

The Supreme Court of the United States has rendered a decision in four cases, entirely confirming the right to transfer criminal cases from State to United States Courts, nullifying and declaring unconstitutional the statute of West Virginia which provided that colored people could not sit as jurors, and that a renegade or other officer of the United States, indicted in the state courts for acts committed in the discharge of his official duty, can have his case transferred to the United States Courts. This is a full assumption of the national power over the states, and settles probably forever, the question of state rights. Those who remember the decision of our Supreme Court, in *State vs. Hoskins*, confirming Judge Cox's holding of the law in the court below, will be interested in comparing the two decisions.

The Raleigh correspondent of the *Times*, who telegraphed that paper on the 25th of January, that Canada and Mott were "for Sherman, but they had no following on the committee or among the masses," when it was seen the next day that the committee stood seven for Sherman to three for all else, now continues his truth telling by telegraphing that the members of the Committee of the 4th Congressional District, who met to elect delegates on the 2d, "report that the election of Sherman delegates at large by the State Committee, on Jan. 29th, is severely denounced throughout the District." Anybody who believed this venacious correspondent on the 28th and 29th of January will be likely to believe him now.

We print to-day the speech of Hon. W. T. Dortch of Goldsboro, made in the Board of Directors of the Western N. C. Railroad, on the best proposition. The speech is so able, and so conclusive in its demonstrations that we cannot refrain from placing it before our readers. It is the opinion of a Democrat, and from a Democratic standpoint, a fact which we do not disguise from ourselves, but coming from a person of such recognized ability, who is both a Director in this road and a member of the state Senate, it is entitled to a consideration among business men, equalled by what its subject matter entitles it to.

Whoever is responsible for exhuming the speech of Senator Bayard, made at Dover, in the state of Delaware in 1861, has at the same time killed off a Democratic candidate for the Presidency. The speech is so hideously unpatriotic, so crowded with mischievous sentiments long since repudiated, so hostile to the dominant thought of the day, that it will hang over him like a nightmare during the rest of his life. He will be dropped like a piece of hot iron, and avoided as a leper, even by the Bourbons of the south.

The testimony of the Hon. Richard C. Badger, son of the late Hon. George E. Badger, before the exodus committee, is given in another column as reported by a Washington correspondent of the Boston *Advertiser*.

CHICAGO.

The time is not now when the waves of public opinion can be summoned back and then forward, as Moses summoned the Red Sea eastward and westward. Not all the northern flunkies, nor the penny-a-line scribblers, nor the Don Camerons, nor the Conklings, can exorcise the hideous phantom of the Third Term, and bid it down and vanish out of sight of the vision of the American people. Neither would Pennsylvania nor New York, nor Illinois nor Indiana obey the command of trained cliques and packed conventions, nor defy that unwritten law which has guarded the purity of the Republic for nearly a century. Nor could ex-Senator Howe, rivaling in his chivalric dialectics the airs and mien of the Crusaders who poised their lances on the plains of Palestine, lead the American people to abandon time honored customs and cherished principles.

The Third Term is a failure. There is as yet nothing certain but negatives, about the Presidential nomination on that basis. It is certain that neither New York with her 70 votes, Pennsylvania with her 53 votes, Illinois with her 42 votes, Ohio with her 44 votes, Indiana with her 30 votes, and New England with her 78 votes, making in all 322 votes, out of the aggregate of 756 to be in the Convention—neither all, nor one of these states will stand solid for the Third Term fallacy. There is a bad leak sprung in the Third Term vessel, as witnessed by the insignificant majority of only 20 at Harrisburg, and the 34 majority at Utica, and the fact that Illinois and Indiana fled from the field.

