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**THE WEATHER TODAY:**

Fair.

WEDNESDAY, MARCH 18, 1903.

**LETTER FROM MR. H. S. WILLARD**

The following letter from the former representative of New Hanover in the legislature is received and herewith given:

Wilmington, N. C., March 13, 1903.  
To the Editor of The Post:

It seems to me that much more has been said about section 50 of the machinery act passed by the Legislature of 1901 than was necessary, but if it is desired to know its actual and full history it is easily given.

I have in my possession the first written draft of the section made by myself before going to Raleigh, and I have also all the subsequent typewritten and printed copies of the machinery act showing all alterations and amendments until its final passage, and each of these contains section 50 practically as it reads today.

The typewritten copies were made by the clerk of the finance committee, Mr. Christian, and copies were given to representatives of the railroads who asked for them. In fact there are several changes in section 50 which were made by the finance committee upon the suggestion and request of Mr. Henry W. Miller, whom we understood represented the Southern Railway. The documents I have in my possession bearing on this section are as follows, and if it is of enough importance I will send them to you for your inspection:

1st. The original written draft of the section.

2d. A typewritten copy of the entire machinery act made for me, to be presented to the finance committee.

3rd. A typewritten copy of the act after revision by the committee, made by the clerk of the finance committee, which was introduced in the House of Representatives, and ordered to be printed.

4th. A copy of the act as first printed by order of the House of Representatives. Section 50 as it was first presented, was at this time amended by inserting in several places at the request of Mr. Miller, the words "each division or branch," and "such division or branch."

5th. The final act in pamphlet form as passed by the Legislature.

You are very much mistaken in thinking there was anything of the nature of a surreptitious insertion of this section, and I feel sure you will be willing to correct any misleading statements you have made to this effect.

Respectfully,  
M. S. WILLARD.

The criticism of The Post which called forth the above from Mr. Willard was based upon statements made before the Finance Committee of the late Legislature, to the effect that the section referred to was never discussed by a representative of any of the railroad corporations with the Finance committee of the last House, some insisting they had never heard of it until the so-called Jackson suit of last fall. Upon receipt of the above, however, we thought it due to Mr. Henry W. Miller, referred to by Mr. Willard, to

show him the letter and get from him his recollection of the matters therein detailed.

Mr. Miller says he never heard of or was he permitted to see the above mentioned section until after the committee had adopted the entire bill and Mr. Christian, clerk to the committee, was kind enough to let him have a tissue-sheet copy of the bill as it was prepared for the committee to report to the House; and as printed, as an original printed copy will show, the amendments mentioned by Mr. Willard had not been suggested to or accepted by the latter gentleman because of the lack of opportunity, the amendments relating entirely to an apportionment of assessments upon "each division or branch line," and not with reference to the method of ascertaining values. On the day the bill was reported, the 9th of March, Mr. Miller, after the cursory examination, called Mr. Willard's attention to the importance of the amendments above cited, and that gentleman, not the committee, consented to their incorporation. Mr. Miller also mentioned to Mr. Willard that the whole section was wrong, to which Mr. Willard replied, "It will not go into operation before 1903, and another Legislature will meet before that time"; so nothing more was said on that branch of the subject. There was never any discussion of this section or even of the machinery act by representatives of the railroads with the Finance Committee, and all that was known of it or of section 50 was from the tissue-copy furnished by Mr. Christian taken from the bill as he prepared it for the printer at the time it was to be reported to the House, which was done on March 9th.

Possibly the words "surreptitiously injected" were a little strong, and we withdraw them; but will say that this section, having to do so seriously with the most important interests of the State, prescribing a method of taxation and a manner of determining values not applied to any other class of property, was inserted into the act at the instance, as above develops, of Mr. Willard without any opportunity being given those most vitally interested to be heard thereon, and no knowledge whatever of such a proposition being allowed until the full measure had been agreed on by the committee and it was ready to be reported to the House. Whether information of this sort was designedly withheld until too late to be heard thereon, Mr. Willard knows; we do not. The bill was taken up in the House on the 11th of March, passed both readings and hurried to the Senate on the same day, and, on the 15th, was rushed through that body without being read, and, as Senator Henderson recently stated, without three Senators knowing its contents or that section 50 or any such feature was in the bill.

It involves an entirely new and different method of assessment from any which has heretofore prevailed in this State, and, if the dictum of the Supreme Court in the Jackson case is to prevail, denies all discretion in the assessment of railroad property, which is not the case as to the assessment of any other class of property.

