Mr. Simmons had not written this himself and published it over his own sign-manual, I should not have believed that he could have written it, so much respect have I for his ability. It is true that the Federal Constitution applies to every inch of the several United States. But how can it apply equally and impartially and uniformly. unless the courts take into consideration the different circumstances, the differnt necessities, different history and different populatiaon of the different States.

Let me illustrate, Mr. Simmons is going to make a topograhphical survey of the country—New Hampshire, Vermont, Maine, and North Dakota are on a dead level. When he reaches North Carolina he is confronted by butting crags, and beyond, in South Carolina, Mississippi and Louisiana, towering mountains. Will he pay any attention to them? No, no, what is level in Vermont, New Hampshire-Maine, and North Dakota must be level in North Carolina, South Carolina, Mississippi and Louisiana. That is Mr. Simmons' idea of the general operation of the Federal Constitution. But that Constitution does not operate in that way. It would not be equal if it did. It sees the crags and towering mountain tops and runs its line across them, and not through them And thus it secures equality of operration, and only thus could it secure it. The thirteenth amendment grants the negro immunity from slavery; the 14th Amendment the equal enjoyment of civil rights; the 15tn amendment exemption from discrimination in voting. Equality of right, equality of privilege is all that these amendments secure. Section 5 creates an inequality in that it, in reality, disqualifies slaves or the decendents of slaves from voting, if they have not sufficient education; while every white man may vote, regardless of his education, and thus it runs through the crags and mountain tops and not over them.

I come now to what the Progressive Farmer and the Editor regard as the strongest point made in favor of the constitutionality of section 5. They say—first, the editor: "Under the Mississippi law the registrar is given absolute discretion to say whether a voter, though he can read the Constitution, understands its meaning or not. The possibilities of the abuse of this law were not taken into consideration by the court, certainly not unfavorably. See the Post of June the 9th.

Now, are the recital of facts and the conclusions of law in this extract true? I think not.

The Constitution of Mississppi provides that "on and after January 1st 1892 every elector shall in addition to the foregoing qualifications, be able to read any section of the Constitution of this State; or he shall be able to understand the same when read to him, or give a reasonable interpretation thereof."

Is there anything arbitrary in that? Does it not apply equally, impartially and uniformly to all the citizens of the State? If it does, then it is not obnoxious to the 15th amendment. Yet we find Mr Simmons in his article in the Post of June 9th, and the "Progressive Farmer," following its lead, saying that "an absolute discretion was conferred upon the registrar" in Mississippi. It is not correct. There was no absolute discretion given him, on the face of the proposed suffrage provision. There was a discretion given the registrar or judges of election which they might abuse. But until it was actually abused to the detriment of the blacks, there was and could not be any unconstitutional exercise of authority by the State. See Williams vs. Mississippi, 170 U. S. This is illustrated by the two cases, Strawar vs. West Virginia, 100 U. S., and Exparte Virginia, 100 U. S. In the case first mentioned, it was held that a State law confining the selection of jurors to white persons was in contravention of the 14th amendment; and second, that the action of the State officer invested with the power to select jurors, excluding all colored persons from the lists, was also repugant to its provisions.

Strong, J., in the first case, says:

"The words of the amendment, it is true, are prohibitory, but they contain a necessary implication of a positive immunity or right most valuable to the colored men—the right of exemption from unfriendly legislation against them distinctly as colored, exempting from legal discrimination implying inferiority in civil society, lessening the security of their enjoyment of the rights which others enjoy, and discriminations which are steps toward reducing them to a subject race."

Now, as a general rule, when a State statute or constitutional provision, construed in one way is obnoxious to the Federal Constitution, and in another is not, the Federal Courts await, if possible, the construction of the State Supreme Court, for if that Court so construes the statute or constitutional provision, that its opposition to the Federal Constitution is avoided, why, then, there is no Federal question. That is exactly what the Supreme Court of the United States did in Williams vs. Mississippi. Sup. There is nothing unconstitutional in the terms of the Mississippi suffrage provision; there is nothing unconstitutional in its legal effect. It may be construed so as to maxe it unconstitutional. It may be administered so as to make it unconstitutional. But the case itself, has not been presented in the aspect consequently there is nothing before the Supreme Court impugning its constitutionality. But how different is Section 5! Its unconstitutionality is apparent from its terms, interpreted in the light of surrounding history and in the light of its immediate and necessary effect. In other words, it cannot be construed or interpreted so it could be constitutional. It cannot be administered so it could be constitutional. This being true either the State or Federal court would take jurisdiction in a proper case with the final decision in the United States Supreme court.

Now Mr. Aycock's remarks require notice only in two or three particulars: His general remarks are excellent—indeed, nearly everything that he says and writes is excellent. I regard him as one of the most eloquent, one of the ablest, one of the purest and honestest men in North Carolina. Yet his article shows even his incapacity to discuss Section 5 from the legal standpoint He gives as his first reason, why Section 5 is constitutional, that all the lawyers in North Carolina, or nearly all, whose opinion is worth a continental, say that it is. Yet why is it, if this is true, that none of the opinions, heretofore elaborately expressed, will bear the test of analysis and comparison with decided cases? Does not this show that these able lawyers are influenced more by their desires and hopes than their judgment.

