VOL. IV: NO. 161.

ASHEVILLE, N. C., SATURDAY MORNING, DECEMBER 9, 1899.

PRICE 5 CENTS.

DESTREICHER & CO FINANCE BILL 51 Patton Avenue.

We have grouped for special

4th, a few special lots of seasonable merchandise at specially attractive prices.

UMBRELLAS

50 26-inch Mixed Scrge Steel Rods Umbrellas, value \$1.39, at

\$1.00.

50 of same style but better quality, our usual low price of \$1.75 cut down to.....

\$1.25.

50 Twilled Silk "non-splitting" Gun Medal Handles-close rolling Steel Rods, an umbrella bought to sel' at \$2.50 and well worth it. An elegant umbrella for noliday gift. Our price for

\$1.89.

Other umbrellas at 48c., 75c, \$2.50, \$3.00 and up to \$12.50 each, but all of them marked down for this sale.

OESTREICHER & CO

51 Patton Avenue.

..MASSAGE. AND PACKS.

Treatment for: NERVOUS, RHEUMATIC and OTHER DISEASES.

Special: THURE BRANDT MASSAGE FOR FEMALE DISEASES; ALSO FACE MASSAGE.

PROF. EDWIN GRUNER,

Graduate Chemnitz College, Germany Formerly with Oakland Heights. Sanitarium.) TELEPHONE 206 Home or Office Treatment. Office hours, 11 a. m. to 1 p. m., 2 to

LAW'S OPENING.

An Artistic Display of China and tinued in private session. Glass Ware, Etc.

day and his store was crowded all day tastefully arranged and elicited exvery pretty line of art calendars.

admired.

scenes from Western North Carolina lawful to do so. The committee assert Painted on the ware. This work was all done in France. The stock includes everything in a first class china store, all new goods, and presents a view almost like fairy land. Punch was served to those attending the opening.

REMEMBER THE DATE.

Tuesday, December 12, at the Swauharoa casino, the Young Woman's Urhersity society will hold its fair where beautiful tebleaux, good tea, coffee, cocoa, oysters, etc., will be the order of the program, during which time the Swannanoa'. fine orchestra will furnish music. No admission will be charged.

WELL ATTENDED.

The advertising fair by the woman's auxiliary of the Y. M. C. A. was well attended. Exhibits were made by Willlamson & Co., Candy Kitchen, Keeling, Spangenburg, Sawyer's grocery store, Miss A. M. Cole, water colors and rustic work; Ray's, kodak supplies and photographs, Bainbridge's. Seventy-five aprons and other articles were sold. Over \$25 were realized.

DISCUSSION

sale beginning Monday, December House Decides by a Vote of 163 to 144 to Devote Next Week to It.

> Vote on the Measure to be Taken December 18.

Our Insular Affairs Committee to be Named.

Committee of Inquiry Into the Roberts Case Meets.

SESSION BEHIND CLOSED DOORS ROBERTS PRESENT AND MAKES A STATEMENT-ASKS TO BE ALLOWED TO SUBMIT TESTI-MONY ON THE ORIGIN OF THE CHARGES.

Washington, (Dec. 8.-In a session of an hour and a half today the house heard an interesting discussion on the resolution setting apart next week for he consideration of the financial bill prepared at Atlantic City last summer by the caucus committee of republicans, and voted to increase the membership of several prominent committees to seventeen.

The committees are the committee on foreign affairs merchant marine and fisheries, public lands, military affairs, naval affairs and district of Columbia. The committee on territories is increased from thirteen to fifteen.

It was also voted to create a new committee to look after the affairs of the Phillippines, Porto Rico and Cuba. to consist of seventeen members, cf which Representative Tawney, of Minnesota, expects to be chairman. The committee will have jurisdiction over all matters except those affecting the revenues and appropriations appertaining to the islands which come to the United States through the treaty of 1899 with Spain and to Cuba."

The democrats objected to the resolutions regarding the financial bill on the ground that a week was not enough time in which to discuss it properly but the republicans were determined and by a vote of 163 to 144 passed the resolution.

General debate will begin Monday and continue until Friday, debate under the five-minute rule Saturday with a provision for vote Monday, December 18, immediately after the reading of the journal.

The house adjourned until Monday. THE ROBERTS INQUIRY.

Washington Dec. 8 .- The committee to inquire into the status of Roberts, of Utah, had a protracted session behind closed doors today. During the early hours of the meeting Roberts was present and made a statement as to his general wishes in connection with the inquiry. He said he was specially desirous of having the committee first go into his prima facie right to a seat, afterwards taking up the general meropen sessions. As he has indicated, he also desired to present testimony relative to the manner in which the charges against him were prepared. Roberts retired and the committee con-

A REPLY TO ROBERTS.

