

The Carolina Watchman

A Home Newspaper Published in the Interest of the People and for Honesty in Governmental Affairs.

THE FLOWERS COLLECTION

VOL. IX No. 41

SALISBURY, N. C., WEDNESDAY, SEPTEMBER 24TH, 1918.

WM. H. STEWART, EDITOR

THAT AWFUL COURT HOUSE

COMMISSIONERS BAILEY AND HARRISON WANT TO STOP.

The Complaint That Is to be Heard by Judge Long Monday at Troy.

Messrs. O. O. Harrison and R. B. Bailey, members of the Board of Commissioners of Rowan County who have undertaken to straighten out our court house trouble have filed their complaint which makes interesting reading and we present it herewith for the benefit of our readers.

There are several other points by some considered bad structural features not mentioned in the complaint. They are much too thin foundation walls and the lack of proper footing, improper plumbing, and the placing of the entire building in a hole, below the level of the sewer mains or at least too low to get a proper fall from the basement of the sewerage.

The complaint is as follows: North Carolina, Rowan County. In the Superior Court, October Term, 1918.

O. O. Harrison and R. B. Bailey, Commissioners for Rowan County, vs. H. C. Trott, J. W. Peeler, P. A. Hartman, Commissioners for Rowan County, King Lumber Company and A. Ten Eyck Brown—Complainant.

Plaintiffs, O. O. Harrison and R. B. Bailey, complain of the defendants above-named and allege:

1. That on the first Monday in December, 1912, H. C. Trott, J. W. Peeler, P. A. Hartman, O. O. Harrison and R. B. Bailey were qualified and installed as Commissioners for the County of Rowan and now constitute the Board of Commissioners for the County of Rowan; that the King Lumber Company is a corporation organized and doing business under the laws of the State of Virginia; that A. Ten Eyck Brown is an Architect of Atlanta, Georgia.

2. That the plaintiffs, O. O. Harrison and R. B. Bailey, bring this action for and on behalf of themselves as citizens and tax payers of Rowan County and for and on behalf of other citizens and tax payers of Rowan County and in discharge of their duty as Commissioners for the County of Rowan, State of North Carolina.

3. That on the first Monday in March, 1912, the predecessors of the present Board of Commissioners for Rowan County, P. B. Beard, P. A. Hartman, W. P. Barber, A. L. Deal and W. F. McCaless, passed an order to build a new court house: that on the first Monday in June, 1912, said Board accepted the plans and specifications of A. Ten Eyck Brown, Architect, on motion of W. F. McCaless, Deal and McCaless voting in the affirmative and Hartman and Barber in the negative and Chairman Beard deciding the tie in favor of adoption: that on the first Monday in July, 1912, said Board accepted the bid of the King Lumber Company, Contractor, for the erection of said court house at the price of \$99,400.00 which amount to be increased by \$11,700.00 if granite specifications were used: that on the same date said board paid the architect \$8,000.00 and authorized the chairman to negotiate with the contractor in respect to using Rowan County granite: that on the first Monday in August, 1912, said board accepted the contractor's proposal to erect said court house with Rowan County granite according to plans and specifications for \$11,700.00 increase over its base bid of \$99,400.00, making total contract price \$111,100.00; that when the present Board of Commissioners qualified the first Monday in December, 1912, the court house was in process of construction and a large part of the granite was in the wall.

4. That on or about the first Monday in June, 1918, Geo. O.

Von Nerta, an expert whose services had been secured by Chairman Trott, submitted report as to court house: that the chairman declared; the report adopted, Peeler and Hartman voting for adoption and Harrison and Bailey protesting. That said report is not responsive to the issue, is without regard to the plans and specifications, is in some respects false in fact and is in the nature of an argumentative confession and avoidance on behalf of the architect and contractor and should be expunged from the County Records.

