

# Erasure In Minutes Demanded By Board Aldermanic Troubles

### Aldermen Stokes and Mason Say Mayor's Refusal to Sign Paving Contract Was not Done in Open Meeting—Mayor Says it Was.

### The Paving Matter is Still in Chaotic Condition—Supreme Court May Have to Settle it—Board Still at Sea—Miscellaneous Matters.

The historic feat of marching up the hill and down again is a continuing performance with the board of aldermen.

The aldermanic stunt was played last night to a large and interested audience, made up of an interested mass of citizenship. The "piece de resistance"—the paving matter—was reserved until a lot of miscellaneous matters concerning ordinances of one kind and another had been disposed of. The clock was striking 10 when the principal hosts again charged the heights with the result of being driven back into the valley of indignation. In a melee of motions, suggestions and remarks some of which took a personal turn, the motion to sign was made. There being about 20 seconds, the board was on its feet, but in hand in less than a minute, and again the paving question went over.

The public is too familiar—or ought to be—with the facts in the case to need to have them reiterated here, but an unexpected play on the municipal board at the beginning of the meeting last night makes some repetition necessary. News readers will recall that Mayor Bland took the stand that he would not sign the paving contract, if presented to him, between the city and the Southern Power Company, in regard to the 30 miles paving and the reduction of license tax to \$1,000, because he was advised by the city attorney that it was illegal. The news quoted him on Saturday as saying, "I am more than disposed to be friendly to the Power Company because I think it will do a great deal to develop the town, but I do not believe the contract would be legal and I can not therefore sign it. If the contract is not legal it would not be binding on future administrations, and it would reflect on the present administration. Time it might be a moral obligation to future administrations, but it would not be legally binding."

Before taking the vote either time on this ordinance, the city attorney, Mr. Chase Brenizer, and Hon. Charles A. Bland, mayor, stated to the board that they did not consider it legal to enter into an agreement or pass an ordinance embodying a reduction of the license taxes for any time beyond this administration, notwithstanding the fact that the Charlotte Street Electric Railway Company might accept same, and they wished their opinion recorded.

Stricken out.

When the minutes were read last night by Clerk Waarn, Alderman Stokes arose and made a motion to the effect that the above paragraph be struck out of the minutes and the motion was seconded by Alderman E. L. Mason and was carried unanimously. The objection to the paragraph arose, so it was stated, from the fact that "the mayor had made no such comment in open meeting and that it was supposed that he was in favor of it, and that the board objected to being put in an embarrassing position by his attitude in the matter, as learned several days after the meeting." The objection to City Attorney Brenizer's opinion being recorded in the minutes, was based on the contention that the city attorney has no right to be recorded in the minutes of the meeting, his right being to advise the board at request of same. The mayor thought that the board understood his attitude at the meeting.

Crossing of Swords.

Alderman Mason on seconding Alderman Stokes' motion repeated, the above paragraph in regard to the motion and city attorney's objection and said that he had not heard the mayor state and objection to that ordinance and that none of the board had heard him.

The mayor quickly interrupted him saying:

"That's your misfortune. Mr. Mason." The fact remains that I did say it. It will be recalled that Dr. Austin asked the city attorney for his opinion, and I remarked that he had already told us that it was illegal and that being thus advised by him I entered my protest."

I stand with Mr. Mason in this matter," said Alderman Stokes. "Last Monday night I voted for substitute motion of Dr. C. M. Strong to the effect that the city reduce the license taxes on these companies from \$4,350 to \$1,000 for 1912 only, provided 30 inches be paved. The vote was a tie and you, sir, broke that tie by defeating the substitute."

"Quite right," said the mayor "I voted it down because I knew that it was not acceptable to the companies and would not help matters any."

"We supposed from that that you favored the original ordinance," continued Mr. Stokes, "and I voted for it. We passed it 13 to 3. I voted on both sides. By refusing to sign it now you have placed 13 aldermen in a very embarrassing position. You were on the committee to confer with the Southern Power Company and we certainly thought you favored the bill. I did not hear anything to the contrary and don't think anything should be put in the minutes after the meeting was over."

