

**GROUNDS OF THE DECISION.**

**AGAINST THE DISPENSARY LAW—THE STATE CAN'T HAVE A MONOPOLY.**

**Tillman Will Appeal to the People—Opponents of the Law Jubilant—Its Advocates Not Disheartened.**

**DECISION NOT UNANIMOUS.**

**COLUMBIA, S. C. April 19**—The dispensary law was declared unconstitutional, two Supreme Court Justices concurring in and one dissenting from the opinion.

The decision was rendered in a composite case composed of a case originating in Darlington, to test the constitutionality of the dispensary law, and appealed to the Supreme Court by the State, and several minor cases likewise appealed.

Chief Justice McElver and Associate Justice McGowan filed an opinion affirming Judge Hudson's decision in the case below, that the law is unconstitutional, because it creates a monopoly for the State. Justice Pope filed a dissenting opinion, affirming the constitutionality of the law.

**WHAT TILLMAN SAYS.**

Gov. Tillman would only say this much about the decision. "I have not read it and don't know its scope yet. I have tried to enforce the law because it was the law. The action of the court makes it incumbent on me to take such steps as my judgment will dictate to protect the interest of the State and the people. The matter is not finished. I will obey the court for the present and appeal to the Supreme Court, the people."

The decision in the dispensary cases filed to day is a voluminous document. The opinion is by Chief Justice McElver, concurring in by Associate Justice McGowan (Justice Pope dissenting) and virtually declares the dispensary law unconstitutional in every particular save that section forbidding sale of liquors after June 30, 1893.

The Court holds that the State has the right to absolutely prohibit the sale of intoxicating liquors, but denies its right in the exercise of the police power, to assume the conduct and control of the traffic in any manner. It holds that the sale of liquors not being intrinsically unlawful, the State has no right to treat it in a different manner from any other lawful business, and that as it would have no authority to debar any class of its citizens from following any other lawful business and devote its conduct upon the State, similarly it has no right with regard to the liquor business. The opinion covers every conceivable aspect of the case and is generally sweeping and condemnatory of the liquor law.

**THE DISSIDENT OPINION.**

Associate Justice Pope, in an equally lengthy dissenting opinion maintains the constitutionality of the dispensary act based on the right to exercise the police power, and holds that all rights not reserved to the people may in their interest be exercised by the Legislature. He inveighs particularly against the disposition of the Judiciary to trespass needlessly upon the domain of the legislative branch of Government.

**WHISKEY MEN JUBILANT.**

The opponents of the administration are jubilant over the Supreme Court, declaring the dispensary law unconstitutional. The whiskey men are more than jubilant over the decision and whiskey is being openly sold in many places in South Carolina to-night.

**THE LAW MAY TRIUMPH.**

The friends of the dispensary law are not disheartened; despite the decision of the Court they believe the law constitutional and believe that it will yet triumph.

Gov. Tillman is known to be a man of many resources, and his opponents do not believe that he will yield and close the dispensaries.

**HOW IT CAN STILL BE ENFORCED.**

The Supreme Court is composed of Chief Justice McElver and Associate Justice McGowan, who belong to the faction of the Democratic party opposed to the Governor, and Associate Justice Pope, who filed the dissenting opinion, is a member of the faction supporting the Governor. Justice McGowan's term ends in July of this year when he will be succeeded by E. B. Gary, who is a member of the faction supporting the Governor.

The first dispensary law was passed in December, 1892, went into effect on July 1st, 1892, and was repealed in December, 1893, by a new dispensary act, which went into effect on January, 1894.

The cases upon which the decision of the Supreme Court was rendered to-day were brought under the old law. Gov. Tillman can continue the operation of the dispensary, claiming that the new law has not been declared unconstitutional, though its principle is the same as that of the old law. This would necessitate a new suit. Before it could get up to the Supreme Court there would be a change in the personnel of that tribunal and a different result might be reached. A motion for a rehearing would accomplish the same result and then there is some talk about an appeal to the U. S. Supreme Court. In this connection it might be mentioned that the Federal Judge in this State holds the dispensary

law constitutional in a case brought before him. Gov. Tillman would not say anything further than the brief interview sent out in the afternoon, and his plans are as yet unknown.

Druggists recommend Johnson's Oriental Soap for all skin and scalp diseases, tan and sunburn and the complexion.

G. Gaskill, W.

**Resolutions of Respect.**

We the citizens of Riverdale do draw Resolutions on the death of Senator Vance.

