

# WHY CLARK FOR SENATE

AN ARTICLE BY O. K. NIMOCKS OF FAYETTEVILLE SHOWING WHY JUDGE CLARK SHOULD DESERVE THE SUPPORT OF THE PEOPLE.

The question of which of the candidates for the Senate is the most attractive personally is of no importance to the people, and its solution would not contribute anything to the advancement of the cause of government by the people. The opportunity which the voters will have of giving expression, in some measure, to their views on public questions should not be neglected. The records of the respective candidates are material in so far only as they throw light upon their probable course in the Senate, if elected.

It is the purpose of this article to set forth what seems to be the controlling reasons why Judge Clark should be elected by the voters to represent them in the United States Senate.

He has the first order of ability. He has integrity, courage and consistency.

His chief characteristic is that he fights for what he believes in, and makes no compromise which involves any sacrifice or principle.

He has the most advanced views in favor of putting human rights above property rights; and the most unlimited faith in the wisdom and justice of direct popular government. He believes that we have generally had government by the minority, and that representative government has failed.

His election would be regarded throughout the country as a distinct declaration that North Carolina stands with New Jersey, Oregon, Wisconsin and Mississippi for progressive policies. He believes that trusts should have been destroyed long ago by imprisoning those who organized them, and that the principles of protection and privilege have no proper place in government.

What he believes about public matters he feels with that degree of intensity that makes him effective.

He bitterly resents the machinery of the law that takes from the people the right and power to choose directly the United States Judges and Senators, and keenly feels that no permanent justice and equality can exist until means are provided for the people to initiate and veto laws.

The idea of the President, and not the people, passing upon the wisdom of an act of Congress is abhorrent to him.

The nomination of men to office by irresponsible delegates and corrupt political machines instead of by direct vote of the people in a legalized primary is inconsistent with his idea of majority rule.

He is less likely to moderate his courage to appease his enemies than almost any man in public life in this State.

His present views are the habits of a life time, and he has been trained to fight to maintain and advance them. He has never aspired to public office when the "Special Interests" did not realize his loyalty to the people, and put into operation their entire political machinery to accomplish his defeat.

No well informed man doubts that of all the candidates he is most objectionable to the agents of privilege, who are in politics to exploit the people under the forms of law.

When he was a candidate for Chief Justice in 1902 the agents of organized greed emptied their money bags, and put in motion all their political machinery, and exhausted their vocabulary of abuse to accomplish his defeat.

He was elected over an alliance of bolting Democrats and Republicans by over 62,000 majority. It was then truthfully said of him: "Of all the wrongs and blunders alleged against him by his enemies, no one has yet been reckless enough to charge to him one wrong, one blunder against the people's cause or in obedience to the people's will. He has respected the verdict of juries and judgments of courts. His offense is, that he did not condemn them. He has encouraged and advised the enforcement of the law against the strong as well as against the weak. His offense is, that he did not countenance and would not tolerate its evasion by the strong. He has seen open and persistent violations of the statutes of the State, and called attention of the proper authorities to

them. His offense is, that he did not bandage his eyes and seal his lips. He has upheld and defended the constitution. His offense is, that he did not ignore it. He has stood by the Legislature and obeyed his Constitutional mandates. His offense is, that he did not defy it.

Some of those who then opposed him for Judge assign as a reason for opposing him for Senate, that they cannot spare him from the bench. Duty performed in any station is the best ground for promotion.

The battles for a free government in which the voice of the people shall be potent will be fiercest in the United States Senate. The interests of the people require that the men who represent them there shall be militant and free from all entangling alliances, and without sympathy or toleration for any "Special Interests." It can be said of Judge Clark, as was recently said of Senator LaFollette by the editor of the "American Magazine": "He has an enduring devotion for the things he believes, and he fights for them."

Speaking of Judge Clark, it was recently said by a California correspondent to Mr. Bryan's paper, the "Commoner": "The man who wins in 1912, regardless of party, must not only be an advocate of the Bryan policies to which the people have been educated but he must be an embodiment of the same. A recommended candidate will not do next time. No doubt many, if not all of the Commoner's list of availables will meet this requirement, one of them we happen to know most assuredly does, viz: Judge Walter Clark of North Carolina. . . . All classes look alike to him, but the trust barons and protected corporations know this too well and when he, or any other true representative of the people is nominated a life and death struggle of special interests will be on as in the memorable Bryan campaign."