It is now about time to insist that those facile scribblers, who have made themselves so unhappy about violations of the civil service, shall suspend a little of their grumbling at the fact that some southern Republican, who happens to hold offices, express their preference for Secretary Sherman for the nomination, or have any rights which

white men are bound to respect. Some of these scribblers have become so bold as to appeal to the President to put an end to this exercise of the rights of American citizens. Not having observed the scribbles of the penny-a-liners, since day before yesterday, it is impossible for us to know exactly in what estimate they hold the President to day. It occurs to us, however, that they presume on his simplicity rather more than usual, if they think they can induce him to so far violate these revered civil service rules as to prostitute the high office which he holds to snubbing office holders in the south. It probably has not occurred to any one, unless it may be some writer on the *New York Times*, that if the President were to interfere with southern office holders on the occasion, because they exercised their rights as citizens, that this virtuous sheet would feel compelled to reprehend him as the chief offender against the blessed civil service rules, because he is the highest office holder in the country, and his offence would be in proportion to the magnitude of his office.

As we approach Chicago and the second of June, it is reasonable to suppose that some new complications will arise in the situation. As it stands now the three most prominent candidates talked about before the public are Sherman, Blaine and Grant. We no longer consider Grant as having any considerable strength. The two events which have fatally damaged him were the conventions at Harrisburg and Utica. Neither of the votes cast for him at either of these places bore with them any considerable sincerity, but they were both produced by adventitious circumstances, and the result operated as a defeat to Grant. On arriving at Chicago Grant will undoubtedly be in a minority in both those states. But there are indications of dark horses enough to cover the ground vacated by him. Such men as Washburne, Edmunds, Conkling, Windom and others, will doubtless appear with strength enough to absorb a respectable number of votes.

Among those who will keep a solid and constantly increasing strength will be Secretary Sherman. Less noisy than Mr. Blaine he stands on a broader base and has a cleaner record. The best evidence of his strength has been the assaults made upon him lately by persons mostly of doubtful reputation, who were obliged to resort to indefensible expedients, whose baselessness became speedily apparent to the public. His immense advantage under the scrutiny to which all the aspirants are to be subjected will grow more apparent as the final decision is approached. These who know best the current of affairs look to his nomination with absolute confidence.

A MATTER TO THINK OF.

Now that the General Assembly is to come together, there is a matter of bad legislation which ought to be repealed. We refer especially to the present law which provides for the election of the magistrates by the legislature at Raleigh, and then the election of the County Commissioners by the magistrates in the counties where they reside, and then the appointment of the pollholders by these Commissioners, as well as the school committees, and school teachers, the overseers of highways, &c.

This law, so un-American, so undemocratic and un-Republican at the same time, so subversive of individual rights, so at war with the theory at the basis of our government that all political power is derived from the consent of the governed, is one of the most unpopular on the statute books. The magistrates, as now elected, are to the masses of the people of all parties looked upon as hostile officials, foisted upon them without their consent. During the period in which the people of the townships had become accustomed to selecting from their little localities the magistrates to settle their neighborhood disputes, they acquired a liking for these little pure democracies, and their modes of transacting the little business of the neighborhoods.

The habit of having the control of these little governments, of being allowed to make and unmake them at their will, to turn them out if they did not like them, to rule their own little domain, appealed to feelings in the Anglo-American character, as common in these southern states, as in other parts of the nation. There is no person of sense who is not aware that neither party would dare to propose the abandonment of our elective judiciary. Still a proposition would be voted down overwhelmingly. The election of magistrates in the present way, where the people can have no voice in it, is as unpopular with the masses of the people as it would be to return to the old system of appointing the Judges for life at Raleigh, and thus keeping up an oligarchy from generation to generation, which they could not reach by their votes.

People, who assume to do the political thinking for these southern populations in these latter days, may as well learn that they cannot repress these growing aptitudes for individual rights, which are incident to the conditions of free communities. Conventions, stratified opinions, in this, as well as other free communities, are melting away constantly under the light of more liberal ideas, and the

average southern man, looking ahead more than he looks backward, is getting to like his own ways and his own rights more and more each day. It is time to repeal this remnant of senility and debility before there comes volcanic action and sweeps it away. Who will introduce the bill?

