

# Asheville Daily Gazette.

VOL. IV: NO. 188.

ASHEVILLE, N. C., SATURDAY MORNING, SEPTEMBER 16, 1899.

PRICE 5 CENTS.

## RAILROAD CASE ENDED

### Judge Simonton Has 6c Days in Which to Decide.

### The Courses Open to Him in Rendering Judgment.

### Concluding Arguments of Attorneys on Both Sides.

### Question of Excessive Assessment and the Power of the Corporation Commission to Levy Tax.

The arguments in the corporation tax cases closed last afternoon and Judge Simonton has the cases under advisement. The judge will probably select one of two courses. He may decide that the railroads have not made out a case and will therefore dismiss the temporary injunction issued, or he may conclude that the roads have shown sufficient cause to have the injunction continued, and therefore order an answer to be filed, and the suit to take the usual course of equity suits and decide it on final hearing after a special master has taken evidence. But in either event, his decision now will be a settlement of the case practically as far as he is concerned, and the losing party will recognize it by appealing to the circuit court of appeals, for the reason that the affidavits taken unquestionably present all the evidence either party could produce and afford the judge all the light as to facts which he would hear at the final hearing. Hon. F. M. Simmons, who managed the case for the state and its agencies, the commission, governor, auditor, etc., has not had an easy task, and it is admitted that he has shown good generalship. His difficulty has been this: The law requires some body—just what body the state and railroads can't agree on—to assess the railroads at their full value. The corporation commission conceived this to be its duty, and the members have been obliged to answer that they have assessed them at full value. If they had answered they had not they would have been put in the position of violating their oaths of office. Now, if other property has not been assessed at its full value, then the railroads have made out a case of discrimination—a denial of the "equal protection of the laws."

Consequently, Mr. Simmons has been obliged to undertake to show that the other property over the state has been assessed a full value—otherwise he loses. To prove this he has taken thousands of affidavits. But these did not fully satisfy the requirement because it is quite well believed that such other property is not assessed at the price which it will bring under favorable conditions. And it by no means follows that the assessors have acted otherwise than rightly, for, as R. O. Burton, esq., pointed out in his argument, the assessment is made at a time when crops have not come in, and the new crop is being sown, and therefore prices are lower than when the crops are sold and there is more money in circulation. Again, there are the messages of Governor Vance to the assembly to the effect that property is not assessed at full value, and the open circular of the treasurer asking for bids on bonds in which he says that property is only assessed at two-thirds its value. To offset this, the state claims in its answer that the assessed value of the railroads is much less than its actual value—that the assessment was made at full value, but the commission has discovered since, by its calculations published in yesterday's Gazette, that the assessment is less than full value. This, however, only partly relieves the situation, because the assessment was admittedly made at what the commission thought full value and placed in the hands of the state agencies for collection, and discoveries since then don't change the existing fact. The state, however, is confident of a decision in its favor, because of the previous decision of Judge Simonton and of the United States Supreme court, which has sustained harder assessments than this.

Hon. George Rountree spoke for the A. C. L. at the opening of court in the morning. His remarks were confined to certain features of the case, and were briefer than expected. He called attention to the publication in the Gazette that the state had practically brought suit against the injunction by the A. & N. C. railway against the state agencies similar to those obtained by the other railroads.

He was followed by J. C. L. Harris, John D. Shaw, J. W. Hinsdale. At the opening of the afternoon session, Judge H. G. Connor spoke for a half hour with accustomed effectiveness. Hon. John G. Johnson, of Philadelphia, concluded the argument in a two hour speech, which was a masterpiece of argument, intermingled with a kindly humor that made it interesting to all. His remarks were on a high plane—he touched only the high places.

