

BECKHAM IS THE GOVERNOR.

SUPREME COURT DECIDES FOR HIM.

THE WRIT OF ERROR IS DISMISSED.

A Vigorous Dissenting Opinion Delivered by Harlan, the Only Justice Favoring a Reversal of the Kentucky Court's Decision—Contents for State Offices Must be Settled by the Political Branch of the Government and the United States Supreme Court Had No Jurisdiction in an Appeal from the Kentucky General Assembly, Which Could Only be Taken to the Tribunal of the People—Public Offices are Merely Agencies and as such are Not Property—The Dissenting Opinions.

Washington, May 21.—The United States Supreme Court decided the Kentucky governorship case in favor of Beckham, in both the quo warranto and the equity proceedings. For want of jurisdiction the court dismissed the writ of error from the Kentucky Court of Appeals. The opinion was handed down by Justice Fuller, and a vigorous dissenting opinion was delivered by Justice Harlan, the only one to advocate reversal of the Kentucky court's decision. Justices Brewer, Brown and McKenna also dissented from portions of the opinion. In dismissing the writ of error the chief justice said the court should be the last to overstep the bounds 'limiting its own jurisdiction and that in the determination of cases of this character contests for state offices must necessarily be settled by the political branch of the government. That branch had acted in the Kentucky case when the General Assembly took jurisdiction. There was no appeal from the Assembly's decision, which was favorable to Goebel and Beckham, except to the tribunal of the people, which tribunal, the chief justice said, was always in session. He also said the case was purely a State case; that Kentucky was in the full possession of the faculties as a member of the Union and that there was no emergency at this time calling for interference of the general government to enforce constitutional guarantees or to put down domestic violence.

"For more than 100 years," says the chief justice, "the constitution of Kentucky has provided that contested elections for Governor and Lieutenant Governor shall be determined by the General Assembly. The highest court of the State has often held and in the present case has again declared that under their constitutional provisions the power of the General Assembly is not to be interfered with by the United States Supreme Court. Many of the States have similar constitutional provisions and similar statutes. We do not understand this statute to be objected to as in any manner obnoxious to constitutional object, but that plaintiff in error complains of the action of the General Assembly under the statute and under the judgment of the State courts, desiring to disturb that action." The chief justice quoted numerous decisions holding that public offices are mere agencies or trusts and not property as such, nor are the salary and emoluments property, secured by contract, but compensation for services actually rendered. "In short," he said, "the nature of the relation of a public officer to the public is, generally speaking, inconsistent with either a property or a contract right."

After quoting section 4, article 14, of the constitution, in which the United States guarantees to every State a republican form of government, etc., the court says it was long since settled that the enforcement of this guarantee belonged to the political department. "We must decline to take jurisdiction on the ground of deprivation of rights embraced by the fourteenth amendment, without due process of law, or of the violation of the guarantee of the republican form of government by military deprivation. The writ of error is dismissed." A similar order was entered in the injunction case between the same parties. There were three dissenting opinions delivered by Justices McKenna, Brown and Harlan. The latter, however, was the only member of the court favoring a reversal of the decision of the Kentucky court. He quotes the case of Wilson vs. North Carolina in support of his contention.

TAYLOR ORDERS SURRENDER.

He Directs That the Troops be Withdrawn and the Government Given Over to the Democrats.

Louisville, May 21.—Governor Taylor late this afternoon issued the following order: "To General Collier, Frankfort: 'The Supreme Court having decided in favor of Mr. Beckham, nothing now remains to be done except to dismiss the militia and surrender your office to your successor, appointed by Mr. Beckham. You are, therefore, directed to at once dismiss the militia and to surrender your office to your successor as soon as the mandate of the Supreme Court is filed, or sooner, if you wish. Tender the militia my kindest regards and sincere thanks for their brave, manly and patriotic service.'"

"W. S. TAYLOR."

FINLEY ARRESTED.