Important Testimony from North Carolina.

A Washington dispatch to the Boston *Advertiser*, referring to the investigations of the negro exodus, says: "The Democrats seem determined not to allow Republican witnesses to be summoned before the exodus committee, but Wednesday they caught a tar in one of their own witnesses, R. C. Badger, son of ex-Senator Badger, of North Carolina. He was summoned by the Democrats, and is opposed to the exodus. During his examination he made some remarks as to the kuklux outrages in North Carolina which led Senator Windom, who cross-examined, to question him very closely on that subject. The witness said that the negroes did not have equal justice in the courts, and that they were discriminated against. When asked about the kuklux outrages, he said that he was appointed by the Governor a few years ago to investigate them, and he knew all about them. He said there were hundreds of cases of whipping, shooting and murder of every kind."

The witness further said that there were three organizations in the state—the White Brotherhood, the Constitutional Union Guard, and the Invisible Empire; one was political, to carry the state for the Democrats; another had for its object to reinstate the Confederacy, to restore the lost cause; and the third was one which was organized for the purpose of committing murders. The first two were not dangerous, he said, but the last were. If a negro, as he expressed it, "got too big for his breeches," or a Republican was too active, this order would decree his death in the county where he lived, and would then send to some other county a like organization, who would furnish the executioner to commit the murder. As to the discriminations in the courts, the witness said that if negroes were arrested for larceny they were always convicted, much more certainly than a white man. When questioned as to the elections in North Carolina, Mr. Badger said that the colored men were swindled out of their votes. For instance, he said that when Vance was elected he got 27,000 more votes than there were Democrats in the state.

Anti-Slavery Record of John Sherman.

More prominently and completely than any other public man now living, does Mr. Sherman in his personal history represent the career and principles of the Republican party. He began public life with it, and took his place among the young and active advocates of the anti-slavery principles. He constituted one of the numerous band of earnest men in all the northern states devoted to the cause of freedom, and determined to protect the virgin territories of the country from the foul touch of the slave system.

Through all the vicissitudes of the anti-slavery struggle following the repeal of the Missouri compromise, he was a fearless and unwavering actor. The older men now living will remember the fierceness of the excitement prevailing for the years following the repeal of the Missouri compromise—the arrogance of the southern members in Congress—the violence and bloodshed committed by their emissaries in Kansas and the threatenings of evil and disunion by the press and speakers of the south and their Democratic allies of the north. In those peaceful times with the long reign of amity and good feeling, it required a steady courage to encounter the odds of opposition to the anti-slavery cause. Mr. Sherman was all the while in the thickest of the fray. He was one of the committee appointed by the House of Representatives to investigate the troubles in Kansas, and the frauds and violence by which the slave power sought to overcome the free majorities of that Territory. Mr. Sherman was never an eloquent speaker, but always a patient, able and earnest worker. His executive ability and knowledge of the parliamentary rules although he was a very young man, pointed him out as the Republican candidate for Speaker in 1856. The angry and exciting contest of many weeks that followed, form one of the most notable passages of the legislative history of this country, during which Mr. Sherman bore himself with the most constant dignity and courage. Without referring to his leading connection with the finances and business of the country at the outset of his legislative career, we wish to call particular attention to his conspicuous and consistent devotion to the anti-slavery doctrines of his party, and the cause of emancipation.

He was elected to the Senate very soon after the inauguration of Lincoln, and although especially engaged in the question of finances from the outset of the rebellion, he participated in the discussion of all the great questions that arose very rapidly in its progress relating to the slavery question. He acted upon the principles of emancipation as the true policy of the future, rather than yield to the conservatism and fears suggested by the dangers of the hour. He very early took ground in favor of emancipation in the District of Columbia.