Judge Clark is not a mere theorist. He never had a theory about government than his mind did work out some tangible and definite plan to put it into practice.

Each year of his service is a record of attainments.

As a Senator he would not be content to protest against existing conditions, but would offer bills to change them. His views as to remedies to be applied for the evils that exist in the Federal Government are best stated in an able address delivered by him in Philadelphia in 1906 on the subject: "Some Defeats in the Constitution of the United States."

It should be read by every voter. The Democracy of this nature, and his sympathy for the masses who bear the burdens of government and society but are denied the benefits, is shown in a long line of opinions in the Supreme Court reports. Reference to a few of these will sufficiently indicate what manner of man he is.

A number of years prior to the decision of the case of Greenlee vs. railroad, reported in the 122 N. C. Reports, Congress had provided that the railroads engaged in interstate business should abandon the use of the dangerous link and pin coupler, but had provided further that the Interstate Commerce Commission might extend the time when the law would become effective. The Commission had from year to year extended the time for the law to become operative, and its benefits were denied to employees on railroads.

Greenlee was injured while attempting to make a coupling with an old style coupler. Judge Clark writing the opinion of the court laid down the principle that "the failure of a railroad company to equip its cars, whether passenger or freight, with automatic couplers is negligence per se, which entitled the employee who is injured while coupling cars by hand to recover damages for such injury whether the employee was guilty of contributory negligence or not."

The result of this decision was that Judge Clark was denounced by the railroads in the newspapers, but the railroads cars in this State were at once equipped with automatic couplers and all cars coming from other states were refused by the railroad companies in this state until provided with modern couplers, and, therefore, all cars throughout the country were soon equipped with these safety appliances.

When the case of Rroxler vs. the Railroad, involving the same point, was decided in 124 N. C. about a year later Judge Clark said, in the opinion:

"In the Twelfth Annual Report of the Interstate Commerce Commission (1898), published by authority of the United States Government, upon returns made by the railroad companies themselves, it is stated (at p. 88): 'Since the enactment of the law in 1893 (requiring automatic

couplers) there has been a decreasing number of casualties. There were 1,032 fewer employees killed and 14,062 fewer injured during the year ending June 30, 1897, than during the same period in 1893. The importance of this subject will be realized when the yearly casualties to railway employees are compared with those which occurred during the Spanish-American War. There were 298 killed and 1,645 wounded. In 1897 there were 1,693 men killed and 27,667 injured from all causes in railway service. From coupling and uncoupling cars alone 219 less were killed and 4994 less were injured in 1897 than in 1893, when the law was enacted."

In delivering the opinion in the Troyler case Judge Clark said:

"Reason, Justice and humanity, principles of common law, irrespective of Congressional enactment and interstate commerce commission regulation require the employer to furnish the employees safe modern appliances with which to work in place of antiquated dangerous implements, hazardous to life and limb and the failure to do so, upon injury ensuing to the employee is culpable, continuing; negligence on the part of the employer, which cuts off the defense of contributory negligence and negligence of a fellow servant."

In Fitzgerald vs. Furniture Company 131 N. C. Judge Clark announced the principle for the Court, that when a child under the age prescribed by law for working in a factory is employed and injured, the employer must answer in damages for injury to the child, caused by defective machinery and may not escape upon the plea that the child was negligent or assumed the risk. Judge Clark said:

"The sob of the child is his helplessness, curses deeper than the strong man in his wrath."

In Pressly vs. Yarn Mills, reported in 138 N. C., the same principle is reaffirmed. In delivering the opinion in the latter case Judge Clark speaking for the Court said:

"The law is not fossilized, it is a growth. It grows more just with the growing humanity of the age and broadens with the process of the sun. Could there be greater mockery than to assert that the employer is culpable negligent and pecuniarily liable if dangerous and defective appliances are furnished, and then to hold that if the laborer is mangled or killed, there is no liability cause of accepting employment the laborer has released the employer from liability? Labor is the basis of civilization. Let it withhold its hand and the forest returns and grass grows in the silent streets. Not so long since in England Labor Unions were indictable as conspiracies and the wages of labor were fixed by officers appointed by capitalists, and it was indictable for a laborer to ask or receive more. There was no requirement that employers should furnish safe appliances, no limitations as to both this county and England and elsewhere, shortening the hours of labor, forbidding child labor, requiring sanitary provisions and safe appliances, labor has been encouraged and the progress of the world in a few years has more than equaled that of all the centuries that are dead. Justice to the laborer has been to the profit of the employer. The courts should not be less just than the laws."

