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tution of North Carolina.

Dairs.

the actual value of the said re-

7. That, as plaintiffs are in-

lie at large to submit bids for

regular, illegal and a gross abuse

of the power and discretion iu-

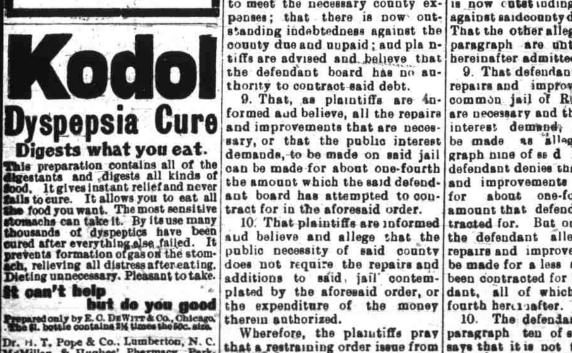
Hickory Wagons,

Which for years have given such general satisfaction in this and other sections, and unhesitatingly say that for farm and road purposes it is not excelled. Besides having a supply of these on hand we have recently received a full line of Cart and Wagon Wheels and

Open and Top Buggies.

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contained in paragraph four of McLeud, H. A. M'White, J. C. the meeting of county commissicners, and that all proceedings said affidavit. And further an- Gibson, E. G. Canady, Rafns Simewering said paragraph four, the mons, Thos. S. Tolar, Henry Weshad at said meeting are void. defendant alleges that the said sel, J. J. Cobb, D. A Buie, G30 5. That plaintiff are advised meeting referred to was held in L. Townsend, D. W. Biggs, J. J. and believe, and, therefore, allege, pursuance to an order of adjourn- Evans, made a report to said that the defendant Board of Commissioners have never found as a ment made by said board at its court, which said report contains fact that the money authorized to regular monthly meeting held on the result of an inquiry made by

be expended in the aforesaid order the 5th day of Ostober, 1908, said grand jury into the condition was a necessary public expense for which said order directed that an of the common juil of Robeson the county of Robeson, and that adjournment he had from that sounty in words following, to-wit: said order is in contravention of day until Ostober 15:h, 1908, and "We have visited the county Article 7, Section 7, of the Consti- that said adjournment was had in jail and found the prisoners as pursuance to the terms of said or- well cared for as could be expected 6. That plaintiffs are informed der and as required by law- considering its over-crowded conand believe that the defendants And it was understood at the time dition; the jail is not properly acted without the scope of their said adjourned meeting was order heated, there being one small authority in that they have at- ed to be held that the said meet- stove, which is wholly insufficient tempted to contract for a much ing was to be held for the purpose and dangerous; in case of fire it larger and costlier juil than the of considering and making a con- would be impossible to remove the public need of the county justifies tract for repairs and additions to prisoners, there being only one or requires, and that the price the common jail of Robeson small exit. There are now thirty proposed to be paid is in excess of county. or more prisoners, composed of

5. That it denies the allega- three races, four of the prisoners tions contained in paragraph five of said affidavit. And defendant formed and believe, the defendant alleges that the said board have separate the races and sexes in the board attempted to make said found as a fact that the money four cells. We therefore earnestly contract without advertising for authorized to be expended in the recommend that the commissionbids, without taking any steps said order was a necessary public ers take immediate steps to prowhatever to ascertain if a lower expense for the county of Robevide a modern building with sufhid could be obtained for said son as will fully appear by referficient capacity to accommodate work and repairs, and without ence to the proceedings of said its criminals in a proper manner." giving an opportunity to the pub- board as herein after fully set out 6. That it denies the allegations making said repairs, which is ir- of paragraph six of said affidavit. ing at said term, certified to and 7. That it denies the allegations served upon the said Board of of paragraph seven of said affidavit Commissioners. 16. Tnat at February term, 1902.

tended by law to be vested in except as hereinafter admitted. 8. Answering paragraph eight of of the Superior Court of Robeson boards of county commissioners. 8. That plaintiffs are informed said affidavit, the defendant ad- county, a grand jury of said counand believe that the taxes now mits that the taxes now levied for ty, composed of D. B. McLaughlevied are to the full constitution- county purposes are to the full lin (foreman), A. W. Davis, G. al limit, and have been inadequate constitutional limit, and that there B. Allen, Neill McMillan, M. G. to meet the necessary county ex- is now cutet inding indebtedness Williams, Daniel Jones, E. F. penses; that there is now ont-against saidcounty due and unpaid Prevatt, J. M. Brown, J. S. Adams, standing indebtedness against the That the other allegations of said E. Bullock, W. S. Lancaster, J county due and unpaid; and pla n- paragraph are untrue except as H. Powers, J Archie Currie, A. T. Stubbs, A. S. Iuman, J. D. Bultiffs are advised and believe that hereinafter admitted.