In the discussion of the resolution in regard to furnishing aid to states in emancipating slaves, Mr. Sherman, as early as April 2, 1862, urged upon Congress the immediate emancipation of the slaves in the District, and in a speech of that date, he said: "It is obvious that the chief importance attached to the measure is that it involves the idea of emancipation."

"This is the best place to try the experiment of emancipation. I have always thought, since I could reason on this subject, that the law of God proclaimed emancipation as the ultimate end of this question." Again he said in the same speech, "I would establish it as a permanent record on the Statute Books of my country that the first sound of the canon against the flag of our country, was the signal for the emancipation of the slaves in this District."

As the progress of events cleared the way for further measures of emancipation, Mr. Sherman embraced and advocated them. The thirteenth amendment was the first sweeping legislative step in that direction. Mr. Sherman was its early advocate. This cut up the institution of slavery in this country by the roots, and was the dawn of day to the long night of bondage through which the negro had passed. Mr. Sherman hailed its coming. The war closed and the thirteenth amendment was adopted. Mr. Sherman supported all necessary measures of reconstruction necessary to guarantee the actual liberation of the negro, and when President Johnson cut loose from the anti-slavery sentiment of the country and attempted to throw the negro back into the arms of his former master, in state governments reconstructed, Mr. Sherman had no hesitation as to a vigorous course of Congressional resistance. To guarantee the Thirteenth Amendment and secure its fruits, he became the advocate of the Fourteenth Amendment, and finally embraced and advocated that interior measure of security and protection to the colored man—that keystone in the great arch of liberty in this country, the Fifteenth Amendment. This amendment finished the work of organic legislation, and Mr. Sherman in the Senate has supported every necessary measure of legislation by the general government to secure the benefit of these amendments, and the protection they were designed to afford to the colored man; this protection against the hostile state legislation as well as against violence and intimidation.

He stands ready to-day to do whatever may be expedient and effective within the constitutional power of the government, either by executive or legislative action, or by the use of the judiciary, to protect the negro of the south against the wicked violence that has oppressed him, or the scandalous frauds that have cheated him out of the benefit of his ballot. No man in public life has been a steeper friend to the hunted negro and persecuted white Republicans of the south. He recognizes in the experience of the southern Republicans the noblest heroism, deserving the gratitude of their party associates in the less dangerous field of party movements in the north. They are entitled to our sympathy, and they have always had his. — *Washington World*.

SHIPWRECKS.

The steamship *Hindoo* from New York for Hull, was capsized in mid-ocean by a heavy sea, and lay on her beam 5 days and nights. She had a crew of 51 and 5 passengers, 210 head of cattle, and a cargo of grain which changed sides and was thrown overboard. When it became evident that the vessel could not keep up more than 24 hours more, a steamer was sent, and approached within hail, took off the crew and passengers and carried them to New York.

The State of Nevada, approaching Sandy Hook on Saturday night, the 28th ult., struck on the bar where she lay about ten hours when she was gotten off and taken to New York.

NATIONAL SAVINGS BANKS.

Senator Windom has introduced a bill to establish National Savings Banks for deposits to be invested entirely in United States bonds and securities. The more important features of the bill are contained in sections 14 and 15, which are as follows:

SEC. 14. All deposits received by any such association, except the amount needed for actual expenses and payments, shall be wholly and promptly invested in loans or securities of the United States, paying interest, the net income or profit of which shall be divided among the depositors in such associations, but no interest shall be received by depositors until 30 days from the time when their deposits are made, after which depositors shall receive interest at the rate of 3 per cent. per annum. Withdrawals by depositors may be made at any time, upon giving three days' notice in writing of their intention to withdraw such deposits or any portion thereof.