Whereas, the sad and sorrowful intelligence has been imparted to our body of the death of our much beloved and senior Senator Zebulon B. Vance, and whereas, in his death our State and nation has met with an irreparable loss, and are called to mourn our time honored favorite.

Therefore, be it resolved by the citizens of Riverdale that in bowing to divine will of an allwise God, We are stricken by grief unexpressible, and are called with the nation and State to bemoan and deplore our loss, and in this we offer to Congress assembled our heartfelt condolence in its rare affliction, the Nation our sympathy in its hour of trial, to the State the mutual suffering we have been made to feel and his family our deepest condolence in their overwhelming grief.

Be it resolved that these resolutions be spread upon our minutes and published in the New Bern Journal and the Courier.

J. J. HINES, chairman, J. S. FISHER, Sec'y.

**TAKE STEPS IN TIME.** When your blood is out of order, you can't afford to wait a slight cold, in this scrofulous condition, is enough to threaten you with Consumption. At the first symptom of any weakness in the lungs, or with any cough that you can't seem to get rid of, you should take Doctor Pierce's Golden Medical Discovery. For Consumption, Health, except in the most advanced stages, and for all the conditions that lead to it, this is a positive and proved remedy.

Consumption is Lung-Scrofula. You must depend upon the blood for a cure. The "Discovery" reaches it, through the blood, as nothing else can. Not only this, but every form of Scrofula, in Consumption, Weak Lungs, Severe Lingular Coughs, Asthma, and all Bronchial, Throat and Lung Affections, is guaranteed to benefit or cure, or your money is returned.

For Colds, Diarrhea, Dysentery, Cholera Morbus and Cholera Infantum, take Dr. Pierce's Compound Extract of Smart-Weed.

**WHAT ARE WE COMING TO?**

Is Cleveland's administration a failure? This is what the people are asking now. Is it true? Has he deceived them? If so this is a fearful responsibility, and most grievously must he answer for it. Has he betrayed the sacred trust reposed in him by the people? These are solemn foreboding words full and pregnant with meaning. In the great financial stress that has racked this country, to and fro like a huge earthquake thousands have gone under never to rise again. Who is to blame? Who is to blame for the terrific straits that is now being waged in behalf of good times, the liberties of the people and the prosperity of the country? Is it Cleveland? Is it the great democratic party of the country? And most the fact ever stare us in the face and like Banquo's ghost will it not "down at our bidding"? Although Cleveland may prove a failure and some of his appointments too, and all things may fail, but Big Ike will never, and the people and the country are safe as long as he can buy goods at 40, 50 and 65 1/2-cents, on the dollar and sell them at reasonable and living prices. Big Ike is the people's friend. He never deceives them. He offers no alluring hopes that turn to ashes on the lips like dead sea fruit. "He makes no promises to the ear and then breaks them to the heart," but he marches straight on and up to the performance of duty knowing that duty nobly done is life's highest and best endeavor, therefore he is a public benefactor because he places goods within the reach of all at merely nominal prices, thereby enabling both others and himself to live. He has ever been the people's friend, financially, and he will be remembered by them long after impositions and discomers have been forgotten, because he will be remembered for the good that he has done, knowing that "The good that men do lives after them." In conclusion as Big Ike has ever faithfully performed his duty to the people. He believes that they will do their duty to him and continue to patronize him in the future as in the past. Then will they hearts be made happy, and this political night-mare that has so long terrorized the people will be swept aside to the allusion's grave to be remembered no more forever. Permit Big Ike to make his political bow to the people with the assurance that he is ever the people's friend.

**Wholesale Market Country Produce**

- Cotton, 5 5/8 to 7.
- Live stall fed cattle, 51-2a6, grass fed, 45c dressed beef 45c.
- Beeswax, 20.
- Corn, 43 1/4 to 45c.
- Chickens, 52 1/2 to 60c pair.
- Ducks, Eng. 40a50c; Muscovy 50a60c.
- Eggs, 8c.
- Field peas, black, claybank and speckled 50 a 60—black-eye 75c.
- Geese, 75c a 90c.
- Hides—Dry flint, 3c; Dry salt 3c green 2c, deer-hides 20c.
- Peanuts, 60a65c.
- Wool 10 to 15c.
- Pork, fresh, 5a6c.
- Potatoes, Yams 40a50c; Haman 20c a 25c.
- Lambs 1 1/2 to 2.
- Old Sheep, 42a43c.

