

SENATOR BUTLER'S SPEECH ON

Manhood Suffrage in North Carolina and the Proposed Constitutional Amendment.

THE GRANDFATHER CLAUSE OF THE PROPOSED AMENDMENT CLEARLY UNCONSTITUTIONAL.

He Quotes Abundant and Conclusive Legal Authority to Show That Section 5 is Not Only Unconstitutional, But That It Will Fail, Leaving the Remainder of the Amendment to Stand. He Discusses Judge Brown's Proposed Amendment and Shows That the Court Would Unquestionably Ignore Any Attempt of the Legislature to Instruct It How to Decide This or Any Other Question. He Brands the Charge of Negro Domination as a Slander on the State—Other Features of the Amendment Discussed—He Says That the Proposed Amendment is Not Only Unconstitutional and Dangerous to the Liberties of Fifty Thousand White Men in North Carolina, But That It is Dishonest in Its Method and Puts the South in a False Position.

A CONFESION AND AN ATTEMPT TO AVOID IT.

The supporters of this amendment have recently realized that this is true. They have realized what this great, sturdy, honest, eloquent and eloquent man has made up their minds to do. In fact, they have just confessed that they can not sustain this measure by argument before the people. I hold in my hand the proof of this confession. On last Thursday Judge Brown, one of the State circuit court judges of North Carolina, while sitting on the bench, gave to the press an interview in which he not only expressed an opinion about the constitutionality of the proposed amendment, but he went further and advised his political friends to amend it in order to avert defeat at the polls. I will not at this time comment upon the impropriety of a judge expressing an opinion in advance and in private effect about an important question that is liable to come before his court for adjudication. I can only say I regret it. But I desire to call the attention of the Senate to the changes in this amendment which he proposes.

He advises that when the legislature meets, at an adjourned meeting, before the decision is made, to amend the amendment by adding a new section, to be known as section 6. The form of the amendment that he advises the legislature to adopt is as follows:

Section 6. This act shall be construed and taken as a whole, and if any of its clauses, sections, and provisions shall for any reason be declared inoperative and invalid, the whole of this amendment and every part and section thereof shall become null and void and of no effect.

Every newspaper in the State that is supporting the amendment, so far as I have seen, has endorsed this suggestion. Within the last few days the Democratic State committee has published a carefully prepared official interview not only endorsing the suggestion but claiming that he is the father of the amendment. He goes further and says that the legislature will amend the amendment by adding such sections as it deems proper.

Judge Brown has the reputation of being a good lawyer, so the judge must know that the section that he proposes will not be considered by the court as a part of the amendment, but simply as a legislative declaration, even though it be inserted into the amendment as one of its sections. He must know further that the court, if it did not dissent, would at least ignore such a section on the part of the legislature.

It is not for the first time that the legislature has attempted to amend a statute in this country. The legislative and judicial departments are entirely distinct, neither is the legislature to encroach upon the authority and domain of the courts.

LEGISLATURE CAN NOT INTERFERE WITH THE COURTS. No court, so far as I know, has ever permitted any legislative body in North Carolina or anywhere else in this country to instruct them as to how they should decide any case.

The court never looks at the declaration that a legislature makes, but it looks at the substance of what it does and renders its judgment accordingly. In the case of Robinson vs. Barfield (2 Rob. 107), ignored such a declaration as the part of the legislature and the court allowed such declaration attempt to instruct the judiciary to remain dead letters on the statute books.

Do you not think that I have said that all the courts in the United States are in delivering the opinion, said a court can neither nibble at the active power nor can the legislature ride over the judicial power? I have not had time to go through all the United States Reports. I have not had time to go through all the United States Reports. I have not had time to go through all the United States Reports.

I think, at least a dozen cases in North Carolina where the courts have done that which the legislature has done. I think, at least a dozen cases in North Carolina where the courts have done that which the legislature has done. I think, at least a dozen cases in North Carolina where the courts have done that which the legislature has done.

It is absurd, it is demagogic, and yet that is one of the best reasons for amending the constitution. OTHER VERY SERIOUS OBJECTIONS.

Mr. President, there are other serious objections to this proposed amendment, even if section 5 were constitutional. Let us briefly note a few of them. In the first place, what class of the negro population would be disfranchised by the amendment? It would be the good old country darkey who was as faithful and true as steel to our mothers, wives, and sisters during the late war, and who was a good citizen and a good laborer, who has never been offensive in politics nor in other ways.

