

OPINIONS ON THE INJUNCTION.

All the talk here yesterday was about the attempt of the Southern Railway to secure an injunction against the Governor, Attorney General and Directors of the North Carolina Railroad.

The people had been started and infuriated by this new move to coerce the State of North Carolina. There was universal condemnation and indignation on all sides. In the Supreme court room the question was talked over by the lawyers in the city attending the Supreme court, and with two or three exceptions the opinion was strong against the monstrous move to which the Federal Judiciary was put.

One of the mildest lawyers in Raleigh, a Democrat of the strictest sect, who is usually well contained, said:

"When I read the complaint in the News and Observer this morning, and saw that it was proposed to enjoin the Governor, I felt disposed to write a letter to Governor Russell, and advise him to wire Simonton this message: 'Go to the devil.' But I decided not to do it, though no other words would be fitting."

Another gentleman—and he is a lawyer too—was quite as hot as the gentleman above quoted, and he said: "I would give a thousand dollars to be Governor for the next thirty days. I would arrest Judge Simonton—and put him in jail as soon as he reached the State lines if I had to call out the State Guard to do it. I would teach him that the sovereignty of North Carolina is bigger than any political party."

These were samples of the more radical utterances of the best citizens in the State.

Many men, who favored the lease, were furious that a Federal Judge, who was an attorney of the R. and D. Railroad before he was appointed to a position on the bench, should seek to coerce the Executive of the State from protecting the State's property.

"In comparison with the question raised by the injunction proceedings," said a prominent citizen, "the lease question sinks into insignificance. It would be better for the State to make a free gift to the Southern Railway of the whole railroad and all the railroad interest of the State than to see the sovereignty of the State destroyed, and its Chief Executive hauled up before a Federal Judge. Our forefathers would have gone to war before submitting to such usurpation of authority."

That gentleman voices public sentiment from one end of the State to the other. The friends of the lease feel that this attempt at government by injunction is a blow to destroy them at home as well as to break up the rights of the State. Mr. McCrary, the brainiest leaders of the railroad forces on the Republican side of the House (he did not bellow so loud as Blackburn, but has ten times the brains) is strongly opposed to government by injunction.

COL. A. M. WADDELL'S VIEWS.

Col. Alfred Moore Waddell, of Wilmington, one of the ablest men the State has produced in fifty years, is attending the Supreme court. He is well versed in constitutional law, believes in the wisdom of the framers of the Constitution, and mourns the tendency toward Federalistic construction that blots out all the rights of the State. Talking last night about the Simonton injunction, Col. Waddell said:

"I have only read the summary of the bill in Equity as contained in the News and Observer, and think it presents a strong case, but it is very hard for one who lived before the war to take kindly to the idea of a Federal Judge summoning the Governor of a State, and the Attorney General and others before him to give an account of their dealings with a corporation or individual. Still I suppose that under the modern interpretation of the Constitution such things are to be expected.

"The government of the United States is not now the government established by our fathers. It is rapidly becoming a consolidated empire and the man on horseback is coming."

JUDGE ALLEN'S FEARS.

Judge Allen, of Goldsboro, who is also attending the Supreme court, views with alarm the gathering to itself by the Federal Judiciary of the powers conferred by the Constitution. He stands firmly on the Democratic platform against government by injunction. He is noted for his conservatism. He said last night:

"I have taken no part in the controversy over the lease and express no opinion upon the validity of the proceedings instituted before Judge Simonton, but I think attention might now be directed at this time to the increasing powers of the Judiciary.

"Under our form of government the fundamental law declares that the executive, judicial and legislative departments shall be separate and neither has the right to encroach upon the powers and duties of the others, but the judicial has assumed the authority exclusively of defining its own powers and the powers of the other departments.

"The question ought to be calmly considered, and ought to be settled with a due regard for the powers of each department. The Judiciary can, by construction, increase its own powers until it becomes the controlling and growing power, which is foreign to our ideas and contrary, I think, to the spirit of our Constitution."

CAPT. ASHE SAYS IT IS WITHOUT WARRANT OF LAW.