9. That defendant admits that lock, R. O. Pitman, Henry Flowthe defendant board has no aurepairs and improvements to the ers, made a report to said court, 9. That, as plaintiffs are in- common jail of Robeson county which said report contains the reformed and believe, all the repairs are necessary and that the public salt of an inquiry made by said are continued as permanent Buildand improvements that are neces- interest demand; the same to grand jury into the condition of ing Committee.

sary, or that the public interest be made as alleged in para the common jail of Robeson coun-demands, to be made on said jail graph nine of se d iffidavit. But ty, in words tollowing, to wit: This preparation contains all of the defendant denies that said repaire "We also visited the jail in a board has attempted to contains to be made for about one-fourth of the and improvements can be made for about one-fourth of the and improvements can be made for about one-fourth of the anount which the said defendant has contracted for. But on the contary, hot properly ventilated and heat-tract for in the aforesaid order. 10. That plaintiffs are informed and believe and allege that the public necessity of said county the defendant alleges that said repairs and improvements cannot the contary, not properly ventilated and heat-the defendant alleges that said repairs and improvements cannot the contary, bot properly ventilated and heat-does not require the repairs and additions to said, jail contem-the additions to said, jail contem-the aforesaid order, or dant, all of which is fully set vacy between the sexes. There This preparation contains all of the can be made for about one-fourth defendant denies that said repaire "We also visited the jail in a the amount which the said defend- and improvements can be made body and find it well kept. But ty, composed of D. A. McMillan, plated by the aforesaid order, or dant, all of which is fully set vacy between the sexes. There are only four cells and at times it

10. The defendant, answering is impossible to keep the races. Wherefore, the plautiffs pray paragraph ten of said affidavit; apart as the law directs that that a restraining order issue from says that it is not true that the they should be. This is no fault this Court, restraining and en-joining the above named defend-ants, the Board of Commission-additions to said jail contemplatants, the Board of Commission-ars of Robeson county, from mak-ing, or having made, the repairs and additions to said jail as con-templated and authorized in their and order, from contracting the debt and from expending the

Proctor Jr. and A. W. M. Lian be. and they are hereby appointed a committee to act in conjunction with this Board and that immediate action be taken towards getting up plans, specifications etc., and that the work go forward without any delay."

19. That a meeting of said Board of Commissioners was held on May 5.h, 1902, and the report of the special committee appointed by the said Board as set forth in paragraph eighteen hereof was presented in writing to said board and filed. That the said committee after much careful and personal investigation, re; o ted that a new and midern jail was in imperative public necessity for the county of Robeson and they recommended that the said Board of Commissioners immediately proceed to contract for and to cause to be erected a jail building accordbeing women, who have no privacy ing to plans and specifications then whatever, it being impossible to

and there presented. That the said committee recommended the building of an entirely new jail, the cost whereof, as then estimated by the committee, the architect, the contractors and by the said Board, was far in excess of the 15 That a copy of said report sums appropriated for the repairs was, by order of the judge presid- and additions to the said jail ordered by this defendant as hereinafter set forth.

20. That upon the coming in of said report of the said committee and at the same meeting, the following order was duly and unani-

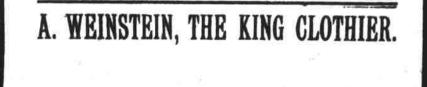
mously adopted by said Board : "It is further order that in accordance with the report of said committee, J. M. McMichael be employed as therein specified and that the attorneys of this Board are directed to prepare the contract to be executed by this Board and the said J. M. McMichael. "Oa motion, E K Proctor Jr.,

A. W. McLean and R D. Cadlwel!

21. That at July Term, 1902, of the Superior Court of Robesons county, a grand jury of said coun-(foreman), O. C. Norment, T. I: Hursey, Leonard Stone, J. A. Campbell, W. J. McCormac, J. L. Gantley, Joel G. Johnson, A. A. (Continued on Second Page)



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Total Resources, December 3rd, 1903,	\$340,397 63

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