## VENEZUELA CIVIL WAR

### President Andrade Takes Command of Government Forces.

### Report That Valencia Has Been Captured by Revolutionists—Detroit at San Juan.

Washington, Sept. 15.—Charge d'Affaires Russell, of the United States legation at Caracas, has notified the state department that President Andrade, of Venezuela, has gone to the front to assume command of the government forces fighting the revolutionists under Decaste. The department has also been informed by the United States consul at Porto Cabello that it is rumored the town of Valencia has been captured by revolutionists.

This information was sent by the state department to the navy department with a suggestion that the cruiser Detroit might be given the benefit of it if she stopped at any place on her way to La Guayra.

The navy department had calculated that the Detroit would arrive at La Guayra today, and was much surprised to learn of her arrival at San Juan yesterday. Department officials suppose she was caught in the end of the recent blow in the West Indies and was delayed, making it necessary to put into San Juan to replenish her coal.

## JOINT DEBATE PREVENTED BETWEEN BRYAN AND COCHRAN

### Did Not Meet as Scheduled—Cochran Spoke—Bryan Today.

## THE YELLOW FEVER.

### Small Mortality at Key West—Fifteen New Cases.

Jacksonville, Sept. 15.—Dr. Porter telegraphed tonight that there are fifteen new cases of yellow fever today at Key West but no deaths. There are now about three hundred cases under treatment. The mortality is less than 5 per cent thus far.

Chattanooga, Sept. 15.—Hundreds of refugees are coming through this city from the yellow fever stricken districts in Alabama and Mississippi. The majority are now going to Asheville, N. C., as the railroads are giving a special rate to that point.

## BASEBALL GAMES YESTERDAY.

At Baltimore—	R. H. E.
Baltimore.....	2 10 8
Cincinnati.....	7 11 2
Batteries: Howell and Robinson; Hawley and Kahoe.	
At Washington—	R. H. E.
Washington.....	14 14 1
Cleveland.....	3 9 2
Batteries: Evans and Kittridge; Schmidt and Sugden.	
At Brooklyn—	R. H. E.
Brooklyn.....	2 4 3
Chicago.....	8 12 1
Batteries: Dunn and McGuire; Garvin and Donohue.	
At Boston—	R. H. E.
Boston.....	9 10 2
Pittsburg.....	4 9 5
Batteries: Willis and Bergen; Chesbro and Bowerman.	
At New York—	R. H. E.
New York.....	10 17 4
St. Louis.....	5 11 4
Called in the eighth on account of darkness. Batteries: Doheny and Warner; Powell and O'Connor.	
At Philadelphia—	R. H. E.
Philadelphia.....	9 10 3
Louisville.....	10 16 5
Batteries: Platt and McFarland; Waddell and Steelman.	

## WHERE THEY PLAY TODAY.

Pittsburg at Boston.  
 Chicago at Brooklyn.  
 St. Louis at New York.  
 Louisville at Philadelphia.  
 Cincinnati at Baltimore.  
 Cleveland at Washington.

## STANDING OF THE CLUBS.

Clubs.	W.	L.	Pc.
Brooklyn.....	82	38	.683
Philadelphia.....	82	43	.651
Boston.....	78	50	.609
Baltimore.....	73	53	.579
Cincinnati.....	73	58	.557
St. Louis.....	73	59	.553
Chicago.....	67	63	.515
Pittsburg.....	62	67	.481
Louisville.....	60	69	.465
New York.....	53	73	.421
Washington.....	47	80	.370
Cleveland.....	19	117	.140

## EX-SENATOR CAMERON FINED BY SOUTH CAROLINA JURY.

Columbia, S. C., Sept. 15.—A jury in Beaufort county has found a verdict against ex-Senator Cameron, of Pennsylvania, for \$850 damages for horse-whipping David Schein for selling liquor to negro hands employed on his estate at Beaufort five years ago. The suit was originally for ten thousand.

## EX-SENATOR CAMERON FINED BY SOUTH CAROLINA JURY.

Mrs. M. W. Williamson will open a Primary School at her residence, No. 94 Woodfin street, September 18. Your patronage is solicited. She will be at home to callers at Mrs. Doe's, No. 20 Oak street, until the eighteenth.