Capt. S. A. Ashe, who is one of the best informed men in the State, and who was brought up in a school that revered the Constitution, did not care to discuss the matter in full for publication, but ventures this opinion upon the legal side of the injunction:

"While it is true that the State as a stockholder may be constrained to abide by the action of the corporation just as any other stockholder might be, as a stockholder, yet the State in its sovereign character has a clear right, distinct from any incident to its condition as a stockholder to bring a suit to test whether this lease is not ultra vires, and beyond the power of the corporation under its charter to make, and no court ought to issue an injunction or injunctive order attempting to restrain the State

from instituting such an action. From a casual reading of the injunctive order it appeared to me that the order went to the extent of prohibiting the proper officer of the State to institute such an action, and it seemed to me to have been improperly made, and to have been without warrant of law, and that an argument it could not be sustained."

HOWLED BEFORE THEY WERE HIT.

Lieut. Gov. Reynolds said: "I can say that I am against what you call government by injunction. I think the Southern has howled before it was hit. It is true I have not had an opportunity to study the question, but I can and do say without hesitation that the sovereignty of the State should not be invaded."

WILL DEFEND HIMSELF.

Attorney-General Zebulon Vance Walser was seen last night and asked what he thought of the restraining order.

"I am made a defendant in the bill of indictment, I believe," said Mr. Walser, "and as such I shall defend myself. I have not had time to thoroughly study the question, but I shall very likely respond to the summons. A complaint has been filed against me and I shall answer it, and every count in it. I have talked with many able lawyers and in their opinion there can be no restraining order that will hold against the sovereignty of the State. I expect very able counsel will be engaged on both sides of this contest, and I look for a lively fight."

"IT IS AN OUTRAGE."

Mr. E. C. Peddingfield, Railroad Commissioner, was in the city yesterday. In common with all disinterested good citizens, he is indignant over the attempted government by injunction, and said:

"In the controversy with reference to the lease, I did not feel called upon to take any active part. I have no criticism to make of the gentlemen who favored the lease or of those who opposed it, but I do not hesitate to say that I regard the action of Judge Simonton in issuing this injunction as an unwarranted interference in the affairs of the people of North Carolina. I consider it an outrage which our citizens will not be slow to resent. It is opposed to the principle of local self-government and the sovereign rights of the States which is dear to the heart of every true Democrat."

VIEWS OF MR. T. T. HICKS.

To the Editor: The State is sovereign. The law is king. "E pluribus Unum." That is, one sovereign government composed of many sovereign governments. "Imperium in imperio" that is a government within a government. There were some things it was supposed all the States together could do better than they could do separately. Hence the general government. But a State is a sovereign in everything except where it has delegated its sovereignty to the general government. One right is expressly reserved was immunity from suits by other States, governments, citizens and corporations.

A suit is to compel some body to do or refrain from doing something—that is to exercise its sovereign power, and if that executive, that sovereign can be approached by any power on earth (except the sovereign law itself) and commanded to do this and not to do that, then his hands can be tied and he can't protect me when I need his protection, and he is no sovereign. So I am indignant at the suit of the Southern Railway against the State. And it is ridiculous to say it is not against the State. If not why not sue me and my next door neighbor instead of Russell and Walser. We are just as angry at their conduct as they are, and I fear a good deal more so than the Attorney General, though I hope this attempt to coerce the sovereign will get his dander up."

"Give one an inch and he'll take an ell." When the Richmond and Danville Railway came 20 years ago "as a thief in the night," and took secretly and forcibly possession of our property, changed its name, defied the laws of God and man, it showed its true character, and not having been punished and banished and shot out of the State as it then deserved to be, it now, grown bolder comes in the day-light and proposes to command this sovereign State what it may or may not do.

It is more important that there shall be somewhere vested a Supreme power capable when needed of protecting these two millions of people in the enjoyment of life, liberty and the pursuit of happiness, than that the "fears" of the Southern Railway of punishment for its wrong doing, shall be allayed by tying the hands of the Governor.

"Injunction is a clearly defined branch of Equity jurisdiction. No doubt its modern development embraces the idea of commanding and restraining a large number of people; perhaps as many as are employed on a great railroad system. I never lost any sleep because Debs was sent to jail. But if the sovereign State of which I am a loyal subject can be commanded we have no law or Constitution, and they may take who have the power and they may keep who can," and the State will not be a fit or safe place to live in.

The ordinary form of an allegation in a bill in equity—for an injunction against some one whom the court has the right to command, has threatened to do irreparable injury to a vested right of the complainant. I do not believe the books will show a case or precedent where even a temporary injunction was granted on the allegation of only a fear in the mind of one well known to be of the class that "flee when no man pursueth."

I have not studied the particular aspects of this lease question, nor have I read the North Carolina Railroad charter; but my understanding of common English words aided by Bouvier and Webster, tells me that it is the business of a servant to serve, an owner to buy

RUSSELL TO SIMONTON.

