

Message Of Governor Kitchin

Wants Anti Trust Law Amended

To the Honorable the General Assembly of North Carolina:

During two years I have given attention to the state's business, and numerous matters of legislation have occurred to me concerning which I herein make recommendations, many of which I shall not discuss as their reasons are apparent. Not only obedience to the constitution but a sense of duty to the people's interest prompt me to mention them.

A general assembly representing a people whose progressive spirit is aroused, whose prosperity is bounding upward, whose hopes and attention are centered here, having splendid opportunity to render public service commensurate with the honor and responsibility upon it will be glad to give such wise and patriotic consideration to these subjects as the public welfare demands.

The people have approved the principles and policies of the party which has been dominant in the state for the past ten years, and that party in control of all branches of the state government is charged with the great responsibility of legislating in the interest of the people and promoting their welfare so far as local government can do so. In the last two years there has been much progress in the state. The reports of the various officials, and from the various public institutions, which are transmitted to you and which I will not recount but which will receive your consideration, show development, and service without a parallel in our history. The basic occupation, agriculture, has been prosperous beyond any point heretofore reached by our people. Some of our manufacturing industries have not had their accustomed prosperity since the panic of 1897, but we have reason to hope that they will soon again have their former profitable conditions.

As detailed in the treasurer's report, we refund the state bonds which fell due on July 1, 1910. A perusal of that report will show that too much credit cannot be given to our bankers and other business men in coming to your relief when the failure to dispose of the authorized issue of bonds in the money centers after two advertisements for bids in this state and elsewhere rendered the situation critical.

In 1909 the legislature of Rhode Island, in accordance with Governor Peckham's wishes, directed the return to the donors of \$500,000 of the special tax bonds which the committee hading large sums of such bonds had sent to that state, under a law requiring the governor to accept all such bonds. Similar bonds were offered by a governor of Nevada under a similar statute but Governor Dickerson, as did the governors of Michigan and New York, declined to accept them, and a mandamus proceeding to compel his acceptance thereof is pending in the supreme court of Nevada. It may be improper to commend the patriotic spirit and high sense of propriety, with which these governors have acted, as noble conduct on their part should be assumed as a matter of course, but I deem it proper to state the above facts for your information, as they show the diligence with which the holders of the fraudulent special tax bonds of 1868-9 are seeking to harass us, their only purpose in tendering these repudiated bonds to our sister states being to have these states sue North Carolina, hoping thereby to blackmail us into a compromise of those still retained

by the donors, who give with one hand that they may plunder with the other.

Prohibition. Prohibition has now been in force throughout the state for two years. This is a short period with which to measure the effects of a reform movement. We have done little more than planted the seed, whose full fruition will be gathered by coming generations. And yet already the results fully justify its adoption. There has been, as appears from the attorney general's report, based upon superior court statistics, a marked diminution in crime, even in the crime of violating the prohibition

near-beer saloons be prohibited. In case you permit the continuance of near-beer licenses, then you should provide that the holding of federal license to sell intoxicants shall forfeit the near-beer license.

Appropriations. The legislature two years ago appropriated over \$500,000 more than our revenues. I most urgently request that you practice economy in appropriations and that you do not appropriate more money than the reasonably certain amount of revenue which you may provide, without also providing for securing the necessary funds. I also urgently recommend that the state treasurer be authorized upon approval of the governor and his council, to borrow whatever money is sufficient to cover the difference between the amount appropriated and the revenue received by the treasurer for any fiscal year. A failure to have such authority has sometimes embarrassed the treasury and may some time necessitate a special session of the general assembly to prevent the impairment of the state's credit.

Revenue and Taxation. The state needs more revenue. It is doing magnificent work in her various efforts to relieve misfortune, educate the youth, and uplift the people. The demands upon the treasurer



W. W. KITCHIN.

Business has experienced rather than diminished prosperity. Morality, industry and frugality have increased, and policies and government have been to a great extent relieved of one of their most corrupting influences.

