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# SIMMONS' CREDENTIALS AS UNITED STATES SENATOR

### Senator Pritchard Addresses the Senate on Existing Political Conditions in This State.

Incidents That Led up to What the Democrats are Pleased to Call a Revolution."

## THE SUPPRESSION OF THE WRIT OF MANDAMUS

### The Legislature's Efforts to Protect Those Who Committed Frauds in August Election.

Washington, Mar. 1.—Senator Pritchard of North Carolina, addressed the senate today on the motion made by Senator Butler to refer the credentials of F. M. Simmons, senator-elect from North Carolina, to the committee on privileges and elections. Mr. Pritchard spoke as follows:

Mr. President: I ask the indulgence of the senate for a short time in order that I may submit some remarks in regard to the motion of my colleague to refer the credentials of Hon. F. M. Simmons, senator-elect from my state to the committee on privileges and elections. I had not intended to refer to political conditions in North Carolina during the present session of congress, but since my colleague has seen fit to make the motion in question, I deem it proper that I should briefly review existing conditions in that state, as well as the incidents which led up to what the democrats are pleased to term a revolution.

One would naturally suppose that the people of every state enjoy the benefits of a republican form of government, but I regret to say that such is not the case in the state I have the honor in part to represent.

Article 4, section 4 of the constitution of the United States provides as follows:

"The United States shall guarantee every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or the executive (when the legislature cannot be convened), against domestic violence."

The foregoing is plain and explicit and leaves no doubt as to the duty of congress with respect to the matter. The language of the constitution is mandatory, plain and unequivocal, but for some cause or other there is a disposition on the part of many to acquiesce in that which, in my judgment, will sooner or later undermine the foundation of the government of the United States.

In 1894 the republicans and populists combined their forces in opposition to the democratic party and succeeded in carrying the state by a large majority, securing control of both branches of the general assembly. For years prior thereto the democratic party had been in absolute control of all branches of the state government and in possession of the election machinery in every county in the state.

The republicans and populists in 1895 enacted an election law that was perfectly fair in its provisions, it being provided, among other things, that the chairman of the respective parties should have the right to select those who were to represent them on the election boards.

In 1896 the anti-democratic forces again prevailed, electing all the state officers, consisting of republicans and populists, and in this connection I desire to say that we have never had a more satisfactory manner than in our state affairs administered by Governor Russell. The credit of the state was greatly improved during his administration, and not a dollar of the state's

funds was unaccounted for when the government was turned over to the democrats on the first of last month.

### AN UNPARALLELED CAMPAIGN.

The democrats in 1898, realizing that a great majority of the state were opposed to their policy, and knowing full well that anything like a full expression of public opinion at the ballot box would mean their complete defeat, deliberately organized a systematic campaign of intimidation and violence (resulting in some instances in bloodshed) which has never had a parallel in any section of the country. Not only were negroes in eastern Carolina denied the right to vote, but thousands of white men in the middle and eastern sections of the state were so completely terrorized that they refrained from voting, while many of them, by coercion, were induced to vote the democratic ticket.

The adoption of such unlawful methods resulted in giving the democrats a good working majority of the legislature at that election; and among other things, they enacted an election law which was prepared with the sole view of enabling that party to overcome the large majority that was against them in the state. The legislature did not adjourn at the end of sixty days, as is provided by the constitution, but took a recess until the month of June, 1900, and it was stated in many of the democratic papers that a recess had been taken with a view of impeaching the governor and judges of the supreme court under certain contingencies; and this fact was from time to time referred to by democratic papers for the purpose, as I believe, of intimidating the governor to such an extent as to prevent him from taking such steps as were necessary for the proper enforcement of the law, and I am also inclined to the opinion that these rumors were intended to intimidate the judges to such an extent as to prevent them from granting the remedies to which we were entitled under the law, before the amendment, in relation to mandamus, which is hereinafter referred to as having been adopted by the legislature at its June session.

### WRIT OF MANDAMUS ABRIDGED

Some time prior to the meeting of the legislature in June, a conference of republican, consisting of Hon. R. Z. Linney, Hon. W. P. Bynum, Hon. A. E. Holt, and myself, was held in the city of Greensboro, and it was decided, among other things, that although the new election law gave the registrars unlimited discretion as to what names should be placed upon the registration books, we could, by mandamus compel them to place on the books the names of all parties who, under our constitution, were qualified electors, but unfortunately, their result of our deliberations became known, and when the legislature convened in June the following sections in regard to mandamus and injunctions were enacted:

"Section 88. That upon any application being made or any action or proceeding of any kind commenced or had, before any judge of any court in the state, for a mandamus or any order in the nature of a mandamus, injunction, restraining order, or order in the nature thereof, to compel, prevent, prohibit or restrain the performance of any act in respect to his duties against any officer or officers provided for in this act, the matters stated in the affidavit, petition or complaint upon which such application is based or action or proceeding had, shall be taken and deemed to be denied, and no judge shall issue any such order temporary or otherwise, until the facts have been submitted and found by a jury at a regular term of the superior court of the county in which such officer resides. No such order shall be made or issued upon any case agreed, or upon facts found by a jury at a special term.

