

# Always Have PERUNA

Mrs. L. A. Patterson, 1399 Kentucky St. Memphis, Tennessee, writes:

"I have been a friend of Peruna for many years. I have used it off and on for catarrhal complaints and found it a very excellent remedy. I have a small family of children. Times are hard with us, but I can scarcely afford to do without Peruna, especially during the season of the year when coughs and colds are prevalent. We always recommend Peruna to our neighbors, for the benefit it has been to us."

## For Coughs and Colds in the Home. Recommend It to Our Neighbors.

Those who object to liquid medicines can procure Peruna Tablets.



### JUDGE BYNUM'S SPLENDID SPEECH AT GREENSBORO

(Continued from Page Two)

highest commendation in volume after volume until the 169th, and in one of the cases it is referred to as a stimulating doctrine which all officials of North Carolina should have called to their attention, that this is the high standard of conduct required of them when they come to dispose of public property. They cannot shield themselves by coming in with a long petition of 100 or 200 men, saying they are men of good character. It is no defense to say they are men of honesty and integrity, because honest men and men of integrity may be guilty of want of care, willful neglect in the disposition of public property, just as the Board of Commissioners of Northam County, men of as high character as these defendants, were they found by a jury of their countrymen guilty of disposing of property of little worth, it is true, but nevertheless guilty, as the Court says:

That is not a new doctrine. Here is the same rule stated by Bigelow on Fraud, under the head of Collusion, vol. I, page 576:

Cases falling under this head might be dismissed with the statement that they turn, not upon fraud proper, but upon constructive fraud. That is, it is not necessary to relief in a case based upon deception accomplished by collusive conduct between one standing in a fiduciary or confidential relation towards the plaintiff, and another person, to show that the parties intended to defraud the plaintiff; enough that there has been collusive misconduct.

That is not all; the case differs still further from a suit against a person standing in no fiduciary or confidential relation towards the plaintiff. The trustee, agent or employee would have to prove his own integrity and justify his seemingly improper conduct; and this upon slighter evidence on the part of the plaintiffs than would be required in other cases."

Just as my brethren got confused in their arguments because we say the effect of this neglect on the part of these defendants has resulted in a fraud upon the town, that it is constructive fraud, so they say we charge them with all sorts of corruption and rascality, which we do not, because it is not necessary. And even if it was necessary we did not do it because we know they are not men of that kind, we know they are men of honesty, integrity and uprightness, but in this case we say they exercised partiality, however honestly they may have thought they had a right to do it, just as the Commissioners of Chatham County never doubted they

had a right to sell the little pile of shingles for \$21.00, without making any further to do about it. And as the Court says, nobody questioned their honesty. The question is, "Did they measure up to the standard of duty required of them?" Suppose it had turned out in the Chatham County case that some one had come to the Board and offered them \$31.00 or \$41.00, and out of partiality of the man who had offered \$21.00, they had said "No, I cannot take your \$41.00 or your \$31.00, because someone has told me I am under obligation to this man offering \$21.00 and I will take that." What would that have been? Would it not have been something more than legal neglect? Would it not have gone beyond that? And yet that is what has been done here.

In this Hatch case you will find the facts stated that the sale of the shingles was made by the chairman of the Board. The other two merely assented. The active sale was made by the chairman himself, and they held the other two guilty because they assented to the act of the chairman. When Mr. Wray was talking to Mr. Talbott, shown from these records and declarations by the defendants themselves, he said, "The propositions are substantially the same, what you offer and what the Utilities Co. offer, the schedules and prices are just the same," and he makes no question of their financial responsibility. After debating the matter with Mr. Talbott, chasing him as Mr. Brooks said, they badgered him, but they never chased the Utilities Company. There was no badgering there. No, the attorney for the city and two others with him get on the train and ride down to see the Utilities Company, all the way to Charlotte—125 miles. They go in and take off their hats and bow, no doubt. It is just 25 miles to Danville where Mr. Talbott lives, and neither of them goes there to talk to him, or to their own townsmen, Mr. Richardson and Mr. Wray. They absolutely refuse to give them the information which like gentlemen they called for. Yes, Your Honor, their hostility is shown in every word and in every act. When Mr. Wray asked the question of the comparative dependability of electricity generated by steam and by water power, and Mr. Talbott in a frank and candid way was proceeding to explain it, what does Mr. Gildwell do? It evidently made him mad. He said, "Are you making a campaign speech?" That is the way they chased him. After calling upon him for information and explanation, when he was proceeding to give it, having determined that he should not have this contract, they badgered and browbeat him, showing their hostility in every word and every act. Yes, they were chasing him; no doubt about that. They chased him under the table and around the table and everywhere else, but Mr. Talbott stood there and gave them the information every time. He said, "Gentlemen, I will give you any sort of bond you want, to furnish you all the electricity this town needs now or will hereafter need." And the truth of it is if some one had not moved to adjourn then, I expect there would at least have been some division upon the proposition as to whether or not they should turn his bid down, because I judge from Mr. Wray's declaration he had asked questions until he seemed to have become satisfied that this bid of Mr. Talbott's was a better bid, and there was nothing else to do from what appeared than to accept it. Then somebody moved to adjourn. Something was about to be done they did not want done, and so they take an adjournment. Then what happens? The next day there is not a word said about these respective bids, which is better, or anything of that kind. We find an entirely new tack taken, something instituted there in order to overawe or to influence this Board,

