

WEATHER

Fair tonight. Tuesday partly cloudy, probably local thunder showers. Moderate winds.

The Daily Advance

CIRCULATION Saturday 1,823 Copies

VOL. XII. FINAL EDITION

ELIZABETH CITY, NORTH CAROLINA, MONDAY EVENING, JULY 17, 1922

FOUR PAGES

NO. 168

MT. HERMON ROAD WORK STOPS

Petition Heard At Edenton Today

Complaint Alleges O. L. Bundy And J. W. Foreman Interested Financially In Construction Of Mt. Hermon Road, And Charges They Are Building It Almost Exclusively For Own Interests

Judge Bond Issues Restraining Order

Granting Of Injunction Means That The Construction Of Road In Controversy Will Be Held Up Until Hearing Before Court In Special Proceedings

A definite step to check the Pasquotank Highway Commission majority in their preparations to pave the Mt. Hermon Road in the face of much public protest was taken Monday morning when C. R. Pugh went to Edenton with a complaint brought in the names of Dr. W. A. Peters, H. F. Sample, R. C. Abbott, H. A. Flora, Dr. Zenas Fearing, W. A. Pinner and Dr. F. W. Lowry, which alleges in fourteen counts that the defendants, J. W. Foreman, O. L. Bundy, A. E. Jones and J. J. Morris have entered into a wrongful and unlawful agreement and conspiracy to build the disputed road.

Judge W. M. Bond granted the injunction sought at 1:30 o'clock Monday afternoon, and C. R. Pugh, who formally presented the complaint, returned to this city on the afternoon train. Under the law, the hearing in connection with the injunction must be held in not less than two days, and within not more than 20 days after the injunction is granted. It was not known here early Monday afternoon just what date is set for the hearing.

The injunction has the effect temporarily at least, of stopping work on the Mt. Hermon road, which is understood to have been progressing at a feverishly hurried pace during the last few weeks.

C. R. Pugh and Aydiott & Simpson are representing the defendants in the action. They are serving entirely without compensation. The text of the complaint follows:

First—That the plaintiffs are citizens and taxpayers of Pasquotank County, N. C.

Second—That the Pasquotank Highway Commission is a body politic, incorporate, organized and existing by virtue of chapter 126 of the Public Local Laws of 1915, and amendments thereto, and as such are charged with the control of the highways and road building in Pasquotank County; and said chapter and amendments is referred to and asked to be read as a part of this complaint as if copied word for word.

Extravagance Charged

Third—That pursuant to said law the Highway Commission of Pasquotank County has already issued \$750,000.00 in bonds and has received the money therefrom for the purpose of building roads in Pasquotank County. That said Commission has already spent, as plaintiffs are informed and believe, all of the \$750,000.00, except \$75,000.00 to \$100,000.00, and have used the money extravagantly and without giving due care and attention to the building of said roads and the expenditure of the money therefor, and have by reason of this, wasted money by the thousands of dollars of the said money received from said bonds.

Fourth—That the Pasquotank Highway Commission at the time complained of was composed of A. H. Houtz, chairman, O. F. Gilbert, J. W. Foreman, J. J. Morris, A. E. Jones, O. L. Bundy, F. F. Cohoon; that the said J. W. Foreman has wrongfully and unlawfully sold to the Pasquotank Highway Commission of which he was at the time a member about \$12,000.00 worth of iron rails, as plaintiffs are informed and believe, and other members of the said Commission have likewise

