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THE WEATHER TODAY: Fair; warmer.

THURSDAY, OCTOBER 29, 1903.

LAW VERSUS JUSTICE The Greensboro Record calls attention to a matter which deserves general consideration. It says:

"Courts are sometimes criticised for suspending judgment in so many cases, but what's to be done? Yesterday the first case, tried by Judge Allen and a jury in the Superior Court was against five young boys for disturbing a religious meeting. They were convicted with ease, but the prosecuting witnesses, the church people, begged that nothing be done with them and judgment was doubted. The ends of justice were no doubt subserved, yet there was perhaps criticism. The next case up was against an old man claiming to have been a soldier blown up in the crater around Petersburg. His claim was investigated and thought to be correct. His right arm was palsied and he was in a deplorable condition, but he was convicted of stealing a cow. That palsied arm paralyzed the judge and he did not know what to do until the old fellow said he could prove an alibi by three witnesses. Then he was told to produce them before the end of the term, and the case was left open. But suppose, he does not make his claim of an alibi good, what can be done with him? He is too old and disabled to work, though he manages to scurry around and keep out of the almshouse, even if he does have to steal a cow."

We copy the above for the purpose of pointing a moral.

The Record says "Courts are sometimes criticised," which we shall not deny, but in 99 cases in 100 the criticisms are the flippant outbursts of ignorance or prejudice rather than reasonable or just. The Court is commissioned to see that Law is observed as well as enforced, and so far as their power or discretion may go, to see that Justice is done. Law is the essence of reason as well as the expression of society embodied in statute form and provided with the necessary machinery for its maintenance and execution. Each case of infraction of the law is necessarily surrounded by circumstances peculiar to itself—no two cases are or can be on all-fours because of the difference in attending circumstances and conditions, and hence a rule or statute—absolutely good and necessary of itself—which would be applicable in one case would be harsh if not positively unjust, unmerciful at least, in the other. Of all these determining circumstances and conditions the Judge must be the arbiter, and when he is known to be honest, though he may err, it is little less than a crime to criticize or condemn him for his judgment or his suspension of judgment. Law is often fully vindicated by the establishment of its presence and power, without resort to a severe punishment of the violators, as was no doubt the case as to the young men whom

Judge Allen permitted to depart with the censure of the court.

When a Judge gives evidence of vicious partisanship or vulgar demagoguery, or corruption in the trial or hearing of a cause—and great care should always be exercised before this is assumed—he should be condemned; but when such cause for condemnation is lacking it is wrong to indulge in it when he follows the dictates of mercy in the exercise of a discretion which the law wisely gives him after a personal and complete examination into a case and all the circumstances surrounding it.

Judge Allen did right in the case of those young men, as presented by the parties most concerned, and will not go far wrong in the execution of the highest and greatest law if he discharge the old soldier. The Just Judge is of far more importance to the proper administration of Law than the stickler for "forms," who never fails to call the attention of the galleries to his performance—and too often heartlessness.

THIRTY-NINE LASHES FOR POK-POCKETS

The Post a few days ago was furnished by its Chapel Hill correspondent with a remark by the able Dean of the University Law School to the effect that the old whipping-post method was the very best for that class of gentry who follow crowds and steal all the trash that their light fingers can reach in the pockets of victims—otherwise called pocket books. Of course Judge McRae contemplated that such punishment should be inflicted in accordance with law made and provided, though we believe in our very hearts that had the Marshall taken the rogues out upon the grounds immediately after their arrest and given them 40 save one with a horsewhip no jury in this State would have said a word.

But upon this subject and Judge McRae's suggestion, a distinguished citizen—a lawyer who won distinction at the Bar and on the Bench, writes the editor of the Post that the legislature has the power to prescribe the lash for such offenders. We thought it required an amendment to the Constitution to permit such punishment. We quote this part of the letter for the good it may, or should, do, by way of calling public attention to the importance of such legislation.

"It has come to be a great evil, that our good people can not meet together in their state and county fairs without being troubled by these gangs of thieves dressed like respectable people coming to each other's help when by chance they are caught in the act by some brave, strong man and seized by him."

"If after one of them has been tried, convicted and sentenced to the roads, and the authorities would keep him there to serve his term, they must take such extra precautions that it will cost more to punish him than he is worth. How simple the remedy: Upon conviction to be whipped and released on payment of costs. There is no need of a Constitutional Amendment. An act of assembly would be sufficient. There is not even in this case the opportunity to invoke the everlasting race prejudice against it, for he is, nine times out of ten, a white man, and a stranger."

