

# GOVERNOR KITCHIN TO LEGISLATURE

## Transmitted His Last Message to N. C. General Assembly Yesterday

### SEVERAL RECOMMENDATIONS

#### Anti-Trust Legislation, State-Wide Primary Law and Other Reforms Urged—Veto Power for Executive is Advocated.

Raleigh, N. C., Jan. 9.—Governor Kitchin today transmitted his last message to the North Carolina General Assembly which convened yesterday in biennial session. In the message he recommends that the Legislature grant the veto power to the executive which heretofore has been denied; advocates an amendment making more effective the anti-trust laws, and a legalized primary law extending to the choice of United States Senators.

In regard to the primary law, the Governor suggested that the wrongful use of money be prohibited as well as the making of false charges against candidates. The Governor was an unsuccessful candidate for United States Senator in a primary last fall.

Governor Kitchin will retire from office next Wednesday when Locke Craig will be inaugurated. His message follows:

To the Honorable, The General Assembly of North Carolina: The State in all its departments and industries has had unexampled prosperity. The reports from the departments which are transmitted to you, will have your careful consideration. We must continue to go forward as progressively as we require that we keep up with the procession or be crushed beneath the ever advancing forces of progress in our search for the joys and rewards of life. The Legislature should keep abreast with the best public thought.

**The Deficit.** In my inaugural address, after calling attention to the then existing deficit, I earnestly urged the General Assembly to keep the appropriations within the limits of our probable revenue. Two years ago I again made the same urgent recommendation to the General Assembly. It appropriated \$300,000 more than our revenues. Let me again urge that the General Assembly "cut the garment to fit the cloth," and be careful not to appropriate money in excess of our probable revenues.

**The Veto.** In this connection I recommend that you submit a constitutional amendment giving the Governor the veto power, and in the case of all appropriation bills give him the power to approve them with amendments reducing but not increasing the appropriations. This State is the only one in the Union that has not placed the responsibility of approving or disapproving acts of the Legislature upon the Governor. Had legislation can have little power to promote good legislation. I can not too strongly urge that the Governor be given the veto power. I have conferred with many Governors of other States and have found no difference of opinion as to its wisdom and usefulness, and in my judgment it is a practical necessity in the present age to properly safeguard and promote the public interests. Reverting to the deficit, my opinion is that we aren't spending too much but collecting too little revenue. I am now satisfied that the property in this State real and personal, including corporate property, is worth over two billion dollars, and for taxation it is listed at about one-third of its value. You should provide for traveling auditors to visit every county in the State for the purpose of assisting in equalizing, assessing, listing and reporting taxables. If you cannot raise sufficient revenue under the present system, you can increase the revenue largely by revising our income tax provision.

**Primeres.** To the two preceding Legislatures I recommend legalized primeres. I recommend the passage of an act establishing a complete primary system for the nomination of all candidates for all offices, including United States Senators. You should also pass a corrupt practices act of a stringent and comprehensible character, including publicity of contributions and expenses before and after election, prohibiting the use of money or other things of value to influence votes, to secure editorial support, or to in any way mislead the people. The publication of any false charge against any applicant for office concerning his political conduct, or reflecting upon his character for the purpose of injuring him in the primaries, or in the election should be made criminal.

**Prohibition.** For the better enforcement of the prohibition law I recommend a general search and seizure act to supersede all local acts. For the better detection of criminals of all classes, I again recommend that authority be given the Governor to employ agents or detectives, and to retain special counsel to assist the solicitors when necessary.

**Public Schools.** Remarkable progress has been made in our public schools. I urge you to continue your liberal policy towards them, having special regard to the elementary schools in which the great majority of our people receive their only education. It is better to give all the opportunity of a good common school education than to give the opportunity of higher education.