5. That on the first Monday in June, 1918, on motion to approve architect's estimate for payment on Court House contract, Hartman and Peeler voted in the affirmative and Harrison in the negative and Chairman Trott decided the tie in favor of the payment of the estimate: that on the 19th of June, 1918, the Board passed an order to direct the architect to approve no more estimates for payment until building conformed to plans and specifications, Trott and Peeler being unavoidably absent, Hartman presiding and Harrison and Bailey voting: that on the first Monday in July action was deferred on account of the absence of the county attorney: that on July 28th, 1918, the action of June 19, 1918, was declared rescinded and architects estimate approved for payment, Hartman and Peeler voting in the affirmative and Harrison and Bailey in the negative and Chairman Trott casting the deciding vote: that under similar conditions and with same vote another voucher was declared approved for payment first Monday in September, 1918.

6. That plaintiffs protested before the Board the right of P. A. Hartman to vote on the motion to adopt the Von Nerta report and the vouchers for the payment of the Architect's estimate on the court house contract and now protest his vote on these questions and aver that his vote was illegally cast and counted for that he was and is interested in the matter and the result of the action, having undertaken with the contractor for their mutual profit and advantage to furnish granite for said building and having furnished the defective granite that is the subject of this controversy: that but for his illegal vote payment on court house, as above indicated, would have been refused because it failed to conform to specifications.

7. That the King Lumber Company has violated its contract with the Board of Commissioners for Rowan County without fault on the part of said county, and has disregarded the terms of its contract in respect to building the court house: that the King Lumber Company is not according to plans and specifications in that that the granite is of low grade, having a wide variety and texture, serious discolorations and entirely unsuited for use as ornamental building stone and is an inferior quality of Rowan County granite, manifestly taken from the boulders or surface beds: that the stone is not cut true and square, the jointing is irregular and the workmanship inferior: that said granite is now being pointed contrary to specification so as to hide the broken edges and inferior workmanship as far as possible: that the face brick wall is inferior, with joints large and irregular, and a rough piece of work: that the concrete work is inferior, not having the cement as called for by specifications: that part of the building is out of plumb the walls over-hanging at the top, and is otherwise defective in material and workmanship.

8. That conditions can be helped wonderfully by replacing the inferior granite with first class granite: that in doing this there is danger of breaking the walls and otherwise injuring the building: that rebuilding the wall will be attended with much difficulty in jointing and anchoring:

ing: that the cost of removing and replacing will be much more than the first cost of the granite wall: that the architect has wrongfully and unlawfully included the granite work in his estimate: that the contractor has drawn more than the value of the building in its present condition: that there is danger of irreparable loss and damage to the tax payers of Rowan County if further payments are made before the specifications are performed, danger that it may be abandoned without sufficient money retained on the contract with the bond included to complete it, danger that it may be finished and paid for without specifications being performed and stand as an eye sore, a disgrace to the county and a slander upon one of county's important industries.

9. That the contract provides for the contractor to be paid monthly as the work progresses according to specifications 85 per cent of the work done and material accepted during preceding month and he is not entitled to receive anything for work that has not progressed according to specifications: that the defendant architect wrongfully and unlawfully included the granite work and other work that is not according to specifications in his estimates and is liable to county for the money wrongfully paid out on these estimates.

10. That the following is a summary of architect's estimate first of September to wit:

Cost of labor and material to this date,	\$82,544.27
Less 15 per cent retained as per contract	12,881.64
	\$70,162.68

Amount paid including payment of Sept. 1, \$87,168.68

That plaintiffs are informed from verbal statement of the architect that the granite and granite work in his estimate is about eighteen thousand dollars: that itemized statements of the work and material are not furnished the commissioners with his estimates.

11. That in building this court house the King Lumber Company directly or indirectly entered into an undertaking or contract with W. F. McCaless and P. A. Hartman to furnish the granite for said court house, said contract being made for the mutual benefit of said Lumber Company and McCaless and said Hartman and McCaless being at the time in the performance of their duties and in the discharge of their trust as Commissioners for Rowan County, which was well known to King Lumber Company: that said contract was and is illegal and contrary to public policy and is directly associated with the inferior quality of the granite and granite work: that said illegal contract having become a part of the building operation and permeated through the business transaction between the King Lumber Company and the Board of Commissioners for Rowan County in respect to said court house, causing irreparable loss and injury to the tax payers of Rowan County, the whole building contract is tainted with the fraud and the King Lumber Company is not entitled to recover anything from Rowan on account of said building, and is most certainly not entitled to recover anything on account of the granite work which is the subject of the unlawful agreement.

