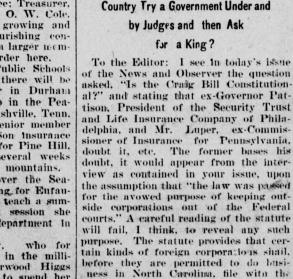


Prsident of the University in 1891, and of the J. Southgate & Son Insurance agency, left this morning for Pine Hill, N. Y. He will spend several weeks while, of course, it had but little, if any, effect, it made me feel that my mite had been contributed to promote the inrecreating in the Catskill mountains. terests of the University and the cause Miss Rose Budd left over the Seaof education in the State. Very little has been said in the public prints by the friends and admirers of Dr. Winboard Air Line this morning for Eufaula, Ala., where she goes to teach a sum-mer term in Art. Last session she ston during the consideration of the had charge of the art department in Eufaula College. Miss Martha Holloway. who for question as to who shall be elected President of the A. and M. College as, they no doubt felt that this was a matter to be settled by the good business judgment of the Board of Trustees, and

this is probably proper; but feeling that North Carolina has now the opportunity of reclaiming one of her most useful and ablest sons, in fact, to my mind, the brainiest man with whom it has been my good fortune to come in contact, a man of wonderful executive and constructive power, who in a few years laid broad and deep the foundations of our University's prosperity, a man who has the faculty of stirring to the depths the ambitions of young men, and a man of profound learning and keenest observation; and, loving our State and longing to see her educational growth along all lines outstrip even her mater-

ial advancement, 1 write this article. Dr. Winston was elected tutor of Latin at Chapel Hill at the reopening in 1875, afterwards became Professor of Latin, and in 1891 was elected President. In all these capacities he showhighest order of ability and a host of his old students all over the State will bear grateful record to the intellectual uplift and inspiration received from him, and will confess that he did more than any one else to kindle within them the fires of a healthy ambi-When he accepted the Presidency the University of Texas at a large salary the men who had known him thus intimate.y felt the loss to the State most keenly and they had with pleasure and satisfaction the probability of his return. It was indeed a matter of surprise to all to learn that he would consent to return if elected. The University of Texas owns millions of acres of land and has grand possibilities; and it was known to his friends that Dr. Winston hoped and expected to make it the greatest University on this continent. Four years ago he and his family went to Texas, and he has, I am informed, strengthened the University in every department, and is in thorough accord with the trustees. It is asked "Why, then, should he be willing to return at 1 much smaller salary?" The answer is that there is something dearer to the man than wealth and position, and that is the health and welfare of his family. The long summers in Texas drove away his children, and then his wife's health gave way and only last spring she has the climax of her disease and the physicians have said she cannot live in Texas. This man, through his friends express es his willingness to return to his native State, where his ancestors for six or seven generation have wrought and died, some of whom have served well their State: to the State where the cause of education owes him so much, for he was who put life and action into the idea that public higher education is for all the people, and who put the University in reach of all, even the poorest deserv ing young men. But it is said that Dr. Winston is not an industrial man. In answer it may be said that he received his education exclusively in technical colleges. For several years he was at the United States Naval Academy, where he stood 'No. 1." in a class of nearly a hundred boys from every State in the This is the Government's train-Union. ing school, where no classics are taught, and here he was made master of the sciences and mathematics. He was graduated at Cornell University, 9 technical school, and here he applied himself to the sciences, biology, chemistry, physics, botany, geology and kindred subjects, together with Latin and mathematics. After being graduated he was selected to a position as teacher of Mathematics at Cornell. He is a man of the most varied attainments, and his friends confidently believe that, if elected, he will place the A. and M. College in the front rank of industrial and technical schools. A man does not need to be a farmer or a me chanic to be president of an A. and M. college. The President is not required



some time past has been in the millinery department of Sherwood Higgs & Co., has arrived home to spend her summer vacation. She has a large number of friends here who are glad to see her back. Prof. W. H. Pegram, professor of all

chemistry, geology and astronomy in Trinity College, returned this morning from Chapel Hill, where he attended a meeting of the North Carolina section of the American Society of Chemists. Col. Pegram read a paper before that body. Papers were also read by Drs. Monroe, of Washington city; Drs. Charles Baskerville, F. P. Venable and Thomas Clarke:

The work of tearing up the old street pavement on Main street, between Corcoran street and Five Points, preparatory to laying down a vitrified brick pavement, began this morning. The condition of Mr. W. C. Tyree, who has beeen quite sick in Oxford for several weeks, is reported to be im-proving. Dr Tyree writes that her condition will probably admit of his filling his regular appointments at the First Baptist church in this city tomorrow. B. F. Kronheimer & Co., of Oxford. will occupy one of the store rooms in the new Summerfield block in this city as soon as completed. They hope to be able to get in by the first of September. On the excursion of the Second Bap tist Sunday school to Raleigh Thursday was an old lady, Mrs. Nancy Cole, over 80 years old, who had never been on a train before in her life. On the same train with her were children. grandchildren and great grandchildren. Three services will be held tomorrow at the Gospel Tabernacle on Morris street at 11 a. m., 4 and 8 p. m. Rev S. C. Todd, of South Carolina, who is doing the preaching, is creating a very favorable impression upon all who hear him.

Secretary of State copies of their franchises, etc. That upon complying with this provision it shall thereupon become a corporation of this State, and enjoy the rights and privileges, and be subject to the same liabilities, of other

preserve the blessing of liberty." Shall we continue to drift, or shall we come back once again to the true meririan of a fair and proper construction of the Constitution? It is well recognized by all the courts of last resort that where there is concurrent jurisdiction the court first obtaining jurisdiction retains it. The only proper ground for such remoyal is where, on account of local feeling and prejudices, a fair trial could not be had. Says Judge Cooley in his Constitutional Law, "As suits may be instituted in State courts in all cases in which the jurisdiction of the Federal courts is not made exclusive (in this case it is not exclusive), the purpose had in view in conferring the Federal power would often be defeated if there were not some provision under which a cause brought in a State court might not be removed to a Federal court. For exdomestic corporations, etc. The statute further declares that "it may sue and ample, if a citizen of one State should bring suit in one of its courts against be sued in all courts of this State, and shall be subject to the jurisdiction a citizen of another State, the cas of the courts of this State as fully would be one which by the Constitution if such corporation were originally created under the laws of the State of North Carolina." I think that when is embraced in the grant of the Federal power. And the reason why it was included is, that it may sometimes happen the statute declares that such corporathat local feelings, sentiments, prejudices or prepossessions may preclude a tion, by doing certain acts above re fair trial in the State court, or at least ferred to, "shall thereupon immediately become a corporation of this State, and give rise to fears or suspicions that such may be the case. But it may be enjoy all the rights and privileges, and be subject to the same liabilities; of other corporations," it was unnecessary to have mentioned the fact that it should entirely proper to allow the suit to be thus brought in the first instance (in the State courts), because in most cases no such influence will be suspected or have the right to sue, he sued, etc. The feared, and the parties would go to trial in the State courts without objection." But, the question does not arise from the question I am attempting to answer, for here there is no diversity of citizenship. I think I have shown by citations supra. (1) That a State has the right to impose limitations on corporations seeking to do business within its jurisdiction, for they are not citizens in contemplation of the United States Constitution guaranteeing equal privileges and immunities to the citizens of the several States: (2) That upon becoming domesticated they become citizens of North Carolina in contemplation of the U. S. Constitution so far as is necessary to determine the jurisdiction of the courts; (3) That nothing appearing on the face of the statute, or by fair implication, that its aim and "avowed purpose" was to defeat the jurisdiction of Federal courts, it cannot be so considered; and is therefore within the limits of the Federal Constitution, and is a valid act. Governor Pattison asks, "why, suppose every State and territory in the United States should pass such a law? Why then each corporation would come forty-four corporations, and the States would thereby have practically legislated the U.S. Sup reme Court out of existence." Not at all so. There are many Federal questions that give that court final jurisdiction, and have kept it busy for many years past. Other States have passed laws somewhat similar to The Constitution allows what it this. does not forbid either expressly or by fair implication. I fail to see wherein that instrument, either expressly or by fair implication, forbids any state of the Union to require as a condition precedent that a corporation seeking to do business within its borders, shall be-come "domesticated." If one State can do so, then all can, and we could indeed conceive of one original corporation becoming forty-four corporations. con fess that I am somewhat surprised that the head of a great corporation, like the Security Trust and Insurance Company, of Philadelphia, would be opposed to "expansion." Mr. Luper suggests that "if the object aimed at was simply to prevent insurance companies going into the Federal courts, the better method would have been to compel them to sign such an agreement before granting them license, as is done in Illinois." Indeed! And who is Mr. Luper that he shall presume te say to the Legislature of North Carolina what would or would not be "better." The reply to him is, that just such an act as he suggests was passed by Wisconsin Legislature, requiring that very thing, and the U. S. Supreme court, in the case of Home Insurance Company vs. Morse, 87 U. S. 445, said such an act was "repugnant to the Constitution of the United States and the laws in pursuance thereof, and is illegal and void." That is why, perhaps, that North (Continued on fourth page.)