Now, what class of negroes would be left to vote? There would be many thousands who would still vote, and this number would include all of those who have been active and efficient in politics, and who either from innate perversity or for a consideration, have furnished the capital necessary to enable the machine politicians to use the negro cry and appeal to race prejudice.

In short, the only negroes who have ever made the race issue possible would be left to vote. This class would be sufficient in number to be the balance of power in politics and to furnish an object lesson at any time to help the "rotting politicians" to raise their old cry.

But it is claimed by the supporters of this suffrage amendment that its adoption would remove the race question from politics and that it would make it possible for economic questions to be discussed on their merits and passed upon by the voters intelligently. Mr. President, if this amendment were constitutional, it would stand the test of the courts, it is clear that it would have no such effect.

In the first place, I am constrained to say that the courts have already decided that the grandfather clause of the proposed amendment is unconstitutional. And, on the other hand, if the legislature should confer the powers necessary to create a corporation, the court would hold that it was a corporation even though the legislature in the same act should declare that it was not.

There is a case in the North Carolina Reports, which I have not had time to put my hands on, which declares that where the maker of a deed declares that it is made with intent to defraud, it is void and of no effect to make it otherwise. The legislature, in the same act its intention to create a corporation, the court would hold that it was a corporation even though the legislature in the same act should declare that it was not.

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ARE IN THE DARK.

British Know But Little About Situation of Their Armies. GEN. METHUEN'S PROGRESS SLOW.

The British Movements are Slow and Cautious, and the People Have Confidence in Their Judgment.

London, By Cable.—Spencer Wilkinson, reviewing the situation at the seat of war for the Associated Press says: Two points of great interest here just now are the British and the Boer columns trekking north from Smithfield and Rouville along the Basuto border. About Mafeking we are in the dark. Colonel Plumer has but a handful of men and is not strong enough to attack Commandant Snyman and raise the siege. Commandant Snyman, therefore, has attacked him and Colonel Plumer has prudently retired, expecting no doubt, to return after Commandant Snyman whenever the latter goes to the relief of Mafeking.

Lord Roberts never forgets small things while attending to great things. It may be taken as certain that he knows how and when he shall have Mafeking relieved, supposing the garrison can hold out, but he does not disclose his plans in advance.

General Methuen has been nearly a week near Fourteen Streams, probably waiting for troops enough. The Boer general, who is hoping to get past General French up to Kroonstadt, may be caught and made to fight, but with a few thousand mounted men he ought to be able, by temporary disposition to elude the British. If he stands to fight he may be detained for some time.

Lord Roberts has now been more than ten days at Bloemfontein. He seems to wish to settle the country behind him before going on. Probably too, he has extensive preparations to complete. His next campaign will go into the dry season, when the night is often very cold and the veldt is dry and bare. He will want his men equipped for this season and his transport service qualified to be as near independent as possible of grass and water. The design no doubt is that General Buller, in the next advance, will move simultaneously with Lord Roberts. General Buller, perhaps, is not yet ready. Lord Roberts will shortly have the Eighth Division and may also form of the troops now available a new Tenth Division. He will then have in his own hands 70,000 men and General Buller will have 40,000. The former force need not necessarily be moving all on one line, for it would be as easy to form a third column to cross the Vaal river at Kimberley and turn any Boer defense on that river. If view of these figures and the known power of Lord Roberts as a leader, I attach little importance to the Boer declarations that they will make a big fight. If they stand before they are driven into Pretoria, I expect, they will be enveloped. They may defend Pretoria, but that can help them but little. It will be a question of weeks. Lord Roberts may be looked for north of the Vaal at the end of April and before Pretoria, if the Boers fall back to that place in the first half of May.

The American National Bank of Macon, Ga., has decided to increase its circulation under the new currency law from \$45,000 to \$130,000. Administration officials are advising General Wheeler to withhold his resignation until he and General Lee may be retried with the rank of brigadier general.

A skeleton found on a high mountain near Granbury, Texas, has been identified as that of William Brown, who disappeared a year ago. Charles Humphreys, a negro who late last night entered the room of Miss McCoy, daughter of white farmer living just outside of Phoenix City, Ala., was lynched by a party of white men. The young woman recognized Humphreys and immediately reported in pursuit. They came upon the negro about ten miles from Phoenix City. He confessed the attempt and was shot to death.

