

Ashville Daily Gazette.

State Library

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ASHEVILLE, N. C., TUESDAY MORNING, DECEMBER 21, 1897.

Price 5 Cents.

Our store will be open every evening of this week.

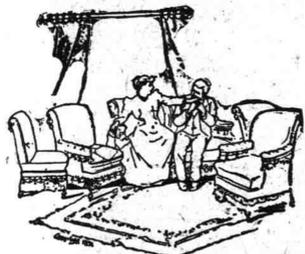
HOLIDAY GOODS.

The Christmas shopping and buying is now the order of the day. Very little time left for decision, but there is no need for hesitation about where to buy, because our's is the store to visit for the nicest goods, and last, but not least—bargain prices.

Holiday Specialties are Here in Great Profusion:

Handkerchiefs, Umbrellas, regular holiday styles; Metal Smoking Tables, Metal Picture Frames, Collar and Cuff Boxes, Metal and Dresden Toilet sets, Easel and Hand Mirrors, Fancy Garters, Perfumery, "Alexandre" French Kid Gloves, Shaving sets, Manicure sets, Artistic Fancy China and Dresden Ware, Glove and Handkerchief Boxes, Jewelry, Etc.—that's always the last word.

OESTREICHER & CO.
28 South Main Street.



The All Important (?)

Is your house well furnished. If not, why not, when furniture is going so cheap? How about that bedroom suit that you have been thinking about so long? Nice oak suits going now at \$15.00. Industrial coupons taken on all cash purchases.

W. A. BLAIR,
Phone 75. 45 Patton Ave.

A VERY SAD DEATH.

Of Miss Galla von Ruck at Bowling Green, Kentucky.

At Bowling Green, Kentucky, after a brief illness, Galla von Ruck, aged twenty, only daughter of Dr. and Mrs. von Ruck, of Asheville, died Sunday afternoon. Interment in the family lot, at Toledo, Ohio.

The news of the sudden taking away of Miss von Ruck is a deep shock to her many friends in Asheville and elsewhere. A short time ago Miss von Ruck went to Bowling Green to perfect herself in music, and three weeks ago was taken ill. Mrs. von Ruck was sent for. Dr. von Ruck was absent from the city at the time, but soon after his return he also hastened to his daughter's side. All that medical skill and unremitting attention could do availed little, however, and the bright young life passed away. The profound sympathy of the community is with Dr. von Ruck and family in their great bereavement.

GOOD,
established, paying business for sale. For particulars address box 705, city.

SPECIAL TERM CIRCUIT COURT

Judge Ewart's Charge to the Grand Jury

His Opinion on Delinquent Tax Question

Sheriff Will Not Make Out a List For Indictment

As to Editors Who Ride on Press Passes

Judge Ewart Thinks the Question of Their Right to do so Should be Decided by the Courts—The Docket Taken Up.

The circuit criminal court convened yesterday with Judge Ewart on the bench. After the selection of a grand jury the judge delivered his charge which was admitted on all sides to be an able one. The principal portion of the charge was devoted to his construction of the law requiring sheriffs to furnish the solicitor with lists of delinquent tax payers. Judge Ewart's construction of this law was in line with that given in brief in the columns of the Gazette. Judge Ewart read a letter from Judge Sutton denying that he had ever expressed himself to a grand jury on the subject, asserting that all he did was in a judicial way to the sheriff and not to the grand jury, asking if he had his list of delinquent payers prepared. A letter from the attorney general on the subject was also read.

Judge Ewart's conclusion as to the meaning and intent of the law, after his discussions of the sections that refer to the indictment of delinquents, is as follows:

"It must be manifest to you, as it is to every thinking or sensible man, that these two sections read in context with the other provisions of law and have no reference whatever to any class of tax payers, save those delinquents whom the sheriff or tax collector reports that he has exhausted all means in his power to collect taxes from; that he can discover no property; that they are not insolvents, and that they willfully refuse to pay their taxes. For this class of people no one has any sympathy, and they deserve indictment. Those who are so poverty stricken as to be practically paupers are relieved by existing law. But every able bodied man, who is protected by the law, and who exercises the right of suffrage, and who educates his children at the public expense, ought to discharge his part of the public burdens, and if he willfully and wilfully refuses to do so, he ought to be indicted and be made to work out his taxes and costs on the public roads. That is what the statute of 1877 means, and is the construction that I believe our supreme court will give it when a case reaches it."

