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**A NEW SUPREME COURT.**

The supreme court will be, when Chancellor Pitney is confirmed and sworn in as an associate justice, a Taft court. That is the majority of the members of the court will have been placed on the supreme bench by President Taft. Besides naming a majority of the members he has also elevated one member to the chief justiceship and it may really be said that he has named six of the nine members of the court.

Mr. Taft is the first president since George Washington to name a new federal court. It is a remarkable series of events which has given to Mr. Taft, not yet three years in office, the duty of making the greatest judicial tribunal in the world reflect the character of a single individual. But it cannot be said that the president has not met the obligation in a manner highly satisfactory. He has not been dominated by partisanship in making the appointment, but has risen above party. Whatever Mr. Taft's failures, and they have been many, he has met the supreme obligation laid upon him with the spirit and the mind of a statesman. His long personal experience on the bench has no doubt served him to good purpose in making these appointments, for while he has created a new court he has done more than that. He has thrown partisanship to the winds and selected judges upon merit. Justice Lurton, of Tennessee, and Lamar, of Georgia, Taft appointees, are both democrats. Chief Justice White, promoted by Mr. Taft to the head of the court, is not only a democrat of the old school, but is a former officer in the army of the southern confederacy.

It is decidedly an encouraging sign that a president elected as a partisan will take so broad-minded a view of the United States supreme court as to appoint distinguished members of the opposite party to that bench. It speaks well for the perpetuity of republican institutions that in a matter so thoroughly non-partisan as the appointment of new material to the nation's high court partisanship is no longer allowed to stay an executive's choice.

Had President Taft stuck to the old rule of appointing only members of his own party, there would be but a single democratic judge on the supreme bench, Mr. White, and he would be an associate instead of the chief justice. The nation, generally speaking, cares not what the politics of its supreme judges are, but it applauds an executive who ignores politics in making his appointments.

The supreme court is distinctly one of the bulwarks of popular government. Any thing that tends to break down the court or lessen respect for it is a blow at the whole government and should be resented as such.

But we wonder that Colonel Varner didn't see sometime ago that they were conducting that kind of a campaign.

Wake county tax-payers will, of course, have to foot the bill for the course the commissioners took in county health matters.

**A LESSON.**

The moral in the McCullers case is easy to place. The county commissioners, or the majority of them, could not divorce their own preference in the interest of the county. As a result they have got themselves in a hole, have caused a big financial loss to the tax-payers in the employment of other doctors and a lawyer, and have nothing to hold up to the people but a series of blunders.

When Dr. McCullers was elected superintendent of health last June, the commissioners received this election with a positive insult, and the doctor resigned. No self-respecting man could do otherwise. When Dr. W. S. Rankin, secretary of the state board of health, appointed Dr. McCullers and fixed his compensation—for what is an office without its emoluments?—the commissioners completely ignored the authority of the legislature. When certain members of the board of health, in the interest of harmony, offered to compromise, and Dr. McCullers showed a willingness to do the manly thing, the county commissioners dilly-dallied and then "stood pat"—all the time spending the people's money in the employment of other doctors and finally in the employment of a lawyer to help fight a statute in the interest of the health of the people of Wake county. Rather than prolong an unseemly controversy, the board of health and Dr. McCullers would have accepted \$1,200 a year for his services.

But there was no compromise in the board where a political enemy was concerned; the fight was carried to the supreme court—and the tax-payers pay the freight. When men offer themselves for office they should be big enough to rise above partisan politics, to recognize that there is law. The commissioners may protest that they were trying to save the people money, but the tax-payers are sensible enough to know that the easiest and less expensive way to determine the point at issue was to agree on the facts and allow the courts to settle it.

"Conservative" people might not like a progressive health policy, but that affords no excuse for the expense heaped upon the tax-payers of Wake county by a set of strong-headed commissioners.