beautiful streets, and a bay of water which has been described with much beauty and grace in the following stanza Provincial Congress held at Halifax the 2nd day of April, and justified agreeable entitledthereto), viz.: Thomas Bonner, Wm. "EDENTON BAY:" Boyd, Thomas Benbey, Jacob Hunter, Landward with fringes of silvery spray John Beasley, Wm. Bennett, Wm. Ro-berts, Richard Harkins, David Rice, Aaron 'rfill, Pelatiah Walton and Wm.

Roll the sweet billows of Edenton bay, Yonder the Roanoke rolls in from the West, Nearer the Chowan ungirdles her breast

Beautiful rivers that flash in the sun. Broadening and mingling and flowing as one:

Watching their union but brighter than they, Roll the sweet billows of Edenton bay.

'Tis but the child of a broader expanse

Left by itself in the sunshine to dance, 'Tis but an arm of a far-reaching sea, Less in its width than a league, it may be Yet were it larger, its beauty and grace, Dimmed by the distance, were harder to

trace; Just as it is I would have it for aye-This gem of the Southland, sweet Eden ton bay.

Sloping as if for a clasping of hands, Close to its margin fair Edenton stands-Verdue wreathed Edenton, fairer by night,

And fairer by day for this beautiful sight: White sails are seen by it zepher-swept

tide. Lovers at evening stroll oft by its side-

of we have hereto set our hands this 19th day of June, 1776." Signed in their own proper hand-writ-

# HOUSE PARTY IN FRANKLIN.

### Ten Days of Pleasure by a Happy Party at Vine Hill.

Louisburg, N. C., July 1.-(Special.)-**Foday** the members of the hou which was given this year at Vine Hill. the old Williams' residence, eighteen miles from here, returned with many expressions of regret over the close of their ten days' delightful experience. The party was composed of Mr. and Mrs. R. G. Hart, Mrs. C. M. Cooke, Mrs. J. E. Malone, Misses Summer Fuller, Frances L. Green, Dita Malone, Florence Jones, of Raleigh: Mary King, Matilda Foster, Minnie Egerton, Messrs. Asa Parham, Fred Cooke, Wilbur Cooke, Fuller Malone, Maarice Clifton, Norman Jones, Will Meadows, Ned Ford and Arthur Person, besides several others who joined for a day or two.

They give glowing descriptions of the beauty of the place, the excellence of the neighborhood and all unite in caliing it a time filled to the brim with happy minutes and one long to be remembered.

## THE CAKE WALK.

Miss Angelina in de race. De sweat des streamin' fum her face, She gwine ter win dat walkin' race-She gwine tor win dat race, suh!

Her sleeves des hangin' wid de lace. En a big blue sash is roun' her waist; She gwine ter win dat walkin' race-She gwine for win dat race, suh!

Miss Angelina, heah my han' .-You de sweetes' gal in all de lan'. En heath's a rose f'um a nice young man. Dat time you win de race, ma'am! -F. L. STANTON.

