

Special Legislation for the Negro Declared Void

Statute Framed Under Color of the Fifteenth Amendment Receives Its Quiet from the Supreme Court

Washington, May 4.—The law enacted to carry out in part the provision of the fifteenth constitutional amendment by prescribing punishment for those who by intimidation, bribery or otherwise prevented the negro from voting was today declared entirely void by the supreme court. A previous decision had declared it unconstitutional so far as state elections were concerned, and today's judgment makes the invalidity apply also to federal elections.

The case arose in Kentucky, where Henry Bowman and others were arrested for bribing negroes to stay away from the polls in the Congressional elections of 1898. Bowman was released on a writ of habeas corpus, the district judge holding that the statute had been declared unconstitutional so far as the state elections were concerned. It was also void as to federal elections. The supreme court affirmed this view, six justices concurring in the majority opinion, Justices Harlan and Brown dissenting and Justice McKenna taking no part in the case.

The law was enacted in 1870. It provides that "every person who prevents, hinders, controls or intimidates another from exercising or in exercising the right of suffrage, to whom that right is guaranteed by the fifteenth amendment to the constitution of the United States, by means of bribery or threats of depriving such persons of employment or occupation, or of electing such person from a rented house, lands or other property, or by threats of violence to himself or family, shall be punished as provided in the preceding sections"—not less than \$500 and imprisonment not more than one year.

The fifteenth amendment, says the opinion of the court, which is by Justice Brewer, related solely to action by the United States or by the states and not to individual action, as had been decided in several named cases. The indictment in the present case charged no wrong done by the state of Kentucky or by any one acting under its authority. Nor was it charged that the bribery was on account of race, color or previous condition of servitude. They were not bribed because they were colored men, but because they were voters. No discrimination on account of race, color or previous condition was charged. A statute which purported to punish purely individual action could not be sustained as an appropriate exercise of the power conferred by the fifteenth amendment upon Congress to prevent action by the state through some one or more of its official representatives, and an indictment which charged no discrimination on account of race, color or previous condition of servitude was likewise destitute of support by such amendment.

Referring to the contention that Congress had ample power with respect to the election of members of Congress Justice Brewer said:

"The difficulty with this contention is that Congress has not by this section acted in the exercise of such power. It is not legislation in respect to elections of federal officers, but is levied at all elections, state or federal, and it does not purport to punish bribery of any voter, but simply those named in the fifteenth amendment. On its face it is clearly an attempt to exercise power supposed to be conferred by the fifteenth amendment in respect to all elections and not in pursuance of the general control by Congress over particular elections. To change this statute enacted to punish bribery of persons named in the fifteenth amendment at all elections, to ask the punishing the bribery of any voter at certain elections, would be in effect judicial legislation, it would be wresting

the statute from the purpose for which it was enacted and making it serve another purpose. Doubtless even a criminal statute may be good in part and bad in part, providing the two can be clearly separated, and it is apparent that the legislative body would have enacted the one without the other, but there are no two parts to this statute. "We are fully sensible of the great wrong which results from bribery at elections, and do not question the power of Congress to punish such offense when committed in respect to the election of federal officials. At the same time it is all important that a criminal statute should clearly define the offense which it purports to punish, and that when so defined it should be within the limits of the power of the legislative body enacting it. Congress has no power to punish bribery at all elections. The limits of its power are in respect to elections in which the nation is directly interested or in which some mandate of the constitution is thereby to be carried out, and the courts are not at liberty to take a criminal statute, because it is comprehensive in its terms, and these terms beyond the power of Congress, and change it to fit some particular transaction which Congress might have legislated for had it seen fit."

WILL LEAVE SALEM

Rev. H. E. Rondthaler Accepts a Professorship at Bethlehem

Winston-Salem, N. C., May 4.—Special.—Rev. H. E. Rondthaler, son of Bishop Rondthaler and pastor of Moravian churches in the southern province, announced today that he has accepted a call from the northern province Moravian church. He has been elected resident professor in the Moravian college and theological seminary at Bethlehem, Pa., to succeed Prof. J. T. Hammock, who was recently elected to the mission board in Germany. Mr. Rondthaler has relinquished his proposed European trip in order to continue his present pastoral relations here until next fall, when he will enter upon his new work at Bethlehem.

Dr. W. A. Spencer was today elected county physician.