12. That no voucher was passed by the board in favor of the King Lumber Company on court house contract with the knowledge of plaintiffs from the first Monday in December to the first Monday in June, 1918, and vouchers subsequent to that date were illegally approved as hereinbefore alleged: that the King Lumber Company has wrongfully withdrawn from the treasury of Rowan County, without proper warrant or authority the sum of \$87,162.68.

Wherefore plaintiffs pray for an order restraining further payments on court house contract

MEXICAN ASSASSINS GO FREE.

Military Court After Six Months Sitting Finds No One Guilty.

Mexico City, Sept. 19.—The deaths of the late President Francisco I. Madero and Vice President Jose Maria Pino Suarez were not brought about by a punishable crime, according to a decision pronounced by the military court here today. The investigation lasted six months. It was started by the military commandant of the Federal district immediately on the conclusion of the 10 days' battle in the streets of Mexico last February which resulted in Provisional President Huerta coming into power.

Among the witnesses was Major Francisco Cardenas, who commanded the escort which conveyed President Madero and Vice President Pino Suarez from the national palace to the penitentiary.

Washington, Sept. 19.—Senor Perez Romero, brother-in-law of the late President Madero, and confidential agent here of the Mexican Constitutionalists, today characterized as a "farce" the report of the military tribunal on the killing of Madero and Suarez.

"From independent channels and from all evidence that we have gathered," he said, "we have learned that Major Francisco Cardenas frequently has boasted in many public places that he killed Madero himself, yet he was never taken into custody.

"All our evidence shows that both President Madero and Vice President Suarez were assassinated in the national palace before being taken to the penitentiary."

until and except as the work progresses according to the plans and specifications: that plaintiffs recover from the defendants, King Lumber Company and A. Ten Eyck Brown, for the use of Rowan County, such sums of money as they or either of them are due said county: for such other relief as plaintiffs and other tax payers of Rowan County may be entitled to.

B. B. MILLER, counsel for plaintiffs.

North Carolina,

Rowan County,

O. O. Harrison and R. B. Bailey being duly sworn, says, each for himself: that the foregoing complaint is true of his own knowledge except as to matters therein stated upon information and belief; and, as to those he believes it to be true.

O. O. HARRISON, R. B. BAILEY.

Sworn to and subscribed before me this _____ day of September, 1918. J. F. McCUBBERN, C. S. C.

Despondency

Is often caused by indigestion and constipation, and quickly disappears when Chamberlain's Tablets are taken. For sale by all dealers.

Rev. R. L. Davis, superintendent of the North Carolina Anti-Saloon League, was pardoned Friday afternoon by Governor Craig from conviction and \$10 fine and costs for striking Wiley Straughan over the head with a whiskey bottle. The governor takes the view that Mr. Davis is not guilty. Among the petitioners for the pardon were Senators Simmons and Overman, Secretary of the Navy Josephus Daniels, Judge G. M. Cooke and Solicitor H. E. Norris. Newly discovered evidence was presented, tending to show conspiracy to frame up a case against the prohibition leader.

Do You Fear Consumption

No matter how chronic your cough or how severe your throat or lung ailment is, Dr. King's New Discovery will surely help you: it may save your life. Stillman Green, of Malohite, Col., writes: "Two doctors said I had consumption and could not live two years. I used Dr. King's New Discovery and am alive and well." Your money refunded if it fails to benefit you. The best home remedy for coughs, colds, throat and lung troubles. Price 50c. and \$1. Guaranteed by all druggists.

LATE NEWS OF INTEREST.

Big Items Reduced to Small Paragraphs for Our Readers.

While sitting on the end of a cross-tie on the west side of the north-bound Southern Railway main line track in North Charlotte Friday night, Lewis Smarr, a negro employed at the coal chute, was struck and instantly killed by a northbound passenger train running as second No. 88.