sold different material to the said Highway Commission, at the time they were members thereof; that the defendants, J. W. Foreman and O. L. Bundy, are interested financially in the building of a hard surface road from what is known as Black Head sign post through a section of Mt. Hermon township, not for the benefit of the people generally in said township, or in the County, and extending the same through the large tract of land of which the defendant Foreman and his brothers and near relatives are the owners and in possession of, thence on to the gate of J. E. Bundy, father of the defendant, O. L. Bundy. That they have failed and refused to build this road along the main traveled road through that section, which is for the benefit and interests of the people generally in that section of the County and for the people of the whole County. That the building of said road, as the plaintiffs are informed and believe, was agreed upon by a majority of the members of the said Highway Commission, to wit: J. W. Foreman, O. L. Bundy, A. E. Jones and J. J. Morris, by reason of an agreement between the said defendants—that in the event the said Morris and said Jones would vote with the said Foreman and Bundy for the building of the said road, that they, the said Foreman and Bundy, would vote with the said Morris and the said Jones for building a road for each of them, which was for their individual interests, in their section of the county. That it was known and understood at the time of this arrangement that the said road from the Black Head sign posts through the Foreman farm to Bundy's gate was almost exclusively for the interest of said Foreman and said Bundy. That said agreement was and is a fraud upon the rights of the tax payers of Pasquotank County and for the interests of the said two commissioners Foreman and Bundy and not for the good of the people of Mt. Hermon township nor of the whole county, and in violation of the act under which the said board exists.

Connects With None

Sixth—That there have only been built two roads in the county, one running from Elizabeth City southwardly about twelve miles through the central part of said county and one running from Elizabeth City northwardly about ten or twelve miles through the northeast part of said county, and that the road which the said commissioners is about to build is nowhere near either of said roads, and does not connect with them, being five or six miles from either of said roads. That there are several roads going from Elizabeth City, to wit: One, the extension of Main street another known as Rum Road; another known as Body Road and another known as Pear Tree Road, all of which enter into Elizabeth City and the building of these roads or either one of which would be to the interests of the people of the county and would be in keeping with the requirements of the Act under which the defendant board exists. That these roads are main roads and the building of the same are a necessity for the people of Pasquotank County and that the money in hand and to come in hand for the building of the roads in Pasquotank County will be largely wasted by using the same on the road now about to be built.

An Unlawful Conspiracy

Seventh—That the acts and doings of the majority of said board are wrongful, unlawful and against the interests of the people of Elizabeth City and of the people in the county generally, so great that there have been held two large mass meetings in Pasquotank County protesting against building the road complained of and condemning the action of the defendant board, as forced upon it by the said majority, and said mass meeting by the citizens have gone so far as to request the highway commissioners to resign, which they declined to do, and the said defendants, who are in majority, insist and say regardless of the interests of the people of Pasquotank County, that they intend to build the said road, which will encircle the property owned by the said J. W. Foreman and others as aforesaid, and extend to the gate of J. E. Bundy, father of the defendant O. L. Bundy; and that it is wrongful and unlawful to use the funds realized from the sale of said bonds for the private interests of said Foreman and Bundy by reason of a wrongful and unlawful conspiracy and agreement as aforesaid.

DEFENDANT TOLD WHERE HE OBTAINED WHISKEY

That he had obtained his liquor from one Boush Williams, of Perquimans County, was the statement made by C. H. Sawyer, who was fined \$5 and costs in recorder's court here Monday morning for being drunk. In the absence of Trial Justice Spence, Assistant Trial Justice T. J. Markham presided over the court.

Cases against D. H. Gray and Carlton Jennings involving alleged violations of the traffic laws were continued to Tuesday morning by reason of the absence of the defendants.

British Delegation Coming To America

London, July 17 (By The Associated Press)—A special British delegation will arrive in the United States early in September in connection with negotiations for funding the British debt to America, Lloyd George announced in the House of Commons this afternoon.

RUSSIANS SAY MAY RESUME CONFERENCE

The Hague, July 17 (By The Associated Press)—A communication from the Russian delegation today held out the prospect that the conference on Russian affairs here which seemed on the verge of a final breakdown might be resumed.

FIRST PASTOR PREACHES ON THE GOLDEN JUBILEE

Dr. J. G. Bow, well-known Baptist minister of Kentucky, who was the first pastor of the Midway church in that state and delivered the first sermon to that church June 24, 1872, preached the jubilee sermon on the fiftieth anniversary of that church June 25. Dr. Bow, now past 80 years, is in the employ of the Baptist State Mission Board.

Mrs. L. W. Duranso of Winston-Salem is visiting Mrs. James Hill on Burgess street.