The declaration made by one of the committee of Raleigh's business men to the Seaboard authorities, when urging the early morning train from the north to this city, that "of course if it is demonstrated that the said train will not prove profitable to the railroad company its continuance will not be demanded," must have struck the railroad men with astonishment, next to the failure to demand that the Corporation Commission compel the putting on of this train. The Seaboard should feel itself fortunate that the same treatment insisted on as to other roads when it comes to public conveniences is not applied to it, nor do those who are most persistent in their "demands" as to other roads make themselves conspicuous in their insistence of arbitrary regulations, regardless of consequences to the railroad's finances.

The train discussed by the Raleigh business men would unquestionably be a good thing for Raleigh and incidentally for those residing along the Raleigh and Gaston Road who would have occasion to visit this city, and all of

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them ought to have frequent occasion for such visits. That the matter of extra cost to the railroad, however, should be considered at the Raleigh end of the discussion is really refreshing if not positively encouraging, and is certainly more creditable than a peremptory demand and a threat of the Corporation Commission if the request is not promptly acceded to, regardless of extra cost or loss. And in this sense the request is entitled to more consideration on the part of those having the matter to determine. That the Seaboard is a very large beneficiary of Raleigh's business and enterprise is true and natural, and this additional convenience to the people who would desire to come to Raleigh would be beneficial to patrons all along the line as well as in Raleigh. It is hoped the railroad authorities can see their way clear to put this train on; and we trust that all negotiations between this as well as other like corporations may be conducted along lines of such mutual consideration hereafter. It is the proper way and will be far more effective nine times out of ten. If this request be not granted, we are sure it will be because the direct loss of running such a special will be much greater than any return benefits will justify.

It does look something like this for a fact.

The Durham Herald said a few days ago:

"If it is not business to give Peabody street to the Southern it is not business to give it to the Seaboard. If the town wins out, why not put it up to the highest bidder?"

There is not a lawyer or business man in Durham or elsewhere who expects the town to "win out" in the suit for the ownership of the strip of land—the right-of-way—involved in the suit.

But however this may be, and whoever may finally have to pay the damages resulting from this business, the matter of a suitable depot is now up to the business community of Durham. If not interfered with by some legal movement, whether by the town authorities or those representing the interests of the Seaboard, the Southern authorities will proceed, so we have been assured, to build a depot creditable to the town. If the people of the town consent to such legal interference, we cannot see how they can expect to have any standing in any court or before any tribunal in their evident purpose to injure one railroad company in the interest of another railroad company.

This is the whole situation in a nutshell.

The Charlotte News states the case clearly and justly in the following:

"The report is sent out that Mr. J. C. L. Bird of Marion will renew his charges of cruelty to state convicts, it being not unlikely that a suit in court to prove his charges may follow. It would be well for Mr. Bird to let this matter rest where it is. The Legislature acted promptly in this matter. A committee was appointed, each and every one of Mr. Bird's witnesses were given careful attention and the testimony presented carefully considered. There was no attempt at whitewashing and no effort to shield any one. The result showed that while some of the convicts had endured some hardship, it was more an error of judgment than anything else, and no blame could be attached to any one. The investigation was conducted fairly, and Mr. Bird can have no cause for complaint."

It occurs to us that strenuous efforts to improve the road over which these convicts passed, the wretched condition of which not being known to the officers in charge when they started, to which the suffering involved is due, would be worth more while than further efforts to "convict" somebody for bringing the men away to avoid greater suffering. But a few days ago, it is reported, the Judge had to go around through Tennessee to reach Mitchell court because of the horrible condition of this road.

We are indebted to Mr. William Johnston, Jr., of Asheville, and the Asheville Board of Trade, for the handsome little brochure in the nature of an illustrated advertisement of a city we have ever seen. Asheville and many of its attractions are elegantly presented and described. It is gotten out under the auspices of the Board of Trade of the city, and the printing was done by the Hackney and Moale Company, and reflects high credit upon this Asheville publishing house.

We thank our friend, Mr. Johnston, for a copy.

Another deplorable affair in which a prominent and useful citizen loses his life has occurred to shock the people of this State who had not recovered from a similar tragedy of a few days previous. As indicated in Post dispatches, Dr. Bass, who was shot by Dr. Julian Baker on the streets of Tarboro Monday morning, died that night. Both gentlemen were deservedly popular and estimable citizens.

May the good Lord stay the passions of our people. Five or six homicides have occurred within almost as many weeks.

We will say for the benefit of our Durham friends that the plan for the handsome new depot soon to be erected for the good of their town was "filed" yesterday with the Corporation

Commission, and we violate no confidence in saying that it won many expressions of praise from Chairman McNeill. We hope it will soon be a thing of beauty and a joy forever for our friends in the neighborhood of Peabody street.

The New York Tribune gives us the pleasing information that—

"The very latest 'fad' in handkerchiefs is to have them dyed to match each gown, and, no matter what the shade may be, it can be exactly matched by the dyer, in lawn, batiste or silk handkerchiefs."