A man isn't necessarily in the swim because he drinks like a fish.

One can acquire an elastic tread by constantly wearing rubber shoes.

rights and privileges, duties and liabilities, of domestic corporations are well defined by the general statutes relating to corporations. That part of the statute above quoted relating to the courts surplusage, and when construed must be construed to mean that the general law with reference to suits by and against domestic corporations shall apply to "domesticated" corporations. It would seem from the reading of the statute that no one (unless indeed he be over-suspicious, and think that the Legislature meant to damn ail combinations of capital), can say that it had any such purpose in view as de feating the inrisdiction of the Fed ra courts. In construing a statute you are not to go out of your way to get a possible construction for it "Expression unius est exclusio alterius." and "expres sum facit cessare tacitum" are maxim for the construction of statutes. U.S. vs. Arredondo, 6 Pet, (U.S.) 691; Collins vs. New Hampshire, 171 U. S. 30. What does this statute imply on its face, or by fair implication?

I think it is well established by a long line of decisions, both State and Federal, that a corporation is not a citi zen in contemplation of sec. 2, chap. Art. IV of the United States Constitution (privileges and immunities of citi zens of the several States). N. & W. R. R. Co. vs. Pennsylvania, 136 U. S. 114: Philadelphia Fire Association vs. New York, 119 U. S. 110; Orienz Insurance Company vs. Daggs, Adv. S. U. S. 294, 19 Sup. Ct. Rep., 281; but that it is the meaning of section 2, article III. United States Constitution (contro versies between citizens of different States). St. Louis vs. Wiggins Ferry Company, 11 Wall. 423; Ohio R. R. Co. vs. Wheeler, 1 Black, 286; Marshall vs. Baltimore and Ohio Railroad Company, 16 How, 314.

I think that no one will deny that a State has a right, under the United States Constitution and the laws of Congress, to impose conditions on corporations doing business within its territery, and may go so far as to confine them to certain sections, or exclude them entirely. In other words, the Legislature has the right to grant or withold its charter to a corporation, foreign or do mestic. / The granting of a corporate right or privilege rests entirely in the discretion of the State, and when granted may be accompanied with such conditions as its Legislature may judge most befitting to its interest and policy Home Insurance Company vs. New York, 134 U. S. 594; Horn Silver Mining Co. vs. New York, 134 U. S. 365. It will not be denied that when a corporation applies for and obtains articles of incorporation in any State of the Union, it becomes a corporation and citizen (for certain purposes) of that part'eular State, regardless of what its status of citizenship may be in any other State. Chicago and N. W: R. R. vs. Whatton. 80 U. S. 270: Ohio and M. R. vs. Wheeler, 66 U. S. 286; St. Louis and S. F. R. R. Co. vs. James, 161, U. S.

Seen in its beauty, for many a day, The heart will remember sweet Edento: bay.

The author, Mr. J. M. Fletcher, Northern man, wrote the above while under the inspiration of the scene in the rhythm of so much beauty and grace. A gentleman, who had traveled much said, while standing on the shores of this beautiful sheet of water: "Certainly nature has fashioned no more peaceful or lovelier spot upon which the human eye and the human senses would wish to rest." Bishop Lyman used to say when he longed for the beauties of the bay of Naples he felt like starting for Edenton and resting his eyes upon these waters. The scenes, however, are so different, it is said, that comparison between the two seems impossible. Let that be as it may, its beauty and loveliness is none the less a fact, and the following statement seems warranted "To the hustling Americans, who have sought change from the busy haunts of daily toil and every day anxiety in the somber outlines of the Alleghanies, on the rapids of the St. Lawrence, or even in the awful stillness of the Yosemite and the Grand Cannon, this scene comes like the re freshing sleep to the fevered patient after he has exhausted the soporifics of the Phormacopoeia. It is a relief to think there is one spot in our continent where we can enjoy that quiet contentedness which the speaking silence of beauty alone can induce and yet find ourselve not outlewed or exiled from association with our fellowman. The beauty of the town does not he alone as stated in the beauty of its bay, but in its wide streets and beautiful shade trees as we'l. I will

venture the statement that there is not a more beautiful street in America than Broad street with its three rows of elms in rich foliage forming perfect arches. There are many points of historic inter est, among them the court house built of brick brought from England in which court was held in 1717 or 1718, and session of the legislature in 1720, at which Edenton was named in honor o Charly Eden, who had been chosen Governor in 1713, and who came over in