because they bring up a large body of men who belong to the Commercial and Agricultural Association, and the city attorney calls them up one by one and puts them through a series of examinations as to whether or not they think the new Board was bound by what the Commercial and Agricultural Board had done, that is to say, that they had promised Mr. Fenn or they had promised the American Tobacco Company if it would put up a cigarette factory there it should have power from the Southern Power Company. Some of them said, "Yes, we told them we would get power from the Southern Power Company, but Mr. Duke said he did not care where we got our power." "But," they were asked, don't you regard this Board committed to the Southern Power Company?" Some said they did and some said they did not. Mr. Joyce took a very sensible view of it. He said, "That is a matter for this Board to determine; you are charged with a duty, and that duty is that you make the very best contract and get the very highest price for this property possible; you are the ones charged with that responsibility."

Then they say that in the election that was held in May 1917, the issue was whether the property should be sold. We have nothing to do with that, we do not care; we are not challenging the right to sell, we are challenging the manner in which they have sold it, and we are saying that was due entirely to partiality and favoritism, and that favoritism, as Judge Strudwick read to you, is but one form of fraud. That election they say should have some bearing on it because the Board said, "If we are elected we are going to sell." Suppose they said they were going to sell to the Utilities Company, and that they were going to sell to them for \$30,000.00 Grant all that. Had our proposition been made then? Not at all. Our proposition to pay \$20,000 more was not made until August afterwards. And so we come in and say, "Gentlemen, we will not only give you \$30,000.00 but we will give you \$20,000 more," it did not make any difference what had been said at the election or at any other time, the duty presented to the Board of Commissioners was, what shall we do now; here is a new element, that has put a new phase on the matter. Here is a man who offers to give us in cash \$50,000.00 for this property, what shall we do? That was the question. Nothing that the Commercial and Agricultural Club had done could effect that. That imposed a duty on the city commissioners as the trustees of the town. No thing done in the election proceeding could bind them, because when they came into power and took the oath of office these duties devolved upon them and they had to measure up to the high standard which has been marked out by our Supreme Court.

It must impress Your Honor that they concealed from Mr. Talbott all information he was seeking to get, in order, as he says, that he might put in an intelligent bid. All the information contained in this little notice is that they are going to sell the plant. They do not say anything in that advertisement about what they want the purchaser in his bid to say he will do with reference to the operation of the plant or the building of a new plant, or enlarging that plant. Nothing of the kind. All it says is that we are going to have a regular meeting and consider the question of the sale of this specific property, and all who are interested may be present, and if anybody has a proposition—they do not say what kind of proposition—they had better put it in writing.

They did not even do that much until July 25th. I do not want to characterize their conduct, I merely call Your Honor's attention to the fact, but it appears that in June and July they had been privately dealing with the Utilities Company, and had actually forwarded to them a carefully prepared contract, which had been prepared after having been submitted to them, and certain things eliminated from it, and it comes to the Chairman of the Water & Light Committee, not addressed to the Mayor or Board, because no advertisement for bids had been made, and the Chairman of the Water and Light Committee takes it down and puts it in his private file in the mill, and there it stays until after our bid was opened, and it was disclosed that we offered more than they offered, and then they bring it up and put it on file.