**State Prisons and Prisoners.** The success of the State's prison has been remarkable, owing largely

to the judgment, diligence and executive ability of its directors and officials. Profits have been large, health good, few escapes have occurred and a large percentage of recaptures have been made. The number of prisoners in the State's prison has increased over 20 per cent in the last four years. The Superior courts dispose of about 10,000 criminal cases a year, in which less than 20 per cent are acquitted. Doubtless the recorders, and police justice courts dispose of fully as many. These courts should also be required to report their cases to the attorney general. We must either congratulate ourselves upon the better enforcement of the law or lament the serious increase of crime. While we have no statistics compiled to show it, my information is that we have several, probably four hundred more convicts on the roads than four years ago. We believe there is a mere pronounced law-abiding sentiment than heretofore. We have had no lynching or other mob violence in this State in the last four years, though in three instances I deemed it necessary to call out the military to prevent it. During that time we have had fifteen capital executions, three by hanging and twelve by electrocution. Every able-bodied convict that can be safely worked on the public roads should be worked. Many convicts cannot be so worked and the farm is the best place for them. I recommend that the present penitentiary be vacated by the State's courts and that the entire State's prison headquarters, offices, electrocution plant, etc., be moved to the State farm. Suitable quarters can be prepared at the farm for such purposes for \$20,000 or less, and the present penitentiary, worth perhaps \$500,000, can with proper alterations be put to better use, perhaps for the blind, as that institution needs more land and ought to be moved.

**Commutation.** I recommend that the same commutation be allowed for good behavior to all convicts on the county roads as to those in the State's prison.

**Pardon Board.** I recommend that the indeterminate sentence for convicts, and the establishment of a pardon board, to meet at stated intervals to hear all applications for clemency and make recommendations to the Governor. In the last four years 1,133 applications for pardons have reached me. The number is steadily increasing with the increase of prisoners on roads, in jails, and in the State's prison. It grows like any other business in a growing State and especially where the newspapers give the matter so much advertising—often misleading advertising. Whether applications have merit or not they require time, attention and correspondence. New York paroles annually between ten and fifteen per cent of her average prison population. She pardons practically none, only two or three a year out of an average of nearly five thousand prisoners, and then only when it is thought the conviction was erroneous. North Carolina shows clearly annually to about four per cent of our average number of convicts. I have adopted the conditional pardon as the usual clemency. This is in its essence similar to the parole, but is not as safe for the State or as beneficial to the prisoner as the legal parole.

**Aid to Dependents.** I recommend that in all cases where able-bodied convicts are worked by the county or State that inquiry be enjoined upon the courts to ascertain whether there is a wife or children dependent upon such prisoner and in such cases that the county or State be required to pay one-third of the value of such convict's work to the support of such dependents. In many instances the suffering of the innocent for the necessities of life are terrible. In homicide cases another one-third should go to the dependents of the deceased. The State is making money through her convicts. Money making by the State should never be a purpose of punishment.

**Convict Aid Roads.** I urge you forthwith to appoint a select committee of two Senators and three Representatives of recognized experience and judgment to at once visit and examine all the convict roads, look into their condition, and make full report to the Legislature. The Jefferson-Wilkesboro, Turnpike Co., the Elkin & Alleghany, the Statesville Air Line, the Matamoras, the South Atlantic Transcontinental, and the Watauga Railroad companies. The Governor and the Council of State and the State's prison have endeavored to comply with the acts of the General Assembly, but have not been able to do so. The Legislature has authorized the working of 1,000 convicts for stock in the four State aid roads now under construction while we have been unable to supply more than 200 convicts for such work. The State's prison has earned \$220,000 in railroad stock, for which the State Treasurer has not been called on to pay.

**School for Feeble-minded.** The School for the Feeble-minded has been located at Kinston, and with proper appropriations which you will provide, will at an early date be ready for operation.

**Administration Building.** Under an act of the last Legislature, I appointed a building commission composed of Hon. Ashley Horne, Hon. John J. Long, Hon. J. S. Carr, of Durham, Hon. W. E. Springer, of New Hanover, Hon. J. Elwood Cox, of Guilford, Hon. Aaron S. Rascoe, of Richmond, and Hon. W. L. Parsons, of Rich. The administration building now nearing completion, facing the capitol on Morgan street, between Fayetteville and Salisbury is the commendable product of their judgment and diligence, and is suitable to the present necessities of the State. You should forthwith provide for its equipment and care.

**Light and Power Plants.** I recommend that all water power plants selling power and light to others and all power and light plants serving the public be placed under the jurisdiction and made subject to the control of the Corporation Commission in all respects as are railroad companies.

**Mileage Books.** I again recommend that railroad companies be required to draw mileage from mileage books on the train

in accordance with the plan outlined in my last general message.

**Judicial Districts.** I recommend an increase in the number of judicial districts from sixteen to twenty.

**Deaf and Dumb Directors.** I recommend an increase to nine in the number of directors on the board of the School for the Deaf and Dumb, at Morganton, and that at least one director be a deaf man. Our charitable institutions have met the reasonable expectations of the people. There is pressing need for enlargement of our asylums and particularly of the one at Goldsboro.

