

Seek Injunction Against the Town Of Brevard In Water Rate Matter

(Continued from page one)

said town presented to said Mayor and Board a petition therein praying that the Board submit by election a proposition of a bond issue, to raise money to establish a water supply and sewerage system, the same to be owned and operated by said municipality, provided the charges to be made by the said town against its residents to be derived from the tax on water, should be devoted exclusively to the payment of the interest coupons on said bonds as they should become due and to the maintenance and improvement of said system of water works, provided said water on each room in a house should never exceed \$1.00 per room, per annum; store \$4.00 per annum; barber shop, each chair, \$3.00 per annum; black smith shop, shoe shop, harness shop, wagon shop, carpenter shop and tailor shop \$3.00 per annum; all other tax for the use of water to be subject to such rates as the governing body of said town might impose, that said petition aforesaid, specifically and distinctly fixed and limited the water rate to be taxed as above set out and the said town officials in pursuance to said petition aforesaid, called an election in said town on the question of bonds or no bonds; that said petition aforesaid was not made a matter of record, but has become lost or destroyed and its contents cannot now be established, except by parol testimony.

4.—That at the regular meeting of the said Mayor and Board of Aldermen of the Town of Brevard, held on May the 2nd, 1904, said town officials in conformity to the petition aforesaid called an election and submitted to the residents of the said town the question of the issuing of bonds or no bonds in the sum of \$25,000.00, which call and notice of election appears of record in Minute Book of said board for the year of 1904, a copy of which is hereto attached marked exhibit "A" and made a part hereof, and among other things contained the following provisions, "the said \$25,000.00 to be expended as follows, to-wit: \$11,250, for the purchase, improvement and extension of the sewer system; \$2,500 for grading, Main, Broad, Poor, Caldwell, Whitmire, Depot and other streets; \$7,500 to be expended in grading and improving the sidewalks on the above named streets in said town and that the revenue derived from the tax on water shall be devoted exclusively to the payment of the interest coupons on said bonds as they shall become due and to the maintenance and improvement of the system of water works and for the purpose of raising the aforesaid revenue, the water tax on each room in a dwelling house, hotel or boarding

house shall not exceed \$1.00 per room per annum; store room \$4.00 per annum; barber shop, each chair, \$3.00 per annum; livery stable \$10.00 per annum; black smith shop, shoe shop, harness shop, wagon shop, carpenter shop and tailor shop \$3.00 per annum, and all other tax for the use of water shall be subject to such rates as the Board of Aldermen may impose."

5.—That pursuant to said call for an election as aforesaid the Board of Aldermen of the Town of Brevard published a notice of said bond election to be held on June the 14th, 1904, as will appear from the minutes of the said board for the year 1904, page 48, a copy of said minutes being hereto attached marked exhibit "B" and made a part of this complaint, said notice of election containing among other things the same provision as was contained in the petition for an election, and that call for an election, herein before set out, wherein the defendant was prohibited from assessing a water tax upon dwellings, hotels or boarding houses in excess of \$1.00 per room, per annum; store room \$4.00 per annum; barber shop, each chair, \$3.00 per annum; livery stables \$10.00 per annum, and other provisions as set out and alleged in paragraph four hereof.

6.—That at said time the water works of the town of Brevard was owned, controlled and operated by the Brevard Water company, a corporation organized and existing under and by virtue of the laws of the State of North Carolina and at a meeting of the Board of Aldermen of said town, on May the 3rd, 1904, by resolution duly adopted, the Brevard Water company agreed to sell out to said town and a part of the consideration was, that the town should never charge the stockholders of said company in excess of \$1.00 per room, per annum, said resolution appears of record in the minute books of said town for the year 1904, on page 49 and is hereby referred to as exhibit "C" and made a part of this complaint.

7.—That an election was held in the town of Brevard, on said bond issue on June the 14th, 1904, and at said election in view of the contract between the Town of Brevard and the people residing therein and between the town of Brevard and the Brevard Water Company and the guarantee of the town, the defendant in this action, that the tax rate for the use of water should never exceed certain prices as hereinbefore bear out in this complaint, said bond issue was carried by vote of 63 to 14, a copy of the returns of the election of officials and the minutes of the Board of Aldermen relating thereto being hereto attached marked exhibit "D"

and made a part of this complaint.