He says, secondly, that public opinion has changed in regard to the negro and negro vote and this opinion has effected the court.

Does not Mr. Aycock remember the remark that a friend made to Wm. Wirt, when he came out of the court house after making as brilliant and as eloquent prosecution of Aaron Burr as possible "Why did you not remind John Marshall that the public demanded the conviction of Aaron Burr?" and Mr. Wirt's answer?

We may not have John Marshall's equals in ability on the Supreme Bench now but we do have his equals in character and in conscientiousness

Public opinion,! that is what they put there as a break water against.

If Mr. Aycock doubts this, let him get the Federalist and read it.

But he says the Louisana Constitution has been in operation since January 1st, 1897. Where is the Supreme court there? Does not he know that there has been no general election in Louisiana since the adoption of that Constitution, except for Congressmen in 1898? Does he not know that the members so elected do not meet their fellow members to form the Congress of the United States until next December? Does not he know that a case was made up and submitted to one of the Superior courts of said State which decided that said suffrage Amendment was unconstitutional, and that said case unless it has been bought off is now pending in the Supreme court of that State?

Good round, sounding words go a long way, but after all, they are nothing else. The great trouble with Section 5, is that it lacks candor, it lacks honesty, it lacks fair dealing. And yet these gentlemen, its authors, fondly hope that the Supreme court of the United States will trample the Fifteenth Amendment and with it their oaths in the dust, because the people demand it. It is a fond hope, based on air, thin air, and so will never find fruition.

Now all these goods, round, high sounding phrases in Col. Cowles' and Mr. Aycock's article would do very well if our suffrage amendment stopped at Section 4, though, I, myself should have insisted upon a property qualification in the alternative $100, $200, or even $300.

As a matter of fact, as early as 1891, I became a follower of Mr. Tillman, of South Carolina, not because I agreed with him in his national politics, but because he said he would put suffrage in South Carolina, on a sound, rational, honest, constitutional basis, and I knew he had both the power and the inclination to do so. I voted for him in the August primary 1892. The result has justified me. The South Carolina suffrage provision has run the gauntlet of the United States Supreme court, as I knew it would.

But we are different in North Carolina.

We are not candid, we are not honest, we are not courageous. We must use paraphrases, we must use a great cloud of words, which fool nobody who has two grains of common sense, and then sit back and hope that we may fool the greatest and ablest court in the world by all this nonsense.

FRANK NASH.

Hillsboro, N. C., June 24th, '99.

"I Would Not Have Catarrh for a Million Dollars," Says Mrs. Carter—Pe-ru-na her Safeguard.

MRS. LESLIE CARTER, THE GREAT ACTRESS, OF NEW YORK CITY.

Mrs. Leslie Carter, probably the most prominent actress in America, says the following of Pe-ru-na:

"Pe-ru-na is sure to prevent a cold. It will stop a cough before it becomes settled. It cures all catarrhal affections like magic. No money could tempt me to be without this remedy for even a day. It is just the remedy that all women need, especially such women that are exposed to the vicissitudes of climate, as I am.

"I never neglect an opportunity to recommend this remedy to my friends. It is America's greatest remedy for America's greatest enemy, catarrh and catarrhal affections. I would not have catarrh for a million dollars, and as long as I have Pe-ru-na at hand to promptly check the slightest symptoms of its approach, I feel perfectly safe from this disease." N. Leslie Carter.

Mrs. M. Dooley, Mount Airy, Habersham county, Ga., in a recent letter says: "I suffered five years more or less with catarrh of the stomach and pelvic organs. I tried a good many remedies of my own, and bought medicine from a doctor that was highly recommended, although the medicine did me no good whatever. Finally, I concluded to submit my case to Dr. Hartman. I wrote him, and he readily advised me. I bought some Pe-ru-na, and a few days after was taken with la grippe. I took Pe-ru-na and Man-a-lin and I can say without a doubt that it has entirely relieved me of all my ailments. I feel better and stronger than I have in many years. My appetite is all right, I have no symptoms of my former troubles remaining. I am able to do my usual work without fatigue, and have every reason to believe that my health is the direct result of the use of Pe-ru-na and Man-a-lin, without which I should have been dead by this time. There is no medicine that can equal Pe-ru-na and Man-a-lin. I find it a sure cure for all catarrhal affections; as for la grippe there is no other remedy that can compare with it. I can scarcely find words to express my gratitude for Dr. Hartman's good advice and kindness to me.

The peculiar ills to which women are subject are often very dangerous. It frequently happens that the victim lives far from competent medical assistance. What shall she do? She is not wealthy enough to go to some distant city for treatment, and cannot procure skillful assistance at home. This is what she should do: write Dr. Hartman, Columbus, O., tell him the whole story, and he will do the rest. Mrs. Margareth Fietz, Wilcox, O. T., writes: "I extend my sincere thanks for the good advice you have given me. I do not believe I would be living now if it were not for you. I had suffered with hemorrhage for four months and the doctors could help me but little. They operated on me three times. It was very painful, and I only obtained a little relief. As long as they worked at me, the hemorrhage stopped; but just as soon as they closed the door it would commence to flow again. I was so weak I could not turn in bed. At last my neighbors began to speak of patent medicines. Then I applied to Dr. Hartman. I did not know whether he could help me or not; but I followed his advice and only used three bottles of Peru-na. Now I am well and as strong as I ever was."