"A long time ago, two handsome, well dressed young white men were arrested on a train near Wilmington, in the act of picking a pocket. They were tried at the next term of the court, convicted and discharged. They went away very indignant at this instance of Southern barbarism, and never returned; neither was the offense ever repeated on that road. Great abuses call for drastic remedies."

COTTON

It may be expected that during this current week, perhaps longer, the rush of cotton to market, will be enormous, far in advance of previous years, first because of the satisfactory price which was reached Monday, and, because the crop is more nearly ready for marketing than usual so early in the season. This heavy delivery may cause the price to fluctuate, with a downward tendency, for some days. This is the result of the natural law of trade which no human agency can control. No one will buy more than is actually

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necessary at 10 cents when a hope can be had that at an early date the article wanted can be had for less; and when the supply is apparently beyond the immediate demand a fall in price is inevitable. Every person, therefore, whose condition compels him to sell at this time or during the next thirty days will have this "rush" to contend with, and will be lucky if he can get full 10 cents. We can only hope that every one who may be called upon to sell now may also be able to hold a part of the crop, until the 10-cent minimum is established, which we feel confident will be the case before the first of December. The consuming world has come to realize that it must depend upon a short crop—as short if not shorter than last year, and the fourth short crop in succession.

TObACCO

We can give nothing better, or really more encouraging on this subject than the following from the Wilson News. It states the situation now with fidelity, and sustains the contention of the Post throughout, specially when this paper was almost alone in counselling patience rather than encouraging farmers to leave their crops to ruin in the field. The farmers have begun to appreciate the fact that their crop of this year is inferior to that of last year in quality besides having to butt up against an enormous supply of last year's good quality still on hand, and also that the yellow journal that waltzed to the front was simply trying to palm off a very brassy "gold brick" upon them. The Post will again repeat, good tobacco will sell at a fair price this winter—better after Christmas possibly than now—but sorry tobacco will sell for a low price and for all it is worth throughout the season. But here is what the Wilson News says:

"We all acknowledge that tobacco is low—very low, but we dislike to be pinned down that the tobacco is not as good as it might be. One fact makes it more striking. It was so high in price last fall. We hear of many who have sworn off against planting any next year. Now tobacco is going to be used just as long as time lasts, and to do so, it has got to be first planted, cultivated, cured, manufactured and then consumed."

"The best plan we see is to diversify your crop; first let it be 'hog and hony,' with that comes independence. Then some tobacco and cotton, and you will be pretty sure of some good money in the fall to meet expenses, pay taxes, etc. We very often hear this remark: 'I got nothing for my tobacco,' when in fact he had nothing to get something for. But such is life. If all brought the same prices there would be no incentive except to plant corn."

"Well, thirty-five, thirty and twenty-five dollars were some of the figures paid yesterday at one of our warehouses which goes to show that there is life in the old land yet."

ELECTIONS NEXT TUESDAY

There will be elections held in eleven States next Tuesday, full state tickets to be voted for in Maryland, Rhode Island, Massachusetts, Kentucky, Ohio and Iowa, while elections for minor State officers and important city elections will be held in others.

The contests attracting the greatest general interest are those in Maryland, Ohio and the city of New York, though surprises may be furnished by the result in Iowa, Massachusetts and Rhode Island.

Kentucky will go Democratic by a large majority. Ohio will go Republican on a smaller total vote than the last and may be a smaller majority. In that State desperate efforts have been made to capture the legislature and thus secure a Democratic successor to Senator Mark Hanna. Stranger things have happened in Ohio, and there is no doubt but that the Democratic candidate, Mr. Clark, a good man and a sound Democrat, has given Mr. Hanna the fright if not fight of his life.

Greater New York having been reformed sufficiently to justify it, Tammany Democrats will resume business at the old stand under the leadership of Mr. McClelland. The voting will be hot shot from early morn to dewy eve, but Little Mac the Second and Democrat will win out.

FOREIGN LABORERS

Copying what the Post said in reference to the Portuguese recently brought to New Bern "to work on the farms," the Wilmington Messenger adds:

"Were there one hundred or more people who have come to New Bern for employment full-blood Portuguese we would agree with The Post. But are they not a race with a mixture of Portuguese and African blood? We have been told that, in fact, the negro blood predominates. By those who saw them when landed at New Bern from their stranded ship they were designated as 'Portuguese negroes.' They came from the Azores, islands which have belonged to Portugal for several centuries, and, while these islands were settled by Portuguese and Flemings, both a thrifty race of people, several hundred years ago, there has been a great mixture of races, as is to be found in all the islands of the Atlantic. 'Now if these people are of this class

are they desirable as settlers and colonists in our section of the country? We would gladly welcome energetic and thrifty laborers from any European country, but we do not think these 'Portuguese negroes' from the Azores can be classed under that head. While we of the South are doing all we can to keep separate and distinct the two races we have here it does not seem the proper thing to inaugurate a plan of immigration of this mixed class of foreigners."

