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ASHEVILLE, N. C., FRIDAY MORNING, MARCH 7, 1902

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WM. E. BREESE ARRAIGNED

CHARGES MADE THAT BILL OF INDICTMENT WAS IRREGULAR.

Jury of Ten White and Two Colored Men Drawn - S. T. Dorsett Begins Testimony.

THE HISTORY OF THIS FAMOUS CASE

DEFENDANTS WERE OFFICERS OF FIRST NATIONAL BANK, WHICH FAILED IN 1897, AND THERE ARE NUMEROUS CHARGES AGAINST BOTH MEN.

The United States District court, Judge Jackson presiding, was convened yesterday morning.

This special term of the District court was called for the express purpose of hearing these two cases. The history of the cases is this:

The First National Bank failed in 1897 and Breese and Dickerson, respectively president and director of the institution, were indicted for embezzlement, abstraction and misapplication of the funds.

The cases were heard before Judge T. B. Purnell and the defendants were found guilty of the charges and sentenced to ten years in the penitentiary.

At this trial the testimony produced by the prosecution showed that for some time previous to the suspension of business the bank had procured a large number of notes signed by persons who were insolvent, that some of these notes, indorsed by the bank, had been negotiated and that others had been so placed on the credit side of the books as to show the bank's solvency.

When these worthless notes came due they were destroyed and replaced by other notes equally worthless. The signers of these notes, many of whom were carpenters, masons, plasterers and laborers, testified that in many instances they had not only affixed their signatures to paper on which the amount was not filled out but that they were usually ignorant of what they were signing.

They further stated that they had not received any value for the notes and had never paid or been asked to pay anything on them.

During the trial the bank examiner who came to Asheville in 1897 and by whose report the bank was closed in October, 1897, testified that as early as 1893 he had considered the condition of the business as "extended" and that in 1894 an effort was made by its officers to have the institution changed to a state bank, thus enabling the capital stock to be reduced from \$100,000 to \$50,000. This effort was unsuccessful, owing to the refusal of some of the bank's creditors to agree to the proposition.

When the bank closed its doors there was almost no negotiable paper in the bank's possession, and the depositors sustained a total loss.

From the sentence of Judge Purnell an appeal was taken to the United States Circuit Court of Appeals at Richmond. The appeal was heard before Judges Goff, Simonton and Brawley and the decision handed down that the case should be remanded to the court below for a new trial.

In this decision of the Circuit court it was set forth that there was no error in the decisions of the court below upon the various points decided in the progress of the case, but inasmuch as the strong opinion expressed by Judge Purnell in his charge to the jury, in which he used the words "That, in his opinion, it was the duty of the jury to convict the defendant," was calculated to mislead the jury, who perhaps con-

sidered this language as a direction on the part of the court, it was thought proper to order a new trial. From this opinion Judge Brawley dissented.

The attorneys who appear for Major Breese are Pritchard, Adams and Rollins, and Judge Charles A. Moore. These attorneys, with the addition of Tucker & Murphy will defend J. E. Dickerson, whose indictment is practically the same as that of Breese.

Judge John J. Jackson, clad in a flowing judicial robe of black silk, took the bench at 10 o'clock and court was called to order.

Judge Jackson opened with a few brief remarks in which he stated that he had been designated by Judge Simonton to preside at this special term, that he did so with some reluctance as he had made his plans to be in Florida at this time. He further said that he would endeavor to hear the cases with all speed compatible with fairness to both sides and requested the co-operation of the bar in assisting him that there might be as few delays as possible.

United States District Attorney Holman then called the names of William E. Breese, who was present in the court room to answer.

Judge Jackson stated that Mr. Breese would stand on his ball during the progress of the trial. J. S. Adams, of counsel for Breese, entered the plea of not guilty and at the same time asked the court that his plea might not be considered as interfering with a demurrer which the defense would make in regard to the legal status of one of the grand jurors who had found the indictment against Breese.

Judge Jackson said that he did not wish to sit through a long case and after it was decided have the trial annulled because of a law point which could have been decided before the case was begun. He asked to have the point raised so that a decision could be rendered immediately. Mr. Adams then stated to the court that the defense had evidence that one of the grand jurors, C. C. Phifer, was not competent or qualified by law to serve on the grand jury and to find the true bill of indictment which had been filed against Breese; that Phifer, at the time he served as a grand juror, owned \$300

(Continued on fourth page.)

STEAMSHIP COLLISION;
TWO PASSENGERS KILLED

WAESLAND, ONE OF COLLIDING VESSELS, SANK IMMEDIATELY.

London, March 6.—The Belgian steamer Waesland, which sailed from Philadelphia February 16 for Liverpool, has sunk off Holyhead, after being in collision with the British steamer Harmonides, from Brazilian ports for Liverpool. The Waesland's passengers and crew were transported to the Harmonides and are now returning on that vessel to Liverpool. The Waesland belongs to the International Navigation company. The collision was due to a heavy fog.

London, March 6.—The collision in which the Waesland was sunk occurred Wednesday night. Edward Danglefield, a steerage passenger on the Waesland, and Elsie Emmett, the daughter of a saloon passenger, were killed. The Waesland sank in 35 minutes.

MAN THROWN INTO WHITE HOT COKE OVEN

BY NEGRO HIGHWAYMEN HORRIBLY BURNED AND WILL DIE.

Cumberland, March 6.—Two colored highwaymen today threw Jeremiah Johnston of Davidsonville, Pa., into a white-hot coke oven. His face was shriveled and one arm burned off before he was rescued. He is in a hospital, dying.