1714. Governor Eden had by his popu larity and grace won the good will of the people who, although the town had been established before, named it Edenton is show their appreciation of the man The court house is in a fine state of preservation and, and will compare favorably with some modern buildings Strangers when gazing upon it can hard ly realize its age. The Episcopal church was built of brick and in the same solid workmanship as that used in building the court house. Some say it was commenced in 1708: at any rate it was completed in 1735. It is a splendid old building, whose foundations were laid due east and west / after the Oriental style. The records run back to 1701 and filled with many amusing things. The church yard has some old tombstenes of ancient dates and rare inscriptions among them the following: "In memory of Jeremiah Gallop, January 11, 1799. ter often makes people ill.

Richard Haskins, David Rice. ing: Aaron Hill, Polatiah Walton, Wm, Hinton, Thomas Bonner, Wm. Boyd, Thomas Benby, Jacob Hinton, John Beasley, William Bennett, William Roberts, A trip to see all these things will be worth one's while and will be worth more than the outlay in pleasure, for I have not told the half of what the thoughtful can realize. WM. J. LEARY, SR.

Hinton, we the subscribers professing

our allgiance to the King and acknowl-

edging the constitutional executive of

government, do solemnly profess, testify and declare that we do absolutely believe

that neither the Parliament of Great

Britain, nor any member or constitution-

al board thereof, have a right to impose

tax upon these colonies, to regulate the

internal policy thereof, and that all at-

tempts by fraud or force to establish and

exercise suca claim and power on viola-

tions on the force and security of the

people of this Province, simply and col-

lectively are tound by the acts and reso-lutions of the continental and provisional

congress, because as both they are freely

represented by persons chosen by them-

selves and we do solemnly and sincerely

promise and engage and the sanction of

wisdom, honor and the same love of liber-

ty and our country to maintain, and

support all and every the acts, resolu-

tions of the said continental and provi-

power and ability. In testimony where-

our

signal congress to the utmost of

#### A PLEASANT SESSION.

The Newbern District Conference in Session.

Kinston, N. C., July 1.-(Special.) The Newbern District Conference will close an interesting and profitable session today. The session has been held in the hospitable and growing town of The reports from the pas-Kinston. tors show that the church is in a healthy condition in the district. In the matter of Epworth Leagues there has been but little said, there being only one active league in the district. There will probably be an advance in this particular soon.

All the pastors were present except Rev. Z. J. Holden, of Snow Hill, who was detained at home by serious illness. Prayer was made for his recov-The following were elected as ery. delegates to the next annual conference: Dr. J. F. Miller, of Goldsboro; Y. Ormond, Kinston; Rev. F. S. Ere ton, Carteret county; J. W. Wooten, Trenton.

Trenton was, selected as the place for the next session of the District

Conference. Mrs. T. R. Kendall, of Augusta. Ga., was present in the interest of the Woman's Home Mission Society. Rev. W. S. Rowe, the Presiding Elder

of the District, ista fine preacher, a good presiding officer and is held in high esteem in the district.

#### WATERWORKS SURVEY.

#### Rocky Mount to Have a New Cotton Mill. \*

Rocky Mount, N. C., June 30.-(Special.)-Surveys for the water works plant and mains have been nearly completed. An excellent water supply, one of the finest in the State, will be had from Stony creek, near the town.

The cemetery here, recently purchased by the town from a private corporation, is being greatly improved and changed in appearance by work done on it.

There is a well founded rumor that a new cotton mill will in the near future be built here on property belonging to the Fair Association. John M. Sherrod and J. C. Brasweli

have returned from a trip to Morehead, Mr. and Mrs. E. W. Smith are at Virginia Beach.

Paradoxical as it may seem, well wa-