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LEADS ALL NORTH CAROLINA DAILIES IN NEWS AND CIRCULATION.

REVIEW OF THE LEGISLATION OF 1899

Speech of Hon. H. G. Connor, of Wilson, Speaker of the House of Representatives, Before the State Bar Association at Morehead City.

To the citizen and especially the citizen lawyers there are few sources of historical study more interesting than the legislative records of the State. It is there that he finds an expression of the moral sentiment, the political opinions and the highest aspirations of the people. It is there that he finds the development of the political will, the struggle for the adjustment of the law in unison with the thought and sentiment of the people. After all that is biennially said and written, as each General Assembly of the representatives of the people comes and goes with its promises, its failures, its hopes and its disappointments, those who gather in the State House constitute, upon the whole, a fair type of the citizenship of the State, and that which they "do enact" is for the time being, and as they understand and interpret it, the will of the average man in the State. It is equally true that in any given period of time of sufficient length to enable social and political forces to have fair play, the legislation of a free State will furnish the historian a safe guide by which to study the character of the people and the statesman to draw conclusions in dealing with political problems. Every statute of general application, has behind it a considerable quantum of public sentiment.

The great Gladstone while devoting his life to questions of finance and taxation, church and state and foreign affairs, did not forget the duty which he owed to the man at the throttle and the brake and in the mine. His employers liability act constitutes the basis of our recent fellow-servant act, which by some strange accident is buried, so far as its publication goes, gratifying their stockholders with large dividends than for human life and human suffering.

I am invited to enter into this most interesting and attractive field of research, but I must not forget that, with wise precaution your committee, to whom I am indebted for this opportunity, put me within bounds and commanded me to confine myself to the Legislature of 1899.

At no period of the State's history has the pendulum marking the movement of political sentiment swung to points of such extreme divergence or been so rapid and violent as from 1892 to 1899. This movement is strongly marked in the legislation of 1895-97 and '99. It would not be proper for me to attempt an analysis, or examination of the cause of this well recognized fact. The time will come when the historian of the State will do so and mark a most interesting and instructive chapter in our annals. We live in the smoke of the conflict, and on an occasion like this must study the conditions that as lawyers and citizens we may be the better able to discharge our duty. The legislature of 1893 and its acts are interesting as being the last of the old order. It contained many strong and prominent men. Many important changes were made in the jurisprudence of the State. Changes which were responsive to the best thought of the bar, bench and people. The statute providing for the settlement, by a civil action of controversies in regard to the title to land, analogous to the Bill of Equity for quieting title, had relieved of many of its features which impaired its value, was drawn and its passage secured by ex-Judge Battle. The creating and defining of two grades of the crime of murder is a copy of the English act and finds approval with the people. The decisions of the Supreme court constraining the act do not appear to be entirely harmonious. The last case finding its way to this tribunal developed a marked diversity of opinion among its members. It is not improper to indulge the hope that soon, as early as possible, some fixed and plain principle will find favor with the court in regard to this important statute. Its enforcement must result in securing a greater certainty in the purchase of the taking of human life. We find at this session an expression of the apprehension which has grown with years, and been intensified by events, of the crime of lynch-law. An act was passed at this time for its suppression. No legislation along this line will be effective until a strong, healthy public sentiment develops, a sentiment which will not content itself with mere protests, but will do and dare whatever is necessary to remove this evil from our midst. It behooves all good citizens and in an especial manner all lawyers to actively aid in the cultivation of this sentiment.

The legislature of 1895 was the product of two political forces. One fiercely attacking and seeking to destroy the supremacy of the party and men who, for a generation, had controlled and directed the affairs of the State. The other seeking to mould and

weld into solidarity, political thought and purpose, having but one idea in common, in all other respects discordant and antagonistic, a desire to destroy what they considered a common enemy.

The political tone and color of this body was in marked contrast to that which had controlled since 1870. The fusionists were in a majority so large that the minority were helpless. For the first time in our history a statute found its way into the hands of the Clerk on Enrolled Bills and had the signature of the presiding officers which, in fact had not been enacted by the Senate and House. The importance of the act and its drastic provisions gave the question of its validity much prominence. It was brought into litigation by direct attack, the facts admitted and its validity sustained by the Supreme court, but with strong dissenting opinions, the subject received the usual amount of discussion among members of the bar. While the lay and the legal mind of the State revolted at the suggestion that a statute can have the effect and force of law otherwise than by the enactment of the representatives of the people, there is much in the argument that the integrity of the records of one department of the government cannot be called into question by another department. The people, as they always should do in a government like ours, where their wrongs may be righted by constitutional methods, obeyed the statute until the next General Assembly repealed it. It is to be hoped that the occasion will not again arise for the discussion of so delicate and vexing a question. That it ever arose is to be deplored.

We find that but little legislation affecting the substantive law or that of procedure was enacted at this session. Many statutes, especially the revenue law, indicate the temper of the body in regard to the adjustment of the political burdens and benefits. It was at this session that an act bearing the title, "An act to restore self government to the people," reversing the policy of the State for twenty years, was passed. By this change the election of the Justices of the Peace and County Commissioners was vested in the people. The heads of county officers were reduced and provisions made for giving such bonds in Surety Companies. These statutes indicate clearly the change which had come in respect to the governing class in the State.