Washington, Dec. 8.-The committee J. H. Law held his opening yester- of Utah citizens which came here to oppose the seating of Roberts issued a and evening. The stock was very reply to what they term the latter's appeal for sympathy published today. pressions of delight from all the sight- In it they deny Roberts' statement seers. The new art department, which that the precedent made by his excluwas opened for the first time yester- sion is both new and dangerous, and day, seemed to be the most attractive hold that Roberts is in error with replace, with all kinds of pictures on ex- gard to his contention as to the charachibition, including some very fine ter of the evidence necessary to prove plating types, pictures of Asheville his guilt. They say that Roberts scenery, colored photographs and a statement that he has not been convicted since the statehood of Utah He has part of the first line of Scotch does not prove his innocence. They ac-Pottery ever imported to America and cuse Roberts of attempting to belitthe first ever brought to Asheville. the his crime. They declare that many A fine line of Haviland china and sentimental people are being misled by choice English china ware was greatly Roberts' very ingenious suggestions, leading the said people to infer that he He also has a large line of chima with took polygamous wives when it was

Two choice lots on Montford avenue, cheap for cash. Ten room house, lot 77 by 215, easy terms, \$1,600. Five room house, 1 3-4 acre lot,

\$1,050. Twenty-three acre truck and fruit farm on macadamized road, 2 1-2 miles out. Fine rineyard, several thousand berry plants, Three room cottage and 3 room tenement, 2 chicken houses and yards (new) stable and barn

room for 3 horses, \$3,000. We have for rent a number of desirable furnished and unfurnished houses. Give us a call.

WILKIE & Labarbe,

23 Patton Avenue.

that the compact between Utah and SCHOOL CASE the other states in regard to polygamy

NAVY WANTS THESE ISLANDS.

Washingon, Dec. 8.—Senator Lodge's resolution asking information in regard to the report that Ecuador is negotiating with England for the sale of the Gallapagos islands, is, it is understood, preliminary to a hoped for arrangement for the acquirement of the islands, or one of them, by the United States for a coaling station. Lodge's action is not displeasing to the navy department at least. The introduction of the resolution has been followed by a letter on the subject from Secretary tion to the advantage of the islands for naval purposes and suggesting, it is said, that steps be taken to prevent their acquirement by foreigners.

Meantime the state department is making inquiries with a view to re- Superintendent Must Recognize the plying to Lodge's resolution. The draw partment can, however, decline to notice the resolutions on the ground that it would be incompatible to public interests to reply to it.

PROHIBITION BILL DEFEATED IN GEORGIA

Senate Kills the Measure by a Vote of 26 to 14.

Atlanta, Dec. 8.-By a vote of 26 to 14 the Willingham bill was killed in the senate this afternoon and state prohibition for Georgia was defeated. The opponents of the bill filled the senate chamber with their glad shouts, but it was noticed that the people in the gallery received the verdict with deathlike silence. Many senators explained

PROPOSED USE FOR

Washington, Dec. 8.-Representative White, of North Carolina, today introduced a joint resolution in the house providing that the \$100,000 in money remaining from the Freedmen's bureau be appropriated for the erection of a national memorial home for aged and infirm colored people.

MACEO'S FINAL BURIAL.

Havana, Dec. 9.-The final interment Lieutenant Gomez son of General Gomez, took place at Bejugal today. An

MOONSHINER KILLED.

Norfolk, Va., Dec. 8.—Revenue officers at Danville report a fight near Nowlings mill in which one moonshiner was killed and one seriously wounded. Deputy Collecor Fergus with three men made a raid upon an illicit distillery run by Jeff Nowling and were met by a hot fire. The officers charged the moonshiners, kiling Nowling and seriously wounding his partner.

CHANGE IN CANCELING DOCUMENTARY STAMPS

Must Now Cut Stamp in Addition to Name and Date.

Collector Harkins has received circular 142 from the commissioner of internal revenue, which makes a change in the cancellation of documentary stamps, where one of the denomination its of the subject. He said he favored of 10 cents or over, is used for denoting any tax imposed by the act of June 13, 1898. The new rule will be in force on and after Dec. 15 and requires the person using or affixing it, in addition to writing or stamping thereon with ink the initials of his name and the date when affixed to mutilate it by cutting three parallel incisions lengthwise throughout the stamp, beginning not more than one fourth of an inch from one end and extending to within one fourth of an inch from the

The new order is made because the former methods, as first provided, have proved to be inadequate to prevent frauds which are being extensively

Grant's No. 24 cures Colds and La Grippe. Quickly controls chills, fever and pain. 25c. at Grant's.



Some Men Must Encounter a Wall

before they can see it. They do seriously affected. When you detect s. slight defect come to us. It might become serious if neglected, waile he proper glasses would correct it now.

BAKER&CO Scientific Opticians,

45 Patton Ave.-Blair's Furniture Store.

EXAMINATION FREE.

