

Nixon Favors More Elective and Fewer Appointive Offices

Recorders' or intermediate courts between the justice and the superior court have apparently taken a permanent place in the civil and criminal procedure of the state.

Constitutional Court Provisions. The constitution provides for, (1) a court for the trial of impeachments, (Senate.) (2) "a supreme court," (3) "superior court," (4) "courts of justice of the peace," and (5) "such other courts as may be established by law." (Const. Art. 4, Sec. 2.)

Old Circuit Court. It is under the last two sections of the constitution that mayor's, recorder's, police and other inferior courts are established. The old circuit court was established in 1776, which Judge Mears presided over for so long was established under this same section. It will be remembered that Geo. E. Wilson and the late Col. John E. Brown were both solicitors of this court; General I. R. Robinson and the late W. W. Puffer were clerks of this court. I am in favor of a court here now for the county of Mecklenburg similar to the old circuit court in dignity and jurisdiction, with a salary of \$500, as Rutherford county has, or even more. In the days of the old circuit court the officers elected were of equal dignity as the superior court officers of the state. Mecklenburg alone has more legal business than the entire circuit over which Judge Mears presided so long and so efficiently.

Officers Appointed. The old circuit court in which Messrs. Cassler, McCall, Bell, Pharr and other lawyers of this section and other lawyers existed prior to the franchise amendment when the justices, judges of the inferior courts and circuit courts, and many other officers were appointed by the legislature or some other democratic agency so as to protect the eastern counties from negro domination, as we democrats alleged, and which was done in most cases. From 1876 to 1898 such appointments were made all over the state, even in the western counties, at times; and during all this time the democrats were beset by the republicans for denying the people of the state a proper voice in the government thereof by depriving them of the right to elect their judicial and other officers.

Defense of Democrats and Promises. The only defense that the democrats from Vance on down to the cross roads orator ever made to this charge was that such laws were enacted for the benefit of the eastern counties where the negro was in the majority and could elect colored or white officers as they chose. This was the text of our democratic and republican orators from 1876 to 1898. When our party decided to eliminate the race issues from North Carolina politics by the franchise amendment many republicans who had become tired of such political warfare as had been conducted for more than two decades in the state joined hands with the democrats and, under mutual promises and agreements of local self-government and the election of officers by the people, the largest majority ever given a proposition in the state was voted for the franchise amendment. And Albright and all other leading republicans of that day will remember the agreements and the votes and the mutual good feelings that existed on that memorable election in the state, especially in the western counties between the republicans and the democrats. Everybody was glad that the people were coming back to their own election of their own officers.

People's Facts Not Preserved. These facts of the parties have been kept in the main. The people of the state now elect their magistrates, recorders, police justices and other officers that at one time were appointed by partisan agencies. But, strange to say, here in Mecklenburg county, the banner county of democracy for the franchise amendment had ever since for every other democratic man or measure coming before our people for their votes, still there are more officers appointed than elected by the people in this county. A few of the officers who are not elected by the people are, recorder, assistant recorder, clerk of recorder's court, prosecuting officer of the recorder's court, water commissioners, tax collector, city treasurer, chiefs of fire and police departments (not under civil service), city attorney, county attorney, drainage commissioner, county auditor, two assistant registers of deeds, two assistant clerks of court, and still more officers proposed by the charter committee for appointment. It is almost government here by appointment instead of government by the people. All new official creations have been made appointive, with but one or two exceptions, in the case of tax collectors for the county. It seems to me that our county has not kept its fact of local self government as fully as some other.

Voters Disfranchised. They would be made to the people of the state to be disfranchised, yet, to say that an officer shall provide ever me and not give me the right to cast my ballot for him is a species of disfranchisement. If you can say this of the officer, then why not say it of those who are well disfranchised as well as the election of judge or justice or governor or president, and in fact, better, than to disfranchise him on the question as to who shall be the recorder, is it right to have me vote for a judge who rules over me but once in fifteen years and refuse to allow me the same privilege over me daily? Home self government is every essence of local self government. If every county and city government in the state has good government at home it matters little to them whom they have for governor of the state, or even president of the United States. Every great principle

of good government begins at home and radiates therefrom. A democrat without local self government is a misnomer.