**Pensions.** I recommend increased pensions for Confederate veterans and their widows.

**Factory Labor.** Factory inspection is absolutely essential to the enforcement of our child labor laws, not that all manufacturers fail to obey them but that some violate them. You should provide ample inspectors. You should prohibit boys under 16 years of age and all girls and women from night work in factories.

**Corporations.** All foreign corporations should be required to obtain license before doing business in this State, and provision should be made to revoke such license for violation of our law, or for failure to submit to the jurisdiction of our courts in all cases of corporations which maintain any established office in this State for the receipt of money or the transaction of business, whether of manufacture, transportation, or commerce.

**Roads and Drainage.** In the last four years more miles of good roads have been constructed, and more acres of swamp lands reclaimed than in the preceding 30 years. I recommend the creation of a State highway and drainage commission, and that the State be authorized to take at par the bonds of counties issued at 5 per cent for good roads, and issue State 4 per cent bonds to obtain the money to pay for them, to run for 40 years on the plan recommended by me two years ago.

I recommend that you authorize the employment of counsel and special agents to assist the Corporation Commission in its efforts to obtain justice for our cities and towns in interstate commerce freight rate, to the end that all unjust discrimination be abolished. Suitable appropriation should be made for this purpose. It made recommendation for continuance of such appropriation four years ago, but the Legislature failed to grant it.

**Public Health.** The usefulness of the public health department has been multiplied in the last few years. I recommend that the appropriation for that department be increased, and that certain acts criminal which I then, after the fullest consideration, recommended, though it followed, my recommendations in many instances. I recommend for the purpose of strengthening the law, that it be amended by adding the following sub-sections among the acts declared criminal, to wit:

"For any person, firm, corporation or association to contract, to combine in the form of trust or otherwise, or to conspire with any other person, firm, corporation or association in restraint of trade, commerce, or manufacture within this State."

"For any person, firm, corporation or association to monopolize, or attempt to monopolize, or combine or conspire with any other person, firm, corporation or association to monopolize any part of the trade, commerce, or manufacture within this State."

**Legislative Reform.** It appears from the report of the Secretary of State that 77 per cent of the acts of the last General Assembly were ratified within the last ten days of the session. Four-fifths of all the legislation at that session disposed of in less than ten days. The General Assembly is for general legislation, and should be relieved of all local and private matters. By general laws these matters be handled by the various departments, by the courts or by local bodies.

I again recommend an amendment to the constitution prohibiting the granting by the Legislature of corporate powers under special acts except to State institutions, and prohibiting local or special acts relating to county, city, town, township or school district affairs; changing of places; affecting roads, streets, highways and alleys; relating to bridges and bridges relating to cemeteries, graveyards or public grounds not belonging to the State; affecting county seats; relating to any municipal charter; and relating to the many other subjects which I specified in my general message two years ago. Let all such matters be disposed of under general laws enacted for that purpose, and let the Legislature devote its time to matters of public interest and importance. This will greatly promote the welfare of the State. Let the members devote themselves to measures which will bring about fair elections, equalize taxation, increase the revenues, and induce to education, sanitation, morality, and charity. Promote a wiser, healthier, better citizenship. Let the humblest and poorest home feel the help of the great State. Your body is able and patriotic, but you are overwhelmed with local and private bills which should not consume your energy and time. Many reforms are needed through the Legislature, and these will be quickened if you will provide for genuine legislative reform, so that the General Assembly can give its time and ability to general public legislation.

**Rural Credits.** You should forthwith create a committee on agricultural rural credits. The American commission to study European co-operative rural credits will leave New York on April 26th for a ninety days' tour. I recommend that you elect or authorize the Governor to appoint two suitable delegates as members of that commission not to exceed \$1,200.

**Panama Exposition.** You should provide for an exhibition on the part of this State at the Panama-Pacific International Exposition at San Francisco.

**Gettysburg.** You should provide for the participation of the Confederate veterans who were in the Battle of Gettysburg in the semi-centennial anniversary of that battle, and for this State to be officially represented there.

**Fire Warden's.** I recommend that you appoint township fire wardens to assist in the enforcement of our fire laws relating to woods and forests.

**Auditing.** I have had the accounts of the various institutions audited by expert accountants, whose reports are filed and to which I invite your attention.