It was at our request that this little notice was given, though they did not publish what we wanted. We wanted them to state the terms and conditions, and just what they desired done, and then they put in this little notice I referred to. After that was published, we wrote them a very respectful letter and called their attention to the fact that it was impossible to make an intelligent bid, and asked that they give some information as to what they wanted the person who bought the plant to do, requesting that they set forth the conditions, stipulations and terms, and informing them that it was impossible to bid intelligently until we knew what they were going to sell, and what they wanted done.

They did not even do us the courtesy of answering that letter, or acknowledging receipt of it. Then when we came before them (for not satisfied with that, Mr. Talbott goes to the meeting) Your Honor heard how, as Mr. Brooks said, they chased

him under the table and all around, manifesting their hostility, complaining when he undertook to explain matters, that he was making a campaign speech, and would not give him the information he wanted.

That is what these gentlemen have done. They have not only put forth no efforts to get bids, but they have tried to keep from getting any bids. This evidence shows that they did not want any bids but the one which was on file with Mr. Scott for \$30,000. That is all they wanted. When they opened our sealed bid and found it was for \$50,000.00 and that it was the only bid on file, they hurried to get this other and bring it up. And then at the meeting did you hear how they tried to get Mr. Talbott in a hole? Mr. Wray said, "Do you want to renew your bid?" Mr. Richardson said: "It is not necessary to renew it, the bid is on file." Why do they ask that? They thought, "If you renew yours, then Mr. Scott can put in the Public Utilities bid," but Mr. Richardson was too smart for that, he said, "No, I do not want to renew my bid, you have it in writing and

## Why I Believe in Nuxated Iron A Strength-Builder for the Nation

By E. Squer, M.D.

Probably no remedy has ever met with such phenomenal success as has Nuxated Iron. It is conservatively estimated that over three million people annually are taking it in this country alone. It has been highly endorsed and used by former United States Senators and Members of Congress; Physicians who have been connected with well-known hospitals have prescribed and recommended it; Monseigneur Nannini, a prominent Catholic Clergyman, recommends it to all members of the Catholic Church. Former Health Commissioner Wm. R. Kerr, of Chicago, says it ought to be used in every hospital and prescribed by every physician. Sarah Bernhardt—"the Divine Sarah," the world's most noted actress—has ordered a large quantity to take to French soldiers to help give them strength, power and endurance.

Dr. A. J. Newman, late Police Surgeon of the City of Chicago, and former House Surgeon, Jefferson Park Hospital, Chicago, says Nuxated Iron has proven through his own tests of it to excel any preparation he has ever used for creating red blood, building up the nerves, strengthening the muscles and correcting digestive disorders.

Dr. N. H. Hornstine, for ten years Physician in the Department of Public Health and Charities of Philadelphia, says that tests made with Nuxated Iron on a number of stubborn cases where other tonics had failed absolutely convinced him of its remarkable and unusual power.

If you are not strong or well, you owe it to yourself to make the following test: See how long you can work or how far you can walk without becoming tired. Next take two five-grain tablets of Nuxated Iron three times per day after meals for two weeks. Then test your strength again and see how much you have gained.

NOTE—Nuxated Iron, which has been used by former Members of the United States Senate and House of Representatives and other prominent people with such surprising results, and which is prescribed and recommended above by physicians in such a great variety of cases, is not a patent medicine nor secret remedy, but one which is well known to druggists and whose iron constituents are widely distributed in the human system. Unlike the older inorganic iron products, it is easily assimilated, does not injure the teeth, makes them black nor upset the stomach; on the contrary it is a most potent remedy in nearly all forms of indigestion as well as for nervous, run-down conditions. The manufacturers have such great confidence in Nuxated Iron, that they offer to forfeit \$100 to any charitable institution if they cannot cause any man or woman under 60 who lacks iron and increase their strength 100 per cent. or over in four weeks' time, provided they have no serious organic trouble. They also offer to refund your money if it does not at least double your strength and endurance in ten days' time. It is dispensed by all good druggists.

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# Children Cry for Fletcher's CASTORIA

The Kind You Have Always Bought, and which has been in use for over 30 years, has borne the signature of and has been made under his personal supervision since its infancy. Allow no one to deceive you in this. All Counterfeits, Imitations and "Just-as-good" are but Experiments that trifle with and endanger the health of Infants and Children—Experience against Experiment.

