

KITCHIN CITES TRUST RECORD

(Continued from page 1)

purely local issue, and I am positive that I never made any statement that I was nominated on my personality, as I am not apt to have made a statement which I did not believe, nor did I state that the people of North Carolina wanted nothing done. This, too, a contrary to my message, my interview, and the object of the conference.

In considering the chances of getting anti-trust legislation enacted we discussed the apparent opposition from various tobacco centers in former legislative contests, but whatever was said along this line was in illustration of the argument to be encountered and which had already appeared; put a majority of the senate against the Lockhart bill. We agreed that the surest way to accomplish anything was to insist upon the declaration of the democratic platform, embodying the vital principle of famous sub-section A. I will add that I never had a secret opinion about this subject at any time.

The statement that any man in the legislature was authorized to speak for me (outside of my message) is untrue, and it was never reported to me that any one claimed or exercised such authority. Senator Lockhart has simply been dreaming. If it should be presumed that any one was authorized to represent my views, the natural presumption would be that my brother was, and he favored, and as chairman reported, as a substitute for the bill that passed the senate the entire Texas anti-trust law introduced by Representative Keene.

Didn't Break the Faith.

The constitution, in fixing my duties in respect to legislation and the enactment of laws, says that I shall recommend to the legislature such laws as I think should be enacted. I have done that in respect to trusts.

Let the records speak as to whether I have modified my views on anything since I was elected. If you had published the report of my speech at Spray, in the last campaign, which was sent to you by a newspaper man who heard it, your readers would already know the injustice of your charge. I went into the question of legislative action on trusts fully in that speech and I used that speech at Kingston, Nashville and many other places, and if either you or your readers care to know the details of that matter I shall be glad even now to furnish you with a copy of my remarks as made at Nashville.

In my inaugural address in regard to trusts, I said:

"The man who by foul means willfully and needlessly takes the life of a rival, under our law forfeits his own. The corporate monopoly that by foul means willfully and needlessly destroys its rival by wrongdoing for the purpose of exacting unjust profits from the public should forfeit its existence. All the power of the state in all of its departments should be exerted to destroy every unnatural monopoly, every industrial trust, that commits wrong upon the people and their industries."

In the issue of your paper of February 2, 1909, appears the following interview given by me:

"I consider our platform was a direct endorsement of the famous sub-section A, which failed to become a law at the last legislature, and, in my judgment, this legislature ought to amend our existing trust law by adding the substance and effecting the purpose of that section."

On February 10, 1909, about a week after the conference with Senators Lockhart and Nimocks, I sent a special message to the legislature in which I copied the entire platform declaration on the subject of monopolies and trusts, and in which I used the following language:

"The opportunity has come to make such conspiracies criminal and to prescribe punishment for such conspirators. You are face to face with the duty of obeying the mandate of the democratic conviction."

"A mere statement of the proposition that a conspiracy by purchasers to put down the price of an article produced by the labor of others is wrong, is so clear and convincing in its simplicity that it would seem idle to argue its justice to any American legislative body."

"The duty of repressing wrong and protecting those who cannot protect themselves requires the lawmakers to put the whole power of the state against conspiracies."

"I, therefore, recommend that the general assembly comply with that declaration, because it is right and ought to be the law, and because the dominant party is pledged to its enactment."

"The fear of the wrath of those who violate a moral principle, and who threaten, if the legislature of the state of North Carolina complies with the wish of her majority to punish the communities already in their grasp rather than obey the laws, should not affect the judgment or paralyze the efforts, as it cannot nullify the duty of those whom the people have chosen to do their will."

The morning after that message was published, your editorially stated that the governor's message stood on the platform and recommended compliance with its provisions.

On February 13 you said that I had sent a message advocating the passage of an anti-trust law containing sub-section A, with effective machinery for its enforcement.

Made Drastic Recommendations.

When the legislature of 1911 met, I made to it the most comprehensive and drastic recommendations against trusts. These were so clear and strong in their effect that some time afterwards, when a gentleman introduced a bill embodying all of my recommendations except the two most vital and sweeping ones, your paper, with enormous headlines, pronounced it a bill against trusts with teeth. In this message I said, among other things:

"It behooves the government of every state to exert its entire power in contributing to the destruction of monopoly, the restoration of compelling compliance with and in punishing violations of her laws."