City Manager. To instance, it is proposed by the sub-committee of the charter committee in their draft of charter for this city to have a city manager who will have more power than any one man has had in the history of the city of Charlotte or probably of any other town in North Carolina; and this draft proposes to have this manager appointed, and not elected by the people. As a democrat I want to protest against any more officers being appointed to rule over me in this county of my adoption, having been here 21 years and being of age in political and other affairs in city and county. I want to state publicly that I do not propose to be bound by any proposed city charter or other document that takes from the people the right to elect their rulers, whether it be a justice, city manager, governor or other officer of the state or nation. All officers are supposed to be servants of the people; but they are simply servants of those who appoint, when the people are not allowed to choose them. It is but a short step from the appointment to office to the inheritance of office. Between the two, I am not sure but that democracy would prefer divine right to individual appointment.

People Elect Recorders. A large majority of the recorders of the state of North Carolina are elected by the people. In Anson, Senator McRea's old county, the recorder is "elected by the people." The county commissioners elect the prosecuting attorney. This county has a jury and from a reading of the act appears to be a real court. (This article is no reflection on Ham Jones, whom I will support for any office.) In Pamlico, Haywood, Davie, Craven, Durham, Richmond, Vance, Johnston, New Hanover, Washington, Rockingham, Rutherford, Cleveland, Guilford, Beaufort, Transylvania, Scotland, Union, Rowan, Washington, the recorder is elected by the people. The prosecuting attorney and clerk and also auditor are usually elected by the people where the recorder is so elected. Wilmington, Durham, Raleigh, Raleigh, Salisbury, and other large towns of the state elect their recorders by a vote of the people.

In Stanley the recorder is elected by a joint meeting of the town and county commissioners, as the cotton weaver for Charlotte used to be elected. In Madison the county commissioners elect the recorder. In Brunswick the justices of the county elect the recorder. In Denton, Charlotte, and a few small towns in the state the town commissioners still elect the recorders.

Civil and Criminal Jurisdiction. Civil and criminal jurisdiction is conferred on the recorders' courts in many counties, such as Rutherford, New Hanover, Edgecombe and others. These acts show much thought and in some cases the civil jurisdiction is up to \$500; process, procedure, jury systems, seals, permanent records and all things pertaining to the court of record are carefully thought out and provided for.

Uniformity in Courts and Procedure. There are about 75 acts of the general assembly dealing with recorders' courts taking up something like 500 pages of law book space. These acts will average from four to ten pages closely printed law book print, small type. Instead of all this the general assembly should digest, or have it done, these general acts and provide a form for recorder's court which will make the course of justice in the recorder's court as near uniform as possible. In order for a lawyer to be able to practice in the courts of the state it is necessary for him to search through six volumes of statutes and read about five hundred pages scattered over these volumes to get a general idea of the recorder's court law of the state. Each court is a law unto itself. There should be uniformity, especially for towns like Charlotte, Wilmington, Raleigh, Durham, Winston, and others approximating their size. All the recorder's court acts of the state could be digested into one act of a dozen pages, instead of 500 pages as it now is.

Model Mecklenburg Court. Our court should not be curtailed in any of its powers, but enlarged. We should have a court that would be a model for the other counties of the state. We should have both criminal and civil jurisdiction, a jury, a clerk ranking with the clerk of our old criminal court, and the court should be one of record and dignified. All civil matters say up to \$500, like in Rutherford county, could be disposed of in this court; and this would relieve the congested condition of our superior court docket for all time. If we are afraid of the criminals of the town in our election of recorder or any other officers we might provide that they should not be re-elected to succeed themselves; and in this way they would be independent. It is not the criminal element I fear in city government, but good people who are negligent of their duties.

Some Special Provisions. In many counties, such as Catawba, Transylvania, Camden, Harnett, Johnston, Wayne and Durham, the clerk of the superior court is also clerk of the recorder's court by virtue of his office, the recorder's or police or special court being held in the county court house.

