

The Roanoke News.

Table with columns: SPACE, One M., Two M., Three M., Six M., One Y. and rows for One Square, Two Squares, Three Squares, Four Squares, Five Squares, Six Squares, Half Column, Whole Column.

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WELDON, N. C., THURSDAY, JANUARY 16, 1879.

NO. 47.

THE GOVERNOR'S MESSAGE.

To the Honorable the General Assembly of North Carolina:

In compliance with the constitution and the time-honored custom of my predecessors, I have the honor to greet you as the representatives of the people and to confer with you in regard to the state of our commonwealth.

Executive desirous of serving well his State, the meeting of the General Assembly is always the occasion of rejoicing, as it not only brings to his aid the wise counsel of legislators fresh from their constituents, but relieves him of much embarrassing responsibility.

It is known to you that owing to causes which need not here attempt to elucidate, the people of the United States—and in a great measure of the civilized world—have been for some years past, and still are, passing through a period of most remarkable financial trouble, producing everywhere much distress and even disaster.

North Carolina has shared these calamities and her prosperity has been retarded as has that of others. But I believe I can truthfully say that she has suffered as little, if not less, by these hard times than her sisters.

Looking at the whole State and comparing our condition with others, we have abundant reason to be thankful and take courage for the future. The public health has never been better, whilst the people as a whole have played with pitiless fury among the homes and pleasant places of our Southern and Western neighbors—especially of our great daughter Tennessee—the profoundest quiet and most reverent obedience to legal authority have prevailed throughout our borders.

Remembering that North Carolina is pre-eminently an agricultural State, your legislation should be directed toward the improvement of that interest mainly. In this connection I beg to call your attention to the fact that the first and perhaps greatest need of an agricultural people, thinly scattered over a wide extent of territory, is that of good highways and easy transportation for persons and products.

As a general rule, from the lowland belt westward, the highways of our State are as bad, if not worse, than any to be found in the Atlantic States. The old system of locating them and keeping them in repair, adopted by our fathers more than a hundred years ago, is still in use, though its utter inefficiency for nearly that length of time has been apparent.

Of the inconvenience, cost and distressing tendency upon all industry which such roads occasion, I need not stop to remind you. I shall only beg your earnest attention to the necessity of change and express my decided opinion that no permanent prosperity can be expected unless this grievous evil is remedied.

paratus. The railroads very generously gave reduced rates. The agent of the Peabody fund supplemented the appropriation with a handsome donation, and every dollar that could be spared was used to equalize the benefits of the State's bounty by paying the traveling expenses of the more indigent; lectures by distinguished citizens of the State on popular themes were delivered almost daily with the best results.

The colored Normal school at Fayetteville was put in charge of Mr. Robert Harris, a native colored man of excellent character and capacity, supervised by a board of local managers selected from the best business citizens of the town, who took a great interest in its welfare.

I sincerely hope the appropriation for both schools may be renewed and the law be made to embrace both sexes. For though females have attended both schools by permission, yet the Board of Education did not feel at liberty to expend any State money in their aid.

BOARD OF AGRICULTURE. The establishment by the last Legislature, in pursuance of the constitution, of a Department of Agriculture, was a very important step indeed to the welfare of this State.

The organization of the Board of Agriculture was completed by the election of two intelligent farmers who now occupy seats in it; a Commissioner was elected, Secretary and Treasurer chosen and work began immediately. For the results of the first two years, I refer you to the accompanying report of the Commissioner, Col. L. L. Polk, which sets out everything in detail.

The chief difficulty in the way of doing any new thing among a people so conservative as ours is in securing their prompt cooperation. It was found very difficult at first to awaken an active interest in the operations of the bureau, but the impression once produced is lasting and enlarging.

From this we may draw some valuable conclusions: 1st. That convict labor is almost if not quite as valuable for road construction as hired labor. 2d. That convict labor is more valuable used in this kind of work than employed at trades and mechanical work in close

confinement. 3d. That the health and general tone of the convicts is better in outdoor work. Influenced by these considerations, I am induced to say that in my opinion it is our policy to provide labor for them on public works, afterwards, after the completion of the Penitentiary buildings, leaving within its walls only such as from weakness, and the nature of their crimes, cannot be sent outside.