"Section 89. That when a jury has found the facts, and any judge shall issue a mandamus or order in the nature of mandamus, injunction or restraining order or other order in the nature thereof, to compel, prevent, re-

### TODAY'S GAZETTE.

FIRST PAGE: Senator Pritchard Speaks on F. M. Simmons' Credentials. A Penitentiary Burned. Pacification of the Philippines. South African Situation.  
SECOND PAGE: Markets by Telegram. Items of State News.  
THIRD PAGE: Miscellaneous. A. Hur W. Dunn's Washington Letter.  
FOURTH PAGE: Editorial. City Personals. Topics of this town.  
FIFTH PAGE: Work of Legislature. Local and Telegraphic News.  
SIXTH AND SEVENTH PAGES: Miscellaneous.  
EIGHTH PAGE: City News.

strain or prohibit the performance of any act in respect to his duties against any officer or officers provided for in this act, such officer or officers shall have the right to appeal from such order to the supreme court, upon giving bond in the sum of one hundred dollars conditioned to pay to appellee all such costs and damages as may accrue by reason of such appeal. The said bond shall be received and approved by the clerk of the superior court. A deposit of money of the amount of the penal sum in such bond shall be received by the clerk in lieu of such bond. And upon filing such bond or making such deposit, such order shall be vacated until affirmed by the supreme court, and until so affirmed the election officer shall proceed to perform his duties imposed by this act notwithstanding such order.

"Section 90. That all laws and clauses of laws in conflict with this act are hereby repealed, and the law regulating elections as contained in this act shall be construed as above and not in connection with any existing provision of law for regulation of elections."

### PURPOSE OF REGISTRATION.

This is the first instance, in so far as I am informed, wherein any political party has ever attempted to modify or abridge the writ of mandamus. With the exception of the writ of habeas corpus, mandamus is the most sacred writ that can be issued by the courts. It is intended to afford a remedy when it is sought to deprive the individual of his property or any of the rights guaranteed by the laws of the land, while the writ of habeas corpus is intended to protect the citizen in the enjoyment of his liberty. These writs constitute the most speedy and effectual remedies that are afforded the citizen by the courts, and while I am not prepared to say that the legislature does not possess the power to modify the writ of mandamus in some particulars, at the same time I am quite sure that there can be no question that the adoption of the provision as a part of the registration act under which our election was held renders the election void from the fact that its provisions render it possible to prevent the elector from exercising his right of suffrage and while the authority to limit its application in general may not be questioned, at the same time any effort to apply its provisions to a registration act as contemplated in section 88, is clearly in violation of the state constitution, which fixes the qualifications of voters and guarantees the right to vote to all men who qualify themselves in accordance therewith.

## PRODIGIOUS SUM ASKED OF ENGLISH PARLIAMENT

London, March 1.—Secretary for war Brodrick has issued the army estimate for the ensuing fiscal year. He asks parliament for 87,915,000 pounds, the greater part of which is for the South African war.

## SAIL FOR UNITED STATES.

Manila, March 1.—The thirty-third and thirty-fourth volunteer regiments and Major-general Young and Brigadier-general Hare sailed for San Francisco today on the steamer Logan.

During March, April, May, purify your blood with Grant's Sarsaparilla. Fine tonic. \$1.00. Grant's Pharmacy.

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## PACIFICATION OF PHILIPPINES

### Taft Commission Will be Received By Natives in Bataan Province.

### Work in Establishing Civil Government in the Islands Meeting With Flattering Success.

Balanga, Province of Bataan, Luzon, March 1.—The Philippine commission arrived here today in course of their tour establishing civil governments in various provinces. They were enthusiastically received.

A detachment of scouts escorted them from the landing place on the beach to headquarters, through streets that had been given American names. Thousands witnessed the procession. On many houses American flags were displayed.

Officers of the thirty-second infantry, doing duty here reported the province in satisfactory condition, its pacification being aided by good crops.

## CANNIBAL ABOARD UNITED STATES SHIP

### Taken Aboard by Commander Tilley For Protection Against Samoans.

Washington, March 1.—Commander Tilley of the Tutuila naval station Samoa, in a report to the navy department, tells of the capture of a cannibal who is now aboard the United States ship Abareta, in order to protect him from the Samoans, who wanted to kill him in retaliation for the alleged killing by him of some of the Samoans.