Washington Gardner of Albion, Mich., Friday was elected commander-in-chief of the Grand Army of the Republic at the final business session of the forty-seventh annual encampment held at Chattanooga, Tenn. Detroit earlier in the day was selected as the meeting place for the 1914 encampment. A general exodus of veterans and delegates attending sessions of allied organizations began Friday night. In bidding their hosts and hostesses farewell veterans and visitors predicted a closer relationship between North and South as a result of the encampment.

The fourth of the five alleged murder cases on Guilford Superior Court docket when last week's term began was disposed of Friday when Ed. Clawson pleaded guilty of murder in the second degree and was sentenced to 25 years in the State's prison.

Clawson was charged with the killing of Jim Jeffreys, another Negro, whom he met at the throat with a razor causing Jeffreys to bleed to death in a few minutes. The affair occurred in a respectable Negro quarter of Greensboro several weeks ago. Clawson's sentence makes a total of 76 years imprisonment for four defendants who pleaded guilty to murder or manslaughter last week.

Judge Charles Cooks in Wake Superior Court Friday afternoon suspended the four-months jail sentence imposed some months ago against J. J. Holland, the Seaboard Air Line sectionmaster for killing Van Stewart for persistent indecent exposure of his person close to the Holland home at Millbrook. Over 800 people petitioned for the suspension of the judgment and Annie Stewart, mother of the Negro killed, wrote the Judge from Petersburg, Va., that she understood the provocation under which her son was shot and joined in asking mercy for Holland.

News of a distressing death in Alexander county last week reached here. Some time ago a daughter of Mrs. Cornelia Holder of Gwatsney township, Alexander county, became deranged and unmanageable. In a struggle with her mother with a table fork, sticking the fork in her mother's knee. The wound made by the fork became infected and gradually grew worse until Mrs. Holder died as a result of the injury. The young woman who unknowingly abused and injured her mother has been sent to the State hospital for the insane at Morganton.

John Skelton Williams, assistant secretary of the treasury, Friday informed a North Carolina delegation that the department would be extremely liberal in responding to applications for money by Southern banks to move the cotton crop. If the \$50,000,000 already set aside for this purpose is not sufficient, more government funds will be deposited. Moreover, the time for repayment will be extended. This assurance was given by Mr. Williams to Representatives Stedman and Doughton, who called at the treasury department, accompanied by S. C. Hobbs of Clinton and J. O. Kennett of Greensboro, members of a committee from the Farmers' Union. They went away well satisfied with the attitude of the department toward the farmers.

It now seems that two terminals for distribution of parcel-post packages will be established in North Carolina, at Charlotte and

Raleigh. Representative Webb was assured Friday that Charlotte will be made one of the depots for the State, if satisfactory rentals can be arranged. Representative Poon and John O. Drewry of Raleigh also called at the postoffice department and Mr. Drewry declared upon leaving that a depot will be located at Raleigh. That city has already given the department the choice of two free sites for the depot. An investigation is being made and something definite may be known in a week.

The formal opening of the State Normal and Industrial College took place Monday morning in the Alumni building, with more than 600 students already matriculated. The exercises were presided over by President J. I. Foust, who welcomed the girls and made a number of interesting announcements.

An attempt to hurry along consideration of the currency bill in the Senate Banking and Currency failed Monday at the end of a day of desultory questioning of Samuel Untermyer, counsel for the Pujo Money Trust Committee of the last Congress. Senator Shafroth of Colorado unsuccessfully tried to secure an agreement to close the hearings before the committee on Saturday, October 4th.

Baron Chinda, the Japanese ambassador, called on the United States government Saturday for the third time within the week to get an answer to his country's note on the California land legislation. He failed to get it. The ambassador reached the state department just before Secretary Bryan was leaving for Warrenton, Va., to fill his last chautauqua lecture engagement. The secretary was able to give the ambassador only a few moments of his time. It is intimated that Japan intends to press to a quick conclusion the negotiations with this country.

W. A. Devin, of Oxford, was commissioned Saturday by Governor Craig as superior court judge in the tenth judicial district to succeed Judge H. A. Foushee, of Durham, resigned on account of poor health. Judge Devin convened his first court in Durham county Monday. He is 25 years old, a member of the law firm of Graham & Devin, Oxford, has served two terms in the legislature, 1911 and 1912, being now chairman of important committees and a member of the special commission on constitutional amendments. His acceptance of the judgeship necessitates his resignation from the legislature and there is not time for the election of a successor for the impending special session.