The dominant party gave to the election law its best thought and enacted what was declared to be in very truth the perfection of human reason, political fairness and wisdom. If made to perpetuate its own power, the impartial historian must declare that it was a dismal failure. The radical changes made in the municipal charters followed by the assumption of control without regard for the wishes or interests of the citizens can not be easily reconciled with the professed devotion to local self-government. There has not been in the history of the State exhibited more disregard for the right of local self-government in regard to towns and cities than the legislation of 1895 and '97. The results which followed this legislation were entirely characteristic of the people of this State from their earlier history. Law abiding and peaceful when left to themselves they have ever been restive and even turbulent when any other government than that of their own choosing was imposed upon them. The men of 1898 were lineal descendants of those of Mecklenburg and the Cape Fear of 1775.

The members of the General Assembly of 1899, as a rule, accepted nominations with the expectation of being defeated. The leaders and exponents of thought in the State, had but little conception of the extent to which the political sentiment of the people had swung from one extreme to the other. Events occurring pending the campaign had a marked effect upon the result which was but little less than a revolution, surprising the leaders and attracting the attention of the entire country. A question which had to a large extent become quiescent suddenly forced itself to the front and stirred the minds and hearts of the dominant race as never before in our history. The House of Representatives contained an overwhelming majority of Democrats. The minority were divided between Populists and Republicans, of the latter four were negroes. The Senate was even more numerous. More than the usual number of strong, able and experienced lawyers were members. The farming, manufacturing and general business interest of the State were well represented. As an indication of the temper of the body in respect to the acts and doings of the sessions of 1895 and 1897, the second resolution introduced and adopted contained a provision for the appointment of a committee of five to "carefully examine all public laws passed by the General Assemblies of 1895 and 1897, and to report what laws should be repealed or amended and to make such other recommendations in regard to such laws as to them may seem proper." While, of course, the committee made no report as to such "other recommendations" I find that of the 218 statutes then in force which were repealed and amended, 100 of them were of the public laws of the session of 1897, and 51 of the session of 1895. Probably it is the only instance in the history of this or of any other State where "the State's collected will" has undergone so marked a change

(Continued on Second Page.)

SYMPOSIUM ON THE TOBACCO TRUST

A Discussion of its Evils and the Remedies for Them, Given in the Midsummer Southern Tobacco Journal.

A MANUFACTURER'S VIEWS.

(Harry Weissinger.)

Density of population does not tend to increase happiness; the concentration of capital does not increase the wealth of a nation; neither does the combination of individual manufacturing plants into gigantic trusts increase business. I state these three propositions because they are akin, and a joint consideration of them will give a better understanding of the truth of the last one. Increased profit is the only purpose of combinations, and increased profit can come only in one of two ways or both. The cost of production must be decreased, or the price of the article produced must be increased. If the cost of production is decreased, it must be the result either of the depression in the value of the raw material, or a reduction in wages, or both. If the price of the article produced is advanced, it must be because competition has been overcome, and a monopoly has grown up.

I will not undertake to particularize. You can take any manufacturing business you please, and suppose the control of that business to be in the hands of one gigantic corporation. It will readily be seen that competition for the raw material it consumes and the labor it employs is utterly destroyed. Hence, the producer will have but one customer, the laborer but one employer and the con-

sumer but one source of supply. The work every day. Why, my own company, since it has gone into the trust, has discharged four high-priced salesmen, besides a number of cheaper men. Prices will go up as soon as the combination is perfected, and on the other hand, the grower of leaf tobacco will have to take less for his crop because a single buyer will fix the price.

"Another thing that will lead to Democratic success is this Philippine business. We paid \$20,000,000 and bought nothing but a war. McKinley blundered and he will have to pay for it. "The thousands of letters I have received are not from Democrats alone. A large percentage are from Republicans, and the writers say they are going to vote for the party that will down the trusts. "You in the East do not realize how strong this sentiment is in other parts of the country. It means that Bryan will be the next President."

"The Democrats, with a strong plank on this evil in their platform will sweep every State west of Pennsylvania. "The farmer is feeling the iron heel of the trust every day. Everything he needs to build his house or barn with has been advanced in price from 25 to 250 per cent. His land isn't worth any more, though. "I am a Democrat, and although my party will not forsake silver in the tariff the anti-trust idea will overshadow everything else.

THEY DEPRIVE MEN OF WORK. "The trusts are forcing men out of

up. Then Col. Wetmore made this statement, and he repeated it to a World reporter last night at the Waldorf-Astoria: "I am going to devote the rest of my life and my fortune to fighting trusts."

Since making this declaration he could not have withdrawn from the fight if he would.

"I am receiving hundreds of letters endorsing my course every day," said he. "I shall keep up the fight as long as there is any fight in me, but I think it will all be over inside of two years. The next Presidential campaign will be fought on the trust issue, and on that the Democrats will win. Why, the whole West and South are hotbeds of anti-trust sentiment.

