

A SIGNED STATEMENT.

Widely prevailing interest in the conflict which originated last November between myself and the local board of aldermen justifies a fuller presentation of the facts and principles involved than any the public has yet received. The public has a right to know concerning the issues, for the rights of the public are involved. Whenever those in authority use their power needlessly to wrong one citizen, however humble his station, they wrong likewise the whole body of the people. Whether they perpetrate wrong unintentionally or designedly, ignorantly or knowingly, the result is the same to him who sustains the injury, and in either case they constitute a menace to the rights of the community. The individual therefore who resists official wrong, though he alone be involved at the time, does a service to his community and to all those who in the long procession of subsequent days, may be saved by his action from suffering similar wrongs themselves. If, then, the contest I wage shall cause officers of the town to gain a clearer perception of their powers and duties and to form a higher regard for the just rights of those whom they are appointed to serve, I shall not regret the sacrifice and the pain which a conscientious performance of the extremely unpleasant task has cost me.

WHAT THE LAW SAYS.

To a clear understanding of the matter out of which the conflict arose a brief statement of the law applying in the case is necessary. The Legislature of 1905 enacted on the 6th of March a fire-waste law applicable to 66 cities and towns in North Carolina, superseding previous legislation on this subject. This act—

- (1) Contains a code of fire and building regulations which must apply in these towns.
(2) Provides that permits for all buildings, whether in the fire limits or not, must be obtained from the building inspector.
(3) Takes practically all discretion out of the hands of the aldermen except as to fixing the fire limits.
(4) Requires the board of aldermen to establish and define fire limits, which shall include the principal business portion of the cities and towns. Notice here that this law is satisfied when the "principal" business portion is included.
(5) Provides that within the fire-limits no frame or wooden building shall be hereafter erected.
All very clear. The aldermen may fix the fire limits. They must include the "principal business portion"; they may include more if they want to, but the law is satisfied with the "principal" business portion. And within the fire limits no frame or wooden building shall hereafter be erected. All simple enough for a child to understand. TOWN COUNCIL MAYN BEEN KNOWN.

These laws became operative in Gastonia on the first day of July, 1905. The act provided that any board of aldermen so desiring could exempt their town by resolution, if they would take such action before the date above given. The Gastonia aldermen had notice, but did not exempt their town; and so a resolution and paternalistic code of municipal regulations that they ought to have prevented became operative upon their people. But let that go. The aldermen enacted the code and it became their law, and it was

their duty in co-operation with their inspector and fire-committee to enforce the law. How have they enforced them?

FIRE-LIMITS TOO LARGE.

Having fire-limits already established, the board made no changes when the new law went into effect July 1st. But the iron clad building allowed under the old law was not permissible under the new, nor could any wooden buildings be erected in the fire-limits. These facts pointed inevitably to the necessity of reducing the area of the fire section, (which included four residence blocks south of Main street and considerable residence areas on the north side) or of working great inconvenience, loss, and injustice. The new law was satisfied with fire-limits which included the principal business portion of the town; and the inclusion of other territory that worked harm or injustice to the citizens therein was not required and not right or wise.

FIRST EVER REFUSED.

On the 21st of November, I applied for permission to build a small metal covered annex (26x26), with neat front and finish, on my vacant Main street lot adjoining THE GAZETTE office on the west. The site was in the fire-limits but not in the principal business portion. All that was necessary in order to satisfy the law was to reduce the boundaries and set the site on the outside. This would have carried outside also a residence on either side, a large stable in the rear, a shop, parsonage, church, and two small brick offices, and would have given me one just cause for criticizing the board. This resort to avoid doing injustice was advised at Elizabeth City by Commissioner Young, and when here, later, he told Mr. Lawrence Beal, the inspector, that the board could set out Mr. S. F. Stewart's residence if they wanted to. I expressed to the board a desire concurrent with theirs to see good brick buildings on Main street, but advised them that I was not able to build of brick, and that the revenue from this temporary structure would enable me to hasten the day when I could put a brick building on the lot. There is no record that an application for a permit to erect a building of this kind was ever refused by any board in all the previous history of the town, but the board, reversing tradition, refused to allow the building to go up and so made record on the minutes.

AN UNLAWFUL PERMIT.

At the same meeting, the board granted to Mr. J. B. Beal a permit to erect a wooden building within the fire limits—something plainly forbidden by the law. The minutes and the building stand to-day to show for themselves. They had a right to set Mr. Beal's site outside the limits and could not be justly criticized for it; but instead, they unlawfully granted him a permit. Knowing that others had been allowed to erect forbidden buildings in the fire section I began to make some investigations for myself.

NO EMBARGO ON BONES.

