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A SEMI-WEEKLY NEWS PAPER DEVOTED TO THE INTERESTS OF WARRENTON AND WARREN COUNTY

5c. THE COPY

A RESUME OF CONDITIONS GOVERNING SCHOOL AFFAIRS

To the People of Warren County:—
You are entitled to a fair and truthful statement of conditions in respect to all matters leading up to the occurrences in the office of the Board of Education on last Monday, July 7th., and I will endeavour to state the facts as I see them. If I am wrong in my conclusions either of fact or of law, I am open to conviction, and am entirely willing, in-so-far as I am connected with the matter, to abide the decision on this occasion, as I have been in all others, of the people of this County.

THE LEGISLATURE OF 1917

The Legislature of 1917 took from succeeding Legislatures (insofar as it had any power to bind any other Legislature, and I think without repeal of the law it was so bound) all initiative in appointment of members of the county boards of education in Counties making nominations by Primary or Executive Committee. It passed what is known as Chapter 74, Acts of 1917, giving to the people the privilege of naming the members of the Boards of Education and stating clearly and without doubt that the Legislature shall appoint the candidates so nominated, The Legislature had no choice—It must obey the mandate of the people at the legalized primary.

THE PRIMARY IN WARREN

A Primary was held in Warren. Messrs. T. A. Baxter, J. A. Kimball, W. H. Fleming and Jesse Gardner were candidates for the two positions to become vacant on the Board. There is no doubt that the people, the Superintendent of Schools and the candidates thought that only two members should come on and that two should make places for them by retiring.

Mr. John Newell resigned before the primary was held. Mr. J. A. Kimball was appointed to succeed him on the Board. Mr. Newell's term of office expired on the first Monday of April. He resigned from the Board on the first Monday of April. The candidates for the unexpired term of J. D. Newell were W. H. Fleming and J. A. Kimball. Mr. Fleming was elected by the Primary. His name as the primary nominee was certified to the Secty. of State in accordance with law, and by the Secty. of State certified to the Gen. Assembly. His name therefore was the only name legally before the Legislature for the unexpired term of John D. Newell, resigned. The Act under which he was elected and certified says in Section 3 that the Legislature shall appoint the nominee of the primary. The nominee, to wit: W. H. Fleming, had been certified to the Legislature. If W. H. Fleming for any cause between the date of the Primary and the 11th day of March, 1919, became ineligible, then in that event the Executive Committee of the County filled the vacancy; but NOT THE LEGISLATURE.

FLEMING A NON RESIDENT

It is set up by those representing the County in the General Assembly that Fleming was a non-resident and not eligible. He was a resident when nominated and could have become a resident within twenty-four hours. Who is to say that he lost his citizenship? But if he had lost his citizenship in the County, the General Assembly had no duty of nominating his successor; the County executive Committee was charged with that duty.

FLEMING HAS NOT RESIGNED

Fleming was the nominee of a legalized Primary. The County Board of Elections was the custodian of Fleming's "Notice of Candidacy" to succeed John D. Newell, resigned. A resignation could only be made to the authority holding his Announcement, because that authority was charged with the duty of providing machinery for nomination. If Fleming had resigned the Board of Elections would have brought to the attention of the Democratic Executive Committee the fact, and the Democratic Executive Committee would have filled the vacancy.

GROUNDS FOR PRESUMPTION

Did Messrs. Hawkins and Davis, representing Warren county in the Legislature have reason to believe that the Executive Committee would have named Mr. Petar for the vacancy in the nominees? I think not. It had only been a few weeks previous, with Mr. Hawkins voting for him, that this same Executive Committee failed to give him sufficient votes (with two candidates only) to elect him to a vacancy on the Board of Commissioners. Therefore there could not have been in the minds of either Mr. Hawkins or Mr. Davis that they were carrying out the wishes of the Executive Committee in naming Mr. Petar. And if they had thought so, they were not empowered to say so. Only the Executive Committee could act.

STATE BOARD OF EDUCATION

Again, under the Act naming Mr. Petar the Legislature empowered the State Board of Education to fill a vacancy where the Legislature failed to appoint for any county. If Fleming was ineligible; if they were afraid to trust the Executive Committee, they could (and should) have failed to appoint, and the State Board would have appointed.