The greatest hindrance to its enforcement, except the interstate commerce clause of the federal constitution, is probably the licensing of persons to sell near-beer, and similar beverages. Evil disposed persons use such license as a cloak to aid them in violating the prohibition law; and they quite frequently obtain a federal license to sell intoxicating liquors. I recommend that the

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ury for worthy purposes are constantly increasing activity and progressively. The health department, the good roads and drainage movement, the old soldiers, the schools and the charitable institution all require more funds to render proper service to keep pace with pressing, legitimate public demands upon them. The fundamental cause of the cramped conditions is found, in my judgment, in the undervaluation of the taxable property of the state. I doubt not that the tax assessors of the state—real, personal and corporate—is really worth, and would bring at fair sale over \$1,000,000,000, yet the taxable values are but \$600,000,000. The assessment at its true value of all property is lodged in the hands of the state tax commission and the local assessors and listers. Assessors for real estate will this year, under our quadrennial assessment law, be selected by the county commissioners, who should secure for these responsible positions the best men possible, men of integrity, judgment and courage. Inequalities in valuation are less defensible than inadequate valuations. It is believed that the property of the state, real and personal, individual and corporate, assessed at its true value, the revenues of the state will be amply sufficient to pay all proper expenses of an economic administration and interest on the public debt, and the state's work in all branches will go forward with increasing rapidity. I commend to your careful consideration the reports and recommendations of the state tax commission, and the state treasurer.

There is some complaint that cotton mills and other industrial corporations pay their taxes directly and the shareholders pay no taxes on their shares, while the banks pay taxes only on their real estate, leaving the shareholders to pay the taxes on all other bank values, the bank, however, paying to the state the state taxes assessed against the shareholders. I deem it not inappropriate to call attention to the reason which controlled former legislatures in establishing and maintaining this difference. The state cannot tax national bank capital, but the federal law permits real estate owned by national banks to be taxed and also permits a state to tax the shares in a national bank held by an individual in the same manner and at the same rate as shares of state banks are taxed. Since a state cannot tax the capital stock of a national bank, but can only tax the shares in the hands of the owner, and that, too, only as shares in state banks are taxed, our legislatures were compelled to tax the shares in the hands of the shareholders of state banks in order to reach the investments in national banks. As banks are in the towns and cities and as the average tax rate in the towns and cities exceed two per cent, it is manifest that if the state were to tax the capital stock of a state bank when it cannot so tax the capital stock of a national bank, every state bank that could do so would at the earliest possible moment be transformed into a national bank, as state banks could not be expected to compete with banks having so great an advantage over them in capital stock exemption. The same result would follow if the state should retain its present system of taxing the bank shareholders, which it can retain as to both state and national banks, and then also tax the capital stock of state banks. It cannot so tax the capital stock of a national bank. This would be such a manifest, though unavoidable discrimination that the public conscience would revolt and a state bank could escape it only by surrendering its charter and becoming a national bank, and the state would thereby lose its expected increase in revenue. These are the practical inevitable results which would follow the system of doubly taxing the capital invested in banks, that is, of taxing the corporation on its capital and also taxing the shares in the hands of individuals.

Health. The health of the people is essential to progress. Disease not only destroys the usefulness and consumes the substances of its victims, but takes the time and taxes the happiness of his family and diminishes the energy devoted to personal and public welfare. The public good depends in large measure upon the masses, many of whom are not so well informed as to recognize the need of a physician nor able to secure his services, and yet we are advised by those learned in such matters that ignorance causes most of the diseases, ignorance of the things which render conditions unsanitary. The state board of health with its limited appropriation has made remarkable progress and rendered the state invaluable service. Believing that we are in the hands of our duty towards the public health, I recommend that the appropriation therefor be increased to \$25,000 to enable it to carry forward with system and diligence the important work entrusted to it. I also recommend that provision be made to gather vital statistics in all towns having over 500 population.

While many physicians have been successful and become skilled in their profession who had no considerable preliminary education, the lack of such education has handicapped many others and probably been detrimental to the public. It would work hardship on many men now studying medicine to make a state school course a prerequisite to license to take effect at once. But I recommend that the general assembly provide for reasonable academic or literary training in general branches a prerequisite to entering upon the study of medicine, such provision to take effect at some reasonable time in the future, say four years from now.

Drainage and Roads. Two years ago I emphasized the importance of drainage. Under the drainage act then passed, twenty-three drainage districts have been organized, or are in the process of organization. There were drained last year and the crops in them this year demonstrated their usefulness and profit. Tens of thousands of acres of the most fertile lands in the state are awaiting drainage to enrich their