"I could not sign anything that was illegal," said Mayor Bland.

"I move that that part of the minutes be stricken out," said Alderman Stokes. Alderman Mason seconded.

Stricken from the Record.

"It is moved and seconded," said Dr. Bland, "that the protest of the mayor made in open meeting be stricken from the records." There was objection to the wording of the motion as put, Alderman Mason speaking. After a few words, the mayor continued: "All in favor say 'Aye.' All opposed say 'No.' The ayes had it easily."

General Matters.

Many citizens being present, the regular business proceeded, but there was an atmosphere of friction that was felt throughout the evening. It broke out now and then between different members. The mayor preserved a dignified silence as it were, his deliberations lacking his usual interest and energy.

Veterans.

Commander W. M. Smith, of Mecklenburg Camp Confederate Veterans, and Veterans S. B. Alexander, Dr. Hawley and Mr. Winchester and Capt. W. M. Robey, of the 5th company coast artillery, came before the board asking for additional quarters in the auditorium. Capt. Alexander spoke for the veterans. He asked for \$300 appropriation to build a partition in the auditorium giving them a suitable hall. A question arose as to whether or not the board had a legal right to vote the money. Mr. Williams said he was in favor of it but as the board was having a time over legal and illegal transactions he wanted to know first the legality in the matter. The appropriation was finally granted.

Capt. Robey requested the use of the main auditorium on Monday nights provided the city did not want it for use. The whole matter, as to the veterans appropriation, and the military was referred to the executive board.

Stable.

Permission was given for the erection of a livery stable on West Sixth street near St. Peter's hospital. The hospital had objected, but the objection was last night withdrawn by Mr. J. R. Wilkes representing the hospital. An argument as to the distance the stables were to be from the street arose. The petitioner had said according to the previous meeting, according to Alderman Williams, and last night said they would be within five feet of the street.

Bridge.

Mr. George M. Phifer demonstrated the fact that he can hold a winning hand at bridge. He wants a bridge over the creek at Eighteenth and Davidson and he wants it bad. "I appeared before your honorable board 12 months ago as to this matter, telling you I would put \$15,000 worth of improvements in that section if I could get a bridge. The Observer didn't even mention that I had appeared before the board. I want a bridge—any kind of a bridge that I can get a cow across. (Laughter.) I expect, however, to get a little newspaper notoriety—and incidentally a bridge."

Alderman Anderson also urged the need of the bridge. Mr. Phifer's request was granted.

Peddler's License.

Dr. C. M. Strong, chairman of the ordinance committee, submitted the following:

"The schedule B of the revenue ordinance of 1911, Section 100 thereof and substituting therefor the following:

"Section 100. Peddlers—Each and every person, firm or corporation peddling on the streets of Charlotte by going from place to place with any of the following articles: Groceries, dry goods, shoes, cotton and silk fabrics, trunks, notions, leather, stationery, specialties, crockery, sporting meats, crockery, novelties, hats, fur goods, clothing, carpets, matting, furnishings, pictures, drugs, prescriptions, jewelry, sewing machines, hardware, farming implements, fancy work, paintings, agricultural supplies, cotton oil products, fresh fish, oysters, clams and other like articles, except those selling books, merchandise or any goods, wares, or articles of growth or manufacture of this state but not excepting vendors of medicine by whomsoever manufactured, \$25 per annum.

"Each and every person peddling fresh fish, oysters, clams and like articles on the streets of Charlotte by going from place to place shall before offering to take a certificate from the city food inspector of the time such articles are offered for sale showing products are pure and wholesome."

Alderman Kistler didn't see how the "three hours" limitation was to be managed. Said he: "The inspector would have to sit here in the city hall all the time, because if he didn't the fish and oysters would spoil while the owner was running around hunting for him."

The ordinance passed all three readings. Alderman Wingate moved that the tax be \$25 annual instead of \$1, daily and \$5 weekly as submitted by Chairman Strong. Carried.

