

Asheville Daily Gazette.

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ASHEVILLE, N. C., TUESDAY MORNING, MAY 28 1901.

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HOW THE FLOOD WORKED HAVOC AT BAKERSVILLE

Details of the Storm in Mitchell County Disclose Worst Disaster of the Kind that Ever Visited Western North Carolina.

Awful Power of the Torrent that Swept Down Cane Creek Valley.

Four Lives Were Lost in and Near Bakersville and More Than Ninety Houses Destroyed in the County.

Details of the terrible story of flood disaster in Mitchell, mentioned in Sunday's Gazette, were received yesterday, having been delayed several days in transit. The two communications published below graphically describe the ruin which overtook Bakersville on the 21st.

It is said that more than 90 houses were destroyed in Mitchell county, several lives are known to have been lost, and the damage to lands and crops is incalculable.

One man says he stood upon the banks of Cane creek, which was swollen to a river of mighty volume, and counted 40 houses going down.

Bakersville, N. C., May 22.—The most destructive and disastrous rain that ever visited Bakersville and Mitchell county in general began to fall about 1 o'clock yesterday morning. An eastern wind blew terribly, and the rain poured down as it never poured before.

By early dawn the creeks began to overflow their banks, and the rain continued to fall in torrents. The people whose residences were near the creek began to leave their homes and climb for the hill tops. Evening came and the rain continued to fall in sheets.

The people who lived on the north side of Cane creek at first sought shelter in the Baptist church, but this entire edifice began to tremble. By presence of mind all who were in the church were safely rescued, and hurried themselves away to higher grounds. They had been out of the building but a few seconds when there was a deafening crash and the great structure was swept away by the maddening waters.

Some of the finest residences in town were swept down Cane creek as though on the flood of a mighty Amazon sweeping through our valleys.

Among some of the dwellings swept away are those of S. J. Turner, Esq., William Greene, James Greene, Mrs. Nora Anderson, Berry Stuart, Mrs. E. E. Stafford, Rev. Mr. Carpenter's residence owned by J. S. Wilson, brick residence of Mrs. Elizabeth Howell, and numbers of other buildings which were located near the creek.

These people did not save anything in the way of household and kitchen furniture, and barely did save their own lives without a change of wearing apparel.

The sun shines brightly today, but poor Bakersville is wrecked, ruined, and devastated. Such a scene is hardly imaginable.

There were only two lives lost in the immediate town. These were two negroes, Quitz Moore, and his son. These negroes were a pitiable sight as they were swept away clinging to the roof of a house. Their screams and cries were heard above the roaring waters.

People climbed upon houses to save their lives. Mr. and Mrs. J. H. Gouge climbed on top of their dwelling, and while there the house was swept from under them, and as they went down they caught on top of the dining room. They held on top of this room, and to everybody's most agreeable surprise, this portion of the house did not float off and the Mr. and Mrs. Gouge were rescued.

The estimated loss on Cane creek alone is said to be at least one hundred thousand dollars. Some thirty or forty residences were swept away, and from ten to fifteen stores.

News comes from the country that the destruction is as great as it is in Bakersville. It is reported that Toe river has destroyed dwellings, stores,

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25 CENTS.
GRANT'S PHARMACY,
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etc. The loss cannot be estimated until further particulars are learned. Many people are homeless, but are being cared for by the town. C. E. G.

CHARPS: FOUND IN RIVER LOADED WITH CHAINS

Believed to be that of Anarchist Selected to Kill the Kaiser.

Berlin, May 27.—A Budapest despatch says that a corpse loaded with chains has been dragged out of the Danube near that city. The police believe the body to be that of Romagnoli, the anarchist who is said to have sent from America to kill Emperor William. A box found in his pocket contained poison.

The police of Europe and America have been notified of the discovery. There is speculation as to whether he was secretly executed for failing to carry out his mission.

TO RETURN PEKIN CITY TO THE CHINESE

Pekin, May 27.—Arrangements are being made for a gradual transfer of the administration of Pekin to the Chinese. Japan will transfer her section first, and the French and Italians will follow.

Shanghai, May 27.—There is no definite news as to the exact time when the court will return to Pekin.

PROGRESS OF THE WAR IN SOUTH AFRICA

London, May 27.—Kitchener reports to the war office that since his last telegram the British have killed 63 Boers, wounded 38, captured 267 and 83 have surrendered. He also reports a quantity of arms and ammunition captured.

BRYAN ON THE DECISION.

Lincoln, May 27.—Bryan said tonight he would not discuss the supreme court decision on Porto Rico until he read the full case. He said it seemed to uphold both sides of the controversy.

THIRTY-FIVE MINERS MEET AWFUL DEATH

Chattanooga, May 27.—An explosion this afternoon in one of the mines of the Dayton coal company, located at Dayton, Tenn., killed probably 35 miners. The explosion was in the new Richland mine and was caused by dust, gas or fire damp.