CONVICTED OF MURDER

At Staunton, Virginia, one John Kennedy was convicted of murder in the first degree for causing a wreck on the Norfolk and Western Railroad, near Greenville, of said county, in December last wherein the engineer was killed.

The special dispatch from Staunton to the Richmond Times-Dispatch states:

"The jury after being out five minutes brought in a verdict of guilty of murder in the first degree."

"Kennedy pleaded guilty to the charge. He is about nineteen years old, from Shenandoah county, and a very intelligent man."

"He took his sentence very coolly. His accomplice, Jim Bailey, will be tried tomorrow and the trial of Ellen Bailey, the aged mother of Jim Bailey, who Kennedy claims planned the wreck, will be tried next."

It is impossible to tell how many of the many wrecks which have occurred on all railroads within the recent past are attributable to the work of such wretches as have been overtaken in the above case. No doubt a large number was the work of villains who desired to wreck vengeance upon corporations which they had been made to believe by vicious demagogues were outlaws themselves and proper objects for all sorts of assault or even destruction.

The President writes most encouragingly to the Mississippi levee Convention in session at New Orleans, coupling this great enterprise with the irrigation of the arid lands of the West. Unquestionably these are meritorious objects demanding national attention and assistance; but with them there are two others which are of pressing importance and should also receive the same national consideration. These are the Appalachian Forest Reserve, by which the water sources affecting at least seven of the States can be protected, and the Inland Ship Canal which vitally concerns the shipping interests of the entire Atlantic coast. These be four great national works—each of such character as to be beyond the power or the ability of a single State, and of such scope as to merit national assistance.

Land office frauds of startling magnitude are rumored, says the Indianapolis News. After the manner of the post office frauds, there are beneficiaries; in the present case it is said that at least two senators are party to the crime, their work being the appointment of thieves and land registers and receivers, shielding them in their rascalities and profiting by them.

And yet it is gravely announced that the President and the Cabinet hope to "avert" a Congressional investigation of such charges.

The light should be turned on, and the rascals turned out. The people will be satisfied with nothing less.

The Post presents this morning the full text of the address delivered before the Convention of Insurance Agents of this State, held in this city on the 19th inst., by Hon. James R.

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Young, State Insurance Commissioner. While touching upon points of primary interest to Insurance Agents, it also discusses the laws of the State relating to insurance companies and agents thereof which gives much important information to the public. The address is useful, because it is explanatory of existing statutes, and duties alike of public officers and Insurance Companies.

Without doubt Senator Gorman's speech of Saturday stirred up the administration animals. And the vote in Maryland next Tuesday will no doubt add to the discomfiture produced by the Senator's telling blows.

A friend writes the Post for the awards made of exhibits at the recent Fair. We are informed the statement thereof will be ready in about ten days.