SEC. 15. At least 99 per centum of all United States bonds or securities held by any such association shall be from time to time transferred and delivered to the Treasurer of the United States. Such bonds or securities shall be received by the said Treasurer upon deposit, and shall be by him solely kept in his office until required by the depositors of such association. The bill further provides that at the time of making semi-annual dividends, not less than one-eighth nor more than one-fourth of 1 per cent. of the whole amount of deposits shall be reserved as a guarantee fund, until such guarantee fund shall amount to 5 per cent. of the whole amount of deposits, which fund shall thereafter be maintained and held to meet losses in business from dilapidation of the securities or otherwise. Monthly reports, verified under oath by the President or Treasurer of the association, and attested by the signature of at least three of the Directors, are required to be made to the Controller of the Currency, and these reports are also required to be published in a newspaper in the county in which the association making the report is located.

The Kentucky auditor reports that there will be a budget deficit of \$779,912.25 on October 10. This is part of the benefits of Democratic supremacy. Another beauty of it is found in Tennessee, where the state debt is well repudiated.

The Western North Carolina Railroad!

Speech to the Board of Directors of Hon. W. T. Dortch, in Opposition to the Sale of the Road.

Mr. Dortch said: The proposition submitted by Mr. Best at the last meeting of the Board was in substance that the state should convey to Mr. Best and associates the Road, and that the Legislature should authorize the formation of a new corporation with \$4,000,000 of stock, that the new corporation should complete the Paint Rock Branch by July 1st, 1881, and the Ducktown Branch by July 1st, 1885; that the state should furnish 500 convicts to the new corporation for five years without any compensation for the labor; that the new corporation should have power to mortgage the Road to the extent of \$12,500 per mile and pay the interest on the present mortgage on the Road after the 1st of May, 1880, and the mortgage itself at maturity in 1890, in consideration of which the new corporation should give the state \$500,000 of stock.

The proposition now submitted is the same except the new company is to mortgage the Road for \$15,000 per mile and give the state \$500,000 of the new mortgage bonds. The length of the road from Salisbury (its eastern terminus) to Asheville, is 145 miles, and is completed to within a few miles of the latter place, and the cars are running over it daily. The branch from Asheville to Paint Rock, which is a distance of 25 miles, can't be completed in 18 months longer, when it will be completed to Paint Rock, when all admit that we may then sell for \$3,000,000 in cash? Stop at Asheville and you lose all, go 45 miles further to Paint Rock and you save not only what you have already spent, but all you will spend in getting there, and the very day you reach the point you can sell, if so disposed, and make \$2,000,000 clear. None of you will dispute this.

If Mr. Best and his associates (who are unknown to us) can mortgage the Road for \$15,000 per mile and with the proceeds build the line not already completed, why cannot the state of North Carolina do the same, when the only security proposed to those who shall take the bond is a mortgage on the Road? But I am told we cannot sell the bond in the market, if we cannot, how can Mr. Best? I am told again that Mr. Best and his associates will take the bonds themselves. Why issue bonds if they are to retain them? If they have the cash why not build the road with the capital stock which is to be \$4,000,000? Why issue over four millions of bonds secured by mortgage? Is it usual for corporations or individuals to issue bonds in the market, if on hand, to issue bonds secured by mortgage to be packed up in safes or hawked about in the markets? This is a species of financiering which I do not understand. By it somebody will be cheated and as usual it will be poor North Carolina. We had enough of such operations 68-69-70 to disgrace the state. I want no more of it. You will recollect that when Mr. Best submitted his first proposition, I asked him to make us a cash offer. He said he was not prepared to do so.

If we sell to Mr. Best, the state is to have no voice in the management of the Road and no power to regulate charges of freight. We are to be bound hand and foot for all ages to come. Once put under the control of your property, as you can never resume it. We will then indeed have "a narrow strip of land between Virginia and South Carolina," owned by New York capitalists. I consider this Road, completed to Paint Rock, the most valuable railroad stock in the south for the reason that the present capital is only \$500,000, and two-thirds of which belong to the state, and it must pay a large dividend. It is not questioned by any one that when it shall be completed to Paint Rock, and there make connection with the railroads running through the great and rich western states and the large cities of Cincinnati, Chicago and St. Louis, it may be sold for \$3,000,000 in cash.

