

**JUDGE BYNUM'S SPLENDID
SPEECH AT GREENSBORO**

(Continued From Page Three.)

of theirs, the Public Utilities Company. They ought to thank Mr. Richardson for endeavoring to keep them out of the economic thralldom in which unhappily they are seeking to place themselves. Instead of this, testimony taken down by a stenographer, that they have not been indicted by a grand jury of Rockingham county, instead of merely having the validity of their contract called into question. What would they say if a grand jury of Rockingham county should present them, as a grand jury of Chatham county did its commissioners? The solicitor would only have to read the declaration of these defendants, competent on a bill of indictment made by some and asserted to by others, where they turned down an offer of \$50,000 and accepted one for \$30,000 or made a contract of sale by which they would accept it. "But," they say, "it will never do to convict us; we are honest men." Just so the Board of Commissioners of Chatham County said: "You must not convict us, because you charge us with no corrupt intent." The Solicitor would reply: "No, I do not. But I charge that you not only failed to exercise any effort to get more than \$30,000 for this property, but that you were actually offered \$20,000 in cash more, and you refused to take it." That would be his answer. And what would the Judge say to the jury? "If you believe that evidence I in-

struct you to return a verdict of guilty."

They ought to thank Mr. Richardson and the people of Rockingham County, instead of criticising him, that they are not in a more serious position. I say we do not question their honesty, but may it please Your Honor, there is a clear case of favoritism here—favoritism to the Southern Power Company and favoritism to the Utilities Company, into whose coffers they have put \$20,000 because the Utilities Company can take this contract, if it is ratified next Tuesday and sell it for \$50,000 the next day and put \$20,000 in its pocket, over and above what it gave, and go on about its business.

Your Honor remembers the old case of Jackson vs Craft, where an auctioneer in selling property saw a man approaching, and knowing that he was going to make a bid on the property which he was offering for sale higher than bid his friend standing by and already made, before the man could get there and make his bid, knocked down property at price already bid. What did the Court say? "That is a fraud which operates as a wrong upon the owner of the property and upon the man who was going to make the bid." It was favoritism. You favored the man who put in the last bid, when you saw a man coming you knew was going to put in a higher one and before he could do it, you knocked it down to your friend.

We did manage to get in our bid, made with the best light we could get. We got in our bid, but they were about to knock it off to the other man before we could get it in, but after we did get it in they declined to consider it and turned it down.

How can there be any doubt that these people have abused their powers, have failed to exercise that care to get the highest market price which the Court says they must get for this property? It is no justification to say they were honest, it is no justification to say they did not intend to do any wrong; they were charged with a public duty and they failed to discharge that duty, and they did it with their eyes open. The money lay in cash upon the table. So they did it wilfully. If that is so, then the proposition of the law, which is the major premise of our argument, is that whoever in such circumstances does that, whoever fails in such circumstances, to exercise ordinary care, is wilfully guilty of neglect of collusive conduct in the selling of public property, and his action may be set aside. Have these defendants done that? The evidence is overwhelming that they have. Their own statements show that they have. Then what is the conclusion? The conclusion is that the contract is void, because it operates as fraud. That is what they held in the case of McCord vs Pike; held it was void because they had no right to give away the property. One man offered \$51,000 and another man offered \$55,000, and they took the offer of \$51,000, and the excuse they made was that he did not deposit a check. The Court says he offered to put it up, and you cannot be excused on that ground, because he told you he was ready and would do whatever was necessary to be done. You cannot justify yourselves in that way. The Court says he was ready to pay \$55,000 for the property, the Board knew this, they were ready to pay it in cash, and ready to do anything else

they wanted done, yet they professed to sell it to McCord for \$51,000. This was the breach of trust. Many and many an honest man has been guilty of a breach of trust. This was a breach of trust and when an honest man is guilty of a breach of trust, his action is just as void as if a thief was guilty of a breach of trust. "It was not within the discretion of the Board," says the Court, "for the Board has no authority to give away property." Then the Court goes on and takes up their explanation of the reason they did, that Franch had not put up his deposit and they say that is not an excuse.

Now, Your Honor, here is a clear case where these gentlemen, honest men as they are, have simply by some influence, perhaps due to what the Commercial & Agricultural gentlemen said there, but no improper influence, their intent in not brought in question, have shown partiality to the American Tobacco Company or the Southern Power Company or the Utilities Company, one or all. They say they did it because they promised it to a branch of the American Tobacco Company. It makes no difference. That is the reason they gave at the time, and the only reason.

When a trustee undertakes to show favoritism to a bidder, that makes void the sale. So we have here something which, if these facts are true, is a nullity, this contract is void, and the question is whether Your Honor will permit these defendants to proceed further in the enforcement of it. We ask that they be restrained from doing anything further, because it is void for the reasons I have stated. That is the question.