Large Berry Shipments

Goldboro, N. C., May 4.—Special.—Saturday the highest quotation on strawberries was 13-12 cents and this came from Pittsburg. The shipments Friday and Saturday were very heavy on account of the splendid open weather. Friday there were 79 refrigerator cars and 2,787 crates by express and Saturday there were 71 refrigerator cars and 353 crates by express. Saturday's shipments were consigned to the following destinations:

New York 13 cars, 117 crates; Newark 3 cars, 10 crates; Philadelphia 7 cars, 29 crates; Baltimore 1 car, 19 crates; Washington 1 car, 15 crates; Wilmington, Del., 1 car, 22 crates; Chester, Pa., 12 crates; Richmond 14 crates; Boston 9 cars; 22 crates; Providence 1 car; 82 crates; Springfield, Mass., 11 crates; Worcester, Mass., 1 car; Pittsburg 14 cars; Buffalo 4 cars; Scranton 2 cars; Albany 3 cars; Binghamton, N. Y., 1 car; Cleveland 4 cars; Columbus 4 cars; Cincinnati 1 car; Detroit 2 cars; Montreal 1 car; Toronto 1 car.

H. H. Markham Dead

Durham, N. C., May 4.—Special.—Mr. H. H. Markham died in Raleigh, where he was carried some time ago for treatment, this morning at 8 o'clock. The remains were brought here this afternoon and will be interred in the city cemetery tomorrow afternoon. The deceased was 48 years of age and for a number of years was one of Durham's most prominent business men. He left a wife and two children, one son and one daughter, both of whom are grown. The funeral will be conducted from the First Baptist church,

of which he was a member, at 4 o'clock tomorrow, by Rev. C. J. Thompson, the pastor. Messrs. A. D. Markham, H. P. Markham, M. F. Markham and J. F. Seaman went down to Raleigh today and accompanied the remains home.

NATIONAL LEAGUE

St. Louis 1; Cincinnati 4.
Cincinnati, May 4.—The Reds won their fourth straight victory today. St. Louis went down to defeat before the pitching of Suthoff.
The score: R. H. E.
Cincinnati00022000x-4 10 2
St. Louis10000000-1 6 0
Batteries: Suthoff and Bergen; Brown and Weaver. Umpire, Johnston.

Chicago 3; Pittsburg 5.
Pittsburg, May 4.—Pittsburg won from Chicago this afternoon in a game that was close all the way through. The champions touched up Lundgren for three runs in the first inning, but after that he had them well in hand. Doherty pitched good ball and was given fine support.
The score: R. H. E.
Chicago01000200-3 8 1
Pittsburg30001001x-5 7 3
Batteries: Lundgren and Kling; Doherty and Smith. Umpire, Emslie.

Philadelphia 1; Brooklyn 5.
Philadelphia, May 4.—Brooklyn today got even for the shut out of Saturday by shutting out the Phillies. The Brooklyn batted good and made their hits count.
The score: R. H. E.
Chicago00020102-5 10 1
Philadelphia04000000-0 9 1
Batteries: Schmidt and Ritter; Burchell and Roth. Umpire, O'Day.
Boston-New York. Rain.

American League

Cleveland 1; St. Louis 6.
St. Louis, May 4.—St. Louis defeated Cleveland today 6 to 1. Four runs were made in the sixth off four hits made, a sacrifice, an error and a free pass, and two in the seventh by two hits, a sacrifice and an out to center.
The score: R. H. E.
Cleveland000000100-1 6 1
St. Louis00000420x-6 8 2
Batteries: Moore and Bemis; Powell and Kahoe. Umpire, Sheridan.

Washington 4; Boston 6.
Boston, May 4.—Both Washington and Boston slugged the ball for long hits today, but the former team had three costly errors in the third that lost them the game.
The score: R. H. E.
Washington000112000-4 9 3
Boston00400110x-6 7 1
Batteries: Patten and Clark; Hughes and Criger. Umpire, Caruthers.

Philadelphia 3; New York 4.
New York, May 4.—The Athletics hit Chesbro hard today, but he was at his best with men on bases, and the home team squeezed out a hard game.
Philadelphia100000200-3 11 1
New York30000100x-4 9 1
Batteries: Bender and Schreckengost; Chesbro and O'Connor. Umpire, Connelly.

Detroit 5; Chicago 6.
Chicago, May 4.—Comiskey's team turned defeat into victory in the last half of the ninth inning today by punching their hits off Wild Bill Donovan, who pitched fairly good ball for Detroit.
The score: R. H. E.
Detroit000300200-5 10 2
Chicago001101021-6 15 1
Batteries: Donovan and Buelow; Owen and Sullivan. Umpire, Sheridan.