Tilley says the man is a native of Solomon Island and that he is a savage, very black and does not speak any language, which anybody on board ship can understand.

Through an interpreter it was learned that the man was brought from Upolu by Germans, who treated him badly, and he, with two comrades, escaped on a raft to Tutuila, where they lived in the woods. His comrades died. He says he has lived in the woods for twelve years.

They says the man doesn't want to return to his native country because the people are cannibals and fears he will be eaten if he returns after such a long absence. He adds the man is docile and handy about the ship, and requests authority to continue rations to him.

## GONE TOO FAR NOW TO RECEDE

### Cuban Convention Debating the Best Course to Pursue.

Havana, Mar. 1.—The constitutional convention is debating the best course to pursue in view of the action of the American senate. It is claimed that some of the delegates favor dissolving the convention, while others wish to complete the work for which they convened by formulating an election law. The opinion is expressed that the convention might have proved less radical if the administration had offered the prospect of a reduction of the tariff on Cuban sugar and tobacco. It is thought the convention has gone so far now to recede, even if congress supports President McKinley.

## DE WET FORCED NORTH OF ORANGE RIVER

London, March 1.—Kitchener telegraphs the war department from Pretoria, under today's date, that DeWet has been forced north of the Orange river and is now outside of Cape Colony. He adds that two hundred prisoners have been taken. A superior Boer force attacked eighty of Kitchener's scouts and after a prolonged fight, in which the British lost twenty, the scouts surrendered.

Wood's Onion Sets, Garden and Flower seeds at Grant's Pharmacy.

## STATE PRISON MASS OF RUINS

### Destruction by Fire of Nebraska's New Penitentiary.

### Loss Will Amount to More Than \$300,000, With no Insurance.

## PRISONERS GUARDED BY STATE MILITIA

ALL THE CONVICTS WERE RESCUED—TENTS WILL BE ERECTED FOR THEM TO SLEEP IN UNTIL NEW QUARTERS CAN BE PROVIDED FOR THEM.

Lincoln, Neb., March 1.—The Nebraska state penitentiary is in ruins, as the result of a fire which started at midnight last night destroying the cell houses and the entire main building. The loss will not be less than \$300,000 and very probably will exceed that amount. The building was practically new. The only building saved was the east wing occupied by the warden, the chapel and a small reserve cell room. Precautions have been taken to guard the prisoners who were removed under extra guard without difficulty. Lieut.-Gov. Savage has arranged to have a sufficient number of national guard sent to prevent the escape of any prisoners.

Cavalry detachments still patrol the streets in which are situated the residences of the agitators and their followers.

The fire was discovered by Warden Davis shortly before midnight, he being aroused by crackling of flames and smell of smoke. The alarm was immediately given, convicts, guards and employes aroused and a request telephoned to Lincoln fire department for help. The convicts, numbering about 300, were ordered to clothe themselves and were marshalled into the huge court-yard in a long double line, under the espionage of a score of armed guards stationed on the wall surrounding the yard.

The main building and west cell house, both of which are three story stone structures, are a total loss. The books, records and papers of the institution were removed to a place of safety but nothing else of value was saved.

The fire originated in the kitchen of the warden's apartments, located in the upper story of the main building almost directly over the office and near the cell house. From the kitchen the flames spread in all directions, gradually ceasing their westward march through the new cell house and eastward through the main building.

Company F of the National Guard, left for a scene at 3:30 o'clock this morning under orders from Lieut.-Gov. Savage, acting governor in the absence of Gov. Dietrich.

Warden Davis, who took charge of the institution February 16, said: "I have no opinion to offer regarding the origin of the fire. Several trusty convicts, who served under former Warden Hopkins, prepared supper for my family in the room at 6 o'clock, but all of them retired to their cells early in the evening. How the fire started is more than I can tell."

"It is believed the east wing, though badly damaged, can be used as a temporary housing place for the 288 convicts. The stockade walls remain intact. The prisoners were apparently the least concerned of all the excited men when the fire was raging most furiously and never was a body of supposed lawless men more tractable and orderly when the panic was at its height. Perfect prison discipline was maintained, and not a convict was injured.

News of the fire caused great excitement in the city, heightened by baseless reports of loss of life, mutiny, and the escape of many convicts. So far as can be learned every prisoner and prison attaché is accounted for. The legislature being in session it is believed early action will be taken to meet the emergency. Lieut.-Gov. Savage has notified by wire Governor Dietrich, who is on his way to Washington to attend the inauguration.

When a search was made of the ruins of the west cell house at the burned prison the remains of George Pituega was discovered in his cell. He had been released with the other convicts from the building and had marched out with them but had gone back to get some personal effects. Pituega was sent from Cuming county for life six and a half years ago for the murder of his wife.



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