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WALTER CLARK GIVES JURISTS FAIR WARNING

Take Heed Lest Their Power Prove Their Undoing.

"GOVERNMENT BY JUDGES"

North Carolina Chief Justice Delivered Strong Address In New York Last Night.

New York, Jan. 28.—Declaring that if the powers of government, both federal and state, lie at the feet of a judicial oligarchy composed of the lawyers of the United States, Chief Justice Walter Clark, of the North Carolina Supreme court, tonight warned his fellow jurists throughout the country to take heed lest their power prove their own undoing. Discussing "Government by Judges," Justice Clark said:

"It has been said that a contented people have no annals. The present unrest among the people, strange as it may seem, is one of the best signs of the times. When people are content they either are ignorant of better conditions or hopeless of attaining them.

"In this country, as in all countries, the control of the government is in the hands of the few. We have learned that the form of government amounts to little. The real question is, 'Where does the control of government reside?'"

"In 1776 we issued a declaration proclaiming the rights of mankind and their equality and freedom. And then the champions of government by the few quietly but effectively took control of the government.

"The overwhelming preponderance of the judiciary was unexpectedly created in 1803 by a decision of the Supreme court of the United States, without a line in the constitution to authorize it, when that body assumed the right to veto any act of Congress they chose to hold unconstitutional.

"This doctrine was promptly seized upon as a boon by the special interests and by all who believed at heart in the government of the many for the benefit of the few. It has patricially made the courts the dominant power in every state in the union. Whenever any progressive statute has not been in accord with the economic views entertained by the courts they have generally exercised their power to declare such statute unconstitutional because it was not 'due process of law.'"

Justice Clark said that if the constitution really had given judges the right to set aside a statute, it would have given the legislative branch the same power in the case of an executive veto. "However plausible," he continued, "the arguments in favor of judicial supremacy, its friends cannot point to a line in the constitution which confers it."

In warning his brother judges against overstepping their authority, the speaker declared that "Mr. Justice Harlan has well said: 'When the American people come to the conclusion that the judiciary of this land is usurping to itself the functions of the legislative department of the government, we will find trouble. Ninety millions of people—all sorts of people—are not going to submit to the usurpation by the

ON SLOW POLITICS ARE GETTING RED HOT

FOUR CANDIDATES FOR THE LEGISLATURE FROM THAT SECTION.

Jacksonville, N. C., January 28.—Candidates and possible candidates for the Legislature in Onslow county today numbered four, although the actual campaign is weeks off. Others are expected to be announced in a day or two. J. Frank Wooten, an attorney, seeks the nomination for Representative. The name of W. M. Thompson, county superintendent of education, also mentioned for Congress, is frequently heard. D. J. Sanders, a former sheriff, is likely to announce himself, it is said. Friends of H. V. Grant, a prominent Sneed's Ferry man, think he will be a candidate. Lewis Ward is in a serious condition with a bullet wound in his breast just above the heart, and "Bud" McClendon, is sought for the shooting, at Jacksonville, according to a report which reached here today. Both are negroes. The affray occurred in a negro section. The men were employed at a lumber camp and quareled while gambling. The officers have been unable to confirm a report that during the fight another negro was killed and thrown into New river.

PAPERS CUT BOOZE ADVERTISEMENTS.

Pittsburgh, Pa., Jan. 28. The Gazette-Times and Chronicle-Telegraph announced today that "in order to make their business policy harmonize with their editorial utterances" they would not accept advertisements of intoxicating liquors.

NEW PASTOR IS COMING HERE.

The Christian church is fortunate in having secured as pastor Mr. J. E. Reynolds, of Jackson, Miss. He will reach New Bern Friday and will conduct services Sunday morning and evening.

Mr. Reynolds is a young man but has already done successful work in Birmingham, Ala., and Logansport, La. He is a graduate of Transylvania University, Lexington, Ky., and comes to New Bern highly recommended.

MUSICAL AT THE PRESBYTERIAN LECTURE ROOM.

The Ladies' Aid Society of the Presbyterian Church will give a delightful Valentine Party and Musicals on Wednesday evening, February 11th.

Among the prominent musicians taking part will be Mr. and Mrs. W. R. Hervey, of Far Rockaway, N. Y.; Prof. Henri Bourdelais, Mrs. John M. Aberly, Miss Jessie Wyatt and Miss Caroline Claypool.

Admission will be 25c ents.

BASKET BALL GAME TOMORROW AFTERNOON.

