

GROVER CLEVELAND DEMOCRACY.

(Continued from 5th page.)

The supreme court there would be no deficit in the revenue, under the law passed by a democratic congress in strict pursuance of the uniform decisions of that court for nearly 100 years, that court having, in that decision, sustained constitutional objections to its enactment which had previously been overruled by the ablest judges who have ever sat on that bench. We declare that it is the duty of congress to use all of the constitutional power which remains after the decision, or which may come from its refusal by the court as it may hereafter be constituted, so that the burdens of taxation may be equally and impartially laid, to the end that wealth may bear its due proportion of the expense of the government."

Is there in this platform declaration the slightest indication of a disposition to discredit or obstruct the process of our courts? Is there a suggestion that if the democracy should be successful, that the tax upon incomes, under the act of 1894, would be levied and collected despite this decision of the supreme court?

Mr. Cleveland's solicitude for the bank accounts of Wall Street has led him to see dangers to those bank accounts that do not exist except in his over-heated imagination, and anxiety to avoid any possible danger of contribution from those who own the bank accounts, toward the support of the government whose protection they enjoy, and which they so often and so mercilessly looted during Mr. Cleveland's last administration. Let us examine the history of this decision, the criticism of which by the Chicago convention has so aroused the wrath of those who wish to enjoy the protection of the government, and contribute nothing to its support, and of the representatives of this patriotic class.

Under the constitution of the United States there are two classes of taxes—direct and indirect. The constitution requires that direct taxes shall be levied in "proportion to the census or enumeration," and that indirect taxes shall be "uniform." In 1894 congress passed an act imposing a tax on incomes. The question was raised whether such a tax was a direct tax to be laid in "proportion to the census or enumeration," in which event the law in question would be unconstitutional, as it was not so laid, or whether it was an indirect tax, to be "uniform," in which event the law would be constitutional, as the constitutional mandate of uniformity had been obeyed. The case went before the supreme court, but it was not a new question before that tribunal. The leading as well as the first case of this kind was the case of *Hylton vs. the United States*, decided in 1796. Congress had imposed a tax upon pleasure carriages. The question then arose whether this tax was a direct or indirect tax. The court was then composed of the chief justice and four associate justices, all of whom had been members of either the federal convention, which had framed the constitution, or of their respective state conventions, which had ratified and adopted the constitution, and some of them had been members of both conventions.

One of the counsel for the United States in this case was Alexander Hamilton, late secretary of the treasury, and who had been a distinguished member of the federal convention which framed the constitution, as well as a member of the New York convention which ratified and adopted the constitution.

Each judge wrote a separate opinion, except "Ellsworth, chief justice, who had been sworn into office that morning, and not having heard the whole case, declined to take part in the decision." All the judges were unanimous. The tax was not a direct tax. The only direct tax, under the constitution, is a capitation or poll tax, and a tax on land. This case was followed by four others, viz: *Pacific Insurance Co. vs. Soule*, *Veazie Bank vs. Fenno*, *Scholey vs. Rowe*, and *Springer vs. the United States*. The last of these cases was decided in 1880, and Judge Swayne, delivering the unanimous opinion of the court, after reviewing all the preceding cases, in which the principle laid down in the *Hylton* case by the distinguished gentleman who had taken a leading part in framing and adopting the constitution of the United States, was adhered to, quotes Story, Kent, Cooley, Pomeroy, Rawle and Sargeant in support of the doctrine that the only direct tax known to the constitution is a tax on land, and a capitation or poll tax. Judge Swayne winds up by saying: "We are not

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aware that any writer, since *Hylton vs. the United States* was decided, has expressed a view different from that of these authorities." In spite of this unbroken line of decisions, running from 1796 to 1880 by the ablest and most distinguished judges who ever sat upon the supreme bench, in spite of the commendation of such text writers and jurists as Story, Kent and Cooley. When the same question was brought before the supreme court in 1894 that court, by the narrow majority of one, held that the tax upon incomes was a direct tax, consequently unconstitutional, because it was not laid in "proportion to the census or enumeration." When this case was first argued and decided Judge Jackson was sick in his home in Tennessee. The court stood 4 to 4, which left the law upon the statute book as constitutional and to be enforced. But, of course, this did not suit those who had large incomes, and the court gave a rehearing before a "full bench." Judge Jackson was of the opinion that the law was constitutional. That gave the law one majority.