Judge Ewart devotes a part of his charge to the matter of either passenger or freight transportation on railroads.

"There are certain newspapers," he said, "published not a thousand miles from this city, whose editors, like the Pharisees and Sadducees of old, enlarge their borders, make large their phylacteries, and daily thank God that they are not as other men are. These editors are constantly denouncing the railroads for giving passes and their recipients for accepting them. They consider it a most innocent and inexcusable thing for any one to ride over a railroad on a free pass, and they exhibit a righteous horror at the spectacle of judges, solicitors and other benighted individuals riding over the railways on free passes, and, thereby, as they insist, delivering themselves, body and soul, to the railroad."

"Now all this is very nice, and we would all admit the Spartan-like virtue of these gentlemen, but for the fact that they never ride on a railroad except upon a free pass, and they ride so often and so frequently that most of them know every mile post on the route. Assuming for present purposes that the inter-state commerce act contains a prohibition as to the giving of free passes, the only exception made is by the amendment to the act of 1891. These exceptions are: Employees of the road, officers of railroads and persons traveling in the interest of the charitable institution of the state. Now, newspaper men claim that the passes given them are not complimentary, but are given them in consideration of services rendered in the publication of schedules, notices of excursions, etc. But the act exempts only the classes named above. Are the editors of newspapers employees of the road? That is a matter of construction, and without expressing any opinion upon the question, I have only now to say to you that I think it best that you should find a true bill in every case where an editor of a paper claims that a pass has been given him in consideration of advertising. Whether such passes are authorized by law is a question for the courts, and the sooner it is settled by our court of last resort the better it will be."

THE DOCKET.

At the conclusion of the charge the docket was called for trial. The first case was the state vs. J. G. Lindsey, which at the last term was set peremptorily for the first day of this term. After some discussion the case was left open until this morning,

with the distinct understanding that no military motion would be heard and that the trial would proceed. This is a charge against the defendant, Lindsey, of embezzling the funds of the Asheville Temperance society.

A large number of witnesses, most of whom were members of the society, are in attendance on the part of the state, and quite a number for the defense. Able counsel have been employed on either side and the trial will perhaps continue two days or more.

Several cases of minor importance were disposed of by trial and otherwise. A negro boy by the name of Gofford was convicted of stealing an overcoat, but an application was made for a new trial which will be heard later in the week.

A negro by the name of Payne, his wife, Rosa, Moses Swinton and Ed Johnston were arraigned for an affray. It was a cross fight, the solicitor for the state and E. D. Carter two of the defendants. Payne, who is well, but unfavorably known in this community, by leave of the court, appeared for himself and wife.

Payne cross-examined the witnesses and sat at a table with the aid of a licensed attorney. He made a fifteen minutes' speech to the jury, in which he placed a defense of any part he took in the affray on the grounds that he was fighting in defense of his wife, who was about to be assaulted. Payne told the jury that he was willing to admit, and had admitted, being in the penitentiary on the chain gang and in the courts several times for fighting, but appealed to the jury to acquit him and his wife, as he had done nothing but what he thought was necessary to defend her. The negro was acquitted by members of the bar, and both he and his wife were promptly acquitted, while the other parties to the affray were convicted.

THE COTTON GROWERS

RESOLUTIONS ADOPTED AT THE MEMPHIS MEETING.

A Vigorous Effort to be Made to Organize the Planters so as to Reduce Acreage.

Memphis, Dec. 20.—The American Cotton Growers' Protective association met here to-day. Delegates were present from nearly every cotton state. Hector Lane, of Athens, Ala., president of the association, presided.

President Lane's annual address took rather a discouraging view of the present condition of the cotton industry. He declared that the real cotton farmer, the man with hoe and plow, got only ten cents a day wages when raising five-cent cotton. He recommended that cotton farmers raise more food crops and less cotton, in order to get rid of the annual 3,000,000 bales surplus.