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THE PROVINCE OF THE BARRISTERS ASSOCIATION

Address of Pres. Platt D. Walker, of Charlotte, at the Opening Session of the Bar Association, At Morehead City.

Address of Hon. Platt D. Walker, of Charlotte, President North Carolina Bar Association: Gentlemen of the North Carolina Bar Association:

I am not unmindful of the high honor received at your hands when you called me to the first presidency of this body, and it is, therefore, meet and proper that, at this our first annual meeting, I should again give you my cordial thanks for this manifestation of your confidence and favor, though I assure you that I, but feebly and inadequately express my gratitude to you.

This is not the first time that we have engaged in an effort of this kind, but whatever may have been done in the past, or whatever we may have failed to do, I am quite sure that we have come to this meeting with the single and determined purpose that nothing shall be left undone hereafter in our effort to establish this Association upon a firm and enduring foundation, and to make it what it should be, an honor to the profession and to the State.

We have good cause for congratulation, that within the few months of its existence the Association has attained a measure of success which gives us assurance that it will not only be a permanent institution, but will receive the earnest and cordial support of the members of the Bar. We can not hope, though, to increase its membership, and to enlarge the sphere of its usefulness unless we inspire the profession with the confidence that we propose to make it what it was designed to be, a society organized in truth and in fact to cultivate the science of jurisprudence, to promote the reform of law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the profession, and to cherish a spirit of brotherhood, and a closer fellowship, and more intimate relationship among its members.

We must believe that these principles and purposes commend themselves to every lawyer who loves his profession and is proud of its prestige and past history, of its noble traditions, and of the great part it has performed in the establishment and preservation of good government, in the protection of the just rights and privileges of the citizen, and in the advancement of his welfare and happiness.

It can not well be denied that our profession has always been strong in the defence of the cherished institutions of our country, and in the vindication of the constitutional rights and liberties of the citizen, and has ever been the determined foe of oppression and wrong. History, I think, will demonstrate that no other one force has contributed so much as it to the formation and maintenance of good government, the establishment of wise and beneficent laws, and the more perfect and stable administration of justice. Such a profession can not have too much of the veneration and devotion of its members, and for its advancement we can not study too profoundly or cultivate too assiduously the great principles of jurisprudence, nor can we erect too high, for the guidance of its members, the standards of truth, honor and integrity.

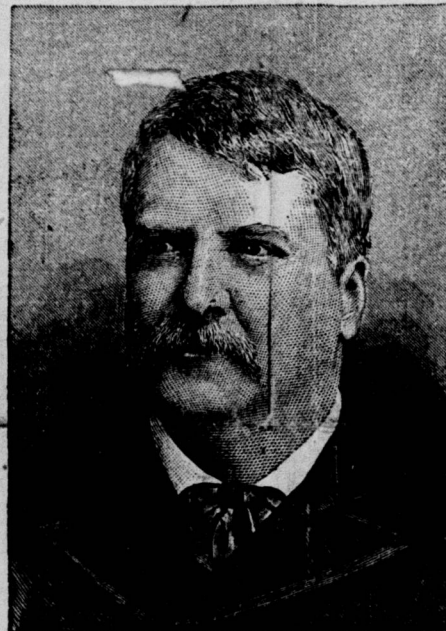
It must not be forgotten, though, that while we have a glorious past to which we can turn with the utmost pride and gratification, the pursuit and practice of this profession imposes upon us responsible duties and obligations to ourselves and to the public. In this respect it is somewhat peculiar. We have to do with the administration of the law and the dispensation of justice, which affect every day the interests of the people and the personal welfare of each individual. The Bar Association is the ideal, if not the only plan, that has been devised for this purpose, and it well organized and conducted upon a basis that will enforce or insure submission to its authority and discipline, I can conceive of no better means of accomplishing this, the desired end, and, at the same time, of elevating and ennobling our profession by the adoption of better rules and standards of honor and courtesy in our daily practice and methods.

Chancellor Kent thought that a compact organization of the members of the Bar was essential to the proper support and maintenance of an effective system of jurisprudence. In his address to the Bar Association of the City of New York more than a half Century ago, he used these words: "When we consider the powerful influence of the lawyers in our country, when we consider that to them is committed the great work of sustaining, if I may use the expression, the machinery of our jurisprudence, when we consider the mighty responsibility resting upon them; when we recall the prejudices and opposition, and I had almost said hatred of a powerful class of people, we see at once the necessity of combining our influence, our strength our eloquence in a body or society that shall resist all opposition, and strengthen their work in sustaining the great fabric of our jurisprudence, by bringing to its aid the powers and influence resulting from association."

This strong and impressive language of an eminent jurist which describes a situation not much unlike that which confronts us, clearly and eloquently sets forth the advantages of organization in any effort that is made to advance and promote the science of law and jurisprudence which so materially concerns the interests of the State, and the welfare of her people.

In this connection we cannot do better

(Continued on Third Page.)



COL. HARRY WEISSINGER.