8.—That the bonds so voted as aforesaid, were duly advertised and sold and from the sale thereof the said defendant, the town of Brevard, with the funds arising from the sale of said bonds, did on the 6th day of November, 1905, together with other valuable considerations mentioned purchase from the Brevard Water Company, all the assets of said company of every kind and description, a copy of the deed therefor from the Brevard Water Company to said defendant being hereto attached marked exhibit "E" and made a part of this complaint.

9.—That in conformance with the contract and agreement made between the Brevard Water Company and the defendant, the Town of Brevard, and those of its citizens then residing therein, the Board of Aldermen of said town, did on January the 16th, 1906 promulgate and establish a water ordinance and said ordinance has remained in full force and effect from said date until the year of 1931, the said defendant, the Town of Brevard, during said period in no way as the plaintiffs are informed and believe, collected or attempted to collect a water tax in excess of the price fixed as the principal consideration in its purchase of the water works from the Brevard Water Company.

10.—During the spring of 1931 the said defendant, the Town of Brevard, by and through its duly elected and acting officers, in utter disregard of the contract between said town and the citizens thereof as hereinbefore set out and in utter disregard of the contract existing between the Brevard Water Company and the Town of Brevard and the provisions of the deed under which the town obtained all the properties of the Brevard Water Company, said town unlawfully and wrongfully by and through its officers as aforesaid promulgated and established a New Water Ordinance, a copy of said ordinance being hereto attached marked exhibit "F" and made a part of this complaint.

11.—That said New Ordinance, as aforesaid, as plaintiffs are informed and believe is illegal, unlawful and void in the following particulars namely:

1. That it attempts to raise the rate on dwellings, hotels and boarding houses from the contract price of \$1.00 per room, per annum, to the price of \$1.00 per month on all dwelling houses up to and including six rooms and in additional charge of 10 cents per room per month above six rooms.

2. \$1.00 per room per month on all business houses and offices.

3. \$1.00 per room per month on all barber shops, first chair, all over one, 50 cents per chair.

4. That said ordinance as written discriminates between the citizens of said town in that it attempts to charge a resident who owns or occupies a house containing one, two or any number of rooms less than six, the same water tax that is charged for a six room house.

PLANS PERFECTED FOR FLOWER SHOW

Womans Bureau In Charge of Affair To Be Held Wednesday, Aug. 19

Final plans for Brevard's annual flower show, sponsored by the Woman's Bureau, were perfected Monday afternoon at the meeting of this organization. The event will occur Wednesday, August 19, from three to ten o'clock at the Chamber of Commerce rooms, and a silver offering will be taken at the door to defray the expenses incident to the show.

It is expected that many varieties of home grown flowers will be on display in the various exhibits, and much interest is being manifested in the approaching event. Entries are open to any one in the town and county who cares to participate. Valuable prizes in the nature of bulbs, plants and seeds will be awarded the winners in the different entries, the prizes to be donated by widely known nursery concerns in various sections of the country and also by local flower growers.

The following committees are in charge of this season's flower show: General chairman, Mrs. O. L. Erwin; arrangements and decorating committee, Mrs. Bill Fetzner chairman, Mrs. Roy Long, Mrs. Coleman Galoway, Mrs. R. R. Fisher, Mrs. W. E. Breese; soliciting committee, Mrs. B. F. Beasley, chairman, Mrs. J. B. Jones, Mrs. E. R. Pendleton, Mrs. A. R. Gillespie; classification committee, Mrs. John Maxwell, chairman, Mrs. C. C. Yongue, Mrs. Carl Hardin, Mrs. T. H. Shipman; listing and marking committee, Miss Alma Trowbridge, chairman, Mrs. H. E. Erwin, Miss Martha Boswell; program committee, Mrs. H. E. Erwin; prize soliciting committee, Mrs. H. L. Wilson, chairman, Mrs. J. W. Smith, Miss Katherine Griffin; publicity committee, Miss Alma Trowbridge.

TAX COLLECTIONS SHOW BIG INCREASE

Raleigh, Aug. 4.—State general fund collections for July amounted to \$1,388,325.38 as compared with \$1,088,409.06, or an increase of nearly \$200,000, while highway fund collections were \$1,541,966.53, as compared with \$1,212,336.67, an increase of \$329,629.85, over July of last year. Commissioner of Revenue A. J. Maxwell reported. Increase in almost every division of the taxes is due almost entirely to higher rates, although some items showed a small increase otherwise.

License and franchise taxes showed good gains.