Two soldiers, Arthur London and Austin H. Milman, were fatally shot by Cleo H. Thompson, a sailor skipper at Valencino, Neb., whom they attacked in his bed room. Commander William Emory has been detached from the membership of the Inspection Board and ordered on temporary special duty at New York.

A panic stricken crowd at the high school building in Kenosha, Wis., was saved Friday night by Louis Berry, a student, who extinguished the fire that had stamped the audience and cooked him. How many fathers and mothers are there in the State today, struggling to provide both ends of the family, who are immediately in danger of being separated by the loss of their breadwinner? In how many cases is such a boy the mainstay of a father and mother who are dependent upon his work to support the family?

How many of these boys will reach 21 without being able to get an education? Yet it is this kind of a noble boy who will be called upon each year to pay taxes to work the roads, and to shoulder his musket and do the fighting if his country needs his services. This is the boy who will be expected to do the fighting and give his life for his country, while many of the politicians are trying to disfranchise him who will doubt, like Cleveland, hire a suit of armor to wear in the arena.

THE POLL-TAX RECEIPT SCHEME. Another objectionable feature is the provision requiring the presentation of the poll tax receipt before voting. What does this mean? Every man in the State who is on the delinquent tax list or who has not paid his taxes as much as six months before the State election and as much as eight months before the national election will be disfranchised. How many good men in the State who are unfortunate or who for any reason can not pay their poll tax before the election, much less pay them six or eight months before the election?

Yet these are the men, and every one of their sons who are not more than 21 years old now, who these politicians are trying to disfranchise under the false and specious cry of "white supremacy." A man may have paid his taxes in April, as long as five or eight months before the election, and yet he is disfranchised in August or November unless he has paid his poll tax as far back as the last day of March previous to the election.

A SCHEME TO TRICK OR BRIBE VOTERS. There is another provision in the same poll tax section that intended to induce a man not to pay his taxes, so that he may be disfranchised thereby. Its purpose is to try to trick or bribe the voter into not paying his tax before the last day of March, so that the machine politicians may get rid of his vote. The result will be not only to cut off thousands from voting, but also to rob the State and the public school fund of tens of thousands of dollars of taxes which the public schools will lose, or which other taxpayers will be forced to make up by increased taxation. The evident purpose of this atrocious political machine is to try to restrict the suffrage

APPEAL ISSUED.

State Board of Charities Calls Upon the People to Help its Insane. Saturday the State board of charities issued an appeal to the people of North Carolina to behalf of the insane who are without hospital care in this State. It is a pamphlet of 20 pages. The board under a sense of advisory responsibility imposed by the constitution and statutes thereunder, lays before the people the necessity of measures for the care of the insane in addition to the provision now made by the State Hospital at Raleigh, Morganton and Goldsboro. The facts to which public attention is thus directed have been definitely ascertained and carefully considered. In the Morganton Hospital there were at the last report 783 patients; the woman's department full; 144 applications up to June 1st, and only 72 could be admitted. By September the rejected number 109. There are 445 patients in the Goldsboro Hospital. It is overcrowded. There are 412 patients in the Raleigh Hospital. The additions to the buildings give room for 440. The superintendent of the State Hospital at Raleigh, Mr. J. H. Lillard, has written to the board of charities, stating that he believes that at least 500 insane are now uncared for in the western district, 300 of whom should be in the Hospital.

The board of charities has made careful inquiries to ascertain the number of insane, white and colored, in each county home of jail or in private care. It has found that there are one negro epileptic, two white and four negro idiots, and in private care 118 white and 48 negro insane, 44 white and 3 negro epileptics, 42 white and 18 negro idiots, and mentally insane 527 white, 239 colored, grand total 766.

The board says the number reported in private care is very greatly less than the actual number. Several large counties report no insane under private charge, although it is known that there are such cases. It is strange that public officials thus fail to do their duty in making such reports.

The board urges the building of inexpensive cottages at the asylums for "epileptics of negro, in a mile or two of the present insane asylum at Morganton. The cost of the Raleigh and Morganton Hospitals is about \$900 a bed and of the Goldsboro Hospital about the same. The average throughout the United States is about \$1,200 a bed. The cottages on the colony plan at Morganton cost but \$200 a bed, and if the brick made by the management 400 cottages for the insane with beds at a cost of \$200 to \$250 each.