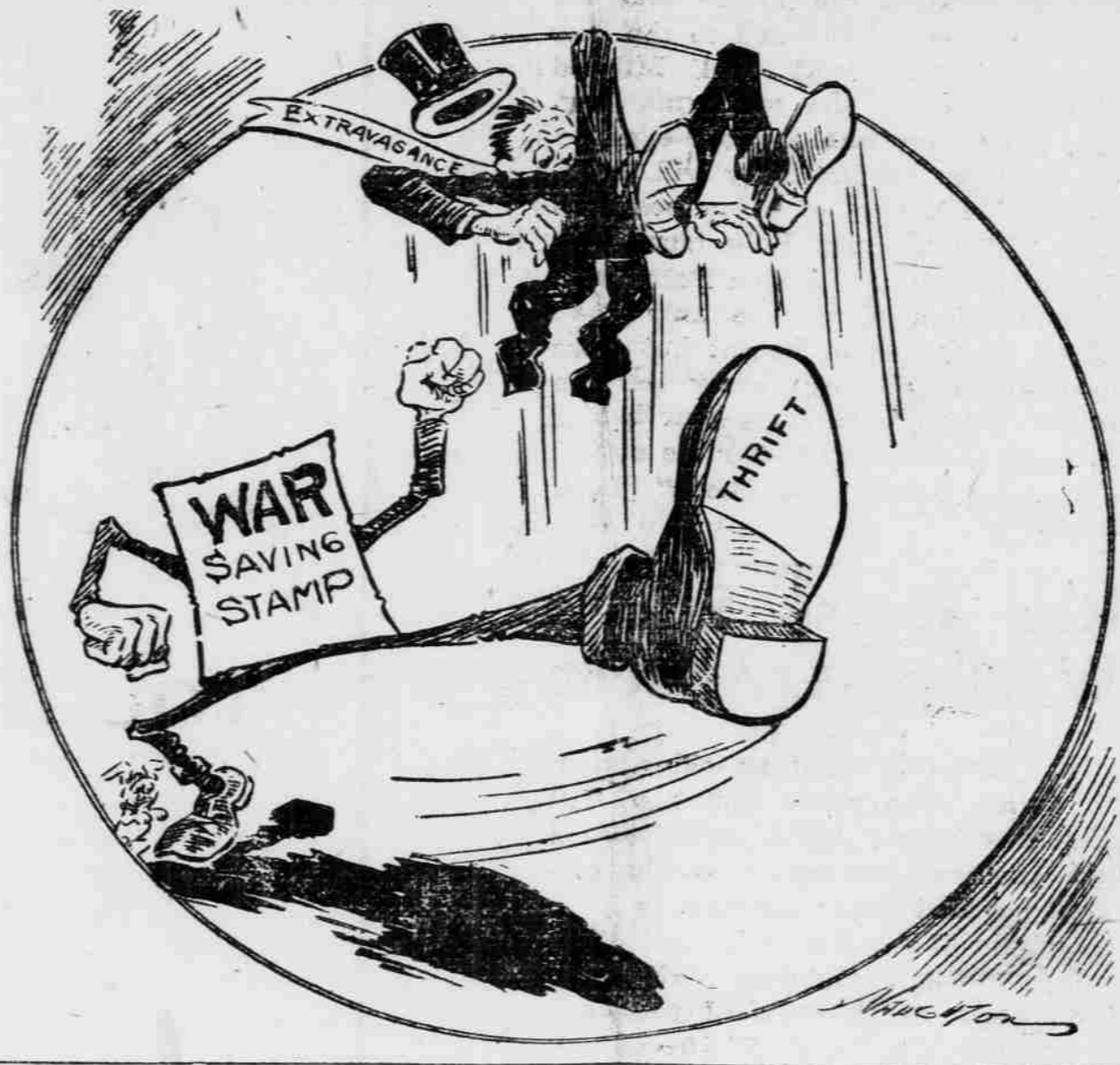
DID THEY APPOINT TO VACANCIES?