The decision is interesting and welcome to the whole state as the law is general. Passed by the last legislature and hailed by progressive counties as a good measure they were quick to act under it in good faith and are doing much to improve the general health conditions. Some counties have, under the law, taken advanced steps towards securing and maintaining better health conditions. If the law had been declared unconstitutional in any of its sections it would have meant a setback to the progress that has been made. It would not have undone the good work that has been done but it would have made it necessary to have new machinery for carrying on the work and would have hampered it for the present. Now that the Wake commissioners have butted up against a stone wall we hope the jar will convince them that the law was passed to be obeyed, not evaded, and we hope they will see that it was passed for the good of the people of the state, to help them to better sanitary conditions and consequent less sickness and a lower death rate. It is not enough for the county health officer to look after the jail and other county institutions, but he should look after county health conditions generally, and this we believe is the intent of the new, or revised health laws. The county commissioners should not be obstructionists in health matters but should join in the effort for improvement. We hope Wake will get in line with the progressive counties of the state in this matter. While we have been exhibiting the "bump on a log" spirit Guilford and other counties have been going forward. We can catch up yet if we will go at it in the right spirit.

The bogites and the anti-bogites of Winston have been engaged in battle and the anti-bogites have won a vic-

tory. This means that after January 1, 1913, Winston will banish hogs from the city limits. The time was put so far ahead because the Winston people raise their own meat and they had already started their hog farms for the 1912 crop. With the beginning of the new year it is asserted that the entire crop will be gathered, no new crop started, the smokehouses will be full, the people likewise, and the industry can be abandoned without doing serious injury and without putting anybody into an irreconcilable frame of mind. The town is to be congratulated in taking this step. Men and hogs do live together and will continue to do so, but the four-footed species, can be gotten rid of and while not as big a nuisance as the other kind, is possibly more dangerous to health. Their proper place is on the farm and the more there is the better. The city is no place for them. We have enough of the other kind to contend with.

Whatever the outcome of the investigation into the deaths of three young men recently at a rooming house in this city, the solicitor and the county and city officers deserve commendation for the effort they are making to get at the truth. While it is entirely possible that the deaths were accidental there were several suspicious circumstances and events that made a searching investigation into the tragedy the only proper course to pursue. We could wish for the good name of the city that it could be shown conclusively that the deaths were due to accident. On the other hand it is equally imperative for the good name of the city, if murder has been done, to establish it and punish the guilty. The people are pleased with the efforts the officers are making and commend them for it.

Senator Ospina has been recalled but he let this government know what the home-folks think about it, even if the home government does think it wise to be a little more diplomatic about it.

We knew Colonel Varner was going to get into it. His Underwood campaign is only a week or two old and he is already perilously near starting an Ananias club of his own.

Mr. Roosevelt may not become the candidate of the progressives, it is true, but if he is not intending to do so, why did he make that speech at Columbus?

**Press Comment.**

**They Don't Mix.**

Senator Overman is always poking around in the interest of his constituency. And his constituency means the entire people of North Carolina, because he applies his energy, uses his ability, exerts his fine executive power and wields his strong influence for the benefit of far western North Carolina and then the far east, and touches all places in between. Now he has investigated what the state pays the federal government, and gets in return along certain lines, and a big discrepancy is shown in favor of the former. In other words, the federal government got from North Carolina last year \$7,316,977, while the federal government spent in this state only \$1,354,100.58 for public buildings, customs, internal revenue, life saving service, public health, marine hospital service, assay office at Charlotte and rivers and harbors, \$1,354,100.58. This leaves a big difference against North Carolina, the difference being \$5,962,876.60, and naturally much interesting speculation is being done. However, as this revenue to the government from this state is about the sum total, we suppose (though we are not certain of this as yet) being derived from internal revenue, corporation tax and miscellaneous, why the matter has not gone far enough, as the government has other expenses, such as postoffice service, including the rural delivery, courts, etc. (How- ever in light of the present figures, it looks like the federal government is making a pretty big thing of North Carolina. However, let no man get these figures or this difference mixed with the tariff. We see a strong inclination to do that in some quarters, which would muddy the waters, as well as make a gross misapplication. These receipts and expenses, so far as we can see, have nothing in the world to do with the tariff. If they do then it proves that the higher the tariff the less North Carolina would have to pay, and that the high republican tariff

the country has been suffering under has really kept North Carolina from paying more to the federal government; therefore the tariff should be higher, no matter what becomes of the consumer. This would be the only argument that could apply, if one is to accuse the tariff with being responsible for these figures. The tariff is supposed to protect industries, according to the cry of the protectionists; hence, if it is protecting them, why North Carolina has paid a very small amount for industrial protection. But remember that the tariff is derived from imports. The truth of the matter is that the tariff had nothing to do with these figures, and it should also be borne in mind that some of these receipts came from liquor and oleomargarine licenses.