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owners and furnish increased values to the taxable property of the state. I recommend that the appropriation to the geologist and economic survey be increased from \$10,000 to \$15,000 to enable the state to furnish proper engineering aid to districts in order that drainage may be more rapidly promoted, and also that an additional \$20,000 be appropriated for the better promotion of good roads, in order that competent and suitable advice and engineering services may be rendered to the counties and townships interested in improving the public highways. In order to insure the greatest benefit from the expenditure of this latter sum, I recommend the creation of a good roads commission of five members, three of whom shall be the state geologist, a professor of civil engineering of the State University and a professor of civil engineering of the College of Agriculture and Mechanical Arts. We have ample cause for congratulation in the development of good roads throughout the state, progress in this respect being notable in most of the counties, and its beneficial result recognized in all. But the movement is still in its infancy, except in possibly a dozen counties. Nothing will at like cost more greatly increase our country wealth and contribute to the comfort of the people than the wider extension of good roads. It has been suggested that a central highway bureau be created by the state, and I encourage by authorizing each county along the route to appropriate the sum of \$50,000 per mile of road within its borders, to be used on any part of the road therein. I recommend that such authority be granted, leaving it with each county to exercise it or not in accordance with the wishes of her people, and that the good roads commission, if established, if not, then the board of geologist and economic survey be directed to furnish all proper engineering aid thereto. A general law giving similar authority and engineering aid to every county in reference to proposed cross state highways should be enacted. It is believed that with such laws individual citizens would contribute largely from private funds to secure good roads.

I recommend that every county, upon a vote of a majority of its qualified voters, be authorized to issue for the purpose of constructing good roads, bonds to an amount not exceeding five per cent of its taxable value to run for thirty years, bearing five per cent interest coupons, for the payment of which and to provide a sinking fund, a sufficient special tax shall be levied, and that the state treasurer, upon approval of the governor and council of state, upon recommendation of the board of geologic and economic survey, as the case may be, be authorized to issue a like sum of four per cent state bonds, the proceeds of which shall be used to purchase such county bonds at par value accounts to be kept in the treasurer's office, charging the counties with all money paid to them and necessary expenses of the transactions, and with interest paid on such state bonds, and crediting the counties with all premiums received on state bonds and all county bond coupons paid, and whenever a balance to the credit of any county is sufficient to do so, a state bond issue on account of such county shall be paid or purchased and cancelled, and a county bond shall be cancelled and delivered to such county.

State's Prison. The last two years have been the most successful in the history of the state's prison, this being shown by its report, to which I invite your special attention, the net earnings vastly exceeding those of any previous years. The fair prices of cotton and peanuts raised on the state farm have contributed to this success, yet no small part of it is due to the able, diligent and faithful conduct of the directors and officials.

The last legislature provided that all capital executions be performed by electrocution in the state's prison. Reasons of safety, convenience and propriety suggest that the board of directors be authorized to have suitable cells constructed near the death chamber, in which prisoners awaiting execution shall be confined. The state should pay out of the public treasury the necessary expenses for these cells, not exceeding \$5,000, and likewise pay to the state's prison the sum of \$650, which it was of necessity compelled to pay to provide the death chamber over and above

the sum the legislature two years ago appropriated for that purpose.

Roads Graded by Convicts. Under the former administration, and under an act of the general assembly, work by the state convicts was begun grading the Mattamuskeet railroad, and this grading has now been completed from Fairfield around the east side of the lake on to Beihaven, some 20 miles west of the lake, the distance graded being about 63 miles. I recommend that a joint committee of the senate and house at once be selected to consider all matters in connection with said railroad and report to your honorable body. The company has been unable thus far to raise funds to equip the road, and I am advised that under the constitution the state cannot lend its credit for such purpose.

Convicts are still working on the Elkin and Alleghany railroad, and good progress is being made under an act of the general assembly. Convicts have recently begun work on the Statesville Air Line railroad under an act of the general assembly. The committee above recommended ed ma hers and probably today good roads. There are judgments against the Wilkesboro-Jefferson Turnpike Company. The company pays no dividends, and the property is not in good repair. I recommend that the state's stock in said company be given to the counties of Wilkes and Ashe on condition they maintain the property for public use as a turnpike.

Veterans. The Confederate veterans deserve liberal pensions. The number of the gallant band that offered their lives for the state, is becoming rapidly smaller. I recommend an increase in this appropriation. The state can never do as much for these men as they have done for the state. A bettering people should be glad to make comfortable the old age of her heroes, not only because of gratitude for services rendered by them, but also to assure those whose services may possibly hereafter be needed in war that a brave people are always appreciative. I also recommend sufficient appropriation to cover the deficit in the Soldier's Home, an increase in the appropriation for its maintenance, so that the demands justly made upon it may be promptly met.