Up to 11 o'clock tonight 22 charred, mangled bodies had been taken out. Soon after the explosion eight miners were taken from near the mouth of the mine horribly burned, most of them fatally.

The explosion occurred shortly after the men began to leave the mine for the day. It is supposed that the explosion

was caused by a lighted torch carried by one of the miners.

It is evident that the miners were leaving the mine in a body, as the bodies have all been found near each other. It is believed all of the thirty-five men in the mine perished.

The explosion loosened hundreds of tons of debris from the roof of the mine, which blocked the passage ways, and it will be several days before it can be cleared away.

As soon as the noise of the explosion was heard women and children flocked to the mine and pitiously cried and begged for news of husbands and sons.

COL. BRYAN HOPES BEN TILLMAN WILL WIN

Lincoln, May 27.—Bryan in an interview on the resignations of Tillman and McLaurin, declares it an honorable course to see which result would benefit the state. The state now had virtually no voice on public questions, as the vote of one senator nullified the vote of the other. He hoped to see Tillman win a sweeping victory "because he represented the man, while McLaurin represented the dollar." "The vote," he says, "will show whether the plutocratic idea is making headway in the South."

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COURT'S DECISION IN INSULAR CASES

General Attitude and Policy of the Government Upheld in Most Important Case—Porto Rico a Territory and Not a Foreign Land.

Washington, May 23.—The United States supreme court today handed down opinions covering all of the issues on the new insular possessions which have been in controversy. Although several of the decisions upheld the contestants on certain issues raised, yet in the most important decision, that of Downes against Bidwell, Justice Brown announced the sweeping decision of the court upholding the general attitude and policy of the government up to the present time. The effect of this decision is to affirm the constitutionality of the Foraker act and to give congress power to deal with a newly acquired territory in such manner as the legislative branch may consider suitable for the new territory. The decision also has the effect of declaring that the new insular possessions do not by virtue of the treaty of cession acquire all the privileges and rights of the constitution.

Justice McKenna delivered the dissenting opinion. He was joined in that opinion by Justice Shiras, and White. The majority opinion was concurred in by Chief Justice Fuller, Justices Harlan, Brown, Brewer, Gray and Peckham.

In the decision, Justice Brown said that whether the sugar imported from or into Porto Rico was dutiable depends upon whether Porto Rico is a foreign country. He held that the right to acquire territory involves the right to govern and control it by congress, but he said that a country could not be both foreign and domestic.

The opinion was opposed to the contention of the government. He concluded that at the time the duties were collected Porto Rico was a territory, and not a foreign country, but a territory of the United States.

Justice Brown concluded as follows: "If an act of congress be necessary to convert a foreign country, into domestic territory, the question at once suggests itself, what is the character of the legislation demanded for this purpose? Will an act appropriating money for its purchase be sufficient? Apparently not. Will an act appropriating the duties collected upon imports to and from such country for the benefit of the government be sufficient? Apparently not. Will acts making appropriations for its postal service for the establishment of light houses, for the maintenance of quarantine stations, for erecting public buildings have that effect? Will an act establishing a complete local government, but with the reservation of a right to collect duties upon commerce be adequate for that purpose? None of these, or all together, will be sufficient, if the contention of the government be sound, since acts embracing all these provisions have been passed in connection with Porto Rico, and it is insisted that it is still a foreign country within the meaning of the tariff laws.

"We are unable to acquiesce in this assumption that a territory may be at the same time both foreign and domestic. We are therefore of the opinion that at the time these duties were levied Porto Rico was not a foreign country within the meaning of the tariff laws, but a territory of the United States; that the duties were illegally exacted and that the plaintiffs are entitled to recover them back.

"Judgment of the circuit court for the southern district of New York is therefore reversed and the case remanded to that court for further proceedings in consonance with this opinion."

In the course of his reasoning on the manner of the acquisition of Porto Rico Justice Brown held that congress has authority to control such territory. "It is an authority," he said, "which rises, not necessarily from the territorial clause of the constitution, but from

the necessities of the case and from the inability of the states to act upon the subject. Under this power congress may deal with territory acquired by treaty, may administer its government as it does that of the District of Columbia; it may organize a local territorial government; it may admit it as a state upon equality with other states; it may sell its public owning to individuals, citizens, or may donate them a homestead to actual settlers. In short, when once acquired by treaty it belongs to the United States and is subject to the disposition of congress.

"Territory thus acquired can remain a foreign country under the tariff laws only upon one of two theories: "Either that the word 'foreign,' applies to such countries as were foreign at the time the statute was enacted, notwithstanding any subsequent change in their condition or that they remain foreign under the tariff laws until congress has formally embraced them within the customs union of the states. The first theory is obviously untenable. While a statute is presumed to speak from the time of its enactment it embraces all such persons or things as subsequently fall within its scope and ceases to apply to such as hereafter fall without its scope.

"The theory that a country remains foreign with respect to the tariff laws until congress has acted by embracing it within the customs union, presupposes that a country may be domestic for one purpose and foreign for another. To hold that this

(Continued on fifth page.)

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