The Standard Oil Company is accused of keeping the Mexican revolution alive. It is said this company wants to get control of the Mexican oil wells and will stay on the job until it gets the concessions desired.

One of the most important bits of industrial news in some time came out Friday in the form of advance information of the sale of the big Ashley & Bailey string of silk mills, reaching from Patterson, N. J., to Fayetteville. The nine Ashley & Bailey string of mills are located in six manufacturing towns, Patterson, N. J., York, Pa., Columbia, Pa., Coatesville, Pa., and Fayetteville, and the mills in each place will be sold at auction on various dates in October.

Diarrhoea Quickly Cured

"I was taken with diarrhoea and Mr. York, the merchant here, persuaded me to try a bottle of Chamberlain's Colic, Cholera and Diarrhoea Remedy. After taking one dose of it I was cured. It also cured others that I gave it to," writes M. E. Gebhart, Oriole, Pa. That is not at all unusual. An ordinary attack of diarrhoea can almost invariably be cured by one or two doses of this remedy. For sale by all dealers.

ROAD TAX FIGURES.

SOMETHING FOR THE CONSIDERATION OF VOTERS.

Figures that Should be Closely Examined by Citizens of Scotch Irish Township.

THE EDITOR OF THE WATCHMAN, Dear Sir:

The last Legislature authorized the issuance of township road bonds upon the petition of the voters of the township that an election be held. Should such election in any township be in favor of bonds then the County Commissioners are empowered to issue the bonds and to provide for the payment of the interest and for the sinking fund by a special tax.

This tax is in addition to any other road tax.

Scotch Irish Township is to hold an election on a bond issue of \$20,000, 80 years, 5% bonds.

In order to provide a sinking fund to pay this \$20,000 at end of 80 years, \$848.10 must be set aside annually at 4% compound interest and \$1,000 as interest must be paid each year.

Each year Scotch Irish Township must pay \$1,848.10 to settle the debt, and must continue to do so for 80 years, and this will settle it only when the sinking fund of \$848.10 is drawing 4% compound interest for 80 years.

There are 142 polls in the township who, we will assume, pay their taxes. From the calculation made 64 cents will be the tax levy on property to meet this bond issue. Therefore the additional poll tax will be 8 times 64 cents or \$1.62.

The total amount each year from polls will be \$280.04. Subtract this from \$1,848.10 and we have \$1,118.06 to be raised by special tax on property.

The total assessed value of the property of Scotch Irish Township is \$206,652. Divide \$1,118.06 by \$20,652 and we have the special tax of 54 cents for each hundred dollars worth of property which must be levied to pay this debt.

This levy is mandatory, and is the minimum that will settle the debt.

This is in addition to the county road tax of 25 cents and the township road tax of 15 cents. So the citizens of Scotch Irish Township are asked to pay a road tax of 94 cents on each hundred dollars worth of property, and an extra \$1.62 added to each poll to build good roads in the township. Let the voters look up the law on the subject, and see what they are doing before casting a vote.

Yours truly,
RICHARD HENDERSON.

Apparently much against his will, Hans Schmidt, the priest who murdered Anna Aumuller, planned other murders and equipped a counterfeiting plant, was examined in New York Sunday by an alienist, Dr. Gustave Scholer, neurologist at the Washington Heights Hospital. At the end of an hour's interview with the prisoner Dr. Scholer said he was not prepared to call Schmidt an insane man. Alfonso G. Koebler, the priest's attorney, after talking with the alienist, said he was satisfied with the results of the examination. It is Koebler's contention that Schmidt is insane. Dr. Scholer announced that he would spend more time with the priest before announcing conclusions on his mental state.

Caught a Bad Cold

"Last winter my son caught a very bad cold and the way he coughed was something dreadful," writes Mrs. Sarah E. Duncan, of Tipton, Iowa. "We thought sure he was going into consumption. We bought just one bottle of Chamberlain's Cough Remedy and that one bottle stopped his cough, cured his cold completely." For sale by all dealers.