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**E. P. Reed's**

**OXFORD SHOES,**

Both high and low. Just the thing for Spring and Summer wear.

Call and see them.

**J. J. BAXTER,**

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**THE MAN**



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A New and Com. Treatment, consisting of SUPPORTORIES, Capsules of Ointment and two Boxes of Ointment, also seven-folding boxes for Piles of every nature and degree. It makes an operation with the knife or injection of carbolic acid, which are painful and seldom a permanent cure, and often resulting in death, unnecessary. Why endure this terrible disease? We guarantee, if you do not cure any case, you will only pay for medicine received. It costs 5 for 5. Sent by mail. GUARANTEES issued only by

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**Sale of Valuable Property.**

Pursuant to a judgement of the Superior Court of Pamlico county rendered at Spring term 1893, in an action entitled American Lumber Company vs. Wm. Potter Sr. & Aman da his wife, by which judgement the undersigned was appointed Commissioner, I will sell by public auction, at the Court house No. 7, in this county, to the highest bidder on Monday the 21st day of May, 1894, between the hours of twelve o'clock M., and 5 o'clock P. M., the following described property, to-wit: A certain piece or tract of land lying and being in Pamlico county, North Carolina, in No. 3 township and described as follows: Beginning at 102 1/2 poles from George Dees Northeast corner, running South 75 degrees West, then North 24 degrees East 200 poles, then North 75 degrees West 200 poles to Judge Esau's line, thence South 75 degrees East 200 poles to the Sawyer line, thence with said line to the beginning, containing four hundred acres, being a part of the Bryan Smith tract and conveyed to the said Wm. Potter Sr. by deed of Geo. Allen, Executor and others, recorded in Pamlico county in book No. 7, folios 423-4-5, to which reference is made. Also one steam saw mill formerly situated on Upper Broad Creek in Pamlico county, consisting of boilers, engines, saws and all fixtures and appurtenances and at the time of said mill, also the leasehold interest in the lands on said Broad Creek upon which said mill of Wm. Potter Sr. and W. S. Swinwell was situated with privileges for the operation of said mill. The said mill is now located at Leesville, Carteret county, and possession will be given where the same is now located. Also one hundred and twenty-five thousand feet of manufactured lumber the same being at the former location of the said mill, viz—Upper Broad Creek, Pamlico county. Terms of Sale cash. This April 18th, 18th. H. L. GIBBS, Commissioner.

**GEO. HENDERSON**

(Successor to Roberts & Henderson.) General Insurance Agent.

Representing Insurance Company of North America of Philadelphia Home Insurance Company of New York.

Hartford Fire Insurance Company of Hartford Queen Insurance Company of England.

North Carolina Home Insurance Company of Raleigh Greenwich Insurance Company, of Brooklyn Phoenix Insurance Company, of Brooklyn.

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**NOTICE**

Is hereby given that certificate No. 75 in series No. 1 of the New Bern Building and Loan Association for 2 shares has been lost and that application will be made for a new certificate to be issued in place thereof.

J. M. HOWARD. This April 11th, 1894.

**BY CALLING ON J. F. Taylor**

You can find a few of the "Good Things" of this life. 1st. Coal Oil, Johnny Soap—the best all round soap in the world. 2nd. Borax, the woman's friend. It cleans, bleaches and makes washing easy. Samples Free. Try it. 3rd. Sapallo a ways reliable. 4th. A new stock of J. R. Lewis and Co's. Shoes, the best ever brought to this market for the money—see them. 5th. For a tonic, try Hives Root Beer, Biscuits, Buns, Pinners and Porter's Imported Ginger Ale, Brown's Stout and Besses Ale always on hand. 6th. For Medical uses try Old Thompson, O. F. C. Manhattan XXXX Monogram and Maryland & Rye Pure mountain Corn and brandies of various kinds. Yours Anxious to Please, J. F. TAYLOR 18, 20, 22, Middle Street.

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Also a full stock of other Groceries and farmers supplies, for sale cheap. Call and see me, it will pay you.

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On and after Monday April 16, a Steamer of this line will sail from New Bern DAILY (Sunday excepted) at 4 P. M., until further notice.

**THE STR. NEUSE**

Carrying the U. S. Mail and Passengers will sail as usual on Monday's, Wednesday's and Friday's. GEO. HENDERSON, Agt. New Bern, N. C. April 9th 1894.

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And there is none better made.

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Respectfully, J. R. Parker, JR. NO. 77 BROAD ST.

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