Now Mr. L. L. Jenkins is chairman of the fire committee, and naturally the other aldermen would intrust to him the oversight of such matters as came up in his department. He is also president of the First National Bank. By investigation it was ascertained that the four wooden cottages of Messrs. Armstrong and Rankin west of the Falls House were erected without molestation inside the fire-limits, the first material for the brick work having been laid down July 17th. Of course the fact that Sheriff Armstrong had an account with the fire-committee's bank could be passed over as a mere coincidence.

It was also a matter of common knowledge that Mr. J. E. Page, a member of the school board, had erected his large

iron-clad stable (50x128 feet two stories high) since the new law went into effect. He began work in September inside the fire limits and was not molested. Mr. Page also is a patron of the fire alderman's bank, but that fact and his exemption from molestation may be passed over as possibly another mere coincidence.

On the 24th of October, Mr. J. B. Beard was permitted by the board, as shown by the minutes, to erect a wooden frame structure covered with cloth just across the street from THE GAZETTE office where a framed building covered with brick-siding was denied. It so happens that Mr. Beard, too, is a patron of Mr. Beard, too, is a patron of the fire alderman's bank, so that the coincidence and special privilege features begin to look a trifle suspicious.

And when it appears that Mr. J. B. Beal, to whom the unlawful permit was granted, also has an account at the fire-chairman's bank, one hasn't much choice left as to whether he will believe in mere coincidences or not.

BUILDERS NOT TO BLAME.

Let it be understood that I am not attaching blame to any of the applicants or builders above mentioned. So far as I know, they acted in good faith in every instance, with no intention to take advantage of the town or disobey the law. Why then were they not informed of the law and required to observe it?

It was claimed by members of the board that Mr. Page was denied permission to build a second stable. If so, there is no record of it. In case of Mr. Beard, it is claimed that he too was not allowed to erect an iron-clad building, but this is not a matter of record. It is argued that these applications were brought up outside the meetings and turned down or withdrawn after private discussion. And this brings to surface the fact that no such gentle warning was vouchsafed when I brought the matter up by phone with the members of the fire-committee, the two aldermen with whom I was most intimate personally. They invited me cordially enough to bring my application right along before the board, and neither of them dropped a hint of any kind that it would be an unwelcome proposition or cause any embarrassment. And why should one suppose it did cause any?

"I'M AGIN YOU."

The first intimation I had that my request would be denied came to me through a patron of the fire-chairman's bank before I had made formal application to the board itself. Now I happen to have no account with this officer's bank, but I was not ready to believe that my cause was decided before I had presented it to the board. Scarcely, however, had I stated the nature of my application in the meeting, when the 8 per cent alderman perked up smart-like and said, "Well, I'm agin you." And from that point an argument followed between the board and myself, indicating some opposition to the request.

WANTED POLICY FRAISED.

In the act of withdrawing from the room, I was requested by the official who allowed the patrons of his bank so many indulgences within the fire-limits to write an editorial for the next issue of my paper commending the vigorous policy of the board in enforcing the fire-limit laws. The longed-for editorial has never appeared. The comment which follows appeared in THE GAZETTE of Nov. 24th:

Not a member of the board contended that the erection of such a building in the fire limits was against the law and could not be permitted. The members who expressed themselves based their opposition upon other alleged reasons, every one of which was a transparently inconsistent, illogical, absurd or irrelevant as to be absurd. The most enthusiastic opposition seemed to come from Mr. L. L. Jenkins, one of whose objections was that such a building would be "unsightly and best avoided." The objection was made in a thoroughly illegal intervention to the fact that Mr. Jenkins is himself Main street's champion eye-see magnet.

for though a man of ample means and ample resources he is responsible for the presence in the very heart of Main street of more than a hundred and eye-sore than every body else put together—properties which yield a revenue of \$70 or \$75 a month, and which are not to be compared in respectable appearance with the bars he keeps his horses in.

THREE LIMITS IN THREE MONTHS.

On the 14th of December, as shown by the minutes, the fire-limits were changed. There is some interesting history back of this simple record. Bear in mind that the town had the limits already defined when the State law went into effect the first of July. September 19th the fire-limits were fixed over again and made to include the area between Oakland Avenue, Franklin Avenue, Chester, Airline, and Dallas, and Long streets. Noting the change on Dec. 14th, already mentioned, the reader will observe that within the short space of three months between the middle of September and the middle of December the town had three sets of fire-limits!

ONE TAKEN, ANOTHER LEFT.