Well, we are in luck for once. Our gowns are all white.

The epidemic of crime and the record-breaking flood in the Mississippi river are enough to shake one's faith in the betterment of human affairs. Let us hope the tide will turn soon, when peace of passions, human and otherwise, will prevail.

The veracious journals of the North rate Mr. Samuel Spencer as worth \$25,000,000. Mr. Spencer, among his other friends, sincerely wishes it is true.

The President ought not to start on his eight-weeks swing through the West on All-fools Day. The Fairbanks boomer must be putting up this job on him.

**Colds Are Dangerous**

How often you hear it remarked: "It's only a cold," and a few days later learn that the man is on his back with pneumonia. This of such common occurrence that cold, however slight, should not be disregarded. Chamberlain's cough remedy counteracts any tendency toward pneumonia. It always cures and is pleasant to take. For sale by W. G. Thomas, Robt. Simpson.

**The Small Politician Must Be Heard From**

Winston Tobacco Journal.  
No one took the bill that was offered by some fellow during the session of the North Carolina Legislature to prohibit the sale and manufacture of cigarettes in the State seriously. It met the fate of all similar bills presented to the Legislatures now in session in different States, and "died aborning." But, as we have said before, the politician must get in his work.

**Future Senatorial Timber**

(Idle Comment in Charlotte Observer.)  
"United States senatorial timber for the future," said an observant man the other day, "is in the personages of S. J. Durham, of Bessemer City; J. Crawford Biggs, of Durham, and J. W. Bailey of Raleigh. Oh, there are others, but I happen to think just now of only these three."

"This author doesn't seem to have made his mark yet."  
"What makes you think that?"  
"The picture doesn't show him with an elbow on his desk and resting his brow upon his hand, with a far-away, thoughtful look in his eyes."—Chicago Record-Herald.

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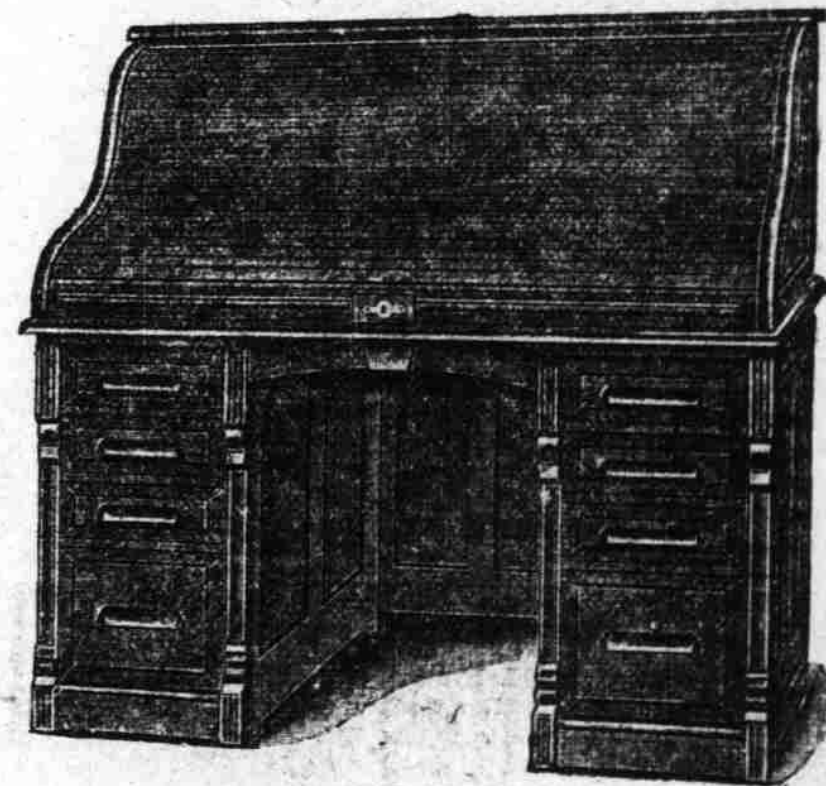
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Stieff, Mahogany, Upright, latest design—  
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We have a number of other style upright pianos, beautiful Empire designs, Mahogany, Burl Walnut, Satinette Walnut, and all colored cases, that will be sold at a sacrifice.

Here is another example—a \$450.00 Upright Piano, San Domingo Mahogany case, full size, Empire design, reduced to \$250.00—\$10.00 cash and \$7.00 per month. We do not wish to re-ship one piano back to the factory.

Scores of your friends and neighbors have seized this opportunity. It is a chance of today. Will you allow it to slip by? Every instrument guaranteed and backed by a capital of \$3,000,000. Sole agents for the Celebrated Cicilian Piano Player.

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