## What is CASTORIA

Castoria is a harmless substitute for Castor Oil, Paregoric, Drops and Soothing Syrups. It is pleasant. It contains neither Opium, Morphine nor other narcotic substance. Its age is its guarantee. For more than thirty years it has been in constant use for the relief of Constipation, Flatulency, Wind Colic and Diarrhoea; allaying Feverishness arising therefrom, and by regulating the Stomach and Bowels, aids the assimilation of Food; giving healthy and natural sleep. The Children's Panacea—The Mother's Friend.

### GENUINE CASTORIA ALWAYS Bears the Signature of

## In Use For Over 30 Years

The Kind You Have Always Bought

THE CENTAUR COMPANY, NEW YORK CITY.

It is on file awaiting your action." After they could not make him do that, then as Mr. Brooks said, they began the chase, and showed their hostility. Then when it came down to that last meeting, the date on which this transaction was completed, what reason did they give? Why did they say they rejected a bid of \$50,000? Did they complain to Mr. Talbott that there was any defect in his contract? Did they ask him to amend it? Did they suggest anything about pumping? Nothing of the kind. They laid all that aside and said, "We have got to turn down this \$50,000 offer because the Commercial & Agricultural Association has promised the American Tobacco Company to get the power from the Southern Power Company." May it please Your Honor, we can get power from the Southern Power Company as well as anybody else. It is a public service company and must furnish it to anybody who offers the price. There was no reason in the contention these gentlemen were making, and Mr. Talbott explained that to them. He said, "I can get the power from the Southern Power Company if it is necessary." But they did not want Talbott to get it from the Southern Power Company for some reason. They had to have the Public Utilities Co. to get it from the Southern Power Com-

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## CONSTIPATION INVITES DISEASE

A reliable laxative is necessary to the comfort and health of any well-ordered household because constipation is a condition that affects, in greater or less degree, practically every member of the family. When the bowels refuse to act the entire system is affected; digestion is impaired, nerves begin to twitch, foul gases and poisons generated by decomposing substances in the intestines are distributed throughout the body, and often result in serious illness. A prominent French scientist says ninety-five percent of all human disease is directly traceable to inactive bowels. More than a quarter of a century ago Dr. W. B. Caldwell prescribed a combination of simple laxative herbs with pepsin that is now the standard remedy in thousands of homes. This prescription is sold by druggists for fifty cents a bottle, under the name of Dr. Caldwell's Syrup Pepsin. A trial bottle can be obtained free of charge, by writing to Dr. W. B. Caldwell, 456 Washington St., Monticello, Illinois.

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If you catch colds easily, if troubled with catarrh, if subject to headaches, nervousness or listlessness, by all means start today to build your strength with

# SCOTT'S EMULSION

which is a concentrated medicinal food and building-tonic to put power in the blood, strengthen the life forces and tone up the appetite. No alcohol in SCOTT'S.

The original Norwegian cod liver oil used in Scott's Emulsion is now refined in our own American laboratories which guarantees it free from impurities.

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if by any chance or for any reason you have delayed during the past week to purchase your coat, better see to it immediately. Selection is new and styles individual—rarely two along the same idea.

## Velour Coats—in a Complete Representation of Models and Colors \$25

At this price, there is choice of quite a large number of individual styles—every one effective and will give splendid service. Particularly pleasing when worn with black furs and a large velvet sailor; and we must admit that it would be difficult to secure such a rich and striking combination, for such a small price as these entail.

## Stunning Coats of Velours, Cheviots and Mixed Fabrics \$19.75

When you consider this price and are familiar with present day costs of materials and cost of labor involved, you will say that here is a value EXTRAORDINARY. And indeed it is; workmanship and styles have all the earmarks of the finest designing and tailoring. They have the large cape collars and full flaring lines typical of the newest models.

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Cold weather is already with us, and there has been more than a hint of Winter in a few of our recent days. At this season the sweater fills a peculiar need which only the sweater can. When it isn't cold enough for the dress alone—you NEED a sweater.

To fill that sweater need of yours, we have an assortment of beautiful sweaters, in wool or fibre or silk; in many designs, colors, and color combinations; in slip-on or coat effects.

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