DECISION

Attorney General Walser Construes the Ruling of the Supreme Court.

Long to Secretary Hay calling atten- No Room for Misunderstand ing Its Meaning.

Old School Boards

And See to It So Far as He Can That Act of '97 is Enforced.

IF ANY SCHOOL OFFICIALS UN-DER THE ACT OF '99 DECLINE TO BE CONTROLLED BY STATE SUPERINTENDENTS ADVICE THE QUESTION AS TO THEM IS

ONE FOR COURTS.

Gazette Bureau. Washington, Dec. 8. From a communicated source your correspondent is informed that Attorey General Walser has just rendered a decision construing the recent decision of the state supreme court in the FREEDMEN'S BUREAU FUNDS public school case. The construction was made in response to a request made by Prof. Charles H. Mebane, su-

perintendent of public instruction. The attorney general refers to the decision as strong and clear, with no room for misunderstanding relative to the intent of the court. Under the act of 1899 the attorney general had advised the superintendent of public instruction that it was his duty to enforce the school law as he found it on the books, and that it was his duty to recognize of the remains of General Maceo and only the appointees of the legislature of 1899; that it was not his duty to pass upon the validity of the acts of immense crowd was present, including the legislature. Now that that part of fifty-six Cuban generals and many the act of 1899 appointing such directorn has been declared invalid an that he old board of directors has been reinstated, it becomes the duty of the superintendent of public instruction to recognize the old board of directors. and such other school officers as shall be appointed by this old board. It is not within the province of the superintendent, so the attorney general holds, to pass upon the question as to whether certain officials are de facto, as this question is one for the courts. It is easily understood that the superintendent could not pass upon these questions unless he were empowered to

make a judicial investigation. As to the county superintendents elected by the new board, and as to whether their election by the de facto board of directors, is a matter for judicial investigation in all cases where they decline to surrender the office to the superintendent elected by the old board. Under the decision of the supreme court in the school cases, it is held that the old board of directors may meet at any time, organize and ransact business. Just as the superntendent of public instruction was advised to enforce the act of 1899 to the letter, now that the section relative to the election of the appointing school directors has been held invalid, it becomes his duty to enforce the old law and see to it so far as he can that that act is put in force and only the officials elected thereunder recognized by him. Of course if the school officials under the act of 1899 shall decline to be controlled by the advice of the superintendent of public instruction then the question as to what officials are legally entitled to the offices is one for the courts. However, it is believed that just as the old school officials, under the advice of the superintendent of public instruction, gave way to the officers appointed by the legislature of 1899, just so will the new officers give way under the recent decision of the supreme court to the school officials chosen under the act of '97.

This reply of the attorney general will be read with great interest, as the entire school system of the state is af. fected. As it is only a few months until the expiration of the term of the old officials, the decision will probably make no material change in the schools as now organized, but the last legislature was given a black eye, and the construction placed on the decision by still darker tinge.

SALISBURY CITY AFFAIRS

Bonds to be Sold for Sewerage-Man Shot From Ambush. Special to the Gazette.

Salisbury, N. C., Dec. 8.-The city council last night passed an ordinance prohibiting hog sties in the city after March 1 next. Twenty-five thousand of bonds were ordered sold for sewerage, and bids advertised for not realize that there is anothing the work. The board of health reportwrong with their eyes until they are ed that smallpox has been stamped out although the city and county ordered compulsory vaccination ten days ago. Many cases are in the pest house as suspects.

Adolphus Mooney, paymiaster of the Mackin gold mine, ten miles from Salisbury, while on his way to pay off employes, was shot from ambush by a shotgun. The shots struck him in the back of the head, but not seriously injuring him. He escaped with his ololol

money and probably his life to the mines. One man has been arrested suspected of the shooting.

CUBAN FRANCHISE RESTRICTIONS.

Havana, Dec. 8.-Diario de la Marna urges the repeal of the Foraker franchise resolution. It says it has possibly prevented important concessions from being gobbled, but the injury it has worked to the island is far greater than any possible government

PAVING MATTER BEFORE

Franchise Granted to North Carolina Electrical Power Company.

At the meeting of the board of aldermen last evening a petition was filed asking for paving on Haywood street from Montford avenue to Buttrick street. The paving which is now contracted for on Haywood stops at Montford avenue. filed for reference.

Several new sidewalks were ordered put in: on Flint street, from Haywood to Cherry; on Spruce street to Woodfin, on Woodfin to Pine, on Central avenue from Woodfin to Chestnut; on North Main street, from Farmers' Warehouse to Merrimon avenue. Fletchers brick will be used.

The Inter-Montaine Street Railway company was ordered to pave between their rails the same as the rest of the

Street Superintendent Bostic was in structed to begin the foundation for the paving on Chestnut street.

