

Raleigh Tribune.



Vol. 1—No. 3.

RALEIGH, N. C., WEDNESDAY MORNING, JANUARY 13, 1897.

\$6.00 a Year.
5 Cents a Copy.

INAUGURATION OF GOVERNOR RUSSELL

RETURN OF THE REPUBLICANS TO POWER.

Ceremonies and Incidents of Administering the Oath to the New Officers of State.

COUNTING THE VOTE

Enthusiastic Demonstrations from the Audience.

THE GOVERNOR'S ADDRESS

COMPLIMENTED BY PEOPLE OF ALL POLITICAL PARTIES.

ADDRESS BY LIEUTENANT GOVERNOR

BRILLIANT RECEPTION BY THE CAPITAL CLUB.

Receiving the Keys from Governor Carr—Bountiful Lunch at the Executive Mansion—Tokens of Esteem from Admirers of the Governor.

stors Parker of Randolph and Grant of Wayne, and Representatives Cook of Warren, Houser of Lenoir and Dixon of Cleveland. The committee retired, and in a few minutes returned, escorting the Governor-elect and other officers. The entrance of Judge Russell was the signal for hearty cheering and hand clapping. The party was assigned to seats at the right of the Speaker's desk, and the ceremonies of administering the oath of office to the officers-elect began at once and was soon ended.

Mr. C. H. M. bane, Superintendent of Public Instruction, was the first to be sworn in. Chief Justice Faircloth, of the Supreme Court, administered the oath with the dignity and grace befitting such an important occasion. An interesting feature of the ceremony was the presentation to each of the officers of the pen with which he signed the prescribed oaths.

The swearing in of the officers proceeded without incident until the Governor-elect arose to take the oath of office, when there was a burst of generous applause and a few cheers from throats that could not be restrained by the dignity and impressiveness of swearing in a Governor of North Carolina. Lieutenant Governor Doughton introduced the Governor-elect in a few appropriate words, and then the ceremony proceeded. When the Governor laid down the pen and ascended the rostrum, there was another demonstration, which was repeated when he spoke the first words of his inaugural address.

As the Governor was ascending the rostrum, a large and beautiful bouquet, with red, white and blue streamers of ribbon, was presented to him with the compliments and congratulations of Mrs. D. C. Pearson and Mrs. E. S. Wallen of Morganton. He gracefully acknowledged the token of esteem and admiration, and immediately delivered his address. He spoke clearly and with emphasis and deliberation, and made a fine impression by his dignified bearing and his manner of delivery, as well as by the matter of his address and the able manner in which he discussed the subjects embraced in it.

THE GOVERNOR'S ADDRESS.

GENTLEMEN OF THE SENATE AND HOUSE OF REPRESENTATIVES:

There is retribution in history. The restoration of the people of North Carolina to their constitutional rights of a free and honest ballot and of popular government should give courage and hope to the disfranchised men of the non-suffrage States. So long as civilization and christianity endure there is always reasonable hope for the ultimate subjugation of the weak and the oppressed; for the overthrow of apparently invincible wrong. If they but wait their hour, there is no human power which can evade the patient watch, the vigil long of the brave who seek to assail the entrenched battlements of prevailing privilege and lawless power. Through long and weary years free born Americans have suffered and endured for the sake of their convictions, civil and political, disabilities that were none the less remorseless and cruel, because they were not expressed in written law. Men whose careers and characters should elevate their communities have been under the ban of political persecution and denied their constitutional rights while dwelling by the firesides and the graves of their fathers. Today we give thanks to the God of Nature and of Nations and to his providence which shapes our ends, for the glorious fact that North Carolina has declared for freedom of thought, of speech and of action; for toleration and respect for the opinions of all and for liberty, regulated by just and equal laws.

There are many matters of domestic concern which demand your thoughtful attention, such as the increase of the tax rate for the common schools and improvements in their management; the establishment of reformatories for youthful criminals; the adoption of a system of vagrant laws which, with out cruelty or injustice, shall authorize the arrest and commitment of the homeless young and the vagabonds and vagrants of the streets and highways; the adoption of a system of apprenticeship by which the neglected young may be taken from degradation and subjected to useful and elevating control; the protection of lawful public meetings against disturbances; the investigation of the conduct of judges charged with drunkenness on the bench; the extension of the criminal court districts, so as to embrace more counties, and the establishment of an additional criminal district and the rotation of these

judges; and the adoption of measures calculated to attract immigration of desirable persons into the State.