"Two years ago the legislature, in compliance with the definite mandate of the people, amended our anti-trust law by incorporating into it the entire substance of the only material part of the bill considered by the legislature

of 1907, which then failed to become a law. So far as our substantive law on this subject goes, it is strong and clear, though it has not had the benefit of its advocates anticipated. In my judgment we should enlarge the scope of the lawmaking act intended to destroy competition and create monopoly, criminal, by adding certain other subsections to section 1 and experience suggests the wisdom and necessity of amending said chapter in other respects to render it more effective."

"I have endeavored to obtain from the several solicitors, who have in the last two years represented the state in the various judicial districts, definite suggestions which, in their official experience or otherwise, have occurred to them as proper amendments to strengthen our law. One of the ablest has suggested that the words article or thing of value, used in said law probably included only tangible things and would not include telephone and telegraph messages. Although the corporation commission has the power to regulate their charges, I recommend that you consider the language used in the statute with the view of including practices, which are prejudicial to the rights of the people and for the purpose of including rates and tolls."

"I also recommend that subsection 'G' be added as follows:

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

"I further recommend that an additional subsection 'H' be added as follows: '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.'

"These two sections recommended are the substance of the two most important sections of the federal anti-trust law."

"I recommend that the use of coupons in packages of merchandise or other articles of value be forbidden in this state."

"I also recommend that, in purchasing goods, wares or merchandise for the use of the state or any of its institutions, it be provided that preference shall be given to the products of independent manufacturers and dealers."

"The constitution places the control of all criminal prosecutions in the superior court in the hands of the district solicitors. The governor of North Carolina, as I construe the law, has no power to employ lawyers to prosecute criminal cases, under our anti-trust law, prohibition law, assault and battery law, or any other criminal statute, except where a state functional or property interest is involved. A prosecution under our anti-trust law will require much care, investigation, preparation and generally a hard trial. I recommend that the governor be authorized to employ special counsel to assist solicitors in prosecutions under our anti-trust law, and to employ special agents to investigate the facts upon suggestions from a solicitor that such investigation is desirable in any case of supposed violation of such law, and that the treasurer be authorized to pay the compensation and expenses of such counsel and agent out of the public treasury upon the auditor's warrant issued upon the governor's approval. I also recommend that the said law be amended so that 40 per cent. of the fines collected by virtue of any prosecution thereunder be paid to the solicitor, such special counsel assisting him and the private prosecutors, if there be any, in such proportion as the trial court may determine. I also recommend that it be provided that any violations of our anti-trust law shall subject the offender to a penalty of \$100 a day, which may be recovered by any citizen of the state, and that any person, firm, corporation or association injured by its violation shall upon having his actual damages legally assessed have a judgment against the defendant for three times such actual damages."

The Governor Throws a Dagger.

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When I was a candidate before there was an effort to injure me by charging that I was unsafe and dangerous. You now take the other tack, and try to make the people think that I have no moral courage, am truckling, am a hypocrite, and have made pledges to break them. I have purchased the even tenor of my way, discharging the duties of my high office under my oath, taking advice from all, but not controlled by you or any one.

My attitude toward trusts has never changed. I am as anxious to aid in the destruction of private monopolies and the punishment of offenders as I ever claimed to be. I never said that I could destroy the American Tobacco company or any other trust operating throughout the United States if elected governor. And yet you have tried to make your readers believe that I never promised the people to strip the powers of the legislature or of the judiciary. I have always regarded the great trusts as pillaging plunderers of our progress, and I shall do what I can to relieve the people from their oppression under the constitution of this state and the United States. These commercial pirates I have fought from my youth up to this day. I have always thought, and still think, rich and great offenders should be punished as well as others.