G. H. Morris said that water on French Broad avenue was short. The board decided if the property owners would build a four-inch main they would repay them in one year.

for turning on and off light in the fire ported there is heavy firing of guns department, for a trial. At fire plug was ordered put in on

The police department was instructed to look after drivers that had not paid their special tax.

Captain West reported that fire afarm keys were needed, which was referred to the fire committee. Street Superintendent Bostic was or-

dered to take down all telegraph poles

where there are no telephones in use. The steam roller will be used on French Broad avenue a few days. J. B. Bostic wants the city to build bridge over the branch where French Broad and Southside avenues connect.

Chairman West, of the street committee, reported that the new sweeper The franchise was granted to the North Carolina Electrical and Power company to sell and supply electricity for heat, light and other purposes.

were elected members of Rescue Hook and Ladder company No. 1. The regular weekly pay rolls were allowed with the addition of setting curb and street improvements. A number

E. D. Keeling and John Graham

of other bills were ordered paid. L. P. McLoud, for C. B. McIntyre requested the unexpired part of his iquor license unused in the Reynolds building on South Main street, be ellowed on his license for the next six months, which the board decided to

H. H. BENEDICT

A Prominent Connecticut Man Will Build a Residence at Montreat.

Rev. John C. Collins and Rev. Weston R. Gales, of the Mountain Retreat association, of Montreat, were in ; the city yesterday.

Henry H. Benedict, of Cincinnati, has advanced from his headquarters at just bought a lot from the Mountain Frere, Modder River and Sterkstroom, Retreat association, and will build a respectively, and nothing beyond what house thereon. He is a man of wealth is contained in official despatches is and large business interests, and by known as to what they are doing. A building brings another strong man to lot of gossipy telegrams, relating to North Carolina.

Rev. John C. Collins is building winter home at Montreat.

"ON THE SQUARE"

Agency "Redbrook Farm" Creamery Butter.

Clarence Sawyer, Arthur

Successor to W. F. SNIDER.

No. 6 North Court Square.

RESUMED

Report That Another Engagement is in Progress at Modder River.

BOARD OF ALDERMEN Railway Culvert Blown Up Near Gras Pan.

> Genera Catacre's Estimate of Boer Force in His Vicinity.

The petition was Neither Buller Nor Methuen Have Advanced.

> A LOT OF NEWS OF SMALL CON-SEQUENCE BUT IMPORTANT IN-FORMATION REGARDING THE BRITISH ARMY MOVEMENTS STILL KEPT BACK.

London, Dec. 8.-A despatch from Pretoria received today says it is reported there that fighting was resumed at Modder river yesterday morning.

The war office this afternoon issued he following received at Cape Town from Orange River: "Railway culvert Fire Alarm Superintendent Ward blown up this morning near Gras Pan. was given permission to put in a trip Telegraph line was also cut. It is re-

to the north. The war office received the following West Chestnut street and Montford from General Forestier-Walker at Cape Town dated the 7th: "Cape police hal a skirmish with the enemy at Hazleton seventeen miles from Sterkstrom, Indweline. The Boers had two

wounded.' General French reports on December 6 that all his available force had marched from Naauwpoort, December 5, to Tweedale with complete transport and equipment. The troops returned the same day. Rosmead was occupied by volunteers and important points on the Port Elizabeth line are guarded by volunters.

FROM FORESTIER-WALKER. London, Dec. 8 .- General Forestia-Walker has transmitted to the war office, in a despatch filed at Cape Town today, General Gatacre's estimate of the enemy in his vicinity, namely. at Dordrecht, 800; maching from Jamestown to Dordrecht, 700, with six guns; at Stromberg junction, 1.500; at Waterfull a large force, strength of which is unknown, and at Molteno about 400. Forestier-Walker also supplements his despatch by reporting the appearance

of the enemy at Gras Pan, removing

anxiety regarding General Methuen's isolation. He said: "Belmont strengthened by infantry, two guns and a cavalry regiment. Telegraph and railway to Modder river reopened. Battery and battalion of infantry despatched from Modder river drove off Prinsloo's commando of 1,000 men and one gun, who destroyed the railway. Our losses are fourteen wounded. We found one killed and one wounded Boer. Methuen reports casualties on patrol duty December 6, a lieutenant and six men missing, two

wounded. NO ARMY ADVANCE YET London, Dec. 8.-Neither Generals Buller, Methuen or Gatacre has yet small incidents in Buller's neighborhood, show that diligent scouting is being done in all directions but nothing can be inferred from these stories respecting the date or manner of the advance. It is now more than ten days since the Boers evacuated the Modder River position, after an engagement with Methuen's command, but no information having an important bearing on the campaign has since come from

EARLY HOLIDAY SHOPPERS.

General Methuen's camp.

To the people who wish to

We beg to invite your inspection

shop before the crowds get in:

of our lines the Appalachian * sociation.

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