But it is the last change, the one made on the 14th of December, that furnishes some interesting features. At that time the board had before it a renewal of my former application and also an application from Mr. J. J. Kincaid to erect a wooden residence in the same block. But as the proposed building was next to my residence and near enough to raise my rate of insurance, the fire-chairman had no great difficulty in convincing the board that Mr. Kincaid should have a permit. But they had begun to see light. Members of the board in session asked me what I thought of it. "You ought to let us both build," was the answer given them. Now both cases were precisely on all-fours at law. Both were in the fire-limits; neither was in the principal business portion; change lines from there to this place and all difficulty is removed, the law is satisfied, and the public welfare suffers no hurt. The lines were changed so that Mr. Kincaid was allowed to build, but the other man not at all. I was left facing the ordained threat that if I put a building on my lot as other citizens had been allowed to do, I would be fined \$50 for putting it there, \$10 a day for keeping it there, and that my workmen would be dragged off and fined \$50 for helping to build it! I had no remedy but to break the law or try again to persuade the board to have a reasonable regard for my rights. Breaking the law, even when it is a bad law, is not a proper remedy for grievances. Laws are made to be respected, honored, and obeyed. I am a respecter of the law, and resolved to go before the board once more if haply I might persuade them to change a bad and oppressive law of their own making.

ONE MORE TRIAL.

On the night of January 16th, the application was renewed before the board. They were asked in respectful terms to modify their harsh and unnecessary ruling in the case. It was without precedent in the town's history. It was a matter entirely within their discretion. I came to them for no favor, I asked for just treatment. A list was presented of 54 business men and property owners in the fire-limits who said over their signatures that they had no objection to the erection of my small annex. This list I obtained by taking men as I came to them and my limited time barely permitted me to get half-way round the fire-limits. Again the case was left with the board. Adjournment was taken for future action.

WAS IT A SQUARE DEAL?

On the 26th of January, Mr. J. E. Young, the State's Insurance Commissioner, came to Gastonia upon the invitation of Mayor Dixon, ostensibly to make a public talk about the fire-waste law. Towns over the state were beginning to feel the effects of this odious and pragmatical

piece of paternalism and were keeping the Insurance Commissioner on the go. Charlotte, Wilmington, Elizabeth City, and numerous towns have had the matter up. Commissioner Young came to Gastonia on the noon train from Charlotte. The Mayor sought him at the hotel. A public meeting seemed out of the question on account of the shoe-deep ice shed by the prevailing blizzard. The board was called together, as usual in private session. Mr. Young made his talk, my case was stated, discussed, and ruled upon in my absence. It makes no difference if no names were called. It was my cause, I had a right to present it on equal terms with the board. I was not invited to the meeting, was not even advised of it. Mr. Young was not allowed to see my location; he was taken up to the other end of town. That is the board's idea of a square deal; it is not mine.

THREE STRIKES AND OUT!

My request was finally refused a third time. I had presented my cause openly and respectfully at three separate meetings, and then quit the business of expecting just treatment from such a board. The highwayman has at least the selfish plea that he enriches himself with the spoils he takes from his victim, but what shall be said of him who from the love of despoiling deprives where he cannot appropriate?

REQUIRED BY NO LAW HUMAN OR DIVINE.

All deliberative bodies are guided largely in their action by the recommendations of their committees. If the fire-committee of two members had recommended favorable action in my case I believe it would have been taken. The chairman enthusiastically opposed it and the committee was against it. That was their right, if their consciences approved; but a conscience that uses official position to benefit favorites and oppress others needs reconstruction. Conscientious! Conscientious! A man may be as conscientious as a Pharisee and just as blind and wrong. He can follow a conscience like that to the gates of death. But he may be as savage and malevolent as Saul of Tarsus—and still get right! From the date when the new law went into effect business favorites of the fire-chairman were allowed, as I have shown, to violate the law unmolested. Where was conscience then? Where? Did my application wake it up? An officer who will fall in duty through favoritism may be expected to go beyond his duty to gratify the opposite motive of malevolence. I cannot believe the other aldermen knew to what extent they were lending themselves to such purposes. The general welfare of the town did not demand such action, had never demanded it before, and they were under no law save their own discretion. I offered to bond myself to tear the annex away upon maturity in five or six years of the \$1,000 worth of building and loan stock which the rental would carry, and perhaps before that time. Members of the board are interested in worse buildings in the very heart of the business portion and are under no obligation to observe such a time limit. But the board chose to make the time between vacancy and a brick building on my lot as long as possible. They chose to hinder rather than help the very cause they professed to espouse. They stubbornly put the line there instead of here, and thus damaged a law abiding citizen \$1,000 with no commensurate advantage anywhere. There was no law human or divine which required it.

But that is past. I have no application before the board now.

FINALLY.