The money sharks and their representatives were frenzied with the fact that they would have to contribute some of their ill-gotten gains to support the government. Judge Shiras, who had, in the first decision, been of the opinion that the law was constitutional, suddenly, without assigning any reason or writing any opinion, changed his mind and concluded that the law was unconstitutional. The court then stood 5 to 4 that the law was unconstitutional. Is this not enough to fill the people with alarm and distrust of our "highest judicial tribunal?"

John Randolph Tucker, in his able and exhaustive work on "The constitution of the United States," says of this decision: "The argument was elaborate, as well on the original hearing as on the rehearing, and the court, by a bare majority for the first time, and after a century of adverse decision, held that the tax on incomes was to be laid according to the apportionment; and there were dicta to the effect that taxes on personal property of all kinds were within the term 'direct taxes.' This decision by a bare majority of the court, against strong dissent, and a large number of precedents, left the question unsettled and undecided."

Does the democratic platform declaration, which so aroused the patriotic (?) ire of Mr. Cleveland, go further? The platform declaration is: "We declare that it is the duty of congress to use all of the constitutional power which remains after this decision, or which may come from its reversal by the court, as it may hereafter be constituted"—a plain, distinct declaration to abide by the decision of the court until it is reversed. Can anyone who is not possessed with the demon of avarice and selfishness see any more distrust in and disrespect for the decisions of our "highest judicial tribunal," in the suggestion that this decision, by a majority of one, in defiance of a century of precedent, might in the future be reversed, than there was in the taking of this case to the supreme court and asking that the settled precedents of a century be reversed? The only difference that will strike a healthy mind is this, that Mr. Cleveland evidently thinks that one must be right, because it is in the interest of the idle holders of idle capital, and the other must be wrong because it is in the interest of the great masses who make the wealth and pay the taxes. When the judges of England in the Exchequer Chamber, no less obsequious to the crown than is Mr. Cleveland to the money power, by the smallest possible majority, (the judges standing 7 to 5) decided that the levy of ship money by Charles I was legal, Mr. Cleveland would have had the English patriots acquiesce in this decision, because criticism would teach distrust of the decisions of the judicial tribunals of England. Parliament would have been abolished, and the king absolute. But patriotism in England, as here, took a different view. Hampden really resisted the process of the court. The decision was execrated throughout England by all who did not occupy the same relation to the crown that Mr. Cleveland does to the money power. History assigns Hampden a place preceding that of all Englishmen for patriotism, and able, fearless advocacy of English liberty. History is full of instances in which love of liberty, patriotism and honesty teach us that failure to criticize public servants, whether executive, legislative or judicial, from superstitious reverence, cowardly fear or fawning servility, heralds the approach of despotism. If Mr. Cleveland really desires to see criticism of the decision of our "highest judicial tribunal" let him read the opinions in this case of the four dissenting justices of the supreme court, viz: Justices Brown, Harlan, White and Jackson.

Among other strictures upon this decision Justice Brown says: "I hope that it may not prove the first step toward the submerging of the liberties

of the people in a sordid despotism of wealth." Justice Brown also says in this dissenting opinion: "As I cannot escape the conviction that the decision of the court in this great case is fraught with immeasurable danger to the future of the country, and that it approaches the proportion of a national calamity, I feel it my duty to enter my protest against it."

Does Mr. Cleveland mean to say that these dissenting opinions of the four justices of the supreme court teach the people "to distrust the decisions of our highest judicial tribunals"? If he does mean that, is he not himself guilty of teaching distrust of four out of nine judges of the supreme court? If Mr. Cleveland does not mean that these dissenting opinions teach the people "to distrust the decisions of our highest judicial tribunals," why will he concede to four justices of the supreme court the right of criticism which he denies to the "rank and file," to whom he says he is so anxious to give a chance?

Mr. Cleveland can find, if he is anxious to find it, the cause of democratic defeat in 1896 and 1900 in the distrust and odium attaching to the democracy by reason of his abject surrender of the government to the great corporate and money power from 1893 to 1897. His "bending the pregnant hinges of the knee—that thrift might follow fawning."

By 1896 Mr. Cleveland had practically wrecked the party. Leading democrats who had fought democratic battles when Mr. Cleveland was one of the sheriffs in the state of New York were in despair. The great democratic masses were filled with alarm and distrust of their party; but when the convention convened at Chicago in 1896 the "rank and file" took charge. Cleveland and Clevelandism were repudiated. A democratic platform was adopted. A great, pure and patriotic democrat was nominated for the presidency. The party was renovated and purified and it went forth to battle with renewed hope and strength, and though defeated because of the distrust created by the then so-called democratic administration—though only such in name—Bryan polled 800,000 more votes in defeat than Cleveland did in victory in 1892. Mr. Cleveland says, in writing of the campaign of 1900: "Again it was demonstrated, but more clearly than ever before, that the only forces that can win democratic success are adherence to recognized democratic principles and reliance upon democratic councils and leadership."