## PREPARING FOR WAR

Outlook for Peace is Pessimistic in the Transvaal.

## MANCHESTER REGIMENT LANDS AT CAPE TOWN AND IS WILDLY CHEERED.

London Times Despatches Say Everything Points to Early Conflict.

## CHAMBERLAIN ISSUES BLUE BOOK GIVING HIS LAST DESPATCHES TO KRUGER.

Pretoria, Sept. 15.—The executive council today finally considered its reply to the last British note. It is stated that it stands by the seven-year franchise but is willing to consider suggestions as to a working law regarding other points in the dispute. The Transvaal firmly adheres to the convention of London. The outlook is pessimistic.

## CARLISLE ISSUES STATEMENT ON GOEBEL AS A GOLD BUG.

They Conferred in 1896 to Secure Sound Money Delegation.

Louisville, Sept. 15.—Carlisle has issued a statement in regard to his conference with Goebel in 1896 on sound money. He says Goebel sought the conference, the purpose of which Goebel informed him was to secure a sound money delegation from Kenton county to the convention which was to be held soon thereafter at Lexington. Carlisle says he had no further interest in the matter, and took no action except as Goebel represented to be necessary in order to secure the sound money delegation referred to.

## FIRE ADDED TO HORROR OF A FREIGHT WRECK.

Three Men Burned to Death on the Missouri Pacific.

Nebraska, Neb., Sept. 15.—A freight train on the Missouri Pacific went through a bridge at St. Paul, Neb., this afternoon and three men were killed. The wreck took fire and the bodies together with twenty-one cars were consumed. The cries of the men could be heard for some time.

## DREYFUS PARDON MAY BE GRANTED NEXT TUESDAY.

Not to Take Effect Until Revision Court Has Ruled.

## SERIOUS ASPECT IN HAVANA OF LABOR SITUATION.

Likelihood of the Strikes Increasing—No Disorder Yet.

Havana, Sept. 15.—Although there are no signs of disorder the labor situation is becoming grave, owing to the likelihood of the strikes increasing. The masons, carpenters and painters are actively urging strikes in all trades. The general cry is for shorter hours. The eight-hour cry has found approval among workmen since the arrival of the Americans. The newspapers urge moderation, arbitration and compromise.

## AN INTERVIEW WITH CHAIRMAN JONES.

Predicts Imperialism and Trusts Will Be Chief Issues.

London, Sept. 15.—Senator Jones, chairman of the democratic national committee, arrived here from the continent today. He denied that he intends to resign the chairmanship on account of ill-health. He says the best physicians assure him that he has no heart trouble and that his condition

## THEY SELL.

They have the quality,  
 They are economical,  
 They are delicious.

BECAUSE  
 They are delicious.

IN 10cTS. CANS.  
 ONLY AT

SNIDER'S  
 ON THE SQUARE

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Arthur M. Field.  
 Corner Church Street and Patton Ave.

Uneda  
 Jinjer  
 Wayfer.  
 YOU'LL FIND IT AT

GREER'S.

53  
 Patton Ave.

Dr. C. M. CASE,  
 OSTEOPATH

SWEDISH  
 MASSAGE AND PACKS.

PROF. EDW. GRUNER,  
 Graduate of Chemnitz College, Germany.

WOOD'S SEEDS.

For Fall planting we can supply Wood's Evergreen Lawn Grass, Scotch Kale, Spinach, Winter Turnip and Winter Radish Seeds.

GRANT'S PHARMACY,  
 24 S. Main Street, Asheville, North Carolina.

**Eyes**  
 Are an every day possession. Almost every one has them. They don't seem to be very wonderful until they hurt us or we lose them. It does not make the affliction any easier to bear, to know that we are to blame. Save yourself this unhappiness by having us examine them for you, and fit you with proper glasses.

S. L. MCKEE,  
 SCIENTIFIC OPTICIAN,  
 45 Patton Ave.