The tariff has no bearing on this matter, and the tariff should be revised, and there should be no scramble to see which section gets the best of it. If so, there will never be a fair tariff revision and the consumers will suffer. Along the same line, the reciprocity bill, that was voted for by every democratic senator save three (and we don't suppose Overman, Kern, Stone, Martin and Williams were all wrong), should have passed. So far as we have been able to see the North Carolina farmer has nothing that comes in competition with the Canadian farmer; hence, he had nothing to lose if the bill had been ratified, while the consumers had much to gain. If the bill had been ratified the North Carolina farmer would not have gotten one cent less for his products, while the consumers of flour, etc., would have been benefited. But if neither the farmer nor the consumer down this way would have been injured, what was the object in not helping other poor consumers at other points? Its true La Follette and a few other insurgent senators, from the west, yelled against the bill. They wanted to protect the wheat industry, although we do not believe it would have been injured, and some folks down in North Carolina who have been yelling about the tariff being a local issue wanted to help them protect their wheat, while the consumers, the laboring men, the clerks, the housewives and others in North Carolina, paid more for their flour. Lots of people who voted for Taft didn't agree with democrats on the reciprocity bill, but they voted for Taft. The democrats didn't think that reciprocity was the best, but it was better than what the country did have, and look at prices today. Why if it had been possible for prices to have been so high under reciprocity those who were against it would have yelled that the bill caused it. Judging by some of their tricks, they would have even charged the slump in cotton to it. But how about now?—Wilmington Dispatch.

Mr. Roosevelt at Columbus. Is Theodore Roosevelt's Columbus creed national republican doctrine today? Does a majority of the republican party stand behind his utterances at Columbus in fighting form to force them upon the Chicago convention?

We need not dwell upon the pronouncement in favor of a short ballot, popular election of United States senators, and the shackling of cunning in the operations of big business. Interesting as they are, their significance is small by comparison with Mr. Roosevelt's pronouncement in favor of the initiative and referendum and the recall, the latter to extend as a last resort to judges. Is that national republican doctrine? Or can Mr. Roosevelt make it so?

No new arguments are advanced. Mr. Roosevelt rests his case as populism pure and simple does. The old system has broken down, and needs to be strengthened. The people's representatives have not been attending to the people's business. Legislation has been influenced by special and selfish considerations. Let this be corrected by a direct participation in legislation by the people themselves. Let them initiate measures, and, after being hiked into shape, let those measures be referred to the people for final judgment. Every man his own statesman.

Judges on the bench have not always decided questions in the people's interest. Miscarriages of justice have not been frequent, but

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none should have occurred. Let steps be taken to prevent them in future, or instantly correct them when they occur and punish judges who offend public opinion by their decisions. Present processes to that end are inadequate. Impeachment is slow. Court proceedings are even slower. Let it be made possible to "get at" offenders—recall them promptly, and secure new decisions by new officials chosen by the people to do the people's will in given cases. Every man his own lawyer, notwithstanding the time-honored description of the client in such a case.

Mr. Roosevelt doubts if the recall would often be required. The reply is that by empowering it upon the allegations he makes the machinery for agitation would be set up and agitation invited. That agitation would result and judges be harassed by frequent criticisms and threats from selfish rather than general sources seems certain. Agitation in that line would tend to become an industry.

Mr. Roosevelt is cloudy and ineffectual in his citation of the Dred Scott case, and what followed under Mr. Buchanan and Mr. Lincoln. Mr. Buchanan's weakness was not in bowing to the Taney decision of the supreme court, for all had to do that, but in his supineness in the face of preparations for disrupting the union, which were going on under his very nose. His Secretary of War, John B. Floyd, was a leader in the movement, and did not quit the cabinet until within a few weeks of Mr. Lincoln's inauguration. Had Andrew Jackson been in the white house a very different story would have been told.

Mr. Lincoln's strength was not in his criticism of the Dred Scott case—admirable as that—but in the promptness and vigor with which he met the emergency when the men who had profited by that decision appealed from the court to arms. Mr. Lincoln took no action for the recall of the Dred Scott decision, but acted solely for the preservation of the union. He stated in plain terms, that much as he abhorred slavery, his supreme object was to save the union, and that if he could do that without freeing the slaves he would. The slaveholders by appealing to arms raised a new issue which far overshadowed the Dred Scott decision, and Mr. Lincoln accepted their challenge and defeated them.