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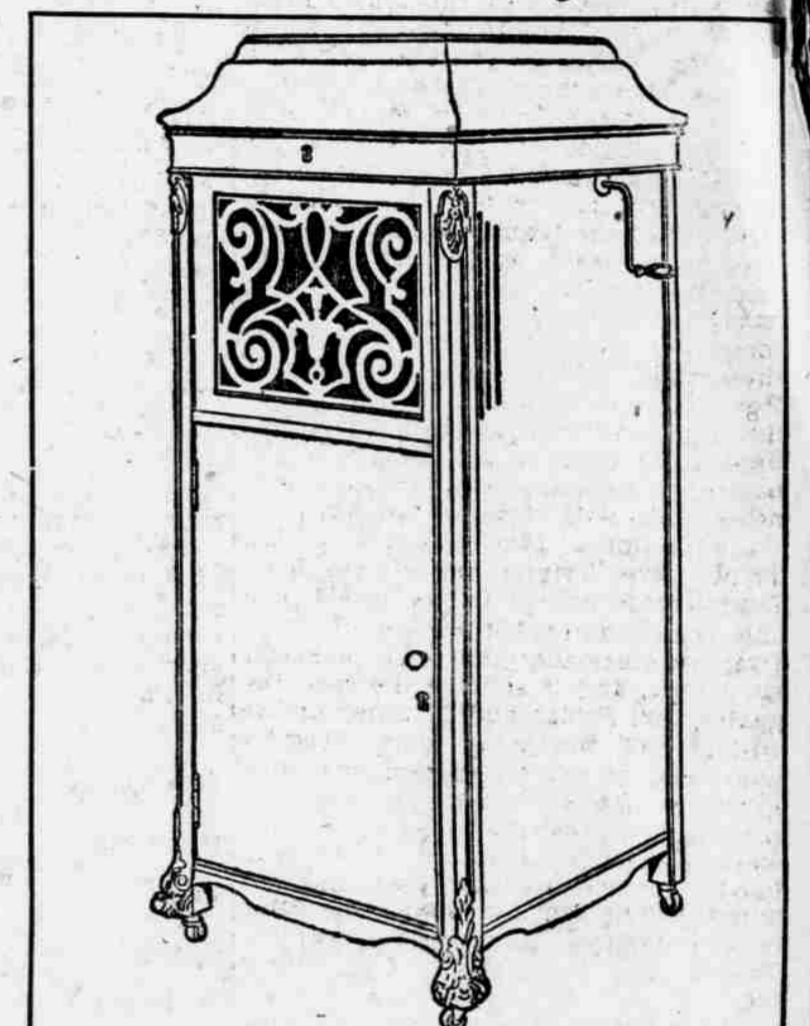
- Christmas Symphony—Len Spencer and Children's Orchestra.
- Ring Out the Bells for Christmas—Williams, Mixed Quartet.
- Birthday of a King—Christmas Song. Chalmers.
- Infanta March—Banjo. Fred Van Eps.
- My Croony Melody—Goetz and Goodwin, Billy Murray.
- Lu Lu Fado—For dancing. Band.
- Aba Daba Honeymoon—(Fields and Donovan) Collins and Harlan.
- Dixie Medley—Banjo. Fred Van Eps.
- Hungarian Dance—No. 7. Brahms, Joachim. Violin, Albert Spalding.
- When the Angelus is Ringing—Special Bell effect, Hindermeyer and Chorus. Grant.
- M'APPARI (Ah! so Pure)—Alessandro Bonci.

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Under our franchise laws as we have them today it is the rarest exception that the name of the violator of law can be found on the registration books; and to even intimate that the electorate of this county is corrupt to the degree that it is dangerous to leave it to a vote of the people to elect a recorder or other officer is slanderous to say the least. The united wisdom of the whole people can be trusted better than that of six or seven men.

Robeson, that famous county on which the democracy of state was dependent at one time, has the best provisions for the selection of recorder, prosecuting officer and clerk. Her special court act provides not only for the election by the people but also for the nomination by the people of the three officers of their court. This is genuine democracy put in practice.