Josephus Daniels Has Democratic Leaders Over the State Guessing

Raleigh, Aug. 4.—Democratic leaders in many parts of North Carolina are beginning to wonder and to ask questions as to how much longer and to what further end will extend the attacks of Josephus Daniels, both on the public platform and through his administration and the acts of the 1931 General Assembly, which in large measure constitute the record of the Democratic party in the State.

These leaders are not surprised at the attacks upon the Gardner regime. They recall the "Asleep at the Switch" editorials in the News and Observer directed at Governor Kitchin; they are mindful of the "Come Home, Governor," call to Gov. Morrison, and memory is fresh as to the numerous thrusts at Gov. McLean. Senator Simmons and later Senator Bailey have received their roastings at the point of the Daniels pencil. In every General Assembly for many years that same pencil has expressed the views of its pusher on the acts of the members of the two houses and the program of the Governors.

But the leaders are raising questions as to why the extension of the attacks on the 1931 General Assembly and the Gardner program, most of which received the general approval of Mr. Daniels at the time, even though there were divergences on methods. Heretofore, they say he has criticised while there was still time for changes, but when the General Assembly had adjourned and its policies sealed, he would accept its acts as those of the Democratic party and bow to its will.

How, it is pointed out, long after the General Assembly adjourned, he is denouncing about the State the leadership of his party and decrib- ing the work of the overwhelmingly Democratic legislature as "indefensible," instead of his usual policy of rallying to the support of his party—the party which, some have the courage to say, raised him from a "provincial" editor's desk to a mighty seat in the councils of the nation. Some are asking if he is trying to bring about a repudiation of the

Gardner administration, the defeat of all members of the 1931 Legislature who may come up for re-election, or is seeking to foment discord in the ranks of the party which has honored him. That, it is asserted, is a role more suitable to a dashing actor like Marion Butler.

This apparent change in policy is apparently calling for a motive, an explanation as to the objective. Some profess to see in it a desire of Mr. Daniels to become Governor, his "don't choose" statement to the contrary, notwithstanding. They are confident he would not offer for the office unless he was certain in his own mind of attaining it, but they claim it is his method of preparing the soil for that kind of harvest.

In a recent discussion of the possible elimination of present prospective candidate before primary time comes around, the belief was expressed that the two remaining then would be A. J. Maxwell and R. T. Fountain. To which one close to Mr. Daniels remarked: "In that case, Fountain would be forced to withdraw, Mr. Daniels would become a candidate and beat the h—out of Maxwell."

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Nice 2-lb Fryers	22c
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LADIES MILLINERY Including \$1.95 and grade Panama 98c
Hats—or Stick or Rough Straws. Sale price ...

NEW FALL HATS that carefully reflect the Princess \$1.45 to \$3.95
Eugenie influence so good for fall

WASH DRESSES Ladies Fast Color, \$1.95 quality \$1.19
Two for \$2.00

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An exceptional value

LADIES DRESSES Values to \$6.95 \$3.49
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SATURDAY AFTERNOON 2 P. M.
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Sheeting--5c yd.

Not over 10 yards to customer

The most tremendous Anniversary Sale in the history of Western North Carolina—Lewis' 31st Annual Event of Value. Every item in stock a bargain at the prices you can get it for today. Remember, we must sell every item in stock within the next few days—Come early while selections are complete.

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Women's Rush Hats only a few 5c

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Ladies white, blondes or black and white \$1.66

BOY'S OVERALLS
Good Grade Denim Anniversary Sale price 49c

MEN'S SOX
Men's Mercerized Lisle Sox, per pair 8c

MEN'S OXFORDS
Men's Black Dress Oxfords, per pair \$1.98

BROADCLOTH
36 inch Fast Color per yard 10c

BED SPREADS
Full Size Sale price each 63c

SUITS Men's Tropical weight. Only a few more of these left in smaller sizes to go at the Sale price of \$4.99

SUITS All Wool Men's Suits. They must go out at \$8.00

MEN'S SUITS Finest Grade Woolens—Newest Styles in Worsteds, Tweeds, Serges, etc. by Schloss and others \$19.50

Men's SHIRTS full cut, fast color 69c

MEN'S PANTS Covets, White Serge Black Stripes \$1.49

MEN'S & BOYS' PANTS Khakis, Ducks, or Dark Cloths, on sale at 98c

HANDKERCHIEFS, 10c quality... 5c

STRAW HATS, one lot going at 69c

Work SHIRTS double back & elbow 74c

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