All Stars Will Play Poplar Branch Next

And An Effort Is Being Made To Arrange Game Between Rotary And Kiwanis Clubs

The Elizabeth City all-stars will play the speedy Poplar Branch baseball outfit on the Main street diamond Wednesday afternoon at five o'clock. It was announced Monday morning, Poyner, the pitcher for the visitors, is slated, it is said, for the University of North Carolina baseball team next season, and the Poplar Branch aggregation also includes other fast college ball players.

An effort is being made to arrange a baseball game between the Rotary and Kiwanis Clubs sometime in the near future, the proceeds to be added to the Fire Company fund, which the Kiwanians have pledged themselves to carry over the top. The lineup would include such formerly brilliant baseball luminaries as Dr. Zenas Fearing, pitcher; Dr. M. S. Bulla, crack first baseman; J. C. Sawyer, rapid-traveling outfielder; Secretary R. C. Job, wonder shortstop, and others.

Admits Manufacturer Proposed Tariff Bill

Washington, July 17 (By The Associated Press)—Senator Lenroot charged today in the Senate and Senator Smoot conceded that the section of the new tariff bill imposing an additional duty of twelve per cent ad valorem on fancy cotton cloth was "word for word" as proposed by former Senator Lippitt, cotton goods manufacturer of Providence, R. I.

SEASON GROWS LIVELIER AT DAWSON'S BATHING BEACH

The season grows livelier at Dawson's Beach and Mr. Dawson announces today that swimming races and duck chasing will be features of the fun this afternoon, Wednesday afternoon and Friday afternoon.

On Friday afternoon, which is a half holiday for some of the tired working people in the summer time, there will also be a baseball game. The boys play in their bathing suits, and it's great fun for players and spectators. This game will be pulled off between four and six o'clock.

Mr. and Mrs. Geo. Spence and daughter left Saturday for Nags Head where they will spend several days.

face is for the sole benefit and private gain of the defendants Foreman and Bundy, brought about by the unlawful conspiracy and agreement with other of the defendant commission and in violation of law and against the interest of the people of Pasquotank County.

Foreman And Bundy Quoted

Ninth—That the acts and doings of the said Foreman and Bundy are wrongful and unlawful and their securing two other members of the board to vote for them for the purpose aforesaid, as the plaintiffs are informed and believe, is evidenced by the statements of Foreman and Bundy, as follows: "I have been given credit for working for the Mt. Hermon road," announced Commissioner Foreman, "when in point of fact I have made no effort to secure its immediate construction, because I would derive personal benefit from it. Now, I'll tell you plainly, I am working for it, and shall do everything in my power to have it built right away." Says defendant Bundy, as these plaintiffs are informed and believe, "The road ought to be built by my father's farm and the Foreman Stock Farm and as the funds of the County Highway Commission were going to benefit somebody he thought it best to get while getting was good and that if they didn't get theirs before the Legislature met in its session of 1923, they would never get it."

Tenth—That the defendants are committing unlawful acts as highway commissioners, they seem to care nothing about the laws and are exercising their powers in a high handed and arbitrary manner and for their own individual benefit; that the defendant Foreman has been violating the laws of North Carolina in that the corporation in which he is president, to wit: The Foreman Blades Lumber Company, has been selling material to the Pasquotank Highway Commission of which he is a member.

Gross Abuse Of Power

Eleventh—That the defendants have abused and are grossly abusing the powers conferred upon them as members of the said Highway Com-

Nine Killed In Battle Near Coal Mine Today

Sheriff Included In List Of Dead After Clash Between Authorities And Striking Coal Miners Near Pennsylvania State Line Early This Morning

Wellsburg, W. Va., July 17 (By The Associated Press)—Sheriff H. H. Duvall and eight men are known to have been killed, and a large number of others wounded, in a fight at the Clifton mine of the Richland Coal Company near the Pennsylvania state line this morning.

Strike At Standstill

Rail Executives And Strike Leaders Are Awaiting Today's Developments

Detroit, July 17 (By The Associated Press)—The members of the Brotherhood of Maintenance of Way Employees who engaged in an unauthorized strike will not be expelled from the union "for the moment," but union organizers will be sent to interview the strikers, and to attempt to persuade them to remain at work pending the final decision as to the contemplated nation-wide strike, President Grable, of the union, said here this morning.

