

A. Burwell.

T. D. Walker.

Burwell & Walker,

Attorneys at Law,

Charlotte, N. C., Dec. 26th, 1895

Captain S.B. Alexander,  
President North Carolina R.R.,  
Charlotte, N.C.,

Dear Sir:-

Allow me to suggest to you that it would be well for you, at once, to request Governor Carr to call upon the Attorney General for his opinion as to the legality or illegality of the lease made by the North Carolina Railroad Company to the Southern Railway Company, for the ratification of which the State's proxy, Mr. Charles McIver, who was appointed by his Excellency, voted at the recent Greensboro meeting. This request from Governor Carr to the Attorney General should, in my opinion, require that his legal adviser shall state to him in what particulars the lease is invalid or illegal, if he is of the opinion that it is, in any respects, violative of the laws of the State.

The forfeiture of the charter of the North Carolina Railroad Company will produce such wide-spread dis-arrangement of the finances of the State that no considerations could, in my opinion, justify the Chief Executive of the State in not hastening to act, through the Board of Directors, whom he has appointed, with great promptness to avert such a disaster, and he is entitled, in this difficult position to which the recent action of the Attorney General has brought him, to have, from that officer, as his Constitutional legal adviser, a particular statement of the law, as that officer understands it.

I submit this matter to your good judgment. My own judgment is, that the Governor should, immediately, request the opinion of the Attorney General, as above stated, and that he should say to that officer that he wishes that opinion promptly given, to the end that he may inform his appointees, the said directors, and the State's proxy, of the conclusion of the State's law officer, so that, if anything has been done illegally, the servants of the State, his Excellency's appointees, may speedily undo it.

It is proper that I should add that I make this suggestion not as counsel, but merely because I am a stock-holder in the road, and am firmly convinced that every possible means should be resorted to to avert litigation about this valuable property, the expenses of which must, in any event, be largely paid by the State, it being a three-fourths owner of the corporation, and because I believe that great business interests in the State, along the line of the road between Goldsboro and Charlotte, are vitally concerned in the speedy settlement of this matter.

Yours truly,

Dictated to O.

A. Burwell