The Ex-Secretary of Kentucky Was Taken in Custody in Indianapolis, but Governor Mount Refused to Honor Requisition for Him.

Indianapolis, May 21.—Charles Finley, ex-Secretary of State of Kentucky, has been arrested here for alleged complicity in the murder of Goebel, but Governor Mount refused to honor the requisition for Finley's return to Kentucky, and he was released. When Governor Mount was handed the requisition he asked to be shown the indictment. "What was the complaint politically of the grand jury that found this indictment?" he asked. "Were not all the members Democrats but two?" Thompson, the officer who brought the requisition, knew nothing. The Governor next said: "The charge that I am protecting Republican refugees of Kentucky is not true. I am acting on my own individual opinion in the matter."

"Do you recognize Mr. Beckham as Governor of Kentucky?" he was then asked.

"Yes, I do, since the Supreme Court decision to-day, but I acted on this requisition on its merits alone, as I think. When the time comes I will give my reasons for doing it."

W. S. Taylor, of Kentucky, arrived here this afternoon.

The Taylor Troops Leave Frankfort. Frankfort, Ky., May 21.—A force of men was employed at the Executive Mansion to-night packing up the private effects of the Taylor family, who to-morrow will leave for Louisville. While there will be no inauguration there will be a Democratic jubilation later. The demonstrations were kept up to a late hour to-night. Public meetings were addressed by Governor Beckham, Adjutant General Castleman and others. The Taylor troops at 4 p. m. relinquished possession of the property they have been guarding since the assassination and left Frankfort to-night. Governor Beckham gave out a long interview to-night, expressing gratification at the triumph of law and order over lawlessness and despotism.

BRITISH AT THE VAAL RIVER.

Only 40 Miles from Johannesburg—Women and Children Leaving Pretoria. London, May 22, 3:15 p. m.—British horsemen, according to a dispatch from Lorenzo Marques, are now close to the Vaal river, within 40 miles of Johannesburg. The migration from Pretoria has begun. Women and children are being sent in trains to Machadodorp, on the way to Lydenburg. Trains are arriving at Lorenzo Marques filled with passengers, among whom are many Germans bound for Europe.

British Astronomers En Route to Wadsworth.

New York Sun, 20th. Aboard the steamship Minneapolis, biggest and swiftest of the Atlantic Transport line's fleet, which arrived at quarantine last night from London, were eight representatives of the British Astronomical Association, who are going to Wadsworth, N. C., to witness the eclipse of the sun on May 28th. Four of the party are women versed in knowledge of stars.

BASEBALL YESTERDAY.

Philadelphia Wins a Pitcher's Battle from Chicago.

Chicago, May 21.—Although the fielding was ragged on both sides, the game, a pitcher's battle, was well played and full of excitement. Chicago's runs resulted from two singles, a sacrifice and a long fly. Philadelphia's came after two were out on a hit, a double steal, an error of judgment and Wolverton's single.

Score: R H E Chicago..... 0 0 0 1 0 0 0 0—2 6 5 Philadelphia..... 0 0 0 0 0 0 0 2—2 6 2 Batteries: Garvin and Donohue; Orth and McFarland. Umpire, Swartwood.

Brooklyn Wins a Poor Game.

Pittsburg, May 21.—Brooklyn's play was poor, but Pittsburg's was much better. The game was a pitcher's battle, and Brooklyn's runs resulted from two singles, a sacrifice and a long fly. Philadelphia's came after two were out on a hit, a double steal, an error of judgment and Wolverton's single.

Score: R H E Chicago..... 0 0 0 1 0 0 0 1—5 6 1 Brooklyn..... 0 0 0 2 0 0 1 2—7 13 1 Batteries: Lever and Zimmer; McGlinity, Dunn and McGuire. Umpire, Hurt.

Cincinnati Loses to New York.

Cincinnati, May 21.—Doherty gave nine bases on balls to-day, but allowed only three hits and score six strike-outs. Hahn was hard hit in the first inning, but settled down after that.