North Carolina National Guard. The efficiency of the North Carolina National Guard has greatly improved. Only once during this administration has the civil authority needed its assistance. In this instance the Clinton company, under my orders, supporting the sheriff of Sampson county, effectively and without bloodshed, prevented a lynching. There has been no lynching or other mob violence in the state since the legislature last met, peace and order having prevailed in a commendable degree.

Owing to the increase of work and responsibility in the adjunct general's office, I recommend that his salary be increased from \$1,500 to \$2,000.

State Institutions. I will not in detail recount the work in the reports from the various departments of the state government or from many state institutions. The work being done must gratify the people's representatives, the needs of the institutions must appeal to their sense of patriotic justice. You should and will carefully amine the facts and scrutinize the reports for increased appropriations for maintenance and equipment. Extravagance is no less an offense than parsimony in the disposition of public money to state institutions. You will find increased appropriations for maintenance essential, and you will find appropriations for enlargement and equipment in some instances also essential, unless you are willing to give notice that while everything else goes forward, hope of progress must be abandoned in these instances. Most of the state institutions are well and suitably located, a striking exception being the institution for the blind children. Steps should be taken to remove this school to some suitable place with more land. I believe there is no sentiment in the state against the proper enlargement and equipment of any institution for the care of the insane, the old soldiers, the deaf, the blind and other diseased or unfortunate classes. Undoubtedly these classes have the first claim upon the generosity of the people. The state has established certain institutions of higher education. Chief among them are the Univer-

Carolina of North Carolina, the North Carolina College of Agriculture and Mechanical Arts, the State Normal and Industrial College and East Carolina Teachers Training School. One hundred and seventeen years ago the University was established for a noble purpose, which it has worthily pursued. Since then several denominational colleges have been established to share with it the glory of educating our young men. These colleges, likewise founded for noble purposes, have worthily pursued them. Entering the field of higher education, they have educated thousands of young men who otherwise would have been educated at the university, thereby relieving the state of much expense. The people of the state appreciate the splendid work of these colleges, and the state has relieved them and their churches from taxation. The other institutions mentioned were established to fill practical demands for special instruction which no denominational college was undertaking. Again noble purposes are worthily pursued. The state has put its hand to the plow and will not and should not turn back. There will not be too much education from all the colleges in the state combined. The heads of every one, state and denominational, are desiring more dormitories, better equipment, more money, more capital in the business.

The state has the ability to properly enlarge and equip her institutions, while the denominational colleges must depend largely upon the uncertainty of private donation for proper enlargement and equipment. To meet the constantly growing demands upon them, these demands are increasing rapidly and will continue to increase. The public schools in reach of every child, yearly furnishing better preparation and deeper inspiration, the state annually finishing the high schools and desiring degrees, the wonderful development of agricultural activity making thousands prosperous now where hundreds prospered twenty years ago, the rural free delivery and good roads bringing to almost every home a realization of the great world outside, the intense educational campaign begun ten years ago, impressing upon all the advantages of education—all these are causing thousands to seek collegiate and higher education now, where hundreds sought it a generation ago. Shall the increase stop? Who would do it? Who will hamper any college, state or denominational, in supplying to young men and women opportunities so desirable, so useful, of obtaining higher education, and that, too, within our own borders. The elementary public schools should have the first care of the state in her educational work. It is more important to put a common school education in the reach of all than it is to put higher education in the reach of some. I therefore recommend that the appropriation for the public schools be increased, and that the recommendations of the superintendent of public instruction to increase the tax rate for this purpose have your careful consideration. Nothing that the state can do will so surely improve her people in every way industrially, morally, socially, and so securely vouchsafe their rights, and guarantee her own great future as the continual improvement of her common schools. There is nothing more certain that improved public schools will result in sending more boys and girls every year to our colleges. There should be no contention between our denominational colleges and the state institutions.

It is no argument against higher education that it costs more per capita than common school education. If it be, it would destroy every college—denominational and state. We can secure nothing without undergoing the cost. The state, like denominations, must pay the price to have higher educational facilities. No honorable man begs money when he can fully and honorably accomplish his purpose without begging. The state can do without it and cannot depend upon it. Our great state cannot solicit from the holders of swollen fortunes, even should propriety permit her acceptance of proffered endowments. While some other state may successfully seek private endowment of her public institutions owing to the temper of our people, I do not believe North Carolina will do so. Honorable men begs money when he can fully and honorably accomplish his purpose without begging. The state can do without it and cannot depend upon it. 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