My friends have submitted their views upon it. Judge Strudwick has submitted ours. We say to you there is no case in North Carolina that affirms our view, neither is there one that denies it. It is an open question. It is not a political question, like my friend Governor Kitchin said. It is an economic question, solely an economic question, whether it is better for the town of Reidsville, leaving aside the controversy immediately concerned, whether it is better for the economic welfare of the town of Reidsville, for the sale to be made to the Utilities Company.

It will hurt nobody for this injunction to be continued. Governor Kitchin said it would hurt nobody for it to be dissolved. It would certainly hurt the taxpayers of this town if they should by this action be caused to lose \$20,000.

The statute devolves the duty of making the sale upon the commissioners. They are authorized to sell, but the statute says before the sale can be operative it must be approved by the people.

Now we say this sale is void because for the reasons I have stated. That everything they have done concerning it is void, and therefore there is no valid proposition to submit to the electors of Reidsville, and the interest of the town ought not to be jeopardized by a political fight over a matter which has its foundations in wrong, and in abuse of power, because this statute pre-supposes these gentlemen would make a bonan fide sale, a valid contract of sale, which might be submitted for approval.

So we ask your honor to continue this injunction. There is the light plant running, nobody would be hurt, nobody is calling for electric power in

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During the week of October 15th, tobacco prices reached higher than ever before. The Winston-Salem market has surpassed its own record. One-half of this year's crop has sold for more than the whole of any previous year's crop. What are you going to do with this great opportunity?

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Here is a recipe for a perfectly delicious cake made without butter.

RECIPE

- Chocolate Layer Cake**
- 1/2 cup Cottolene
 - 2 cups sugar
 - 3 eggs
 - 3 cups flour
 - 1/2 teaspoon lemon
 - 3 level teaspoons baking powder
 - 1/2 teaspoon salt
 - 1 cup milk
 - 1/2 teaspoon vanilla

Cream Cottolene, add 1 cup sugar gradually. Add remaining cup sugar to beaten yolks. Combine mixtures. Sift together flour, baking powder and salt. Add to first mixture alternately with milk; lastly flavoring and stiffly beaten whites. Finish with chocolate filling and icing.

Cottolene
"The Natural Shortening"
At grocers in tins of convenient sizes

Reidsville today more than they can get. The plant has a capacity of 346 horsepower, and there is only 125 now used. Nobody will be hurt. Let the Supreme Court decide this controversy between these gentlemen. I think that would be much better, pursuing the idea Governor Kitchin has advanced than to have a bitter contest among themselves. If the Court says this is a proper transaction we will bow with proper respect, and that ends the matter; if they say it is not, then let them pursue such course as they think best. Nobody will be hurt and no reflection will be made upon these

gentlemen. We do not impeach their honesty and integrity. Let the Court pass upon this question, an open question so far as the election is concerned, but not an open question so far as the validity of the contract is concerned.

GROOM'S
The farmers are busy sowing wheat and clover.
Mr. Lindsey Chilton of Route 6 was a visitor in this vicinity Sunday.
Messrs. Ellison McKinney and Harley Tate of McIver were visitors in

this section Sunday.
Messrs. A. G. McKinney and Claude Shumate of Route 6 visited in this neighborhood Sunday.
Messrs. Oliver and Robert Hazlip visited at the home of Mr. J. H. Wall Sunday.
Mr. W. A. Saunders of near McIver visited friends here Sunday.
Some of the Route 6 boys are getting right sporty, as they are buying Ford cars.
Don't fail to see our line of young men's suits.—Williams & Co.

LAND SALE OF 108 ACRES

THE J. H. LANE PLACE, Now Owned By J. M. Hopper

Near the Dunn Home, about a mile from Leaksville Graded School and one mile from Heiner's store. In walking distance of all the mills. 108 acres cut into acre lots and 5 and 10 acre farm. Will be sold

AT AUCTION on the Land Saturday, Nov. 10, 1:30 p. m., Shine or Rain

This is the last chance to buy land near the mills and schools, where you can raise pigs, chickens, peas, potatoes, and keep your own cow. Don't let this opportunity slip. Get busy and look over this land before day of sale. Easy terms. One-third cash. Six and twelve months on balance. We take Liberty Bonds at face value for the land. Brass Band Music. Ladies invited. Silver Souvenirs given away at sale. If it rains be sure to come, as you may get a better bargain.

Remember the Date, SATURDAY, NOV. 10, 1:30 P. M.

MURPHY BROTHERS LAND AUCTION COMPANY
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P. S.—If you have land to sell see these men or write the Company.