For sixteen years I have served the community the best I could in my humble capacity as a neighborly man and a law abiding citizen. I have tried to respect the law, to honor its officers, and in every way to be loyal to my town and people. I believe the board of aldermen of the town of Gastonia have

FLOUR
You may not have thought of it, but now is a good time to buy Flour. We advise our friends to stock up on this staple.
We have just received two and a half car loads of Lily of the Valley, Tellico, and Cream of Wheat.
They are fine brands, every one of them, and we are making close prices. We want to talk flour to you; give us the opportunity. We repeat, it is a good time to stock up on this staple.
Buy flour now and buy from JNO. F. LOVE The People's Store

abused the trusts committed to them, and I have taken the only means in my power to call them to account. If unjust in my judgment of them I shall welcome the ascertainment of the truth. I would rather suffer wrong than do wrong.

W. F. MARSHALL.

Real Estate.

Messrs. Poag and Groves have sold the Anderson Davis property on East Franklin Avenue to Mr. Perry Dover, of Clover. The property consists of about 6 acres and the purchase price was \$2450. Though the same firm the Clover Manufacturing Company purchased Mr. Dover's home place at Clover consisting of store and dwelling and about four acres of land for \$3250. Mr. Dover will move to Gastonia.

MAKING HORSES INVISIBLE.

Methods For Warfare Being Considered by German Commission.

A special military commission has been sitting in Berlin considering the best means of making cavalry as invisible as possible in warfare, says the London Express. Harmonizing the men's uniforms with natural conditions as much as possible is not enough, and the commission has been discussing the advisability of dyeing the horses or screening them with light canvas trappings. At the British war office the other day it was said that several experiments had been made in this direction during the war in South Africa. One official said: "Many horses were dyed, but it was found that the dye soon washed off all except gray horses. Several vegetable dyes and a diluted stink were used, but the experiments proved of little value. Canvas trappings made the horses perceptible and impeded their movements, and besides, when the sun is behind the cavalry the horses' legs can be seen through the canvas." "The best screen for cavalry used in South Africa was a combination of various hotheater shrubs picked up on the veldt. These plants were in many cases struck upward and downward from the trappings and gave the appearance, when cavalry were moving slowly across the sky line, of waving vegetation."

Mainspring Of Life

No One Can Be Strong with a Weak Stomach. J. H. Kennedy & Co., Tell How It May Be Strengthened.

The stomach is the mainspring of life. When it is strong and acts perfectly, then the whole system is right, assimilation is perfect, and body and brain are thoroughly nourished. One may perhaps get temporary relief from stomach troubles by using pepsin, or some other digestant, but this treatment has no curative effect. It does not reach the seat of the trouble and remove the cause. How much better to use Mion's, which restores lost functions of the whole digestive system, revives flagging nutrition, and aids in the assimilation of food. Mion's is a pleasant remedy to use, and benefit is seen from almost the first day's treatment. It restores the torpid glands and stimulates the natural digestive secretions. It checks fermentation, stops germ growth, soothes inflammation, and cures all stomach troubles, such as headaches, backaches, rheumatic pains, furred tongue, sleeplessness, nervousness, and general debility which are caused by imperfect digestion. It is the only remedy that is so uniformly successful in the cure of stomach diseases that J. H. Kennedy & Co. are willing to give a guarantee with every 50 cent box of Mion's tablets that the remedy will cost nothing unless it cures. They have so much faith in Mion's that they are willing to take all the risks.

To Algebras. Algebras, Algebras, When you are about to wire us That you've settled matters straight And that all are satisfied, That each nation's honest pride Rooted in and led to rest—wait. Can you not, O Algebras, Knowing that we are desirous Of a rest that never yet Gently hint it to the Kaiser That he'd not his part much wiser If he'd shelve his battles? Britain, too, is wont to tire us— Well you know it, Algebras— With heroes in the Mail Of a flag that never yet Lowered was by foe's or sea's. As for France, she's apt to fire us With her legends, Algebras. Still we need a little rest. Tell her all her glories will Move that easily fill the bill, That the arts of peace are best. Breathe it gently, Algebras— The Mioners, oh, inspire us! That we guard with no nation And that, though not now desirous For a fight, O Algebras, We can easily look gratious— With a flourish. —New York Times. Uncle Joe Cannon's Joke. Secretary Taft is a great admirer of Speaker Cannon, says the Washington correspondent of the Philadelphia Press. He insists, too, that Uncle Joe looks like Abraham Lincoln. This has often been said of Senator Shelby M. Cotton of Illinois. The secretary was at the capital a few days ago and while walking through the speaker's lobby met Mr. Cannon. "Hello there, Abe! How are you, Abe?" exclaimed the secretary. "Mr. Secretary," said the speaker in a low voice, "don't say that out loud. You'll break poor old Uncle Shelby's heart. It's been his stock in trade for these thirty years."