JUDGE CHARLES H. SIMONTON, LYNCHBURG, VA.:

The proxy on the part of the State and the eight directors on the part of the State named in the bills filed in the Circuit Court at Greensboro by the Southern Railway Company and the Central Trust Company, of New York, have been lawfully removed by me with approval of the Council of State. Any consent by said proxy or either of said directors to an order in either cause will be unauthorized, collusive and fraudulent.

DANIEL L. RUSSELL, Governor N. C.
Raleigh, March 10, 1897.

GOVERNMENT BY INJUNCTION.

The Approach of Despotism—Governor Treated as if he Were a Postal Clerk.

(Fayetteville Observer.)

We are not specially enamored of our Republican Governor Russell, but he is the Governor of North Carolina, and it makes the blood boil to think of a Federal official entering his office in the capitol and serving a summons upon him as if he were a railway postal clerk or a revenue official. The Xth Amendment to the Constitution, largely forced by North Carolina, should protect him from such degradation.

T. T. HICKS, Henderson, N. C., March 12.

THE AMERICAN PARTY.

Plan for the People to Get Together for Reform.

Chicago, March 13.—The Times-Herald to-day published the following: "An effort is to be made to effect a permanent amalgamation of the various organizations which were allied in the support of Wm. J. Bryan. Several conferences have recently been held at which the situation was discussed and a decision reached that some steps should be taken to prevent the threatened disruption of what may be termed the reform forces. The April number of New Occasions, a radical magazine published in Chicago, voices the sentiment of those who have been in party lines and a re-organization under the name of the American party.

"The editorial proposes a novel method of forming a party platform and organization. It suggests that at noon on the fourth of July the American people meet in their respective townships, precincts or voting places, and organize by voting precincts all over the United States, each precinct should elect one representative to a Congressional convention to be held a few days later, each precinct should also perfect a permanent organization. At the Congressional-conventions one representative should be chosen as a member of the People's Congress. He should be selected not for his oratorical ability, but for his capacity to think. Select men who are willing to abide by the will of the majority and having selected them, pledge yourselves to abide by the result of the combined wisdom." This Congress of 357 men with delegates from the territories should meet at some central point and organize. Its meetings should be public, its committee meetings should be open to the press. The people Congress should formulate a rule of procedure and after a general discussion map out a plan of work. This work should be done by committees. The various questions and problems now before the people should be submitted to carefully selected committees and reports, the convention should adjourn subject to the call of the president. These committees should hear testimony, conduct systematic investigations and carefully draft reports to the convention for its adoption, amendment or approval, and finally formulated as the expression of the convention.

This would constitute the platform and declaration of principles of the American party. It would be subject to amendment or revision at future nominating conventions, or in such manner as the Congress might provide.

"Copies of this proposed plan have been mailed to the various national committees and leaders of the different organizations and if the responses are favorable, a conference will be held in Chicago at an early date, and a definite plan of action agreed upon.

MR. GARY'S POLICY.

When Existing Vacancies Have Been Filled, He Will Not be in a Hurry to Create Others.

(Special to Baltimore Sun.)

Washington, March 10.—Postmaster General Gary was almost overwhelmed with visitors to-day during the time the department was open to callers. Few of them, however, were office-seekers, and the majority called merely to pay their respects.

Speaking about the offices, he said: "My policy will be to move slow in the matter of appointments. I do not expect to make any appointments for several days, and when existing vacancies have been filled, will be in no hurry to create others."

"Political conditions are different now from what I have ever known them," Mr. Gary continued. "We cannot but appreciate the fact that the great majority that voted for Mr. McKinley at the last election was due to the support of sound-money Democrats of the country, and it was less of a party victory on that account. It is, therefore, but proper that in filling the offices a conservative course should be taken, and that the victory of last November should not be taken advantage of for merely partisan purposes."

It is understood that Mr. Gary will adhere strictly to the policy of his predecessor, and will permit all postmasters to serve out their terms of four years each.

BUCKLEN'S ARNICOA SALVE.

The best salve in the world for Cuts, Bruises, Sores, Ulcers, Salt Rheum, Fever Sores, Tetter, Chapped Hands, Chilblains, Corns, and all Skin Eruptions, and positively cures piles, or no pay required. It is guaranteed to give perfect satisfaction, or money refunded. Price 25 cents per box. For sale by John Y. McRae.