Meters.

Dr. Strong also recommended the following: "The ordinance committee having been requested to draft an ordinance covering the checking of water readings of water, gas and electricity furnished to citizens respectfully, suggests that before any

drastic ordinance on the subject be passed, they after board and executive board be respectively requested to submit at their next meeting of the board of aldermen such views as may have as to the methods of checking meter readings and satisfying complaining consumers."

Paving.

There being no further matters of a miscellaneous nature to further stay on the paving matter, this thorn in the municipal flesh was again brought forth.

City Attorney Talks.

At the request of the mayor, Mr. Brenizer told of a conference that he, the mayor and Alderman Phifer had had a conference yesterday afternoon with Mr. Lee, of the Power Company, to see if some solution could be arrived at, so as to avoid litigation. I read Mr. Lee's opinion of the matter, which I will submit to you, as being, to my mind, the only solution of the matter, but it was rejected by the Power Company. Mr. Brenizer then read the paper he had submitted to the Power Company, which follows:

Solution of Matter.

Whereas the amended charter of the city of Charlotte provides that it shall be incumbent on any street railroad company or other railroad company having tracks running through or across any street or streets laid out as permanent improvement districts or sections to pave, repave, macadamize or otherwise improve that part of such street or streets which the board of aldermen may prescribe, not to exceed, however, the space covered by its tracks and at least thirty inches on each side of each line of track as they are now or may hereafter be constructed by any such company, and whereas the board of aldermen is doubtful as to whether the said clause in the said amended charter is mandatory as to the duty of such company to pave not less than the space covered by its tracks and thirty inches on each side of each line of track as they are now or may hereafter be constructed, but wishes if possible to exercise any discretion or power it may have in fixing the

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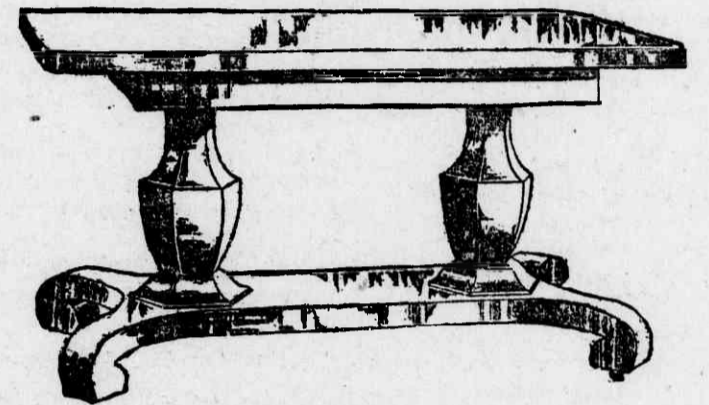
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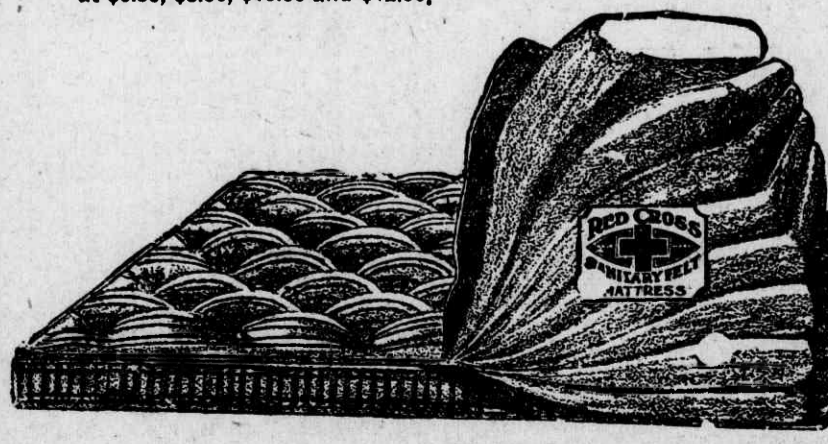
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