In addition to the completion of the roads begun by the State, to which labor has been already assigned, there are a number of local railroads and turnpikes greatly desired in many parts of the State, and valuable swamp lands to be drained, at which convict might be employed with great profit to the State, the counties or communities supporting the convicts.

As a further illustration of this idea, I beg leave to call your attention to the situation of that rich and once productive region the Roanoke country below Weldon. At one time the Egypt of our State and a source of great wealth to our people, those splendid and inexhaustible lands are fast becoming a wilderness by reason of the destruction of the levees which confined the Roanoke within its banks.

RAILROADS. The public works have been pushed forward with energy and economy. I regret exceedingly that the management has not been able to have the cars on the W. N. C. R. R. running across the Blue Ridge by this time, as was confidently expected.

THE PENITENTIARY. The Penitentiary system of dealing with our criminals is comparatively new in this State, and as it is now by far the most costly of all our institutions and is almost daily becoming more so, every thing pertaining to it is deserving of your earnest attention.

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Dates, in Gaston county, and the grading to Newton, on the W. N. C. R. R. From that point to Lenoir, the greater part of the grading is done, and the work is being pushed with energy. They have been furnished with 50 convicts, and the number has been kept up. I cordially commend this enterprise to your favor.

It is resulting out to a direction perhaps more important to the welfare of the State than that of any other railroad, except the W. N. C. R. It is not only points to the most remarkable and extensive iron and copper mines in the South—Cranberry and the One Knob—also the salt line and plaster deposits of Washington county, Virginia, the cheap importation of which would perhaps restore to our State the agricultural products which are now imported from the South.

THE ATLANTIC AND NORTH CAROLINA RAILROAD has been encumbered with difficulties ever since my accession to office, some of which were called to the attention of the Legislature. A suit began in the State courts to impeach the validity of the mortgage bonds on the ground of usury, was followed by a counter suit in the Federal courts to foreclose a mortgage and sell the road.

ANGOLA RAY. It is also a source of regret that the work of cutting a canal through Angola Bay was not undertaken as provided by law. The Board were ready to do so at my request and offered the convicts, but found it practically impossible to do the work owing to the omission of the act to provide the necessary means for its execution, their being authority for neither a survey to be made, nor for the employment of men, nor for the purchase of material to be furnished by the Board.

FINANCIAL. The Treasurer's report will engage your earnest attention. You will see that whilst the annual economy has been practiced, yet the funds in his hands have not been sufficient to meet all the objects provided by law. The reason is simply that the last Legislature increased the appropriation, without increasing the tax.

NAVIGABLE WATERS. It is gratifying to see that the general government has begun to take an interest in the improvement of our navigable waters. Surveys of the Neuse, the Meherrin and the Catawba, are in progress or contemplated, and it is reported that your honorable body in this behalf would materially strengthen the hands of our representatives to Congress in obtaining the necessary appropriations.

lature by lowering the assessments. It becomes also a heavy tax on honesty and compels the conscientious man to pay sometimes double or triple the tax paid by his less scrupulous neighbor. A remedy for this evil is demanded alike by justice and good policy. What that remedy shall be your wisdom must devise. We do not want an increase of taxes but an equalization of taxes and a faithful collection of those which are levied. My own opinion is that the Treasurer, Auditor, or other State officer, be authorized to act as a State Board of Assessors, with power to supervise and equalize the assessments of the county officers whose lists should be submitted to it, and it should have authority to summon witnesses, hear testimony, etc., and if the county assessors were chosen by the State Board it seems to me we would almost have a guaranty that uniformity could be secured.