It must necessarily pay on its present capital, when we consider that it is the shortest route from the great western states to Beaufort, Wilmington, Norfolk and Charleston. Look at the immense amount of merchandise, consisting of meat, flour, furniture, whiskey, buggies, wagons, live stock, and almost everything else which is brought into every part of this state and South Carolina, and used by our people. By what route do these articles come in? By New York and Baltimore, hundreds of miles farther and at much larger expense to our people than by the short and expeditious line through our own state and over our roads, when completed to Paint Rock, and which will never be interrupted by excessive cold or freezes. There have been sold in my own town over 1,000 horses and mules in the last three months, which came from Cincinnati. Again, all the produce made in this state finds a ready market in the western states and is shipped there by the way of New York and Baltimore.

We are told by some that the Road should stop at Asheville. This would be folly, it would not pay expenses from that point to Salisbury, but build the balance to Paint Rock, and the whole line between these places will pay. When the state purchased the road in 1875 at \$350,000 (it having cost several millions originally as far as then completed this side of the mountains) it was thought that she had made a good bargain. There is an impression with some that the state is bound to purchase the Road, and that the Road only is bound; the state, however, did bid herself to pay the interest on the purchase money until the bonds became due in 1890, if the Road should not pay it. It was not expected that the Road would pay the interest until a western connection should be made. The state has paid the interest since 1875, and has paid 500 convicts to work on the Road, and has fed, clothed and guarded them, and agreed to furnish \$70,000 per annum in room, amounting altogether to about \$170,000 per annum, for all of which she has a legislative lien on the Road, amounting up to this time to about \$500,000. But we are told that this expense must stop

when the Road reaches Asheville. As before stated, if the Road stops at that place, the money already expended is wasted. In regard to stopping the Road at Asheville, it reminds me of an unwise farmer who has a pond of water in the middle of his field which soaks his land and ruins his crop; it is necessary to drain it, and in order to do so successfully, he must commence to ditch several hundred yards below his fence to get the necessary fall. He ditches at an expense of several hundred dollars up to his fence and there he stops—his money is lost unless he extends his ditch fifty yards further to the centre of the pond, and thus he saves all he has spent outside as well as inside his field.

We have tunneled through the Blue Ridge at a cost of about \$350,000, which was estimated at over \$1,000,000 by the Engineer before the war, and now that we have accomplished this great feat in engineering skill, worth to day a million to our Road, these enterprising and far seeing capitalists of New York come forward and propose that you give them the Road and 400 convicts for 5 years to complete it, and offer for the most valuable property of the state to give you \$500,000 of bonds out of \$1,950,000—they owning all the balance, subject to mortgages, which they can foreclose when due and leave you with nothing. Thus the \$500,000 of bonds would be a total loss to the state, and we would lose every cent the state has invested, whereas the now good security for her expenditure of \$400,000, when the Road shall be completed to Paint Rock, as well as for the expenditures she may make to get there.

If we have been able to stand an expenditure of \$170,000 per annum for five years to build the Road from Old Fort through the Blue Ridge to Asheville, a distance of 25 miles, can't we stand it 18 months longer, when it will be completed to Paint Rock, when all admit that we may then sell for \$3,000,000 in cash? Stop at Asheville and you lose all, go 45 miles further to Paint Rock and you save not only what you have already spent, but all you will spend in getting there, and the very day you reach the point you can sell, if so disposed, and make \$2,000,000 clear. None of you will dispute this.

But we are told that the State Treasury will not be able to furnish the money to purchase the iron from Asheville to Paint Rock. Concede this to be so. We shall not need it until about the time we approach the latter place with the grading. Then we can say to the Legislature at its next session in January, that we need the iron for this 45 miles of Road; that we have no power to contract a debt or to execute a mortgage; that we will not ask them to incur the debt for the iron, but give us the power to contract a debt, and execute a mortgage if necessary, for the purchase of the iron. You all know that the Tennessee company, with which we shall connect at Paint Rock, is ready to furnish the iron, but we have no power to make a contract with them. The Legislature cannot refuse this power, when we propose thus to relieve the people from taxation and make a good sum for the state. I defy any one to gainsay these statements in regard to the French Broad route and its value to the state.