The resolutions adopted by the convention state the following:

"We adopt the principles announced by this association at its meeting in Jackson, Miss., on January 9 and 10, 1895, and at Memphis, Tenn., January, 1896. In order to carry them out, we shall strive by and through the organization of all cotton growing states, counties and districts in unite all cotton growers in an earnest effort to reduce the acreage of cotton each year to such a point as will insure a fair average price to every grower.

"This organization shall take no part in national, state or local politics, and will permit no person to use its name for the advancement or purely political purposes.

"This association shall aim, above all things, to teach the American cotton grower, first, to reduce the cost of the production of cotton; second, to practice principles of thrift and economy which shall enable him to escape debt and make his cotton a real money crop; third, to make all his own supplies at home, to the end that the crop when produced may be all his own; fourth, to hold his crop each year until he can sell it to the best advantage; fifth, to build factories for manufacturing cotton near the cotton fields, so that the south may receive the largest returns from each annual cotton crop, and that home markets may be built up for all other farm products."

The resolutions provide for the election of a vice-president from each of the cotton states, who shall be president of his state association. His duty will be to organize the cotton growers by counties and districts, inviting the co-operation of the department of agriculture and farmers' organizations.

The presidents of the state associations shall constitute the executive committee of the association, the president of the association to be ex-officio chairman.

The association suggests the advisability of making a levy of one cent for each acre of cotton put in each year by each member, funds so raised to be expended for promoting the objects of the association within the state and county where it is raised, as shall be determined by the local association.

Other resolutions asked that the farmers in each county meet on the first Monday in February and organize, and that congress pass the Stokes anti-option bill.

The convention adjourned sine die to-night.

GUDGER—LINDSEY.

Marriage of Two of Asheville's Young People.

At the bride's home Sunday morning, Rev. E. L. Bain, pastor of North Asheville M. E. church, performed the ceremony which united in marriage Mr. J. E. Gudger and Miss Lula Lindsey.

Both the young people are from Asheville, Mr. Gudger being a son of Capt. J. M. Gudger, and the bride the daughter of photographer T. H. Lindsey. Mr. Gudger holds a place under Collector Harkins as storekeeper and gauger at Cleveland, N. C. Mr. and Mrs. Gudger have gone to Cleveland, which they will make their home.

The germ of the wheat is contained in Blitmore Patent Flour. It is highly nutritious and superior to any flour on the market. Every time you buy flour, insist upon having Blitmore Patent. 288-2

CIVIL SERVICE DISCUSSION

President Does Not Expect to Make Modifications

Commissioner Evans Before Senate Committee

He Says the Law Has Worked Badly in His Bureau

Owing to Influence of Senators and Representatives.

One Hundred Useless Clerks on the Pension Bureau Force—Presidential Appointment Withdrawn.

Washington, Dec. 20.—The waiting room outside the president's door was packed with office-seekers to-day. Representatives and senators got the president's ear easily, but place-hunters received a cold reception.

Representative Brosius, chairman of the sub-committee of the house civil service committee to consider questions of the repeal of the law, talked with the president about the contemplated modifications in the civil service rules, urging that they be made speedily. He said after the conference that the president does not expect to make any changes in the rules at this time.

The president has withdrawn the appointment of Charles Page Bryan of Chicago, as minister to China, owing to the protests that Bryan has not sufficient diplomatic experience and knowledge. No new candidate for the mission has developed.

A EAR TO ECONOMY.

Commissioner Evans of the pension bureau, told the senate sub-committee on civil service to-day, that the result of his experience with the workings of the civil service law in connection with 1,800 clerks in his bureau, was that the government money is being squandered on one hundred clerks, whom the commissioner is unable to discharge owing to the influence of senators and representatives. He said he had been a civil service reformer, but it did not work out. The best men had come in through the spoils system.

The commissioner said there were in nearly all the departments clerks whose usefulness had become impaired, but who could not be removed on account of the civil service law. He could drop one hundred without impairing the efficiency of his force if he were not trammelled and influenced by senators, representatives and the civil service commission. He said he would remedy the evil by placing under the classified service charwomen, laborers and clerks who receive up to \$1,100 per annum. All above that could take their chances.

So far as politics of the clerks are concerned Mr. Evans said the clerks can change their politics quicker than the administration. His idea of reforming the system was to limit the term of office to eight or ten years.