The country is expecting a letter in a few days on the subject of Mr. Roosevelt's attitude toward the Chicago nomination. The belief is that he will signify a willingness to accept it if his party tenders it. Notwithstanding Mr. Roosevelt's tremendous personal popularity and following is this tender to be expected on the basis of the Colburn delirverance? Is it on the cards for the republicans who agree with Mr. Roosevelt to go into the convention arena, and after the hardies of struggles, commit their party to a candidacy which would make populism the issue, with a man as leader against whom the third-term issue and his views upon it would also be raised?—Washington Star.

**THE LAX-FOS WAY.**

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**Books**

**"THE DRUNKARD"**

What It's All About and Why Everyone is Discussing It.

Guy Thorne's recently published novel, *The Drunkard*, is certainly a much-discussed book, and a startling and impressive one into the bargain. The explanations of its appeal is not far to seek, and the following brief account of it may be welcome.

A word first as to the author. Any book by Guy Thorne is sure of wide attention, for his *When It Was Dark*, published some years since, held an immense audience, and some 3,000,000 copies of it were sold here and abroad. Without rashness a prophet might foretell great good fortune for its successor, *The Drunkard*.

Now for a sketch of the story itself. With the opening of the novel proper, we are introduced to Lothian, the "hero," a brilliant and successful man who, as a youth, with money to spend and many friends, gave himself too much to the gaities of the town. With his marriage to a lovely and devoted woman, he at first puts the brakes on his inclinations, but the love of alcohol sticks by him and passes into the settled habits of a heavy drinker. His wife vainly seeks to change him, but the unfortunate Lothian goes swiftly down doomed and disastrous steps. His love for his wife gives place to an entanglement with a strange woman. Black thoughts and criminal plans spring from the poisoned and perverted brain, and involve others as well as himself in tragedy. But we must not betray the plot; the reader may discover it for himself.

As to why this novel arrests attention, in the first place, because it presents, alone in English fiction, so far as we know, the real psychology of the inebriate—not the fantastic notions held by abstemious old women of both sexes as to his physical and mental state. Imaginative writings dealing with intemperance abound, but these have treated the subject either feebly or in a purely external fashion. Walker Besant's *Demoniac*, for example, is a puerile, preposterous, and fantastic tale over which the scientist and the drunkard alike will laugh. Mrs. Henry Wood's *Danesbury House* is, for us today, weak and ineffective. And the concern of Zola's powerful novel *L'Assomoir* (entitled in English the *Dram Shop*) is with the obvious results of intemperance rather than with the shattered mind, tortured nerves, and perverted feelings that are the hidden horrors of the victim of alcohol.

Again, to women, for whom the intemperance of sons or husbands is a bitter personal problem, this makes a very special appeal, for they turn to it for help and information.

The book will be hailed, too, by temperance reformers as a strong ally, for they shrewdly recognize that a vivid story, leaving its readers with a lively sense of intemperance as a menace to the happiness and well-being of the race, is more potent for warning and reform than the most eloquent exhortation.

But it is the intrinsic merits of a novel as a novel that make real success, and may we not thus sum up these merits in the present case: It is an engrossing story, varied in scenes and characters, deeply moving in sentiment, dramatic in incident, graphic in characterization, and indelibly impressive in its great moments. If the appeal of the novel is so varied, and if its artistic merits are such as its admirers claim, what

more natural for *The Drunkard* than a great and wide-spread success?—Sturgis & Walton Company, New York.

**The Way of the Eagle.**

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**ADMINISTRATORS' NOTICE.**

Having this day qualified as administrator of Lucy Green Emory, deceased, late of Wake county, North Carolina, this is to notify all persons indebted to said estate to make immediate settlement, and all persons having claims against said estate to present them to the undersigned for payment on or before the 2nd day of February, 1913, or this notice will be plead in bar of their recovery.  
THOMAS L. LLOYD,  
Administrator of Lucy Green Emory, Deceased.  
ARMISTEAD JONES & SONS, Attys.  
2-2 1 aw 6wks.