There will be a game of basket ball between the New Bern High School and the Washington High School tomorrow afternoon at 3:15 o'clock. The game will be played on the school campus and the public is invited to attend.

judiciary of the functions of other departments of the government and the power on its part to declare what is the public policy of the United States."

ROBT. W. WALLACE ARRESTED BY THE U. S. GOVERNMENT

Was Keeper Of Bridge Over Newport River.

EMPLOYED BY RAILROAD

Case Will Be Tried In This City Next Monday Morning.

Robert W. Wallace keeper of the draw bridge of the Norfolk Southern Railway between Morehead City and Beaufort was arrested at Morehead City yesterday by United States Deputy Marshal Gardner, of Goldsboro, charged with obstructing navigation while in charge of said draw during the months of November and December, 1913. The defendant was brought to New Bern last night and taken before Commissioner Hill for preliminary investigation. The case was continued for the Government until Monday, February 2 and he was required to give bond in the sum of \$250.00 for his appearance on that date, which he did and was released. The case will be heard before Commissioner Hill next Monday at the Government building. Assistant United States Attorney E. M. Green will represent the government.

This arrest was the outcome of complaints made to the government by boatmen who had occasion to pass up and down Newport river and who had trouble at the railway company's drawbridge. The first complaint was made last November and several have been made since that time, in fact the government has ten witnesses to uphold their side of the case.

Just what action the railway company will take in the matter has not been made public. It is understood that they were not aware of the fact that complaints had been made until they were notified that papers were to be served on them. The matter has been turned over to their attorneys and they are engaged in looking into the affair.

WRITER OF FAMOUS PLAY WAS REPORTER

HIS WORK IS SENSATION OF THE WHOLE DRAMATIC WORLD.

Bayard Veiller, author of the successful new American play, "Within the Law," which the American Play Company announces for presentation here at the Masonic Theatre on February 5, began his writing career as a reporter for one of the New York dailies. At the time Theodore Roosevelt was police commissioner in the metropolis Veiller was detailed at detective headquarters and while there secured the material for the exciting scenes in "Within the Law" that depict so illuminatingly certain questionable practices of the authorities in their endeavor to fasten guilt for crime on suspected persons. "Within the Law" is hailed as the dramatic sensation of the year in both New York and Chicago, and its metropolitan success is being duplicated in every city which it visits.

UNITED STATES MARINES LAND AT PORT AU PRINCE

Haiti's President Flees After Battle Begins.

FOREIGNERS ARE SAFE

Michel Oreste, Refugee, On German Warship, Revolution Is Spreading.

Port au Prince, Haiti, Jan. 28.—The President of Haiti, Michel Oreste, fled from the capital today and, with his wife, took refuge aboard the German cruiser Vineta.

Fighting began in the city at 1 o'clock. An hour later the President left the Palace under escort and was conveyed in a launch to the warship lying in the harbor. Almost immediately detachments of bluejackets were landed from the United States armored cruiser Montana and the Vineta.

Firing continued throughout the afternoon and it was evident that the revolutionary movement which began in the north and spread to some of the southern towns has gained sufficient strength in the capital to threaten not only the power but the life of President Oreste.

The new Congress which met in extraordinary session yesterday, failed to take adequate measures to check the revolution, as had been hoped. It had been conceded for a long time, however, that the position of the Executive was weak. Opposed to him were Senator Davilmar Theodore, in command of the rebel troops at Cape Haitien, and General Beliard, both of whom have a strong following. It was the intention of Oreste to abdicate several days ago, but later he declined to do so, hoping with the aid of Congress to prevent the overthrow of his administration.

The arrival of the Montana and Vineta has relieved the situation here so far as foreign residents are concerned. The legations are now under guard.

Acted Under International Law.

Washington, Jan. 28.—It is understood that the commander of the Montana acted under the general principles of international law, as embodied in the naval regulations, in landing bluejackets at Port au Prince and otherwise acting for the protection of foreign life and property. It is also assumed here that he will prevent fighting within the limits of the city, if necessary to prevent the destruction of the town and the killing of non-combatants.

The Montana's crew of 650 men includes one company of marines and it is believed that force is sufficient to maintain order in the Haitian capital.

The little gunboat Petrel is at San Domingo City, not many hours' distant from Port au Prince but if any considerable reinforcement for the Montana's crew is needed recourse must be had to the Atlantic fleet battleships, 500 miles away, at Guantanamo, Cuba.

Revolt Spreads Over North. Cape Haitien, Haiti, Jan. 28.—The revolution in Haiti is spreading all over the North. At Port de Paix and Gonaives the entire population has risen.