Score: R H E Cincinnati..... 1 0 0 0 1 0 0 1—3 2 2 New York..... 3 0 0 0 1 0 0 4—8 1 1 Batteries: Hahn and Peitz; Doherty and Bowers. Umpire, Emlie.

St. Louis Crushes Boston.

St. Louis, May 21.—St. Louis had no trouble connecting with Lewis' shots in the first three innings and they had the game won before the visitors got started. Bailey took Lewis' place and did better.

Score: R H E St. Louis..... 1 1 4 1 1 0 1 2—11 16 2 Boston..... 1 0 0 0 0 0 0 1—2 6 1 Batteries: Fowell and Criger; Bailey Lewis and Clark. Umpire, O'Day.

Other Games.

Toronto 12; Hartford 3. Syracuse 7; Providence 4. Harvard 5; Pennsylvania 5. Detroit 5; Minneapolis 5. Cleveland 3; Kansas City 4. Indianapolis 9; Milwaukee 4. Buffalo 6; Chicago 7.

The Yale-Georgetown baseball game was postponed on account of rain.

TELEGRAPHIC BRIEFS.

One boy was killed and three boys and a girl injured in a strike riot at St. Louis yesterday.

Rev. John E. Hall, of Khediva, Pa., was consecrated as a missionary to Japan, at the Cumberland Presbyterian Assembly, yesterday.

The Supreme Court of the United States yesterday decided that Samuel Costner, Jr., is not entitled to the exclusive use of "Pocohontas" as applied to coal.

The Democratic caucus at Baton Rouge, La., yesterday afternoon decided upon Senator S. D. McEnery and Governor Anthony J. Foster as candidates for the United States Senate. They will be formally and unanimously elected to-day, as the Legislature is solidly Democratic.

The special train from Columbia, S. C., last night, carrying the South Carolina fire companies, made the 109 miles in two hours and 49 minutes. It carried 268 persons.

WEATHER FORECAST. For North Carolina—Fair Tuesday and Wednesday; light northeasterly winds.

J. Q. Hood, justice of the peace, Crosby, Miss., makes the following statement: "I can certify that One Minute Cough Cure will do all that is claimed for it. My wife could not get her breath and the first dose of it relieved her. It has also benefited my whole family." It acts immediately and cures coughs, colds, croup, grippe, bronchitis, asthma and all throat and lung troubles. R. H. Jordan & Co.

Our Specialties To-Day: SODA WATER, ICE CREAM, AND CIGARS.

Meet your friends at our Fountain. R. H. JORDAN & CO. PRESCRIPTIONISTS, Confetti for sale.

DEPRESSED TRY

MINI MARIANI

MARIANI WINE. World Famous Tonic.

Mariani Wine is a tonic prepared upon truly scientific principles. It is safe and beneficial as well as agreeable. Mariani Wine has more than 6,000 written endorsements from leading physicians in all parts of the world.

Mariani Wine gives power to the brain, strength and elasticity to the muscles and richness to the blood. It is a promoter of good health and longevity. Makes the old young; keeps the young strong.

Mariani Wine is specially recommended for General Debility, Overwork, Weakness from whatever causes, Profound Depression and Exhaustion, Throat and Lung Diseases, Consumption and Malarias. It is a diffusible tonic for the entire system.

Mariani Wine is invaluable for overworked men, delicate women and sickly children. It stimulates, strengthens and sustains the system and braces body and brain. It combats Malaria and La Grippe. May be used effectively in form of a hot grog.

Adams at Lincoln—Texas Mill Men in Town.

Special to The Observer. Lincoln, May 21.—Judge Spencer B. Adams and other Republican candidates for State offices, spoke here to-day in the court house. The crowd who came to hear them consisted of about 50 white Republicans, about 25 negroes and a few Populists. A few Democrats could be seen hanging about the doors, out of curiosity to hear what they had to say. The lack of enthusiasm was very noticeable.