Mr. Tillman Here

Mr. Charles Tillman, the noted revival singer and lay preacher, delighted the congregations at the Tabernacle Baptist church Sunday, adding much to the success of both services by his sweet singing. The congregation was much pleased with Mr. Tillman and it is probable that he will be induced to return to Raleigh some time after the arrival of the new pastor and assist in a series of revival meetings. He left yesterday for Washington, D. C. While in Raleigh he was the guest of Mr. W. A. Cooper.

CORPORATION COMMISSIONERS' DATES

They Start Out Next Week to Visit Central and Western Counties

The members of the North Carolina corporation commission will start out again next week on official visitations to county seats to instruct tax listers and assessors in their duties. Their engagements follow:
Chairman McNeill
Mocklenburg, Tuesday, May 12.
Gaston, Wednesday, May 13.
Cleveland, Friday, May 15.
Rutherford, Saturday, May 16.
McDowell, Monday, May 18.
Buncombe, Tuesday, May 19.
Burke, Wednesday, May 20.
Caldwell, Thursday, May 21.
Catawba, Friday, May 22.
Iredell, Saturday, May 23.
Alexander, Monday, May 25.
Davidson, Tuesday, May 26.
Rockingham, Wednesday, May 27.

Commissioner Rogers
Rowan, Friday, May 15.
Stanly, Saturday, May 16.
Cabarrus, Monday, May 18.
Davie, Tuesday, May 19.
Forsyth, Wednesday, May 20.
Wilkesboro, Thursday, May 21.
Surry, Friday, May 22.
Guilford, Saturday, May 23.
Randolph, Monday, May 25.
Orange, Thursday, May 26.
Durham, Wednesday, May 27.
Person, Thursday, May 28.
Caswell, Friday, May 29.

Commissioner Haddad
Franklin, Monday, May 11.
Vance, Tuesday, May 12.
Granville, Wednesday, May 13.
Warren, Thursday, May 14.
Northampton, Friday, May 15.
Halifax, Saturday, May 16.
Bertie, Tuesday, May 19.
Hertford, Wednesday, May 20.
Gates, Thursday, May 21.
Currituck, Friday, May 22.
Camden, Saturday, May 23.
Pasquotank, Monday, May 25.
Perquimans, Tuesday, May 26.
Chowan, Wednesday, May 27.
Craven, Thursday, May 28.
Onslow, Friday, May 29.

Male Young Again
"One of Dr. King's New Life Pills each night for two weeks has put me in my teens again," writes D. H. Turner of Dempserville, Pa. They're the best in the world for liver, stomach and bowels. Purely vegetable, never gripe. Only 25c at all druggists.

THE QUESTION OF HAULING FREIGHT

Mr. James A. Sanders Gives His Views on the Matter

Mr. Editor: I notice with much interest an article in last Sunday's Morning Post, headed "Important Hearing Before Corporation Commission," and desire to have something to say on this subject. I have had considerable experience in shipping during the past fifteen years, mainly from the extreme west to the extreme eastern part of North Carolina; also the reverse, from the east to the west.

Should the Corporation Commission adopt the time limit mentioned in The Morning Post, I fall to see where the shipper or receiver would derive any benefit. Two days for the first fifty miles. A mule train can beat that. One day for each fifty miles or fraction thereof. Just think for a moment and let's see what we are going up against. Suppose we start a shipment from Asheville, N. C. to Edenton, N. C. The route over which this freight would move is 544 miles; time limit, twelve days. Do you think this would be worth anything to the shipper or receiver? Not one cent. Why? Because nine times out of ten the railroads will put goods over this line in from six to eight days without any law governing the time.

Suppose the law was in force as suggested in The Post, then if the railroads saw fit to do so they could take the full time limit on each shipment, which would give more trouble than the present conditions. Cut the time down about one-half; then you will have something that will be worth looking after. I have no idea that any railroad official approves of the delay in transit of any article which is shipped. In my judgment, ninety per cent of the delays are due to neglect of duty on the part of some one connected directly with the movement of such goods. Instructions are issued by a high official to the next officer, and on down until they get down to the station agents and freight train crew. Then what is the result? No one knows whether they are carried out or not?