Gen. Carlos Zamor and Gen. Beaulosse Laroche, both former Ministers of War and both exiles, returned today to Cape Haitien.

SHERIFF AND DEPUTY MAKE ANOTHER RAID

VISIT HOMES OF NEGROES IN PINETOWN BUT FINDS NOTHING.

Sheriff Lane and Deputy Bayliss went out on the warpath again late Tuesday night and searched the homes of several colored residents of Pinetown who were suspected of being engaged in seeling whiskey. Although the officers made a thorough investigation of every nook and corner they failed to find anything which even had the appearance of liquor.

The efforts of the Sheriff and also the city officials to break up the sale of liquor in New Bern and also to rid the city of vagrants are proving of avail. While in conversation yesterday with a well known citizen who is the owner of a saw mill, he informed a Journal reporter that since this crusade has begun that he has not the least trouble in securing all the labor that he could possibly give employment.

GRADED SCHOOL TRUSTEES TO MEET.

The trustees of the New Bern Graded School will meet at the office of the Superintendent this afternoon at 3:30 o'clock. Every member is requested to be present.

Keith's Vaudeville at The Athens Today

Commencing today the Athens theatre will play Keith's vaudeville. This is considered the best acts put on any stage in the United States and the managers of the Athens always give their patrons the best that can be had regardless of expense, and they always try to give everything they promise. The acts are clean and refined so come and bring your mother, sister or your best girl. The Athens is the only theatre in North Carolina, except Charlotte and Wilmington, running Keith's vaudeville, and no where do you see these acts with best seats for 15 cents. There is no advance in price at the Athens. The acts for Thursday, Friday and Saturday are Smith and Farmer, in humor and song, and Raphael Gualano, the accordion soloist. You will miss something good if you fail to see them.

We will still continue to show the best pictures obtainable. Today we have, Selig:

"Outwitted By Billy."

S. and A.

"Broncho Billy's First Arrest."

And two splendid comedies:

"A Cure for Suffragettes," and

"He's A Lawyer."

Three shows a day. Matinee 3:45, 5 and 10 cents. First show, at night 7:30, second 9:00 o'clock 5, 10 and 15 cents.

A big surprise next week. Keep your eye on the Athens.

No advance in price.

The Athens is disinfected every day.

Contentment is often the result of being asleep.

The "pen" is mightier than the county jail.

One can't judge the dinner by the dinner bell.

SUPT. AKERS LEAVES TODAY FOR RALEIGH

To Take Charge Of A New Division.

WITH NORFOLK SOUTHERN

J. C. Lewis Is New Superintendent Of The New Bern Division.

C. W. Akers who, for more than a year, has been superintendent of this division of the Norfolk Southern Railway Company, will leave this afternoon for Raleigh where he will assume charge of the Western division of that road.

Mr. Akers came to New Bern in January, 1913, and the division has, under his supervision, prospered greatly. One of the chief things that Mr. Akers has done has been to at all times cater to the wishes and desires of the public. No complaint, however small, went unanswered when called to his attention. Oftentimes the complainants were in the wrong, but Mr. Akers had a genteel way of showing them this and he has made numerous friends, both personal and for the company.

His removal to Raleigh is more of a promotion than anything else. That division has great possibilities ahead of it and the officers of the company have shown their faith in Mr. Akers' ability by placing him in charge of operations there.

John C. Lewis, who has for more than six years been trainmaster on this division, is to succeed Mr. Akers as superintendent. Mr. Lewis is thoroughly familiar with every detail of railroad work. For more than ten years he was chief dispatcher and was then promoted to trainmaster. He was born and reared in this section of the State and numbers his friends by the score.

Mr. Hutchins, who is on the Northern division of the road will be sent to New Bern to take charge of the position left open by Mr. Lewis' promotion. He will probably arrive here Monday morning.

CLARK MANTLE COMPANY MOVES TO NEW BERN

Realizing the advantages offered here, another new enterprise is moving to New Bern. This is the Clark Mantle Company, formerly located at Clarks and who manufacture an extensive line of mantles.

The company has secured the warehouse at the foot of Craven street formerly used by the Norfolk and Southern Railway Company and will use this as a manufacturing plant. H. S. Hancock is the general manager of this company and he will, in a few days, move his office to that building.

Manufacturers in nearby towns realize that New Bern is an excellent location for them and during the past year a number of plants have been removed to this city. New Bern is glad to have them and will give them any assistance needed.

The man who poses as a lion in society is usually a bear at home.