DIRECTORS REMOVED.

Of course, yesterday the startling action of Judge Simonton was the subject subject everywhere of the citizens of Raleigh. There was hardly a disinterested opinion which did not stand strong against what was deemed almost a revolutionary turn of affairs.

Of course, therefore, there was also, a corresponding curiosity as to what Governor Russell would do. That he was dazed no one wondered. That he would respond firmly and with a proper upholding of the State's sovereign dignity, every one hoped. And the noon news, by until afternoon, the inquiry having been busy as to what reply had been sent to Simonton. Some of the most reputable citizens, some who have in their blood of men who brought wounds from the Revolution did not hesitate to say: I hope he will telegraph Simonton simply this: "GO TO HELL!" Others espoused the idea of putting him behind the bars. These things are simply mentioned to give some idea of the depth of the feeling that was stirred in men who are calm and of good report and high record among Raleigh's best citizens.

Along with these criticisms went comment on Simonton's having been traveling about in Andrew's private car, as announced in yesterday's News and Observer. Judge or no Judge, these people dare to censure him severely for accepting free passage and the Vice-President's car from a railroad on whose interests he frequently must sit in judgment.

If juries of citizens, as good every whit as Federal Judges, are locked up to insure justice for the accused, free from "influence," there is no less reason in objecting to the use by Federal Judges of private cars of Vice-Presidents of railroads.

As the jurymen, if he were unlocked and allowed to mingle with the crowd could give an honest and unbiased decision, so could Judge Simonton give an unbiased opinion in spite of the fact that he rides in Vice-President Andrew's car. What is sauce for the jurymen is sauce for the Judge.

All these things come to the minds of these good folks hereabouts, who dare to tell a United States Judge or an army of Federal soldiers that matter, what it is worth in their consciences.

It was four o'clock in the afternoon before the color of the comment was suddenly changed by the report that came electrically from tongue to tongue from the Executive office, that the Governor had sent a reply to Judge Simonton.

The burden of the reply that the present State directors and State proxy of the North Carolina Railway had been summarily removed. The message appeared on the front page this morning.

The Governor, when seen by a News and Observer reporter declined to add anything to his telegram, which had been officially given out.

"Who are the new directors?" was asked.

They had not been appointed, but the Governor said that these names would be forthcoming as soon as the list was ready.

Thus the second step in the Simonton matter has been taken. Citizens of this State will not fail to be of good cheer; they have no doubts of their readiness and ability to assert themselves properly at every succeeding step.

Judge Simonton and Spencer are trifling with people who were the most stubborn to ratify the Federal constitution because, perhaps, they were the keenest to discern the precious value of liberty; they ratified it last among the States, on their own terms, too, on the basis of a compromise amendment the enjoyments of which now come to all States alike.

That was the spirit of North Carolinians in the days of King's Mountain, on the morning of May 20th, in the days when Vance, made of God for these people, saw 120,000 of them go out for their rights.

And this spirit stands. The North Carolina heart cries out in these troublous days and years for the voice and hand of Vance—he loved them and knew how to do for them—railroad officials had little use for him, nor Federal Judges—some railroad officials did no even speak to him—Vice-President Andrews, it is said, did not speak to him—but the people spoke to him as they would to their elder brother—and if he was passed in silence by corporation magnates, the people looked elsewhere for the cause of grievance than in Vance. This name is mentioned here because a statue to North Carolina might almost be put in a marble figure of Vance, and who knows but what he listens these nights to the hearts of his people, and who knows but what upon the lips of mountain winds are his whispers of "I am with you always."

April 5th in Greensboro—Judge Simonton will be there, Vice-President Andrews will be there.

The spirit of Vance will be there; it will be felt; it will be a presence in itself; it will stand on the threshold of the State, and if Judge Simonton's inner ear is alive he may hear these words: "Inside, stranger, are my people; I stand between harm and their hearthstone."

That will be the voice of Vance, spoken in the spirit that the people of this State will breathe on April 5th.

And if Simonton heed it not, he will hear it—and he may heed it.

MR. T. H. SUTTON APPOINTED.

The Governor Yesterday Appoints Him to the Place the Caucus Gave to Mr. Henry.

The ship 'twixt the judicial cup and the big lip of Walter Regulus Henry was completed yesterday when Gov. Russell named Thomas H. Sutton, of Cumberland, as judge of the Eastern Criminal court, to succeed Judge Ireddell Meares. This district is composed of the counties of Craven, New Hanover, Halifax, Warren, Nash, Wilson, Cumberland and Mecklenburg.