What did they do? Did they make appointments under Chapter 74, Acts of 1917? If so, then the appointment of Mr. Petar was in violation of the Act. Certainly Mr. Gardner and Mr. Petar could not have been both appointed under provision of Chapter 74, Acts 1917. Mr. Gardner was a legalized nominee to succeed Mr. Rooker. Mr. Petar was Mr. Hawkins' and Mr. Davis' nominee and could not have been appointed under provision of the Act of 1917, for they (Hawkins and Davis) were restrained by unrevoked Act of the Legislature from making any nominations other than candidates certified to the General Assembly by the Secretary of State. Mr. Petar could certainly not have been appointed in any other way than to increase the membership of the board; he certainly could not have been appointed to the unexpired term of John D. Newell, for there is not a line in print that authorizes him to fill the unexpired term of John D. Newell; there is not a line in print showing him as eligible for nomination under the same law that nominated Mr. Gardner. Mr. Gardner's notice of Candidacy for the term to succeed J. E. Rooker is on file; and Mr. Gardner's certificate of election has been certified to the General Assembly; but Mr. Petar is the candidate for nobody's unexpired term, nor the nominee of the Legislature for anybody's unexpired term. He is just Mr. Edward Petar appointed for a "term of four years" to "fill vacancies existing or caused by increase in the number of the membership, as provided by law." Therefore—Mr. Hugh P. Reams, successor of John D. Newell, is clearly within his rights in holding over "until the next regular meeting of the General Assembly." If neither of the appointees (Mr. Gardner nor Mr. Petar) were appointed under provision of the Act of 1917 (and Mr. Petar could not have been) then they were under the provision of the Act of 1919 appointed to increase the membership of the Board. And as the appointing Act clearly states that they were both appointed to "fill vacancies existing or caused by the increase in the number of the membership," it looks as if the candidacy of Mr. Gardner for the term to succeed Mr. Rooker was ignored by his friends, Messrs. Hawkins and Davis, and that nobody was appointed to succeed Mr. Rooker, and he was told to hold over to July, 1921.

MR. JESSE GARDNER

I think Mr. Jesse Gardner has a moral and legal right to sit on this Board for a term of six years. He was the nominee of the people, he was certified to the Legislature. He was a candidate for a definite term, he was elected for that term; but Messrs. Hawkins and Davis directed that the term he was to fill should be held by the present incumbent until July, 1921, and that Mr. Gardner was put on to increase the Board. You cannot construe the law as not meaning what it said when it directed the incumbent to hold over, but did mean what it said when it directed Mr. Gardner to serve for six years. Mr. Petar has moral and legal right to sit on this Board to increase its mem-

LET W. S. S. BE YOUR CHAMPION



bership. He was so appointed. This being the view of the membership of the Board, they were invited to do so in accordance with the law appointing them.

The Legislature said to us and to them "We have appointed Messrs. Edward Petar and Jesse Gardner as members of the County Board of Education of Warren County "To fill vacancies existing or caused by the increase in the number of the membership, as provided by law." And the Board felt that this was in entire harmony with the other direction of the Legislature that "IN ALL COUNTIES where by provision of existing laws, the term, for which the member or members of the board of education of said counties have been elected or appointed, expires BEFORE THE FIRST MONDAY OF JULY, 1921, the member or members so appointed or elected shall HOLD OVER until the first Monday of July, 1921." There you are: one section says hold over to 1921, and the appointing section says "I appoint you to increase the Board."—both consistent.

AN INVITATION TO BE SEATED

Therefore the appointees of the Legislature of 1919 were invited to become members of the County Board of Education under direction of the Act of 1919. On the 11th day of March they were appointed members of THIS County Board of Education, and not of any other. The direction was "the county board of education," and there was no other existing on the 11th of March, 1919. They were invited to participate in the orderly administration of the School law by virtue of their appointment to THIS board. If they don't take seats on THIS board there will be two vacant seats. Messrs. Gardner and Petar will have failed to avail themselves of the privileges and direction of the Law. The Board's construction of Section ONE may be entirely erroneous—the Legislature may have intended to have put them on in place of Messrs. Newell, resigned and Rooker whose term expired. But it was on THIS board that those vacancies would occur. A refusal to sit on THIS board was a refusal to obey the instructions of the General Assembly. It mattered not how many other members might then appear to be thereon—their title might not be good for they may have a wrong construction of the law. But whether they have or not it does not alter the fact that the members whose appointment was certified here as members of THIS board have refused to serve on or with THIS board.

THE COUNTY BOARD OF EDUCATION

The County Board of Education is a Corporation, a creature of law. It has its office, its records, its seal. It has a great many conferred powers and many by implication. It is recognized by the Legislature as being in charge the matters affecting the Schools of the County. There is no vacancy of the County Board of Education—no "wilo' the wisp." It should be a dignified and orderly body transacting the business of the State in an orderly and dignified way. Two appointees to membership on the Board cannot set themselves up as a County Board of Education if such claim is resisted by those who are even de facto members. Only the Courts can give authority to those claiming authority, if such claim is resisted by those then in authority. Neither Mr. Petar nor Mr. Gardner have demanded seats on THIS board; but on the contrary have refused to sit on THIS board. THIS board if it was a board of Education on July 7th, 11:59, was also a board when it tendered membership to Messrs. Petar and Gardner at 12 M. It continued to be a board when they refused to serve. It is NOW the SAME County Board of

(Continued On Third Page)

PRESIDENT WILSON GETS WELCOME HOME OVATION

The President of the United States returned to his native land yesterday without a word of apology for any of the acts performed by him during his one hundred and ninety day's participation in the Paris Peace Conference.