By the election law of 1895 we were rescued from the disgrace, degradation and shame of a debauched ballot and from methods that would have resulted in the permanent failure of free government and would have degraded us to the level of the riot-ridden democracies of Central and South America, but for the fact that our people rose in revolt against them and their authors, drove the usurpers from power and declared that knavery should be supplanted by honesty. Among the best features of our present election law is that which gives to the Judges of our higher Courts a supervisory power over election officers and gives summary remedies to compel the execution of the law. Our Supreme Court Judges have liberally construed this law in favor of justice and right, and have struck terror among malefactors who hoped to evade it. This jurisdiction ought to be extended so that the Judges should have unquestioned authority to supervise all the election officers and issue proper and summary process to compel a compliance with the law. Much fraud and confusion would be avoided and greater certainty effected and expenses in election contests saved by providing that all ballots should be numbered to correspond with the number on the poll list. This would promote the secrecy of the ballot, because it would then be deposited without being looked at, and the poll list should be certified, closed and sealed before the counting of the ballots. Provision should be made to prevent the failure of election because of the loss of registration or other book.

In 1868 our system of civil judicial procedure was revolutionized by the amalgamation of the law and the equity courts. This change, then violently denounced, has stood the test of experience and is now generally admitted to have been a great and lasting reform. Yet much of the fallacies of the old system has been preserved by the new. Not the least among these is the doctrine that equitable remedies must be denied if there be an apparent legal remedy. Laws should be for the prevention as well as the reparation of wrong. Wrongs should be prohibited and the remedies for their prohibition should be as easy and as universal as possible. No defendant should be heard to say that he should not be enjoined or prohibited from the commission of an unlawful act because he can be held in damages or otherwise compelled to compensate. Actions of an equitable nature should be sustained even though there be another remedy known among lawyers as the strictly legal. Equitable and legal remedies should be cumulative. Preventive processes should be encouraged and enlarged. The policy of every judicial system should be to prevent the commission of wrong. With the centuries looking down upon us since the law was given "thou shalt" and "thou shalt not," we should have passed the period when a complainant could be told from the judgment seat "you have shown that defendant is about to wrong you, but you must wait until he does it and then get compensation."

The condition of the State Treasury is such as to demand the most severe economy in all departments of the State government. This is an exigency which should be faced and not evaded. The expenses of the State government, outside of the Penitentiary and the Agricultural Department, have increased from about 229,000 dollars in 1880 to 482,000 in 1890 and 627,000 dollars in 1896. This is an increase in expenses of 110 per cent. in ten years, and 175 per cent. in sixteen years, while the increase in wealth in the ten years was only 45 per cent. and in the sixteen years only 65 per cent. The property of the State has been, and is taxed, to about the limit of reasonable endurance. It is not clear that the only remedy is in the reduction of public expenditures. There might be a saving in the abolition of the office of the Agricultural Bureau but for the fact that it is supported by a fund which cannot be directed into the State Treasury for general purposes without involving grave constitutional questions. By the abolition of the Bureau of Statistics and of the Geological Bureau there can be saved to the State about — dollars, and by close scrutiny of all appropriations in all departments our expenditures may be considerably reduced.

When this Legislature adjourns the word should go out to the world that the crimes called lynchings must stop in North Carolina. The way to end it is plain. Remove the excuse for it. It is no justification to say, what is not denied, that in many cases the victims deserve what they get. Barbarian brutes who commit nameless crimes must be killed and killed quick. But let it be done under the forms of law. Let there be none of the law's delay. Give the Executive the power to call a court in session. Order a Judge by telegraph to the county of the crime. Try the criminal; if proper for an appeal, convene the appellate court on shortest possible notice, send down the judgment, and instantly perform the mandates. Scarcely a case of mob murder of a guilty culprit has occurred where it would not have been convicted by Judge and jury. In most cases the lynchings have been attributable to a spirit of lawlessness. The only reasonable excuse that can be offered is in the failure of the delay of the law. Make the law so that there can be no delay and no reasonable apprehension of failure. Provide better remedies for the prosecution of criminals who take the law into their own lawless hands. Authorize their indictment and trial in

counties removed from their influence and put them on trial before juries who believe in order and law.