A party of four men interested in cotton mills are here from Gonzales, Tex., looking over the modern cotton mills of this county in order to get points to carry back with them to their own State.

London, May 21, 2:30 p. m.—The War Office confirms the dispatch announcing that Mafeking has been relieved.

Burwell & Dunn Co.

City store opposite Central Hotel. Wholesale store 5 West Trade Street. Importers, jobbers and retailers of

...DRUGS...

VOLUNTARY TESTIMONY.

Apex, N. C., May 2, 1900. Mrs. Joe Person, Kittrell, N. C.

Dear Madam: I can not express my appreciation of your Remedy. I had suffered for a year with a very bad sore leg, which, all the time, grew rapidly worse. I consulted physicians who treated me and finally advised me that my leg would have to be amputated. I sent this unselected, and you can use it as you see fit. Hoping it will benefit the suffering, I am,

Yours very truly, Q. I. HUDSON.

Mr. Hudson is a resident of Apex, has been agent and operator for the S. A. L. R. R. for thirty years. We not only know him personally, but can vouch for the truthfulness of his testimony. EDITOR SOUTHERN HOME.

Mrs. A. S. Howerton & Co.

To the Visiting Public of the 20th of May Week:

We extend to you a cordial invitation to call at our store, corner Fifth and Tryon streets, in Elks' temple. We handle an exclusive class of dry goods and notions. We want to make your acquaintance. Come in and we will take pleasure in showing you through whether you want to buy or not. Give us one bill, then we know you will want the second.

Mrs. A. S. Howerton & Co.

Visitors

to the celebration!

You are invited while in the city to call at our store, and if we can serve you in any way it will be a great pleasure to us.

Our line of Watches, Rings, Diamonds and Jewelry is complete. See our show window for seasonable novelties.

Mrs. A. S. Howerton & Co.

Visitors

are invited to call at my store this week for special low prices on

Diamonds, Watches, Sterling Silver, Rich Cut Glass, Fine Gold Jewelry, Novelties and Optical Goods.

JOHN FARRIOR. Leading Jeweler and Optician, 4 South Tryon Street.

—Mr. J. D. Hockney, of Franklinton, in the city. He was a drum major in the city war and he now very anxious to beat the sheep skin again provided somebody will furnish a drum. He says he will teach the boys how.

SMOKE TRAYLOR'S MAGISTRATE

6-CENT CIGAR.

Special Notices.

VISITORS TO THE CITY will find ice cream and cold refreshing drinks at WOODALL & SHEPPARD'S Drug Store, corner Trade and Tryon streets.

OUR LARGE BEAUTIFUL FLAGS IN fast colors, 5x3 feet, are just the things to hang out in front of your residence; small flags from 50 dozen on up. WHEELER WALL PAPER CO.

SHREDDED WHEAT BISCUIT are so nice, if you only knew how to prepare them; and if you will call at our store any time during this week Mrs. Henderson will be pleased to tell you all about them. Free to everybody. J. R. VAN NESS & BRO.

PLANKINTON HAMS, any size 12 1/2 cents, or 50-pound lots 12 1/2 cents. These hams are uncovered and you don't pay for one of two pounds of cloth. Choice breakfast bacon 11 1/2c, in small quantities. Six dozen best lemons \$1. BRIDGERS & CO.

GRAPE NUTS PRE-DIGESTED—A food for brain and nerve centers; no cooking is required; to be had at J. CALDER & SON, 321 North Tryon street. Phones: Bell, 2002; Q. C., 154.

LODGING AND BOARD—EARLY applicants to the GEORGE RESTAURANT will be provided with elegant sleeping quarters, and the best board to be had in the town. We can give sleeping quarters to a limited number of guests, but they must apply early. E. F. CRESWELL, Manager Gem Restaurant.

FOR SALE—Several investment properties for sale at 10 per cent. on the money; some of these places are being taken every day; call at once and let us prove to you. J. ARTHUR HENDERSON & BRO.