Mr. Cleveland fails to give us his idea of democratic principles, but his administration leaves no doubt in any sane mind as to what principles (?) and policies he would like to have prevail, and his egotism and selfishness leaves no doubt but that he is laboring under the delusion that his leadership is the only leadership that can save us (?). The democracy prefers defeat, battling for true, honest democratic principles under the leadership of a democrat, to success under the leadership of Grover Cleveland. In the one case we maintain the purity of our party and the integrity of our party's principles, even in defeat. In the other case we forfeit both, even in victory.

Again, Mr. Cleveland says: "Why should we not return to these and in their name again achieve victories no less glorious and renowned than were ours in the days of courageous advocacy of our time honored faith?"

Never mind the time honored tradition, the unwritten portion of our constitution, which prohibits a third term. It is I, Grover Cleveland, I have never had, nor have I now, any foolish scruples about violating the unwritten constitution. Why, then, should I or you have any silly reverence for a mere tradition? Did not I "camp outside of the constitution" during the entire four years of my last administration? A conscience which is hardy enough to spurn the restraints of the written constitution need not affect any remorse for refusing to accept a tradition. Having swallowed the bait, it is but the folly of the Pharisee to strain at this gnat. Nominate me on my platform. I care nothing for platform pledges. The money power, the corporate power, will hail my nomination with delight. Let the "rank and file" make the platform to suit themselves. Wall street knows that I am to be trusted. The democratic treasury, which is empty while you are honestly battling for principles, will overflow with con-

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contributions from those who will hope for a return of the halcyon days of treasury raiding that prevailed from 1893 to 1897. Democracy (?) will be triumphant! All of the corruptionists who were arrayed against Bryan from 1896 to 1900 will recognize that all differences between the democratic and republican parties have been harmonized by my nomination, and will flock to my standard. I would not be surprised if my election would be unanimous.

Mr. Cleveland again says: "The success of true democracy in 1892 was so decisive and overwhelming, and its effect upon our opponents was so depressing that a long continuance of our party's supremacy was generally anticipated."

The victory in 1892 was decisive and overwhelming. The "rank and file" looked at the platform of 1892 and it seemed all that could be desired, and they never doubted but that their standard bearers would, if elected, administer the government in accord with the platform pledges, and they voted for Mr. Cleveland. On the other hand, the harpies and money sharks of Wall Street cared nothing about the platform pledges. They knew that they had their man. They preferred him to President Harrison, because they knew he would be a more pliant tool in their hands, and, of course they voted for him. The "rank and file" were fooled. The classes began a carnival of treasury raiding, which lasted for four years.

The "paramount issue" in the campaign of 1892 was tariff reform. Mr. Cleveland went into office on the 4th day of March, 1893, with a democratic senate and a democratic house. Congress was convened in extraordinary session, not to revise the tariff, but to repeal the "Sherman purchasing clause." The "endless chain" system was inaugurated. The treasury was robbed of millions. A panic, the most stupendous in our country's history, was precipitated, and every business, except treasury looting, languished.

Such great and good democrats as Senators Jones, Harris, Turpie, Vest and many others turned from the president when he abandoned the platform upon which he was elected and the path of an honest, faithful public servant. Cannot Mr. Cleveland see that it was he who dissipated the hope of a "long continuance of our party's supremacy?" He says: "Give the rank and file" a chance." If the "rank and file" did not have a chance in 1896 and 1900 they never will have. The "rank and file" made the platform of 1896 and 1900 and named the candidate for president and vice-president. Of all men in this great Union Mr. Cleveland is the last to assume to advise the democracy. Of all men he will be listened to with less patience and respect by honest, earnest democrats. Cleveland, Carlisle, Whitney, et id omne genus, must understand that when the great purified democracy repudiated and condemned them in 1896 that it was not for four years nor for eight years, but for all time.

I will conclude by saying with Mr. Cleveland "give the rank and file a chance," not a chance to be oppressed or plundered by those whose retained agent Cleveland is, but give them such a chance as they had at Chicago in 1896 and at Kansas City in 1900, to participate in formulating their party's creed and to nominate their candidates. Give them a chance to protect their life, liberty and property in their own government.

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