**State Library.** You should provide for two assistants in the State Librarian's office. These are necessary and will be more so when the library is transferred to the new building. The Secretary of State should have another clerk. I urge you to promptly ratify the proposed amendment to the United States Constitution for the election of United States Senators by the people. I append hereto a copy of the proposed amendment as forwarded to me by the Hon. P. C. Knox, Secretary of State.

2. That no company be permitted to do business in this State until it has first filed a written agreement that it will not charge insurers in this State a higher rate or subject them to more burdensome conditions than it does elsewhere, where the risk assumed is practically the same, and that the insurance commissioner be charged with the duty of seeing that such agreement is performed.

3. That the use of the co-insurance clause in policies on the part of the State be made optional with the applicant for insurance, to whom the insurance company shall previously furnish in writing the rate to be charged him without the co-insurance and also the rate to be charged him with said clause in his policy.

4. That in insuring buildings or structures of permanent nature the company writing such insurance be required to ascertain and fix the value of the property for the purpose of insurance at the date of the issuance of the policy; and in the settlement of any loss under a policy so issued the value so fixed be conclusively presumed to be the true value at the time of the issuance of the policy; and the burden of proving any depreciation in value to be upon the company carrying the insurance on same. This recommendation is intended to cover what is usually called the valued policy clause.

5. That no company be permitted to do business in this State until there has been filed with the insurance commissioner a general schedule or tariff of rates and regulations by which it agrees to be governed in its business in this State, and also the schedules or tariff of the rates and regulations by which it is governed in its business in all other parts of the United States.

6. That the insurance commissioner be given the power and directed to revoke the license of any company which shall charge a rate of premium so high or so low or impose such conditions as, in his judgment, are unfair or prejudicial to the best interests of the insuring public, and that provision be made for an appeal from his ruling to the Superior or common law and thence to the Supreme Court.

These recommendations are so reasonable and just that they should appeal to every man. We are paying greater rates than States north of us. It should be no answer that the companies make States south of us pay as much or more than they should. The smallest fire loss of any town in the State, population considered, Charlotte had a loss last year of \$140,000 and Winston—Winston-Salem—suffered a loss of a half million dollars.

The slashed skirt is a feature of the new gown.

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### FORESTRY ASSOCIATION.

Annual Meeting in Raleigh This Month to be Well Attended.

The third annual meeting of the North Carolina Forestry Association will be held in Raleigh Thursday, January 16th, instead of Wednesday, January 15th, as announced some time ago. The change in date was made because the inauguration of Governor-elect Craig will take place on Wednesday, the 15th, and it is not desired that the date of the convention conflict with the ceremonial.

Mr. B. F. Keith, of this city, who is very much interested in the work of the organization, yesterday received a letter from Dr. J. S. Holmes, of Chapel Hill, secretary of the association, in which he urges that this section of the State be largely represented at the meeting. Already a number of Wilmingtonians have signified their intention of being present. Mr. E. B. Wright, of Boardman, is president of the association, and Mr. Hugh MacRae, of Wilmington, is one of the vice presidents.

**Will Go to Jury Today.** The damage suit of Fletcher Brower against the Atlantic Coast Line, which has engaged the attention of Superior Court since Wednesday morning, will go to the jury this morning. The taking of evidence was concluded and all but one speech of counsel made before adjournment of court yesterday. The plaintiff is suing for \$20,000 alleged damages for the loss of an arm while in the service of the defendant company a few years ago. The case of J. C. Foster, et al. against the Wilmington, Brunswick & Southern Railroad Company has been continued until next term.

### HUSBAND AND WIFE DIE.

**Farmer Falls From Wagon and Shocked From His Death Kills Wife.** Charlotte, N. C., Jan. 9.—This afternoon at 3 o'clock, while coming to the city with a load of wood, George Hicks, a farmer, fell from the wagon receiving injuries which caused his death at 6:50 P. M. When he was carried to his home his wife, who was subject to heart trouble, fainted, never regained consciousness and died at 7 o'clock, 10 minutes after her husband had passed away.

### MANAGER OF HORNETS.

Burleigh Emory of Topeka, Kas., Team to Pilot Charlotte Club. Charlotte, N. C., Jan. 9.—Burleigh Emory tonight was selected as manager for the Charlotte baseball team for the coming season. Charlotte is one of six North Carolina cities that recently organized an all-State league, the others being Winston-Salem, Greensboro, Durham, Asheville and Raleigh. Emory was a member of the Topeka, Kas., team last season.



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