We are asked by some that will cost an immense sum to grade the French Broad route to Paint Rock—this is a great mistake. The road bed is along the margin of the river nearly all the way, and can be graded as cheaply as any road can be in the central portion of the state, and there will be no tunnel on the route. I have deemed it my duty to go over it and know of what I say, and you are all familiar with it, and will concur with me. But it is objected that we must divide our force at Asheville and put half on the Paint Rock and the other on the Ducktown route. So reads the act of your Legislature. If we had the power so to do, it would be contrary to all business and economical principles, as it would greatly increase the expense, as any one can see, and a Western connection, without which the Road cannot pay, would be delayed. If the Ducktown route were the shorter, and we had the power to build it, I would say built that first. But we have no legal right to put a force or expend a dollar in labor on that route, and in this assertion I defy contradiction.

At a former meeting of your Board the question of your title to the Ducktown and Paint Rock routes was referred to Mr. Henderson and myself. We have reported to your body that our title to the Paint Rock route is good, and that we have no title whatever to the Ducktown route. When this report was made, your President called the attention of the other legal gentlemen on the Board to it and asked them if they dissented from our conclusion. No one gave a contrary opinion, nor was any one versed in legal principles so to do. Let me state the facts. The Road was originally chartered as the Western N. C. R. R. from Salisbury to Ducktown and Paint Rock. The Legislature in 1869, divided it into two corporations. That from Salisbury to Asheville was the Eastern Division, and that from Ducktown by Asheville to Paint Rock was the Western Division. The Eastern Division was sold by decree of the U. S. Circuit Court and was purchased by the state.

The Western Division was sold under execution and was purchased by R. Y. McAdees, who conveyed the French Broad route to the state absolutely and the Ducktown route to Clayton & Smathers, in trust for the creditors of the Western Division, (whose claims amount to about \$65,000,) and then in trust for the Western Division Corporation and its stockholders. So that the legal title to the Ducktown branch is in Clayton & Smathers, and the equitable in its creditors first, and then in the Western Division Corporation and its stockholders, and neither the state nor the Western N. C. R. R. Co. has any title to it whatever and can only acquire one by a sale by the trustees or by decree of court. This point cannot be denied. It is true that the last Legislature, by an act, attempted to convey the title of the Western N. C. R. R. Co., but that portion of the act is unconstitutional and has been so decided by the courts, and has been so decided that every one was put on convicts on the roads to act. The state could not do it, upon the ground that we have no power to expend the state's money or labor on property which does not belong to the state or our corporation. It would be illegal as well as absurd for us to build a railroad for the

creditors and private stockholders of the Western Division. It is their property, not ours. If the Legislature shall desire the building of that route, they must furnish the means to purchase it. I wish to see it built, and my opinion is that after the Paint Rock route is completed, it will be demonstrated that it will pay, and the people will then be willing to furnish convicts to build it, and will give us the power to mortgage as Mr. Best proposes; for I repeat, if he can build it by mortgaging, we can do the same.

But Mr. Best proposes that we shall give him the labor of 500 convicts for five years to build a road for him, and not for the state. I wish for 500 convicts in building roads to go for northern capitalists to make millions of dollars. Does Mr. Best make this offer out of love for us? No; but because he sees and all railroad men see that largesums are to be made by possession of the French Broad route. Several railroad men of intelligence have said to me in the last few days, that the 45 miles of road from Asheville to Paint Rock, completed, will be worth more than any 200 miles of railroad in the state, for the reason that there are 600 miles of mountain barrier extending from Atlanta to Lynchburg not pierced by any road but ours, which is the most central and is the shortest to the seaboard.