When the question of the right of railroad companies to refuse to redden mileage books on the trains was being considered by the Court, in the case of Harvey vs. Railroad, reported in 153 N. C. in a concurring opinion Judge Clark said:

"I do not only concur in the opinion of the Court, but further, upon a point as to which it was not found necessary for the Court to express itself. I am of opinion that the requirement that the holder of a mileage book shall present it and obtain a ticket thereon as an unreasonable regulation and therefore void."

"Practically it seems that the annoying and vexatious system which has been put in force here is almost unknown outside the territory covered by the three great railroad systems in this and adjacent states. It cannot be reasonable in any view to subject our people longer to this annoyance, and I think the Court might well hold it unreasonable and void in this case and relieve the public of being further subjected thereto."

"On the great Pennsylvania system, with its thousands of miles of subsidiary roads, not only is a mileage book accepted by the conductor on the train without the previous purchase of a ticket, but it is good not only for the holder thereof, but with every other person traveling with him at the time, whom he shall designate. There should be no reason why this should not be universally the case. Every other business in the world considers the convenience and wishes of its patrons. Those railroads

who do not think this their duty also should recall that their charters are granted by the public to the end that they may be operated for the greatest comfort and convenience of the public regulations, provided only that their owners are allowed a reasonable profit upon the true value of their property."

It was truly said of Judge Clark when he was presented for Chief Justice in 1902: "He is not an experiment. He has been tried. He has been weighed. Fresh from the scales and the furnace, he stands before the people, in the noon day's sun, full-statured, unshaken, unmarred, untrifled. He is not an idealist. He is a living, tangible, inspiring reality. His record from the first flash of his boyish sword in the battle days of the sixties to this moment, is an open book. The people know it by heart. His name is upon their lips. His life is in their memory. His vindication is in their hearts. His triumphs are in their hopes and in their prayers."

It may be that it will develop that since that time the people have forgotten how to trust him, but it is certain the enemies of the people have not forgotten how to fear him.

If the contest for Senator is to be determined upon principle, and North Carolina stands for progress and reform, the logic of the situation demands the election of Judge Clark to that tribunal where the battle will be fiercest and where he can be of the most service. Fayetteville, N. C., Sept. 17 1911. O. K. NIMOCKS.

## NOTICE

**Sale of Valuable Real Estate**  
By virtue of an Order of the Superior Court of Pasquotank County, made on the 16th day of March, 1912, in the special proceeding therein entitled - J. T. McCabe, Administrator of Charles Guirkin, deceased, and Mary Commander Guirkin, Plaintiffs, vs. Lev Guirkin, J. T. McCabe and Lon Mattie McCabe, Defendants, I shall sell to the highest bidder at public auction at the Court House door in Elizabeth City at 12 o'clock M. on Saturday, April 20th, 1912, the following described property to-wit:

A certain tract of land on the South side of West Main Street in the town of Elizabeth City, beginning at the Northwest corner of the lot of Mrs. Ida V. Simpson, and running thence westwardly along the south side of West Main Street 53 ft., 6 in. to a stake in the line of the lot purchased by Mrs. Annie E. Cook of Miss Sophia Martin, now owned by Dr. H. S. Willey; thence Southwardly along the Willey line 247 ft., 6 in. to W. H. Keaton's lot and the lot of John Overman 51 ft. to the lot of Mrs. Ida V. Simpson; thence northwardly along the line of Mrs. Ida V. Simpson's lot 241 3/4 ft. to the first station, and being the same lot conveyed to said Charles Guirkin by Miss Sophia Martin.

Terms of Sale: One-half of the purchase money cash upon confirmation of the sale, one-fourth in six months, and one-fourth in twelve months, with interest on deferred payment at six (6) per cent from the date of sale, purchaser to have the right to anticipate deferred payments and pay all cash, should he so desire. The purchaser will be required to deposit ten per cent of the amount bid on the day of sale, as a guarantee of good faith.

This March 16th, 1912.  
C. E. THOMPSON,  
Commissioner.