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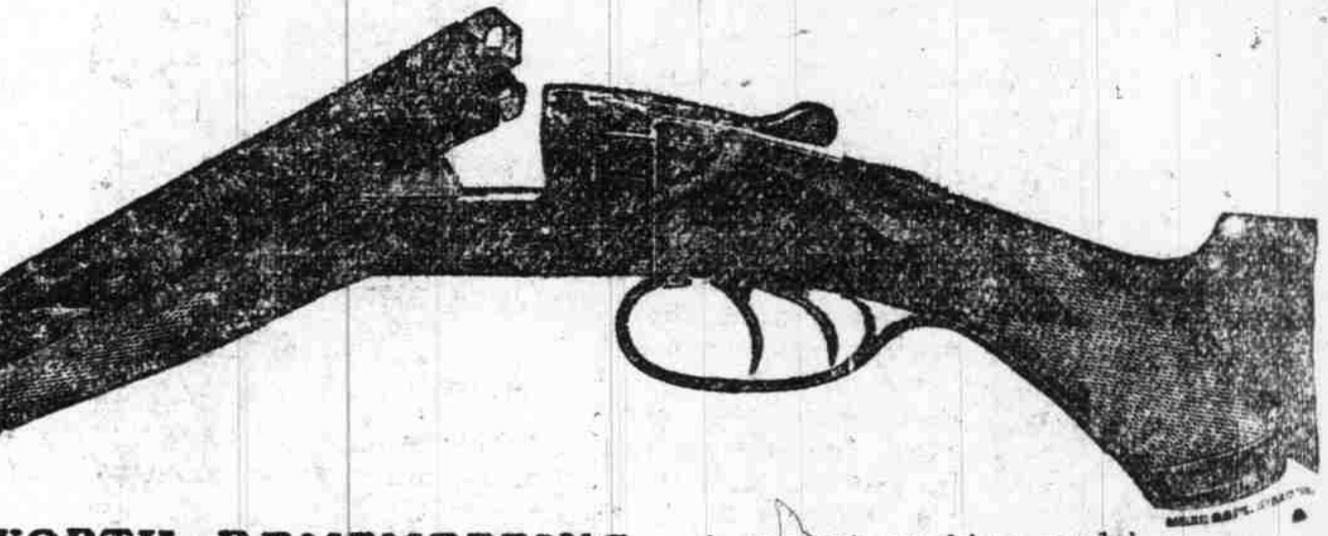
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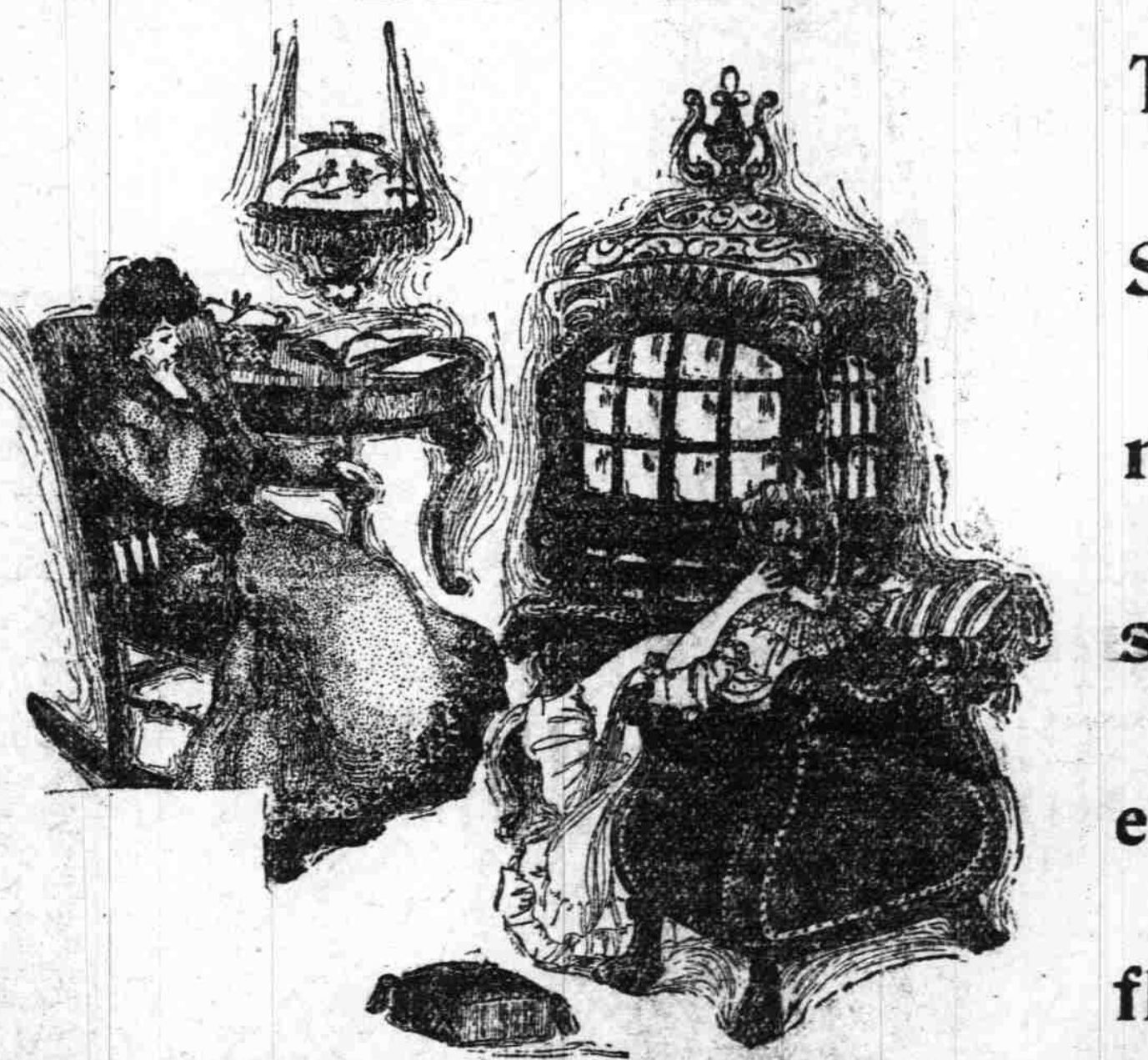
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