POLICE COURT.

A Large Number of Cases Heard Yesterday.

Police Justice Carter had a "full house" yesterday morning. Jasper Rogers, who was the cause of all the trouble at "Greasy Corner" Saturday night, was fined \$20.00 or thirty days. Louis Boone found that carrying a concealed weapon would cost him \$15.00. John Hensley has learned that it takes \$5.00 to be drunk and disorderly. Two dollars a round is what fighting deducts from the pocketbooks of Andrew Stendwick and Ott Brown. Will Goughly who rocked the potter at the "Greasy Corner" row, was bound to court in the sum of \$50.00.

Isaac Wilson, who on Saturday was arrested by Capt. Lee and Patrolman Lively, had a hearing and was re-committed to await further information from South Carolina. The testimony of the officers was to the effect that a man purporting to be a cousin of Wilson had informed Capt. Lee that Wilson was charged in South Carolina with burglary, robbery and rape, was a fugitive from justice and that a reward of \$500 was outstanding for his arrest. Wilson was arrested by Lee and Lively, and on his person was found \$100 in gold, \$20.00 in paper money and several dollars in silver. He roomed on Valley street where the officers went with him. In his trunk was found fifteen or twenty pocketbooks, two dozen pairs of solitars, and other articles. On his person was a small hand saw and file.

Another point in South Carolina was telegraphed to with no satisfactory results, whereupon Wilson was discharged.

TO CURE A COLD IN ONE DAY.

Take Laxative Bromo Quinine Tablets. All druggists refund the money if it fails to cure. 25c. The genuine has L. B. Q. on each tablet.

Stable for rent near Hotel Berkeley. Also one set of hand-made double harness at \$10.00.—S. H. Chestnut.

A GAUGER REINSTATED.

Washington, Dec. 20.—Samuel H. Saunders, storekeeper and gauger, in the Fifth district of North Carolina, was re-instated in the internal revenue service to-day.

DOWN GO WAGES.

Manchester, N. H., Dec. 20.—The cotton manufacturers operating two-thirds of the spindles of the state have decided to reduce the wages of employes about 10 per cent. on January 1. At least 20,000 employes on January 1. At least 20,000 employes be accepted.

DEMORALIZED WOMEN.

Montgomery, Ala., Dec. 20.—Albert Hines, a colored school teacher of this city, got into an argument at his boarding house last night with Frances Cochran and Bertha Clayton over the bill in the last legislature prohibiting the wearing of shirt waists, bloomers, etc. He maintained that the author of the bill had saved women from demoralizing their sex. The women were very indignant. They procured rawhides, met Hines on the sidewalk and cried "You brute, we're demoralized, are we?" Before he could recover from his astonishment the women struck him at least a hundred times. When the job was finished the Clayton woman said, "There's demoralization of sex for you." The women were arrested.

SAVANNAH'S PROTEST

AGAINST THE APPOINTMENT OF NEGRO OFFICIALS

Strong Resolutions Adopted at a Meeting of Business Men Yesterday.

Savannah, Ga., Dec. 20.—A meeting of business men was held to-day to enter a formal protest against the appointment of a negro postmaster or collector at Savannah.

Resolutions were adopted in which this language occurs: "The war ended thirty-two years ago. If there is any sincerity in the frequent protestations that we are now considered an integral part of this country, and not as a subjugated province to be ruled at the caprice of the conqueror, in disregard of our wishes and sentiments and prejudices, then the president and senate have no moral right, whatever their arbitrary power may be, to impose upon this community officers to whom it has a settled and abiding objection."

This is aimed at the candidacy of J. H. Devereaux, colored, for the collectorship. Resolutions were also adopted calling upon the mayor and aldermen to make official protest against the appointment of negroes.

A BOY MURDERER.

Columbia, S. C., Dec. 20.—At Cheraw to-day Jack McIntosh, fourteen years old, made threats of shooting Willie Jackson, a boy under five years of age. McIntosh had an old pistol which he flourished. Bystanders made him put it away. Later, when no one was by to interfere, he shot the Jackson boy through the head, killing him instantly. Young McIntosh was placed in jail.

ZEB VANCE CLUB.