The regulation of State and interstate commerce by common carriers is among the most important and far-reaching questions of the day. Our industrial system is based upon agriculture, and yet this basis of all our development is dependent in this country upon the railroads. Railroad highways are necessities of civilization. North Carolina has derived more material benefit in the last fifteen years from railroad development than from any other one source. In 1880, in nearly half of our counties, there was not a railroad. There is today a railroad in every one of our ninety-six counties, except perhaps seven. In no one of these counties would its inhabitants consent to the withdrawal or destruction of their railroad, nor would they regard its extinction as otherwise than a confiscation of their property and of their own deflection towards barbarism. These popular highways have been constructed and extended and improved largely with the capital of non-residents. We should not forget that however profitable these investments may have been to non-resident capitalists, we also have been and are their beneficiaries. Their investments in these properties should be protected by our laws and by a public sentiment that throws upon all attempts to make prejudice against them because they are supposed to be rich. State, municipal and corporate promises made to them for the purpose of obtaining expected benefits to us should be sacredly performed. We will not encourage, sanction or countenance financial repudiation in any form.

Railroads, while their earnings and profits belong to their owners, are the servants of the public and under our system are subject to government control. The time is approaching, if it has not arrived, for the adoption of a policy which without wrong to their owners shall look towards the conversion of them into public highways owned and controlled by the Nation. While we admit our obligations to those whose enterprise and capital have constructed and bequeathed them, we must always insist upon a just and strict enforcement of their obligations to the public. Against vigorous opposition we have created a railroad commission. Its benefits are apparent and ought to be admitted by all. To it we are indebted for the regulation and in many cases the reduction of traffic rates and to the excellent service which is given by most of the railroads in our State. Their passenger rates which prevail in our State seem to be not unreasonable. It is questionable whether at this session of our Legislature there should be attempted a policy of rate reductions in this particular. As to freight rates, there are evidences that they are excessive when compared with the enormous decline in the value of the commodities upon which they are levied.

The State has a large, and what ought to be a controlling, interest in the North Carolina Railroad. An attempt has been made to pass from the State its interest in this great property for what is believed to be an inadequate consideration. The loss of ninety-nine years of all the rights, franchises and property, real and personal and mixed, of this railroad company to a foreign or non-resident corporation was made without the sanction of the Legislature or of the people of the State. It was made at a time when nobody expected it. It was made within a few months after the adjournment of our General Assembly. It was made without application to the Legislature. It was made without due discussion or submission to the people of the State, all of whom were interested, because the railroad is their property. It was made six years before the existing lease expired. It was made substantially by one man, and that man was the Governor of the State, who acted without the advice of the people or of their representatives. It was made so far as the people know or believe without inviting competitive among bidders. It was made under circumstances which indicated intentional secrecy. It was called a lease. It was, in reality, an attempted sale of this property belonging to our tax-payers without consultation and without their advice or consent. Indeed, it was done when they did not even suspect that it was contemplated.

The so-called leases, the real attempted purchases, of this railroad are the members and owners of a corporation which belongs to another State. They seek to own and conduct and operate this great highway without asking the consent of the people of the State, which built it and which owns it. When the State undertakes to complain of this transaction in its courts this foreign corporation will deny their jurisdiction and attempt to move the complaint to the Federal Courts. It is within your power, gentlemen of the Senate and House of Representatives, to provide by law that no foreign or non-resident corporation shall hold or operate any railroad within this State by lease, purchase or otherwise, except upon a license to be granted by such court, commission, officer or tribunal as you may designate; and that no such license shall be granted except upon a certificate from the granting power to the effect that due examination has been made and that the control, operation and management of such railroad is not prejudicial to the interests of the State. And you have the power further to provide for the revocation of any such license by the granting power; and you have the further power to say by your law that any or every such non-resident corporation which shall attempt to remove from your courts any case to which it may be a party. It is believed that the lease claimed by this foreign corporation is ultra vires and void, and that it would be so held up in the merits by our court of last resort. It is submitted that it is your duty to enact such measures as are best calculated to bring up this question for speedy determination in your own courts and to pre-

vent its removal to any other jurisdiction.