Every woman should have Dr. Hartman's free book to women. Address Dr. Hartman, Columbus, Ohio.

POU'S CAMPAIGN AFFIDAVIT.

ONE OF HIS METHODS OF FOOLING VOTERS IN THE LAST CAMPAIGN.

HE MAKES AFFIDAVIT THAT A PROPOSITION TO DISFRANCHISE NEGROES AND ILLITERATE WHITES WOULD NOT RECEIVE A SINGLE DEMOCRATIC VOTER IN THE LEGISLATURE AND DENOUNCES THOSE WHO MAKE THE CHARGE AS SPEAKING FALSELY AND TRYING TO FOOL THE PEOPLE.

From Caucasian Oct. 19.—

The following affidavit made by James H. Pou, ex-Chairman of the State Democratic Executive Committee, during the last campaign, will be interesting reading. Our readers will remember that whenever and wherever it was charged in the last campaign that if the Democratic machine under Simmons got control of the State, that they would offer a scheme to disfranchise illitterate votes, that the charge was indignantly denied and denounced by every Democratic speaker as being infamously false. Even Mr. Simmons, the Democratic State Chairman, issued an official statement to the voters of the State, branding every such charge as false in toto; saying that that campaign lie had been charged against the Democratic party before, and that the charge was now so old and so false that no one would believe it.

Mr. James H. Pou, the ex-Chairman of the State Democratic Committee, in his speeches made the same declaration. But it seems that in one of his speeches in Moore county, some members of his audidence expressed doubt of the truth of his indignant denial, and called upon him while upon the stand to know if he would make an affidavit to that effect. He publicly agreed to do so, we are informed. The result is the affidavit below, made at Raleigh, dated Oct. 14th, 1898. It will be noticed that Mr. Pou, shrewd, slick and cunning as he is, attempted to word his affidavit so as not to say explicitly what he had said publicly on the stump, and yet at the same time, to say enough to make it appear that his affidavit had made good his campaign declaration, and fool the voters into accepting his statement and voting for the machine.

The following is a true copy of the affidavit:

STATE OF NORTH CAROLINA,
County of Wake.

James H. Pou, being duly sworn deposes and says:

"I have never said that, if the Democrats regained control of the State, they intended to disfranchise the negroes and illiterate white voters. I never have said anything like this, and I know that such is not the intention of the Democratic party. I have never heard a single Democrat give utterance to such a sentiment, and I do not believe, if such a proposition comes before the General Assembly, that it would receive a single Democratic vote. I believe that a majority of the uneducated white voters of North Carolina are Democrats. The Democratic party is appealing to them for aid in preserving white supremacy in the center west and in restoring it in the Eastern part of this State. They are responding to our appeal, and to repay them for their aid with a disfranchisement of their votes would be folly and ingratitude indeed. The man who makes these charges know they speak falsely, but their campaign this year is run upon the idea that the people of North Carolina would rather believe a falsehood than the truth, and they would rather hear libels upon the honored dead than to hear arguments based upon truth."

[Signed] JAMES H. POU.

Sworn to and subscribed before me this October 1st 1898.

[Signed] GEO. W. THOMPSON,
Notary Public.

Notarial Seal,
Geo. W. Thompson,
Notary Public,
Raleigh, N. C.

Two five cent "documentary" revenue stamps attached.

A THOUSAND TONGUES

Could not express the rapture of Annie E. Springer, of 1125 Howard st., Philadelphia, Pa., when she found that Dr. King's New Discovery for Consumption had completely cured her of a hacking cough that for many years had made life a burden. All other remedies and doctors could give her no help, but she says of this Royal Cure—"it soon removed the pain in my chest and I can now sleep soundly, something I can scarcely remember doing before. I feel like sounding its praises throughout the Universe." So will every one who tries Dr. King's New Discovery for any trouble of the Throat, Chest or Lungs. Price 50c. and $1.00. Trial bottles free at Drug Stores; every bottle guaranteed.

"The Best is the Cheapest."

Experience teaches that good clothes wear longest, good food gives best nutrition, and a good medicine that cures disease is naturally the best and cheapest. Hood's Sarsaparilla is the best medicine money can buy, because it cures when all others fail.

Poor Health—*"Had poor health for years, pains in shoulders, back and hips, with constant headache, nervousness and no appetite. Used Hood's Sarsaparilla, gained strength and can work hard all day; eat heartily and sleep well. I took it because it helped my husband to whom it gave strength." Mrs. E. J. Giffels, Moose Lake, Minn.*

Hood's Sarsaparilla
Never Disappoints

Hood's Pills cure liver ills; the non-irritating and only cathartic to take with Hood's Sarsaparilla.