FOR SALE—We offer for quick sale house and lot, No. 306 West Sixth street, for only \$1,000. Beautiful lots on West Trade street, below Clarkson street, extending through Fifth street at low figures; brick house and lot, 100x150, corner West Trade and Clarkson streets, only \$2,500; house and lot, 90x198, corner Clarkson and West Trade streets, only \$2,300. BROWN & THOMAS, Hunt Building, Q. C. phone, 378.

IN DECORATING FOR THE 20th. The City Store, for a week, will have interior and exterior decorations of all kinds and are selling them very reasonably; call to see them. BROOKS & PARRISH, 209 West Trade Street, Phone 66.

KEEP OUT FLIES—Door and window screens made to order at short notice; we will send to your house and take all measures; now is the time to have them made. CAROLINA MANUFACTURING CO., Jas. A. Fore, Manager.

CAR-LOAD Mason's Machine-made fruit jars just received. These jars have no deadly blow-over like the hand-made jars. Call early and get what you want. The fruit crop is assured and jars are going up. C. B. FLOURNEY & CO. Both "Phones. Under Belmont Hotel, 20 E. Trade st.

FOR SALE—100,000 maple flooring; 100,000 7-8 and 5-4 pine flooring; 100,000 cypress shingles; 100,000 pine shingles; 100,000 plastering lath. Also factory flooring, timbers dressed and rough, and ordinary framing lumber. PIEDMONT LUMBER CO., Manufacturers and Wholesalers.

THE BEST ICE CREAM FREEZER. T. W. Long offers the best ice cream freezer on the market. In the use of his new freezer there is absolutely no labor or trouble, and freezes in half the time it takes the ordinary freezer. Long's store is also headquarters in Dilworth for fine groceries and household remedies. All orders have prompt attention and prices are most reasonable. T. W. LONG, Dilworth. Bell phone 244; Queen City, 187.

LADIES, CLEAN YOUR KID gloves with LaBelle glove cleaner. For sale only by H. A. LONDON, JR., & CO., headquarters for kid gloves; all the leading shades; gloves fitted and warranted.

OUR ICE CREAM PARLOR IS WIDE open; we are serving the very best cream that it is possible for expert to make; we make a specialty of orders for families, picnics and parties; prompt attention to all orders. PHILADELPHIA CANDY MANUFACTURERS, 8 North Tryon street.

MANUFACTURING SITES For sale by J. W. ALEXANDER & CO., Piedmont Building.

HARRIS' LITHIA WATER—The strongest natural lithia water on the market, sold in any quantity, plain or carbonated, also in ginger ale. C. VALAER BOTTLING WORKS, Sole Agents.

RAMBLER BICYCLES AT \$40.00 IS A good investment. We invite all prospective buyers to come and examine our immense stock of Bicycles and sundries. QUEEN CITY CYCLE CO.

WE ARE OFFERING

On East Morehead,

\$2,700.00.

The lot has a frontage of 52x108 feet, with alley from the rear; is located near the school and car line, and you cannot duplicate its value in that end of the city. Call at once for terms, as the price is likely to make it a quick seller.

SOUTHERN REAL ESTATE, LOAN & TRUST COMPANY

CAROLINA PORTLAND CEMENT CO.,

7 DAY TEST ON EACH ONE. 194-196 EAST BAY, CHARLESTON, S. C.

Vulcanite American Portland cement, 816-pound per square inch, seven-day test. German Portland cement, 170-pound per square inch 7-day test. Belgian Portland cement, 400-pound per square inch, 7-day test. F. O. Norson Rosendale cement, 110-pound per square inch, 7-day test. State Agents S. C. and N. C. for Ladd's Hydraulic Lime.

PROFESSIONAL

DR. GEO. W. GRAHAM, Office No. 7 West Trade St., Practice limited to Ear, Eye, Nose and Throat.