The board says: "We do not dwell upon the possibility of being subjected to the lash of a brutal jailor for unconvicted offenses, or of being kept in a feeding like a wild beast as a so-called humane instance of what were laid before us. Humanity shudders at the reflection that such things exist in this State. But the people are entitled to know the whole truth. The darkest element is contained in the fact that of 208 single women in the Morganton Hospital 47 were debauched and 161 of these had illegitimate children. Some of these were respectable before becoming victims."

The board urges enlargement of Goldsboro; the addition of beds for a cottage system at Raleigh. The board calls on the Governor, State and judicial officers, county boards of visitors, legislative committees, and the press and on every good citizen to aid these unfortunate insane.

The Vance Monument. The cost of the Vance monument will be \$70,000. It was raised by private subscription and \$5,000 appropriated by the Legislature will be \$75,000. Mr. Elliott, the sculptor, says that he will be the best standing figure he has ever produced. The height of the statue will be 18 feet over all. The pedestal will be 10 feet, and the figure eight. The material will be gray North Carolina granite. The position of the statue is characteristic of the senator's attitude while addressing an audience.

Bank Statement. New York, Special.—The bank statement shows the following changes: Surplus reserve increased \$3,130,875; loans decreased \$12,550,700; specie decreased \$103,077; legal tenders increased \$670,000; deposits decreased \$133,968,200; circulation increased \$391,300. The banks now hold \$5,817,300 in excess of the legal requirements.

Foreign. It is officially denied that the siege of Mafeking has been raised or the town relieved. Considerable bodies of the Orange Free Staters are reported in British dispatches to be ready to surrender. The Princess of Wales opened an Irish industrial exhibition in London to shoulder his musket and do the fighting if his country needs his services. This is the boy who will be expected to do the fighting and give his life for his country, while many of the politicians are trying to disfranchise him who will doubt, like Cleveland, hire a suit of armor to wear in the arena.

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Million Dollar Mill. Gainesville, Ga., Special.—The Pacolet Manufacturing Company, of Pacolet, S. C., has bought a tract of 850 acres of land two miles from this city, on which will be erected a \$1,000,000 cotton mill. The mill will employ 50,000 spindles, and make standard sheeting for export only. Thirty thousand bales of cotton a year will be consumed and 1,400 hands will be employed. Boston architects will prepare plans next week, and the construction will begin at once.

No News To Report. London, By Cable.—Lord Roberts telegraphs to the War Office, from Bloemfontein, under date of March 23, evening, as follows: "There is no special news to report. The country south of this place is generally settling down. Numbers of arms have been delivered up and the people are beginning to recognize the advantage of bringing in supplies for sale. The movement of the troops in the western district is being attended with good results."

POWERS ON TRIAL.

Kentucky Court Proceedings Interrupted. GREAT EXCITEMENT IN FRANKFORT.

A Man Drops His Pistol, Which is Discharged by the Fall and a Rush is Made for the Scene.

Frankfort, Ky., Special.—The preliminary examination of Secretary of State Caleb Powers, charged with abetting the assassination of William Moore, began Friday before Judge Moore. The court was guarded inside and out with militia and scores of deputy sheriffs, armed with Winchester rifles, to prevent possible interference from "mountainers" who were reported on their way to Frankfort, but their presence was unnecessary, as the mountainers failed to appear and no disorder occurred. The Commonwealth witnesses were called, numbering 40. Golden was not in the list. The witnesses included Warden Eph Lillard, Detective Armstrong, Sheriff Bissworth of Fayette county, who arrested Secretary Powers and Captain John Davis, and Silas Jones, of Whitley county, who are now under bonds charged with complicity in the murder. The testimony tended to show that the shots came from that section of the executive building in which Secretary Powers' office is located, although no one swore that the shots were from the Secretary's office. F. Wharton Golden, who is said to have made a confession, will be put on the witness stand later. Prosecuting Attorney Pollock said that sufficient evidence had already been heard to warrant binding Powers, but that the case would be much stronger before he was through. Former Governor Brown, who is interested in the case, says the evidence so far is decidedly weak. It is probable that all of the witnesses for the prosecution will be called on Saturday afternoon. During the afternoon a soldier in the rear court yard dropped his revolver on the stone flagging and it exploded. In an instant every man in the crowded court room was on his feet, fully a third of them with their hands to their rear pockets.