There was in the attitude and brief addresses made by the President at Hoboken and in Carnegie Hall not the slightest intimation that he believed any explanation or excuse was needed to justify the terms of the peace treaty that he, as the representative of the American people, helped to negotiate.

There was, on the contrary, a decided and positive ring in the statements made by the President in acknowledging the unusual welcome extended to him a grim note of determination to fight for the sanction by the people of the Nation of the terms of peace accepted by him.

Admitting that the task already performed had been irksome and most difficult in accomplishment, the President gave his solemn pledge to a vast audience at Carnegie Hall that another and greater task still confronted him—the ratification of the peace treaty by the legislative representatives of the American people.

WELCOME TO WILSON IMPRESSIVE.

This was his last word to the wildly enthusiastic crowd that heard his Carnegie Hall speech before he resumed his journey to the national capital, where another welcome cheered him late at night, as the final preliminary to the battle that awaits him with the reactionary elements in the United States Senate.

The welcome extended to President Wilson by the people of New York and New Jersey was not only heartily cordial but most unusually impressive. It rivalled in some spectacular features the receptions accorded to him by the people of Paris, London and Rome. It lacked, perhaps, the pageantry and ceremonial that characterized his visits to the French and English capitals, and the emotional fervor of the greeting extended to him during his stay in Rome.

But New York has rarely, if ever, participated in or witnessed so demonstrative a welcome to any of its national celebrities as that tendered to Mr. Wilson and his wife. The nearest approach to the event was the personal tribute paid to the late Col. Theodore Roosevelt on his return from hunting big game in Africa in 1910. On that occasion upward of half a million citizens of the American metropolis choked Fifth Avenue and contributed a joyous welcome.

MORE THAN HALF A MILLION GREET HIM.

More than that number of the citizens of New York and New Jersey participated in the bewildering sequence of events that marked his entry through the gates of New York. From the time that his gray transport, the George Washington, appeared off Ambrose Channel Light and headed toward Sandy Hook Horseshoe from the open sea until a special train bore him away at 6:46 o'clock last night, the President was the central and pleased figure in a kaleidoscopic array of marine, aerial and street demonstrations in Hoboken and New York, winding up with his formal speech of welcome to the greetings extended by Gov. Smith and Mayor Hylan in Carnegie Hall.

There was no mistaking the sincerity with which he acknowledged the greetings extended to him, nor of his manifest pleasure in coming home again.

"You may be glad to see me," he said in Hoboken and later in New York, "but you are not half as glad to see me as I am you. I am certainly glad to be home. I don't think I ever heard anything more beautiful in the way of music than the tune just played by the band." This was at Hoboken. The tune was "Hail! Hail! The Gang's All Here!"

The attitude of the President during the two hours that the George Washington poked along from the Ambrose Light to the old Hamburg-American Liner pier in Hoboken fully confirmed his statement. With his head protected from the sun, he spent the entire time on the bridge of the transport, whose bulky sides were lined with something like 4,000 troops and a distinguished company of advisers that accompanied the President. Most of the time the President sat cross-legged on the top rail leading to the bridge, gazing in admiration at the superb picture that came within his vision.

1471 People Take All Three Anti-Typhoid Treatments

After four trips to every appointment mapped out by the County and State Boards of Health to make the typhoid vaccine accessible to every white and colored citizen of this county, Dr. Howell Peacock completed the campaign in Warren Wednesday afternoon.