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"The constitution places the control of all criminal prosecutions in the superior court in the hands of the district solicitors. The governor of North Carolina, as I construe the law, has no power to employ lawyers to prosecute criminal cases, under our anti-trust law, prohibition law, assault and battery law, or any other criminal statute, except where a state functional or property interest is involved. A prosecution under our anti-trust law will require much care, investigation, preparation and generally a hard trial. I recommend that the governor be authorized to employ special counsel to assist solicitors in prosecutions under our anti-trust law, and to employ special agents to investigate the facts upon suggestions from a solicitor that such investigation is desirable in any case of supposed violation of such law, and that the treasurer be authorized to pay the compensation and expenses of such counsel and agent out of the public treasury upon the auditor's warrant issued upon the governor's approval. I also recommend that the said law be amended so that 40 per cent. of the fines collected by virtue of any prosecution thereunder be paid to the solicitor, such special counsel assisting him and the private prosecutors, if there be any, in such proportion as the trial court may determine. I also recommend that it be provided that any violations of our anti-trust law shall subject the offender to a penalty of \$100 a day, which may be recovered by any citizen of the state, and that any person, firm, corporation or association injured by its violation shall upon having his actual damages legally assessed have a judgment against the defendant for three times such actual damages."

The Governor Throws a Dagger.

With these records well known you assume to credit the contradictory recollection of one who is seeking my defeat. You have claimed to be neutral in state contests within the democratic party. You took no part in former senatorial contests either in 1901 or in 1902. Since then you have probably grown more confident and have determined to defeat two candidates for the senate, whether you have determined to elect one or not. You can constantly bombard me, but I shall leave my cause with the people hoping that, as they nominated me once without your help, they can nominate me again against your opposition. I am not afraid of the truth, and I do not believe you can mislead the people either as to my personal, political or official character.

When I was a candidate before there was an effort to injure me by charging that I was unsafe and dangerous. You now take the other tack, and try to make the people think that I have no moral courage, am truckling, am a hypocrite, and have made pledges to break them. I have purchased the even tenor of my way, discharging the duties of my high office under my oath, taking advice from all, but not controlled by you or any one.

My attitude toward trusts has never changed. I am as anxious to aid in the destruction of private monopolies and the punishment of offenders as I ever claimed to be. I never said that I could destroy the American Tobacco company or any other trust operating throughout the United States if elected governor. And yet you have tried to make your readers believe that I never promised the people to strip the powers of the legislature or of the judiciary. I have always regarded the great trusts as pillaging plunderers of our progress, and I shall do what I can to relieve the people from their oppression under the constitution of this state and the United States. These commercial pirates I have fought from my youth up to this day. I have always thought, and still think, rich and great offenders should be punished as well as others.

Records Bear the Fact.

The charge that I make upon the recollection of conversation two and a half years ago in substance is that, after my nomination or election, I changed my attitude toward trusts. Fortunately for me, the records quoted above disprove every syllable of that charge without having to search for records of the conversation.



The Big Sale Starts TODAY Tremendous Price Reductions

You will find that this is something more than an ordinary sale. It is an opportunity—a chance, an occasion where by those who are wise enough to take advantage of it are going to profit by it immensely. A genuine money-saving event, offering big assortment of strictly high class goods at decided price reduction—a sale where prices have actually been made with utter disregard of cost of former selling prices. These prices go into effect Monday, July 24th, and will last until all summer goods are closed out.

Muslin Underwear Sale Begins this Morning—Come, Be Here Early to Get the Best Bargains

Lot D 98 Cts	Lot C \$1.48
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The Good Things Wont Last Long

The Following Items Bear Reduced Prices

- | | | |
|----------------------------|-------------------------|---------------------------------|
| All Petticoats | All Scarfs. | All Misses Peter Thompson. |
| All Kimonos. | All Evening Capes. | All Babies' Caps. |
| All Dressing Sacques. | All Veils and Veilings. | Several Lots of Hosiery. |
| All Summer Knit Underwear. | All Comforters. | All Hand Embroidered Underwear. |
| All Silk Gloves. | All Lace Curtains. | All Children's Dresses. |
| All Silk Dresses. | All Sweaters. | All Panama Skirts. |
| All Marquisette Dresses. | All Linen Suits. | All Linen Skirts. |
| All Challie Dresses. | All Wool Suits. | All Parasols and Umbrellas. |
| All Lingerie Dresses. | All Silk Coats. | All Hand Bags. |
| All Lawn Dresses. | All Cloth Coats. | All Neck Wear. |
| All Linen Dresses. | All Linen Coats. | All Hair Goods. |
| Several Lots of Corsets. | All Voile Skirts. | All Shirt Waists. |