DR. E. R. RUSSELL, 221 South Tryon Street. Practice limited to Eye, Ear, Nose and Throat.

DR. S. O. BROOKES, DENTIST, Office ground floor, Bell phone 2212. No. 6 N. Tryon St.

DR. E. P. KEERANS, DENTIST, Office phone, 168; residence phone, 1886. 7 West Trade Street.

DR. C. W. BANNER, Office over Woodall & Sheppard's drug store, Eye, Ear, Nose and Throat.

DR. C. L. ALEXANDER, DENTIST, No. 8 SOUTH TRYON STREET. Phone 198 U.

DR. W. H. WAKEFIELD, Office limited to Eye, Ear, Nose and Throat. The doctor has discontinued his visits to other towns.

LEON STEAM LAUNDRY COMPANY EQUAL TO THE BEST

Is the right way to describe our work. This holds of anything in the way of laundry. We will return your bundle promptly.

LEON STEAM LAUNDRY COMPANY BELL PHONE 265. 28 W. TRADE.

HAYDEN, WHEELER & SCHWEND, ARCHITECTS, CHARLOTTE AND ATLANTA.

FRANK P. MILBURN, ARCHITECT. COLUMBIA, S. C., CHARLOTTE, N. C.

THE CHARLOTTE NATIONAL BANK

OF CHARLOTTE, N. C. The Depository of THE UNITED STATES GOVERNMENT, STATE OF NORTH CAROLINA AND THE CITY OF CHARLOTTE.

We solicit your Bank Account, guaranteeing absolute safety, courteous treatment and every accommodation that sound banking will admit of.

W. H. TWITTY, Cashier. B. D. HEATH, President.

We Take Special Pains

In making our guests comfortable during their stay at the

CENTRAL HOTEL.

Everybody connected with the hotel, from the bell boys to the proprietor is at the command of those whose names appear on our register. Careful attention is given any irregularity that might occur.

R. L. LUCAS, Proprietor.

"The Maine" Refrigerator,

Absolutely cleanable in every part. Presents the best value for the price ever offered.

Let us show them to you. We are sole agents in Charlotte.

J. N. McCausland & Co. "THE STOVE MEN." New Store, 221 South Tryon St.

HOOK & SAWYER, ARCHITECTS,

Offices Second Floor, Hunt Building. CHARLOTTE, N. C.

THE KEELEY INSTITUTE

GREENSBORO, N. C. For the treatment of THE LIQUOR, OPIUM, MORPHINE and other Drug Addictions. The Tobacco Habit, Nervous Exhaustion.

THOSE NINTH STREET LOTS,

Which we have mentioned before will soon be off the market. The two fine lots, corner of Ninth and C, are already taken, and the next corner, Ninth and D streets, should sell quickly at the special price at which we are offering it.

Another lot which is very desirable is located on Twelfth street, just 150 feet from N. Tryon street. If you want a home in a very desirable location, close to car line, this is your opportunity.

Abbott & Stephens.

DRS. M. A. & G. A. Bland

DENTISTS.

21 N. Tryon Street, Charlotte, N. C.

THE

PIEDMONT FIRE INSURANCE

COMPANY.

We are in the market for your Fire Insurance, and ask that you place your policy with your regular agent, but tell your agent to write your policy in the Charlotte Company, THE PIEDMONT.

We make a point of attending to the adjustment of all losses promptly, and pay all loss claims without the usual discount allowed. Give your Fire Insurance to us and keep your money at home, where you will be benefited.

We shall highly appreciate your patronage, and by our conduct trust we may be able to warrant the continuance of your good wishes and support. Represented in Charlotte by sixteen agents and throughout the State by over one hundred agents.

LEON STEAM LAUNDRY COMPANY

EQUAL TO THE BEST

Is the right way to describe our work. This holds of anything in the way of laundry. We will return your bundle promptly.

LEON STEAM LAUNDRY COMPANY BELL PHONE 265. 28 W. TRADE.

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