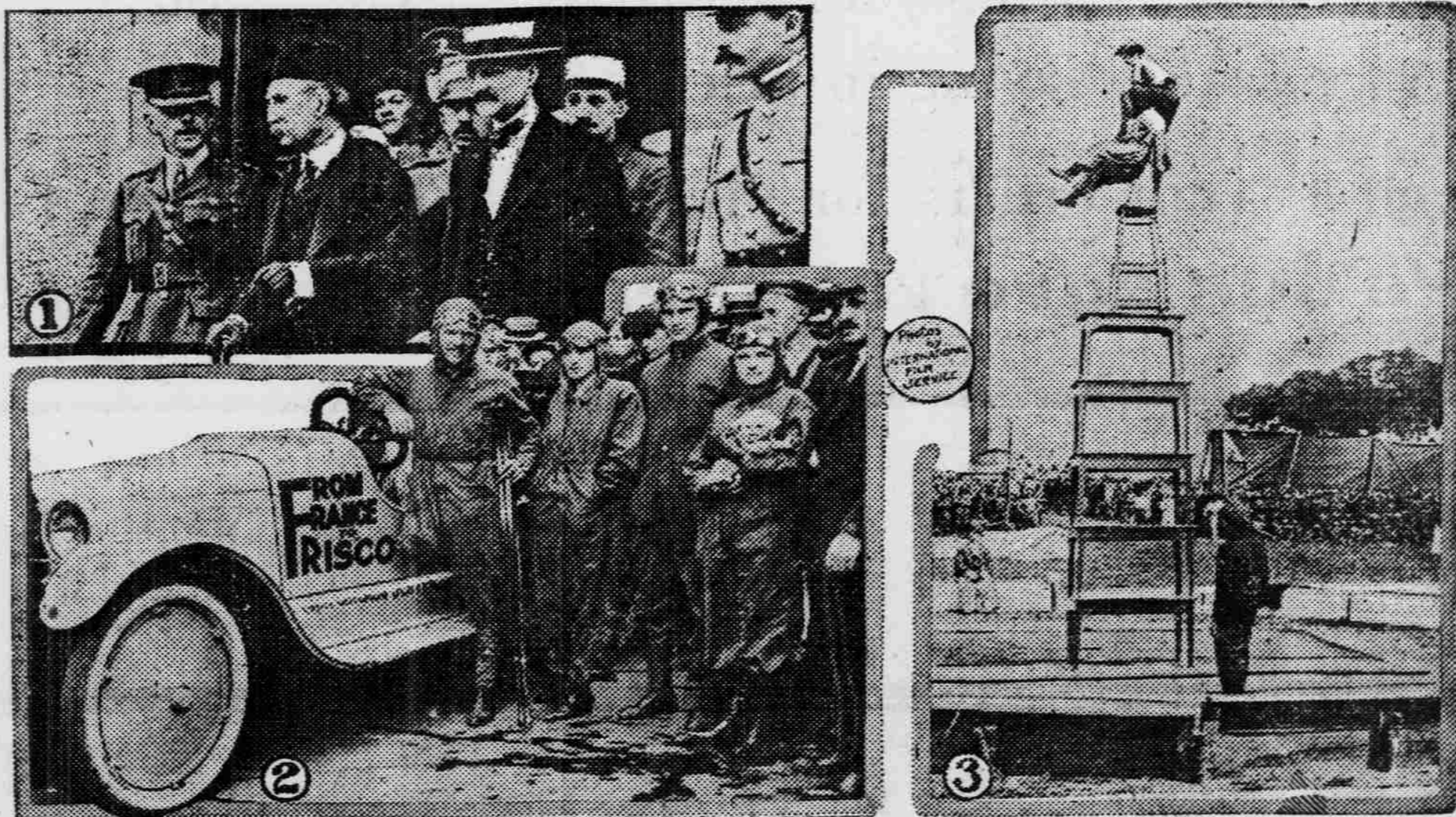
Fourteen hundred and seventy-one people took the three treatments. Numbers took one and many more two doses but fell short on the third. Six and six tenths of the county population availed themselves of this opportunity, one per cent. of whom were colored people.

In talking over the campaign yesterday morning with Dr. Peacock, who

has filled every appointment on time despite the weather which one day caused him to abandon his motor byke for fear of it being drowned and take to a Johnnie, we learn that "indifference and busy conditions on the farm are responsible for the small percentage," continuing he stated, "Those who took the treatment were mainly boys, girls and women—a very small percentage were men."

Dr. Peacock was warm in his praise for the citizens of the county with whom he came in contact during his month's stay. The campaign, from every angle, was a success. Fourteen hundred and seventy-one people are better citizens because they are healthier and practically immune from typhoid, but the wholesale acceptance of the preventive treatment, given free by the county, was lacking and this "lack of concern in personal safety" was the reason less than seven people of each hundred took the precaution to protect themselves.

Dr. Peacock was on the job from the jump and made friends during his four weeks here. The small percentage was neither due to lack of his ability nor to ignorance by the people of the appointments and the treatment's benefits, but to largely individual indifference and labor conditions on the farms.



1—Turkish delegates to the peace conference who have been sent back to Constantinople. 2—Private Paul L. Bolin and Corporal Edward J. Gillespie with their wives about to start from New York on the second leg of their journey from "France to Frisco." 3—American circus performance for the Yanks at Bordeaux, France, awaiting transportation home.