Politics. It is contended that the appointment of recorder and other officers keeps these offices out of politics. This statement is not borne out by the facts if democratic as opposed to republican politics is meant. Mr. E. M. Shannonhouse, the first recorder for Charlotte, was secretary of the democratic party of the county and was appointed to office by Mr. J. D. McCall, chairman of the party and also mayor of the city at the time. General T. R. Robinson was clerk of the old circuit court and also chairman of the democratic party for the county. H. C. Jones, the present recorder, is chairman of the democratic party of the county. It is the rule that the politician is appointed to office instead of being elected by the people. Dr. Jim Mott was the greatest republican politician the state has ever known, and he and all his revenue assistants, were appointed to office, and at the same

time leading republicans of the state. From Col. A. D. Watts and J. H. Weddington on down to the janitors of the federal buildings all the federal appointees to office are politicians of note in the state. I would probably vote for every man whom the democrats have put in office by appointment if he were running for that office; but I, together with every democrat and republican in the state, who does not want office of any kind, would like to say through the ballot box whom we will have for our servants or rulers. I believe that such men as J. D. McCall and W. C. Dowd, and Hamilton Jones and F. M. Shannonhouse and J. A. Bell, and A. B. Justice, and R. S. Hutchison, all of whom have been prominent in the party and given their time and talents to its success should be rewarded, I believe that the horses that pull the plow should have the fodder; but we plain people love to have the pleasure of feeding the fodder ourselves. It is not always the fear that the politicians will get the offices, but the apprehension that they might not get them, that prompts us to advocate appointments to office instead of election. But the people are generous and just; and the man who deserves the votes of the people, either for his labors or his achievements for the party or for his eminent fitness for office, usually gets them. Anyway, if the people make a mistake in choosing their agents it is their own mistake; and they can blame nobody but the people; and they always have the remedy in their own hands, to wit, the ballot, by which to correct their mistakes. The people as a whole are more often right than the individual or the set of individuals on both people and measure. The whole people are wiser than any set of people.

HOUSE BLESSING AT FASSIFERN WAS INTERESTING

Special to The News.

Hendersonville, Dec. 1.—When Fassifern school commenced its work in Hendersonville in October of this year it was not possible to have a formal opening, as there was still much to be done in the way of work upon the buildings, so on December 10th the friends and patrons of the school joined with the faculty and students in the service of blessing conducted by Rev. R. N. Wilcox, rector of St. James' church.

To the inspiring music of the professional, "The Son of God Goes Forth to War," the students moved into the school room, followed by Mr. Wilcox, who, after a short and beautiful service of prayer and praise, invoked the Divine blessing upon the school and its work.

After the hymn, "Spirit of Trust, We Call On Thee This House to Bless," the rector spoke from the text, "What is this that thou hast done?" God's question to Eve.

Mr. Wilcox talked most beautifully and feelingly to the young girls of the duties and possibilities of their lives. The service concluded with the hymn, "O Little Town of Bethlehem," after which Mr. Wilcox, having laid aside his priestly robes, returned to the assembly hall, and

speaking as a citizen of Hendersonville and friend of Fassifern, introduced to the audience the man whom he described as the best known and best loved man in Henderson county, Hon. W. A. Smith, who has from the start, been a most enthusiastic and efficient worker in the interests of the school.

Mr. Smith, in graceful and well chosen words congratulated all concerned upon the successful opening of the school, the completion of the buildings, and the good fortune that has so far attended the efforts of promoters and teachers.

The exercises closed with the singing of the school song, "Fassifern," composed and set to music by Miss Pixley, musical director.

Afterwards a social hour was spent by the guests who moved through the two houses thrown open for their inspection. Halls, parlors, dining room, etc., had been beautified by the lavish use of holly and leucothoe, so plentiful in this favored mountain country, and the Christmas green and scarlet formed a rich background for the white-robed girls who moved about entertaining the visitors whom all delighted to honor.

Fassifern, with a capacity for sixty boarding pupils, has enrolled the full number this year, the student body representing nine states. There are also quite a number of day pupils and special students of music and art.

COUNTING THEM.

"Are your son's running expenses with his auto much?"

"Well, with running up a bill for supplies and running down pedestrians and getting run in by the cops they do run some."—Baltimore American.