Negotiations Halted Chicago, July 17 (By The Associated Press)—Peace negotiations in the railroad strike are temporarily at a standstill today. Rail executives and strike leaders expected today's developments to indicate more clearly the ultimate outcome, however, much importance was attached to the number of shopmen returning to work today, as this is the day which marked the time limit on many roads for retaining the seniority and other rights.

Penitentiary—Not Fines St. Louis, July 17 (By The Associated Press)—Federal Judge Triebel announced today that he would impose jail and penitentiary sentences and not fines on strikers who violate Federal court injunctions.

Cancel Freight Contracts Cincinnati, July 17 (By The Associated Press)—Notices announcing cancellation of all contracts for handling freight in freight houses here as soon as it can legally be done have been posted through the Big Four railway system, it was announced today.

Boilermakers Whipped Atlanta, July 17 (By The Associated Press)—Ramsey & Son and R. H. Berl, boilermakers at Nashville, Chattanooga and St. Louis shops here were taken from their homes and whipped early today.

misison and are diverting the funds of the said Highway Commission to a wrongful and unlawful purpose in designating the road proposed to be built.

Twelfth—That the defendants recognizing the injustice of building the road complained of have gone to great and unnecessary expenses in a most extravagant manner, hastening material to the road seeking to build the same before legal steps could be taken to stop them in their unlawful acts.

Thirteenth—That if defendants be permitted to proceed now with the building of the said road and wrongfully expending the money of the people of this County as aforesaid, the plaintiffs and the people of the County will be irreparably damaged, and they have no other release save in this honorable court.

Fourteenth—That plaintiffs have instituted suit against the defendants and summons has been issued.

Wherefore, your petitioners pray that an injunction be issued against the said defendants as set out above and that they be perpetually enjoined and restrained from building the road complained of and for the costs of this action and for such other and further relief as the nature and circumstances of the case may demand. AYDLETT & SIMPSON, C. R. PUGH, Attorneys for the Plaintiffs.

The dead were brought to Wellsburg, and the wounded are being taken to Wheeling.

The chief clerk in the Police Department said the trouble started about five o'clock when striking miners are said to have marched from across the Pennsylvania State line and fired.

State Police On Way Wheeling, W. Va., July 17 (By The Associated Press)—Sheriff H. B. Duvall of Brooke County and several of his deputies were killed this morning in a fight at Richland mines near Wellsburg, according to information received here.

Governor Morgan has ordered Sheriff Clouse of Ohio County to take charge of the situation.

The State Police and all Ohio County deputies are en route to the scene.

Operators To Accept

Believed Acceptance Of Arbitration Proposal Will Be In Hands Of President Tonight

Washington, July 17 (By The Associated Press)—The overnight discussion of bituminous coal operators who met here in response to President Harding's offer of arbitration as a means of settling the coal strike developed great diversity of conclusion.

It appeared likely, however, that there would be in the hands of the President before night an acceptance of the arbitration proposal practically without condition and that the majority of employers would join in its support.

Train Turns Turtle Dining Car Cook Dead

Savannah, July 17 (By The Associated Press)—Several passengers were injured and the negro dining car cook was killed when five coaches of Seaboard Air Line train three turned turtle near Cox, Georgia, today. The train is said to have struck a broken rail.

IMPORTANT MEETING TONIGHT

An important meeting of the B. Y. P. U. will be held in the annex of Blackwell Memorial church tonight at eight o'clock. The Union will practice singing of new B. Y. P. U. songs and Miss Jesse Williams has charge of the program.

Trouble Brewing At Rocky Mount

Raleigh, July 17 (By The Associated Press)—L. V. Bassett, representing the city of Rocky Mount, is here today prepared, he said, to urge Governor Morrison to send troops to Rocky Mount to maintain order. He stated that the situation in connection with the shopmen's strike continues threatening. Six of the thirteen special agents of the Atlantic Coast Line who were kidnapped Sunday by a mob of alleged strikers were still missing early today. Several of those rescued had been accorded such rough treatment by their captors that they required medical attention.