29 A 5 12 19  
UNITED STATES MARSHAL'S SALE

Eastern District of North Carolina  
By virtue of an Order of Sale issued out of the United States District Court for the Eastern District of North Carolina, on the 10th day of April, 1912, notice is hereby given that I will sell at public auction, for cash, on Monday the 22nd day of April, 1912, at 12 o'clock M., at Pailin's Railway, Elizabeth City, N. C., the schooner Alonzo Taulane, her engines, boilers, machinery, boats, tackle, apparel, appurtenances, and furniture, as she now lies at Pailin's Railway, Elizabeth City, N. C.  
CLAUDIUS DOCKERY,  
United States Marshal  
By J. W. WILCOX,  
Deputy U. S. Marshal.

ap12-2t.

## NOTICE

Under and by virtue of an order of the Superior Court of Pasquotank County, North Carolina, said order being made by G. R. Little, Clerk of said Court, on the 8th day of April, 1912, in a special proceeding entitled W. I. Halstead, Administrator of the estate of William White, deceased, vs. Augustus White and others, heirs at law;  
The undersigned commissioner will,

on Monday, the 13th day of May, 1912, at 12 o'clock M., at the court house door in Pasquotank County, North Carolina, sell at public auction, to the highest bidder, for cash, that certain tract of land, with improvements thereon, situate in Newland township, in said county and State, adjoining the lands of E. B. Granger and others, described as follows:

Being the same tract of land purchased by the said William White, deceased, from John L. Hinton, by deed which is of record in the office of the Register of Deeds for Pasquotank County, in Book 26, page 505, formerly known as the Elisha Jones tract, and being the same tract that was occupied by the said William White at his death, containing forty acres, more or less.

The above lands will be sold subject to a dower interest of Anne White Temple, widow of the said William White, deceased, said dower consisting of fourteen acres of said land, together with the dwelling house and outbuildings there on, for her natural life. For further particulars concerning the said dower see Book of Orders and Decrees No 4 in the Office of the clerk of the Superior Court for Pasquotank County, pages 519-522.

A deposit of ten per cent of the purchase price will be required on day of sale, as evidence of good faith. This 8th day of April, 1912.

W. I. HALSTEAD,  
Commissioner of the Court.

ap124 mr3

# The Citizens Bank



Open Saturday Nights

6:00 TO 8:00 P. M.

4% PAID ON ALL SAVINGS ACCOUNTS

AFTER MARCH 31ST.

## OLD BAY LINE

(Baltimore Steam Packet Co.)

Daily, including Sunday, between NORFOLK AND BALTIMORE. Mail steamers "Florida," "Virginia" and "Alabama." Equipped with United Wireless Telegraphy and every modern convenience. Cuisine unsurpassed.

Lv. Portsmouth, week days ..... 5:00 p. m.  
Lv. Norfolk, daily ..... 5:30 p. m.  
Lv. Old Point ..... 6:30 p. m.  
Tickets sold to all points North, East, West and Canada.  
Lv. Portsmouth, Sundays ..... 7:30 p. m.  
J. W. BROWN, JR., So. Pass. Agent  
Office, No. 169 Main St.

## WE SELL

# THE OLIVER CHILLED PLOW

The most servicable and satisfactory plow the market. We have them in all sizes, You will make no mistake stocking your farm with these plows.

AYDLETT BROS. CO.  
WATER ST., ELIZABETH CITY, N. C.

# ATLANTIC COAST LINE

The Standard Railroad of the South Ramifies the "Nations Garden Spot" Through the States of

VIRGINIA  
NORTH CAROLINA  
SOUTH CAROLINA  
GEORGIA  
ALABAMA  
and FLORIDA  
FOUR FAMOUS TRAINS

NEW YORK AND FLORIDA SPECIAL.  
(January to April)

"FLORIDA and WEST INDIAN LIMITED", "PALMETO LIMITED" "COAST LINE FLORIDA MAIL"

Dining cars—a la carte service All year round through car service from New York to both Port Tampa and Knights Key, connecting with steamships to and from Havana.  
For beautifully illustrated booklets and copy of "Purple folder" address W. J. Craig Passenger Traffic Mgr., T. C. White gen'l passenger ag't Wilmington.

## DESIRABLE LOTS

THAT HAVE TO BE SOLD AT ONCE

One lot on Road street adjoining the Tunis home 50x150 feet.  
Three lots on Dyer street 50x150, back of and adjoining the first named lot.

The Property can be bought at very low figures, by IMMEDIATE PURCHASE

# N. R. PARKER & SON

SEE FOWLER & CO'S New Style Derby Hats. Best values to be had at \$2.50-1.75 & 1.25

FOWLER & CO.,  
WATER ST. POINDEXTER ST