Peerless-Fashion Co., 51 PATTON AVENUE

will resort rather than to the product of the intemperate zeal of another's advocate. In this state the three departments, the executive, the judicial and the legislative, are separate and apart. The governor of North Carolina is the only governor in the United States that has no veto power, and the governor without the power to veto legislation can have little power beyond the reason of his messages in securing legislation. You have constantly opposed giving the governor the veto power. A striking comparison of the powers of governors is found between the governor of this state and the governor of New Jersey, who has the veto power, who has the power of appointing the secretary of state, the judges of the Supreme court, the clerk of the Supreme court, the District Judges, the attorney-general and the district attorneys. A governor with this power, disposed to use the "big stick" can be very effective in legislation, and yet the governor of New Jersey has not driven the American Tobacco company, one of its chartered institutions—from its borders. You may think that the governor of North Carolina without such powers should try to browbeat a legislature into compliance with his wishes. I have no such conception of either my moral or constitutional duties in respect to the acts of a coordinate branch of the government which the people of North Carolina have created.

the Observer office in Charlotte to any address in the world for ten cents each. News dealers and agents should send their orders in early. No matter where your friends live order copies of this edition sent to them. Send the names and addresses with remittance of ten cents for each copy to the Circulation Department, The Observer Company, Charlotte, N. C.

Senator Owen Arrested Sunday for Speeding.

Washington, July 23.—Senator Owen of Oklahoma was one of 15 persons arrested Sunday in Chevy Chase, Md., charged with overspeeding automobiles. The defendants put up collateral to insure subsequent appearance.

New and Second-Hand FURNITURE

Bought, Sold and Exchanged.

Cash or Easy Credit Terms to One and All

Our business is growing every day, we are handling the kind of goods that the people want and our prices are making new records for the firm every day. WE GIVE A SQUARE "DEAL" AND "GOLIGHTLY" ON THE PRICES.

At the present time we offer some special inducements to buy for we have a lot of goods that we mean to close out quickly and have resorted to deep cut in prices so as to make them move at double-quick-step time.

If you need anything in the way of furniture to complete the furnishings of a room this is the place to come, for we have thousands of odd pieces that will match up very well with what you have now.

DEAL & GOLIGHTLY

27 NORTH MAIN STREET.

Our Mr. M. Meyers has left for the Northern Market to buy Fall and Winter Goods for the Palais Royal

5-7 South Main Street

We want to clear all Summer Goods now, in order to do this all goods have been reduced. You must come and pay us a visit and follow the crowd to the PALAIS ROYAL.

EVERY PIECE OF GOODS IN THE HOUSE MARKED DOWN.

Read Below

Fruit of the Loom Bleachings.....9c
66-inch Table Linen, 50c grade.....25c yd
Best Calico, 8c grade, special.....5c yd
One lot of White Goods, slightly soiled, range in price from 15c to 30c yard, the entire line will be placed on sale at the popular price of.....12 1-2c yd

Best Values Ever Offered in Table Linens, Sheets, Pillow Cases and Bed Spreads. Read Below:

One hundred Bed Sheets, 72x90.....44c
One hundred Bed Sheets, 76x90.....50c
Peprell Mill Sheets, 72x90.....69c
Peprell Mill Sheets, 81x90.....75c
One hundred \$1.50 Bed Spreads.....98c
Best grade Pillow Cases.....12 1-2c
12c Curtain Swiss, special.....10c
New line of 25c Curtain Swiss, plain and fancy, special, all 25c grades for Sale Day.....18c

VISIT OUR READY-TO-WEAR DEPARTMENT.
Boys' Wash Suits, Children's Dresses, all greatly reduced.
SEE OUR SHIRT WAIST BARGAINS.
Every Waist in the house greatly reduced.

Grand Clearance Sale Millinery

Every Hat must go in the next few days. All Millinery greatly reduced. Now is the time to remodel your hat. Remember the only store in Asheville that will remodel your hat FREE.