In addition to the merchandise to and from North Carolina before spoken of, brought to us and carried from us by the way of New York and Baltimore, a large portion of the millions of bushels of grain now sent from the Western State to New York and Baltimore and shipped to Europe, must be by our road and its connecting roads to Wilmington and Beaufort and thus build up North Carolina cities and seaports. The northern Dr. Caldwell proposed many years since that the first railroad from the state should construct, should run from Beaufort harbor to the Tennessee line. Had his proposal been carried out in that day, North Carolina would not be one of the greatest and richest states in the Union. We have delayed and built by piece meal, and now that we are almost in sight of Tennessee, we have done nothing but build, and yet to be completed, must not be built, or must be given to northern capitalists.

This 45 miles is the head and life of the whole railroad system of the State. Cut it off or give it away to northern capitalists, and you make not only your selves but all future generations slaves to greedy and bloated capitalists. The penalty would be a proper one for those favoring such a suicidal act, but posterity will curse us for it. Accept Mr. Best's proposition, and in less than ten years when your people see the millions flowing into the pockets of these capitalists, those concerned in giving away their property will be ashamed to acknowledge that they were so short-sighted.

We have been told that the road will not be able to pay the mortgage due on it of \$350,000 because due in 1890, and that it will then go to the hammer and will become the property of the bondholders. Those who thus prophesy, ought to have made that discovery before the state purchased in 1875, and certainly before we performed the Herculean task of piercing the Blue Ridge. They should not have waited until we had reached so near the Tennessee line. Long before those bonds became due, we should have trespassed Paint Rock, when it is conceded that road will be worth \$3,000,000 in cash. Then if it shall not be convenient to pay the bonds, we can readily renew the mortgage not only for this debt, but for an amount sufficient to refund to the state every dollar which she shall have advanced. Besides, with this valuable property in our hands, with its aid and a mortgage on the Ducktown route, we can build the latter.

I do not propose to tax the people further for the construction of this road. Let the state furnish the convicts, and feed, clothe and guard them, and she must do it in the wails of the Penitentiary (that great elephant on our hands) or put them on works of internal improvements, where they will cost less. If they are kept in the Penitentiary, they must be put to work, and the product of their labor will come in competition with the honest mechanics of the state and reduce them and their families to beggary.

The supremely ridiculous portion of Mr. Best's proposition is that to give him the labor of 500 convicts for five years to build him a railroad. The state owns in the hands of our eastern capitalists belonging to the Literary fund. If we do not propose to use the convicts in the construction of railroads for the state and to be owned by the state, why not put them to work to canal and reclaim these valuable lands which then brought into market, will raise money sufficient to keep open your common schools all the year round? Instead of providing thus for the education of the poor children, we are coolly asked to give to rich capitalists the labor of these convicts to build a railroad for themselves.

I wish the state to retain her railroad property. The railroads were not constructed alone for this generation but for posterity as well. We cannot be expected to pay in our day for their construction in full. If we pay the interest and a small portion of the debt, it is as much as we ought to do. Let those who are to come after us and enjoy the benefit of this property pay their portion. There is no difficulty in keeping up mortgages on any good railroad, whilst millions of capital in the great cities are seeking investment at four per cent.

We have denounced without ceasing those who, in 1868-'69 sold out the state's interest in some of her most valuable roads. And now we propose a more indefensible act. Give away this road and then will follow the N. C. and the A. & N. C. Roads.

If the state shall decide to part with her property, don't give it away, don't give one don't build another; but put up at public auction your three roads—the Western N. C., the N. C., and the A. & N. C., and they will sell for money sufficient to pay the entire indebtedness of the state, which under the same proposition act of 1879, was a little less than \$5,000,000. Then you will be free of debt and the cry of taxation will cease. Complete this road to Paint Rock and

[CONTINUED ON SECOND PAGE.]