A fair attendance, despite the disagreeable weather, was present last evening at the Zeb Vance Democratic club. In the absence of President Luther, Mark W. Robertson presided.

A number of committees were appointed under the head of "new business," who will report at next meeting.

The committee appointed for securing a hall for the oyster supper January 3, reported that the armory in the court house had been preserved through the kindness of Capt. Bookhart.

Tickets for the oyster supper were issued to those present by Secretary Postell. Fifteen new names were received for membership making a total of 468.

THE SWANNANOVA REVIEW.

The first issue of The Swannanov Review is out and is a very creditable publication. It is a four-page paper, devoted to all the interests of Western North Carolina. It is an illustrated sheet containing cuts of Vanderbilt's mansion and the Swannanov hotel. It is to be hoped that this publication will be continued, as it will evidently be of great advantage to our section. This publication is made by F. A. Lincoln and H. M. LaBarbe, the proprietors of the popular hotel.

I offer to sell sixteen acres of land, including top of Town mountain at reduced price if purchased within next ten days; it is known as the Jervey lands. The top has the highest elevation in Asheville; from it there are grand mountain views on all sides.

E. COFFIN,
29 Haywood street.

COL. RUIZ'S EXECUTION

How the Spanish Commissioner Met Death.

Men Who Guided Him to Cuban Camp Hanged.

The Cuban Commander Had Begged Him Not To Come.

He Brought a Proposal for the Insurgents to Surrender.

A Sad and Tragic Episode in the War—Ruiz Faced the Rifles of His Executioners Bravely—Autonomy offer Answered.

Havana, Dec. 20.—Near Campo Florida, Havana province, the insurgent leader, Col. Necker Aranguren, ordered his men to shoot Col. Joaquin Ruiz, of the Spanish army Tuesday last, and declared that he did so only to comply with the proclamation the leaders of the Cuban army in the province of Havana. The proclamation stipulates that any Spaniard or Spanish officer endeavoring to induce insurgents to accept autonomy shall be executed.

When Ruiz approached Aranguren two miles from Campo Florida on Tuesday afternoon, Aranguren said to him: "It is a sad duty for me to shoot you, but you are a military man and you must know what military duty is."

Col. Aranguren regretted the necessity of shooting Ruiz, and was much impressed by the recollection of the tragic scene. Ruiz was shot and two men who accompanied him as guides were hanged.

Ruiz told Gen. Blanco that he could convince Col. Aranguren of the advantage of surrendering and accepting autonomy.

In several letters written by Ruiz to Aranguren, Ruiz had tried to induce the insurgent leader to surrender. Aranguren answered in amiable terms, but energetically refused the proposal that he betray the Cuban cause.

Considerable correspondence ensued which led to a report that Aranguren had betrayed the Cuban cause and been shot by order of his superior Gen. Rodriguez. In this correspondence Aranguren at all times urged Ruiz to stay away, if he persisted in wanting to discuss the proposition to surrender.

Ruiz letters were sent to Gen. Rodriguez, who ordered Aranguren to "do his duty" if Ruiz came to see him. Ruiz persisted, and when he came with his guides, was promptly shot while the guides were hanged.

One of Aranguren's letters to Ruiz urged him, "for God's sake do not come."

On Monday, December 13, Aranguren, with fourteen men met Ruiz. Ruiz pleaded with Aranguren to return with him to Havana and accept autonomy. Aranguren's reply was that he was under orders to execute any one making such a proposition.

Ruiz refused to be tied and facing the rifles of his executioners bravely met death.

J. H. Law announces that he will keep his store open every night this week until 10 o'clock. 269-5

We wish to take this opportunity of

thanking the public for their many kind ex-

pressions and also for making our opening

such a brilliant success. We wish to

regize for not having our stock in better

shape, but the extra, unexpected rush jus-

at this time, both in town and from cata-

logue orders, made it impossible for us to

be better prepared.

We have endeavored this year to put on

the market our usual high grade of

goods, at prices much lower than ever be-

fore, and we can safely say that we are

now selling goods as low if not lower than

any other jewelry house in the country,

who handle a high class of goods.

ARTHUR M. FIELD,
Leading Jeweler, Cor. Church St. and Pat-