Eph Lillard, warden of the Frankfort Prison, testified that he walked just a little ahead of the crowd, fully a third of them with their hands to their rear pockets. He testified that he saw the second window in the office of the Secretary of State was slightly raised. The other shots, he said, did not come from the same place. The first shot was evidently from a rifle, while the others seemed to be from pistols. Police Officer W. G. Thompson testified that as the crowd was carrying Senator Goebel out of the yard, he saw armed men at the entrance to the executive building and recognized John Davis, a member of the Kentucky militia, and Detective Armstrong, of Louisville, who said that Secretary Powers refused any information whatever at the time of the shooting. He said that he was in the building.

Captain John F. Hawn, of Barbourville, testified that Powers had asked him to turn over his ammunition and rifle, which was on his feet, fully a third of them with their hands to their rear pockets. He testified that he saw the second window in the office of the Secretary of State was slightly raised. The other shots, he said, did not come from the same place. The first shot was evidently from a rifle, while the others seemed to be from pistols. Police Officer W. G. Thompson testified that as the crowd was carrying Senator Goebel out of the yard, he saw armed men at the entrance to the executive building and recognized John Davis, a member of the Kentucky militia, and Detective Armstrong, of Louisville, who said that Secretary Powers refused any information whatever at the time of the shooting. He said that he was in the building.

The board says: "We do not dwell upon the possibility of being subjected to the lash of a brutal jailor for unconvicted offenses, or of being kept in a feeding like a wild beast as a so-called humane instance of what were laid before us. Humanity shudders at the reflection that such things exist in this State. But the people are entitled to know the whole truth. The darkest element is contained in the fact that of 208 single women in the Morganton Hospital 47 were debauched and 161 of these had illegitimate children. Some of these were respectable before becoming victims."

The board urges enlargement of Goldsboro; the addition of beds for a cottage system at Raleigh. The board calls on the Governor, State and judicial officers, county boards of visitors, legislative committees, and the press and on every good citizen to aid these unfortunate insane.

The Vance Monument. The cost of the Vance monument will be \$70,000. It was raised by private subscription and \$5,000 appropriated by the Legislature will be \$75,000. Mr. Elliott, the sculptor, says that he will be the best standing figure he has ever produced. The height of the statue will be 18 feet over all. The pedestal will be 10 feet, and the figure eight. The material will be gray North Carolina granite. The position of the statue is characteristic of the senator's attitude while addressing an audience.

Bank Statement. New York, Special.—The bank statement shows the following changes: Surplus reserve increased \$3,130,875; loans decreased \$12,550,700; specie decreased \$103,077; legal tenders increased \$670,000; deposits decreased \$133,968,200; circulation increased \$391,300. The banks now hold \$5,817,300 in excess of the legal requirements.

Foreign. It is officially denied that the siege of Mafeking has been raised or the town relieved. Considerable bodies of the Orange Free Staters are reported in British dispatches to be ready to surrender. The Princess of Wales opened an Irish industrial exhibition in London to shoulder his musket and do the fighting if his country needs his services. This is the boy who will be expected to do the fighting and give his life for his country, while many of the politicians are trying to disfranchise him who will doubt, like Cleveland, hire a suit of armor to wear in the arena.

THE POLL-TAX RECEIPT SCHEME. Another objectionable feature is the provision requiring the presentation of the poll tax receipt before voting. What does this mean? Every man in the State who is on the delinquent tax list or who has not paid his taxes as much as six months before the State election and as much as eight months before the national election will be disfranchised. How many good men in the State who are unfortunate or who for any reason can not pay their poll tax before the election, much less pay them six or eight months before the election?

Yet these are the men, and every one of their sons who are not more than 21 years old now, who these politicians are trying to disfranchise under the false and specious cry of "white supremacy." A man may have paid his taxes in April, as long as five or eight months before the election, and yet he is disfranchised in August or November unless he has paid his poll tax as far back as the last day of March previous to the election.

A SCHEME TO TRICK OR BRIBE VOTERS. There is another provision in the same poll tax section that intended to induce a man not to pay his taxes, so that he may be disfranchised thereby. Its purpose is to try to trick or bribe the voter into not paying his tax before the last