And again, how can we expect business to be done promptly and correctly by people who work about twenty hours out of twenty-four? This, I understand, is the case with some of the station agents and local freight conductors. Think of it! A freight train due to leave Raleigh about 9 o'clock a. m. for Goldsboro, due back at Raleigh at 9:10 p. m.! But when does it get back? Sometimes about 4 a. m. next day. Only one crew for this round trip daily train. Is this crew fit to go out at 9 o'clock a. m.? While they don't get in until 4 a. m., I think not. Are they fit to handle the freight properly? The delays in transit are caused mainly at junction points, simply on account of neglect of duty on the part of some one in transferring.

I hold a bill of lading issued at Wilkesboro under date of May 1st for goods going to Edenton, N. C. With this order I sent money to prepay freight, with request to mark bill of lading "Freight prepaid." It may be

prepaid, but truly it will take an expert to find it on the bill of lading, from the fact that it is so very indistinct. What can we call that? Nothing more nor less than neglect of duty on the part of that agent. A continual chain of just such little things go to make it very unpleasant for the shipper and receiver. If some good railroad official would get behind all such agents and others and stay behind them and see that they did their full duty, the railroads could give us much better service without extra expense to their road. Put on force enough so that they can do all the work required of them in twenty-four hours in sixteen hours; then we will have much less trouble with shipments delayed in transit.

I have nothing but the kindest feeling for every one connected with the transportation companies, but feel that the shipping public can get much better service if each one connected with such companies will do his full duty.
JAS. A. SANDERS.

CHARTERS TO TWO COTT N WILL COS

Two important corporations, both cotton mills, were chartered yesterday by the secretary of state.
The Bloomfield Manufacturing Company, of Statesville, was chartered with \$150,000 capital, the principal incorporators being A. B. Sanders of Statesville, Charles Webb & Co. of Philadelphia and H. A. Young of New Sterling. There are also a great number of subscribers to small amounts of stock, probably a hundred or more in all.
The second company is the Clark Manufacturing Company, of Jonesboro, capital, \$100,000 authorized and \$25,000 subscribed. The largest amounts of stock are owned by the Eugenia Manufacturing Company, by Mr. W. A. Graham Clark, who takes one hundred shares, and Judge Walter Clark, who takes thirty shares. Other shareholders are David Clark, W. A. Graham Clark, S. H. Buckman, Walter Clark, Jr., J. Allen Melver, Wilson & Godfrey, John Clark, Thorne Clark, L. M. Foushee, Eva B. Acree, Lash and Bland Co. and D. O. Bryan.
The company will do a general cotton manufacturing business, and also run cotton seed oil mills and cotton warehouses.

MR. R. E. CRAWFORD'S ADVANCEMENT

Becomes Manager of Continental Hotel, Atlantic Beach—A Splendid Hostelery

Says the Weekly Tallahassee of May 1st: "Mr. R. E. Crawford, manager of the Leon Hotel, has accepted a position with the Continental Hotel at Atlantic Beach and will take charge there about the 15th of May. Although it is good to see 'Crawf' rise in the world, his many friends in Tallahassee will be sorry to have him leave here even for a short time."

Mr. Crawford ("R. E.") as he is familiarly known here is a son of W. R. Crawford one of Raleigh's best and oldest citizens, is a well known popular hotel man, thoroughly understands the business, and the Florida East Coast Hotel Company doubtless will cling to him as one of our institutions has to his brother, Mr. W. R. Crawford, steward of the State Hospital at Raleigh for fourteen years.

His friends here wish "R. E." much success, though they had hoped a good hotel in Raleigh might call him home again. Mr. F. B. Cook, late one of the popular clerks of the Yarboro, has employed as assistant manager to take charge of the Leon during the summer, while Mr. Crawford is absent.

The Continental, of which Mr. Crawford assumes charge, is the latest acquisition of the Florida East Coast Company operating the world famous hotels, and is in addition to their winter, a summer palatial resort. The shore line of northern Florida at the Atlantic beach, 20 miles east of Jacksonville, is curved in such a manner as to gather at this point a continual breeze, produced by the southeasterly trade winds, making it an ideal resort.



A prominent Southern lady, Mrs. B. A. Blanchard, of Nashville, Tenn., tells how she was cured of backache, dizziness, painful and irregular periods by the use of Lydia E. Pinkham's Vegetable Compound.