But whether this ninety-nine year lease is void or valid on the strictly legal merits existing at the time of its consummation, it is to be remembered that this foreign corporation obtained and accepted it and claims a right to own and operate this railroad, not by virtue of any North Carolina statute, but under an unwritten rule, which is known to lawyers as the comity of States and nations. This unwritten rule, wherever it prevails, is always subject to revocation by the local sovereign. In this case you are the sovereign. The State may at any time decline to extend this comity. This so-called lease was taken subject to this sovereign power. The lessees cannot be heard to say that they have acquired vested rights under existing laws, and thus put themselves beyond the power of the State and within the protection of that clause of the Federal Constitution which prohibits a State from impairing the obligation of contracts. They took with notice of the sovereign power of revocation residing in the State. Their contention is no more tenable than would be that of a domestic corporation which should say that the State cannot repeal its charter granted under the State Constitution, which expressly reserves the right to amend or repeal all charters. This foreign corporation derives its right to operate a railroad within our borders by what is substantially a license from the State, granted under an unwritten law. Every one of our home railroads derives its powers and franchises under a written license, that is, its charter. As to these, the Legislature may revoke the license by repealing the charter. If it cannot revoke the unwritten license then it comes to this: that foreign corporations may come upon our soil and exercise these great powers and franchises without our consent, and thereby obtain important privileges which are denied to our own people.

It is most important that this North Carolina Railroad shall not be crippled, or its value impaired by permitting any corporation or person to parallel it by the construction of any line, or of one mile of railroad which would connect existing lines so as to have a connection through the State competitive to our own. If there be any charter heretofore granted by our State which permits this to be done, it should be promptly repealed.

You are invited to adopt every and all measures within your competency, looking towards the recovery of this property for the benefit of the people and the taxpayers of the State.

Recently the producers of the State have derived some benefit from an actual competition between two great railroad systems running through our State. Judging the future by the past, we must conclude that this competition so beneficial to us is only temporary, and may end in the absorption of one line by the other. Our laws should prohibit the control of any railroad by any road, route or system competitive to it, and especially by any road that runs in the same direction, or connects with the same terminus. Much good may come from a statute carefully prepared and providing every practicable protection against evasion.

Among the evils that beset honest Legislators is the system of lobbying. Persons and corporations interested in proposed legislation are entitled to be heard before legislative committees in a reasonable way. Indeed, it is not improper that information, argument or suggestion should come to the legislator in any way and from any source, provided there is no concealment as to the interest or motives of those who seek to influence legislative action. But let it be remembered that not unfrequently legislative lobbies swarm with concealed and hired representatives of corporate and other interests who seek to promote or prevent measures in which their concern is purely pecuniary. These men are frequently trained politicians and lawyers. They represent one side and often the side that is antagonistic to the real welfare of the State. The people have no lobby. They who, "far from the maddening crowds of noble strife," keep the noiseless tenor of their way in mine and shop, in field and forest, in furnace and factory; they who tread the thorny paths of endless toil; they who plow their own fields and live on the products of their own lands and labor—these old bearers of burdens, the common people, are never heard except through their elected representatives.

Our present county government law gives expression to the popular will and representation to minorities. Unfortunately the conflicts of National politics in this country extend to the management of local municipalities. Party lines are drawn in the strife of party men for party rewards. This General Assembly will be called on to deal with the management of towns and cities. There should be no attempt to avoid the necessity of protecting the taxpayers of these municipalities against the danger of misrule by propertyless and ignorant elements. We want no Tammany Hall governments in North Carolina!

There is reason to hope that industrious and thrifty people of other States and of Europe may be attracted to us, and that the tides of immigration may flow towards a State where men may go and settle and feel secure and free; where they may take their politics with them and vote as they please and have their votes counted as they are cast. In remote mountains, amidst wildernesses and pine barrens there is

an anarchist in all her borders. We welcome all men and women of good morals and manners to come within our boundaries and join with us in working towards the splendid destiny of our old Commonwealth. We will receive them as friends and brothers, to be treated like ourselves; and not as strangers and aliens, to be tolerated or patronized. Let us labor to show them a State with a school system like unto those of New England and the Northwest, and a code of just and equal laws, so administered as to make life and person and property as secure, and peace and order as prevalent as in the States whose ruling elements point with pride to the institutions, the manners, the achievements, the morality, the religion and the glories of the Puritan.