NORTH CAROLINA INDUSTRIAL NOTES.

(Manufacturers' Record.)

Aberdeen—Cotton Mill—There is a movement on foot for the organization of a stock company which was organized by J. W. Graham and erected a cotton mill. Asheboro—Gold Mine—J. E. Walker of Asheboro, and J. H. Mills, of High Point, are progressing with the development of their gold mine.

Charlotte—Cotton Mill—The O. A. Robbins Co., manufacturer of such mill and clothes line, will double the capacity of its mill and manufacture back bands and lamp wicks.

Elkin—Woodworking Factory—The Bailey Manufacturing Co., manufacturer of cross-arms, insulator pins, etc., has absorbed the plant of the Elkin Lumber Co. and purchased 1,000 acres of timberland. The timber on the land will be cut on once.

Hickory—Flour Mill—A. A. Shiford writes that the report that he and E. L. Shiford will erect a flour mill and ham factory, noted last week, is not correct.

Mayodan—Cotton Mill—The May Mills contemplate putting in knitting machines.

Newbern—Warehouse Company—H. Street, B. S. Guion, C. T. Watson and others have incorporated the Newbern Tobacco Warehouse Co., with a capital stock of \$5,000, to conduct a tobacco warehouse, etc.

Raleigh—Electric-light Plant—The Raleigh Electric Light Co. will rebuild its electric plant, which was burned last summer. The plant will cost \$15,000 or more. Plans will be wanted.

Rocky Mount—Locomotive Stalls—The Atlantic Coast Line will erect several stalls at its Rocky Mount round-house. H. Walters, president, Wilmington, N. C.

Shelby—Saw Mills—B. G. Gaden, superintendent of the Vain Mountain Logging Co., has contracted with W. J. Conquest, Jr., of Philadelphia, Pa., for the sawing of timber on 2,600 acres of land in McDowell county. Mr. Conquest will erect several mills.

Wilmington—Rubber-stamp Factory—Bagley & Fulford have started the manufacture of rubber stamps.

The Laurinburg Exchange says that the S. A. L. agent at that place has been authorized to arrange a large grass plot and flower garden in front of the depot. The design, when carried out, will be beautiful and there will be such an arrangement in the garden that the letters S. A. L. will appear. The garden is to be a permanent thing.

Cancer Can be Cured.

It is very often that the most insignificant symptoms are the forerunners of the most violent disease. There is not a more destructive disease than Cancer, and in a majority of cases it is first indicated by a very small pimple or sore, to which no attention is attracted, until it before long develops into the most alarming conditions.

Here is another case where the first symptoms of a most violent Cancer were too small to receive much notice until the disease had fully developed. Mrs. Laura E. Mims has resided at Smithville, Georgia, for years, and is well known throughout the adjoining country. In a recent letter she tells of a wonderful case.

She says: "A small pimple of a strawberry color appeared on my cheek; it soon changed to purple, and began to grow rapidly, notwithstanding all efforts to check it, until it was the size of a partridge egg. My eye became terribly inflamed, and it was so swollen, that for quite a while I could not see. The doctors said I had Cancer."



Mrs. LAURA E. MIMS.

After the most malignant type, and after exhausting their efforts without doing me any good, they gave up the case as hopeless. When informed that my father had died from the same disease, they said I must die, as hereditary Cancer was incurable. I was terribly reduced in health, and felt as if my life was wasting away.

"At this crisis, I was advised by a friend to try S. S. S., and in a short while the Cancer seemed more inflamed than before. I was informed that was favorable, however, as the medicine acts by forcing out the poison through the pores of the skin.

"Before long the Cancer began to discharge and continued to do so for three months; then it began to heal. I continued the medicine a while longer, until the Cancer disappeared entirely, and I enjoyed better health than ever before. This has been several years ago and there has not been a sign of a return of the disease."

Cancer is becoming alarmingly prevalent, and manifests itself in a variety of forms, that any sore or scab, if matters not how small, which does not readily heal up and disappear may well be regarded with suspicion.

The fact that S. S. S. (guaranteed purely vegetable) cures hereditary Cancer, is considered incurable, places it without an equal as a sure cure for all manner of real blood diseases, such as Scrofula, Eczema, Contagious Blood Poison, or any other form of blood Poison. Our treatise on Cancer and Blood Diseases will be mailed free to any address by Swift Specific Company, Atlanta, Georgia.