"DEAR MRS. PINKHAM:—Gratitude compels me to acknowledge the great merit of your Vegetable Compound. I have suffered for four years with irregular and painful menstruation, also dizziness, pains in the back and lower limbs, and fitful sleep. I dreaded the time to come which would only mean suffering to me.
"Better health is all I wanted, and cure if possible. Lydia E. Pinkham's Vegetable Compound brought me health and happiness in a few short months. I feel like another person now. My aches and pains have left me. Life seems new and sweet to me, and everything seems pleasant and easy.
"Six bottles brought me health, and was worth more than medicine under the doctor's care, which really did not benefit me at all. I am satisfied there is no medicine so good for sick women as your Vegetable Compound, and I advocate it to my lady friends in need of medical help."—Mrs. B. A. BLANCHARD, 422 Broad St., Nashville, Tenn.

When women are troubled with irregular, suppressed or painful menstruation, weakness, leucorrhoea, displacement or ulceration of the womb, that bearing-down feeling, inflammation of the ovaries, backache, bloating or flatulence, general debility, indigestion, and nervous prostration, or are beset with such symptoms as dizziness, faintness, listlessness, excitability, irritability, nervousness, sleeplessness, melancholy, "all-gone" and "want-to-be-left-alone" feelings, and hopelessness, they should remember there is one tried and true remedy, Lydia E. Pinkham's Vegetable Compound at once removes such troubles. Refuse to buy any other medicine, for you need the best.

A Severe Case of Womb Trouble Cured in Philadelphia.
"DEAR MRS. PINKHAM:—I have been cured of severe female troubles by the use of Lydia E. Pinkham's Vegetable Compound. I was nearly ready to give up, but seeing your advertisement I purchased one bottle of your medicine, and it did me so much good that I purchased another, and the result was so satisfactory that I bought six more bottles, and am now feeling like a new woman. I shall never be without it. I hope that my testimonial will convince women that your Vegetable Compound is the greatest medicine in the world for falling of the womb or any other female complaints."—Mrs. MARY COVY, 2669 Birch St., Philadelphia, Pa.

Remember, every woman is cordially invited to write to Mrs. Pinkham if there is anything about her symptoms she does not understand. Her address is Lynn, Mass., her advice is free and cheerfully given to every ailing woman who asks for it.

mington Tariff Association brought a suit against the railroads before the inter-state commercial commission and gained it. And now the pending litigation in the District court is by the inter-state commission to force the railroad companies to revise their tariffs. Fifteen or more roads are connected with the suit.

JUDGE PUNNELL AND WILMINGTON COURT

Judge Thomas R. Punnett left yesterday for Wilmington to convene the May term of the United States district court. To a Post writer he said that the only case of special public interest to come up is the Interstate Commerce Commission vs. The Associated Railroads, involving the charges of discrimination in freight rates against Wilmington and in favor of Norfolk, Richmond and other Virginia cities. It will be remembered that the Wil-

End of Mill Pond Suit
Greensboro, N. C., May 4.—Special.—The suit against the Revolution Mill for maintaining an alleged nuisance in the shape of a pond was dismissed in the superior court this noon.

Jim Dumps at night would sometimes say,
"Come, wife, let's go to see a play."
Nor did he seek a restaurant
For rounding out their little jaunt.
A better plan occurred to him,
"Some Force at home!" cried Sunny Jim.

Force

The Ready-to-Serve Cereal

"what say you to such a supper?"—Shakespeare.

Sweet, crisp flakes of wheat and malt.

Eat It Before Retiring.
"We have been eating your excellent food every night regularly before going to bed. We find it most sustaining and nourishing and the most satisfying cereal food we have yet tried."
"....." School, York, Eng."

Welcome Visitors!

We extend to you this store's hospitality during your visit to the Carnival. Make yourself at home.

Clothes of Quality

Our smart, handsome Spring Suits are decidedly well bred—and you can call them "CLOTHES OF QUALITY" for they certainly contain all the qualities appreciated by good dressers. The newest fabrics are in single and double breasted sacks, with the new narrow collars and lapels. The Suits have not been out of the makers' hands long enough to lose their bloom of freshness—splendid to make your selection.

Men's Suits \$7.50 to \$25.00. Men's Coats and Pants \$5 to \$15.
Men's Separate Trousers \$5.50 to \$7.50. Boys' Long Pants Suits \$5 to \$15. Boys' Short Pants Suits \$2.50 to \$7.50.

Complete Line Children's Wash Suits in the latest novelties, \$1.25 to \$6.00. Best qualities and best make on the market. Also Boys' Wash and Woolen Pants. Everything is complete and ready.

S. BERWANGER,

The One-Price Clothier.