May we not do a little more in the way of homes and pensions for the destitute survivors of the civil conflict? North Carolina had her soldiers in both armies. The National Government cares for those who fought for its flag. As we advance in material wealth, we should increase our expenditures for the destitute and disabled veterans of the armies of the "Storm-cradled Nation that fell." Among the most important objects of our care is the State University. It is to be regretted there is among a me of the best people of the State a sentiment that does not sustain the existing law which gives an annual appropriation to this institution—a sum which should be increased, but for the fact that the condition of the State treasury may not justify it. If there be anything in the State laws or in the management of the university, which gives, with State money, free tuition to persons who are peculiarly able to pay, and thus takes from the denominational colleges students who would voluntarily help to sustain them, then such laws and practices should be abandoned. But if this free tuition is confined to those who cannot pay, where is the harm to the denominational colleges? The limited number of these free students does not add appreciably to the expense of maintaining the university. It is about that much pure gain to meritorious young men without entailing taxation on anybody. Neither does this State aid subtract materially from the efficiency of the public schools. If given to them, it would extend them only one day and a fraction of a day each year. In this University we have a plant that represents about five hundred thousand dollars. We cannot afford to throw away this property. The Constitution forbids it. The memories, the traditions and the pride of our people revolt at the thought. The shades and shadows and soil of Chapel Hill are sacred in thousands of North Carolina homes. Whatever it may have been under political and social conditions that are rapidly and permanently passing away, it is now an institution that is popular in the best sense of the word. It serves no class. Its benefits and blessings are not confined to any sect, but are open to all. It is no more competitive to the religious and sectarian colleges than are the public schools to the private academies. Complaints from denominational colleges should be heard with the deference due to their authors, who should be made to feel that we rejoice in their growing prosperity and power. But the University is a part of the State, and must be preserved.

North Carolina has broken the solid South; has come back to the Union in fact as well as in form. We are proud of the great Republic and love its flag. We are thankful for the decree of the American people that from our National capital ambassadors to apologize for our domestic policies to foreign monarchs and emissaries to other lands with orders to pull down our flag shall go no more. With our Federal Constitution amended so that such territory as we may hereafter acquire shall be excluded from Statehood, except by the general consensus of the States, why should we not extend our National domain wherever on this hemisphere the invitation may be? Why seek to check our advance to that world power which is our destiny? Westward the Star of Empire has been on its way, from Persia to Greece, from Greece to Italy, from Italy to Spain; from Spain to England. Its resting place is here between the lakes and the gulf and the shores of the two great oceans—the gem of the north temperate zone, the land that by its fertility and climate is best in all the world for the development of the highest human qualities, for the fruition of man's noblest aspirations. With the expiring century looking back upon the errors and the glories of the past, let us realize that:

"We are living, we are dwelling,
In a grand and awful time;
In an age on ages telling,
'Tis to be living is sublime."
At the conclusion of the Governor's address, there was an enthusiastic demonstration, in which shouts and hand-clapping swelled into a glad acclaim at the consummation of the hopes of the many thousands of North Carolina Republicans through years of waiting. Legislators rose to their feet and waved hats, canes and handkerchiefs in the air, while the ladies in the gallery took an enthusiastic part in the demonstration.

The Governor was immediately surrounded by a throng of admirers, eager to take him by the hand and congratulate him upon his induction into office as the Chief Magistrate of the State and upon his masterly address, which was complimented without stint of words by all Republicans present and was warmly praised by many prominent and influential Democrats and Populists.

The joint session was then brought to a close, and the Senators repaired to their Chamber, where Lieutenant Governor Reynolds was duly installed in his office as presiding officer of the Senate. There was no ceremony whatever, except the delivering of the address of the Lieutenant Governor, which was heard with close attention, and was well received. Mr. Reynolds spoke as follows:

THE LIEUTENANT GOVERNOR'S ADDRESS.
SENATORS—In assuming the duties of presiding officer over your distinguished body, I do so with the single purpose in

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