So, too, some disposition should be made relative to the lands sold for taxes and bought in for the State. For ten years these lands have been accumulating until, as the report of the Secretary of State informs me, there are now in the State 1750 tracts of land sold for delinquent taxes, to the amount of nearly \$17,000, on which the time for redemption has expired and the State's title is absolute. In most cases the owners continue happily in possession while their default goes to swell the taxes of their neighbors. I refer to the Treasurer's report for a report of the State debt, and the amount of expenditures of the government, both of which are so closely set forth as to need no comment from me.

PUBLIC DEBT. The public debt, it will be seen by the Treasurer's report, amounts to \$10,900,645.00—principal, and \$10,160,182.25 interest. This is known as the recognized debt, as contradistinguished from the special tax bonds. What shall be done with it is a question the desirers your best consideration. It is out of the question for us to attempt to pay it at its face value. Indeed I do not conceive that there is any moral obligation upon us to do so; nor do our creditors expect it of us. Quite one-half of our property upon which our bonds were based was wantonly destroyed by consent of a large majority of those who held them, and no court of justice upon the earth would permit a creditor to destroy one-half of his security and claim full payment out of the remainder. But we are not to be deterred by this. The resolution of last session constituting the Governor, Treasurer and Attorney General a committee to confer with our creditors gave no power to make or accept any proposition whatever; and so an invitation to visit New York to confer with the holders of our bonds was declined, as the accompanying correspondence will show. Besides this no attempt to open negotiations with us has been made. But I have grounds to believe that very reasonable terms indeed can be obtained if we will give a determination to settle the question and be done with it. I refer exclusively to what is known as the "Recognized" debt. So far as the special tax bonds are concerned, my opinion is expressed by your predecessors remains unchanged, that they are not binding either in law or good morals unless it may be as to a very small fraction honestly appropriated to the State's use and accepted by her. Therefore, I avow my readiness to cooperate with you to the full extent of my power in devising the methods and bearing the burthen of an honest adjustment of all our indebtedness, as something better or later will have to be done, and the sake of our good name and our future prosperity.

FEDERAL INTERFERENCE WITH STATE COURTS. I call your attention to certain matters which have occurred since your last session, and which give rise to questions of difficulty and grave importance, involving a seeming conflict between the laws of the United States and those of the State. At the Fall Term, 1876, of the Superior Court of Guilford county, one Hawkins and two others were indicted for an alleged assault and battery upon Levi Hamble, in March, 1878, the defendants having been arrested, held in the office of the Circuit Court of the United States for the Western District of North Carolina, their petition under oath, in which they set forth that they were officers of the Internal Revenue Department of the United States and that the acts charged against them in the bill of indictment I have mentioned were committed under color of their office; they therefore prayed that the prosecution against them should be removed from the State Court to the Circuit Court. It is pursuant to an act of Congress now embodied in section 642 of the Revised Statutes of the United States, and which provides that original prosecutions commenced in any court of a State against any officer acting by authority of any Revenue law of the United States, on account of any act done under color of his office, may at any time before trial, be removed for trial into the Circuit Court next to be holden in the district where such prosecutions are pending. The prayer of the petition having been granted, a copy of the order removing the case was, on the 5th of March, 1877, served upon the Clerk of the Superior Court of Guilford county, and when at the ensuing Spring term of that Court the case was called, the defendants objected to further proceedings in the State Court upon the ground that the case no longer had jurisdiction of the case. Upon argument before the Hon. William B. Cox, then holding the Guilford Superior Court, the officer was of the opinion that he could proceed as further in the matter, and so decided. From his decision the Solicitor for the State appealed to the Supreme Court. Recognizing the important and delicate nature of the question presented I deemed it to be my duty to assist the defendant in the Supreme Court with a carefully employed counsel to aid the Attorney General in presenting to the court the opinion entertained by the Government of the State. After a full discussion by counsel, the Supreme Court, with one dissenting voice, affirmed the opinion and judgment of the lower court, and dismissed the appeal. The same question was presented to the Supreme Court at the same time in the case of the State against William Deaver appealed at the Spring term of 1877 of the Superior Court of Rutherford county from the judgment of

(CONTINUED ON FURTHER PAGE.)

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