Johnston had stopped at the oven to warm himself and the negroes crept up behind and threw him in. A posse is searching for the negroes.

MISS ROOSEVELT'S VISIT TO LONDON ABANDONED

London, March 6.—A Washington despatch to the Times says the proposed visit of Miss Roosevelt to the coronation has been abandoned.

Biltmore Wood. Phone 700, is better.
Annandale Wood. Phone 378.
Biltmore Firewood. Phone 700.

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Ground to Order.

We have just completed our lens grinding plant, which enables us to fit the most complicated lenses without delay.

Satisfaction Guaranteed.

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The Optician.
Opp. Postoffice.
54 Patton Ave.

SHIPPING BILL VOTE MARCH 17

SUBSIDY MEASURE WILL THEN COME UP FOR PASSAGE IN THE SENATE.

President Issues Statement Regarding His Attitude on Cuban Reciprocity.

NO SLIGHTEST CHANGE IN HIS POSITION

HOUSE REPUBLICANS CONFERENCE AND POSTPONE ACTION UNTIL NEXT TUESDAY ON CUBAN TARIFF QUESTION—NO CLAIMS FOR VICTIMS OF MAINE DISASTER.

Washington, March 6.—The senate devoted today's session to the discussion of the bill for the protection of the president and the ship subsidy bill. No action was taken on either. Clay resumed his remarks in opposition to the shipping bill and Hanna in a lengthy speech vigorously replied to some of the criticisms on the bill. Early in the session an agreement was reached to vote on the shipping bill on the 17th.

The house resumed consideration of the rural free delivery bill. It went over without action and then adjourned.

Washington, March 6.—So many conflicting stories have been circulating recently in regard to the president's attitude on the Cuban tariff concessions that the following official announcement was made from the white house tonight: "Any statement that the president has changed his attitude on the Cuban reciprocity business is without the slightest foundation in fact."

Washington, March 6.—At a conference of the house republicans tonight for the purpose of framing a bill granting tariff concessions to Cuba, no action was taken. An adjournment was taken until Tuesday when another attempt will be made to frame a bill in harmony with President Roosevelt's recommendations.

Washington March 6.—It is learned tonight that the controversy over the Cuban tariff concessions is not so much a fight between the administration and congress as it is a contest between republican factions in the house. It is really a fight by members against an organization composed of the speaker, the committee on rules and leaders of the ways and means committee.

Washington, March 6.—The Spanish treaty claims committee has handed down a decision adverse to the claimants on account of death or injury as a result of the battleship Maine being blown up in Havana harbor.

The claims so far filed with the commission which will be affected by this decision amount to about \$2,500,000, which will probably be increased to \$50,000,000 had the decision been favorable to the claimants.

The commission decides that "seamen injured by the explosion which destroyed the battleship Maine in the harbor of Havana, had no individual claim against Spain, even if that government was responsible to the United States for the explosion and therefore such a seaman is not entitled to an award in his favor from the Spanish treaty commission."

Wanted to see the president

KNEE BREECHES AND SILK STOCKINGS

REASON EX-GOV. HOGG DID NOT ATTEND KING EDWARD'S LEVEE.

London, March 6.—King Edward held his second levee today. Ex-Gov. Hogg of Texas was to be present but did not attend. In an interview he said he had been invited by Ambassador Choate to attend, but when he learned it was the established custom for Americans to wear knee breeches, silk stockings and buckled shoes he balked because he was not in shape for such toggerly. He further stated that Mr. Choate offered to make an exception in his case, "But," he added, "I did not desire to make myself conspicuous or embarrass Mr. Choate by wearing clothes different from others."

TWO-FOOT SNOW IN PENNSYLVANIA MOUNTAINS

Philadelphia, March 6.—The snow fall which began yesterday ceased last night and today the weather is bright and clear. Reports from the mountainous districts show two feet of snow in some districts. Trolley and steam traffic is very much impaired and in some localities abandoned altogether.

FOUR HUNDRED FEET OF RIVER BANK CAVES IN

Augusta, Ga., March 6.—Four hundred feet of the river bank caved in this morning above McKinney street, sending that much of the Charleston and Western Carolina railroad into the Savannah river. The warehouse of Rogers and company was undermined and may fall at any time.

"Take It To FIELD'S"

This is the remark that will be made to you by most anyone when your watch gets cranky and won't go.

Our watch makers are skilled experts and our charges made for repairs are reasonable.

Arthur M. Field Company
Leading Jewelers
Cor. Patton Ave. and Church St.

CHOICE HOUSES FOR RENT.

Six room house, new, near Montford avenue; electric lights, porcelain bath, completely furnished, \$40.

Eight room house on Pearson Drive, short distance from car line; electric lights, porcelain bath and other modern conveniences, completely furnished, \$50.

Eight room house on Cumberland avenue, one block from car line; electric lights, porcelain bath and other conveniences, completely furnished, \$50. Five room apartment near Montford avenue; electric lights, porcelain bath, completely furnished, \$37.50.

UNFURNISHED HOUSES—MODERN CONVENIENCES.

Six room house Chestnut street, \$18. Eight room house near Charlotte street, \$21. Eight room house Cumberland avenue, \$30. Nine room house between Montford and Cumberland, \$40. Six room house South French Broad avenue, \$12. Seven room house Haywood street, \$22.50. Nine room house Haywood street, \$27.50. Nine room house, new, Pine and Baird, \$27.50. Eight room house Penland street, \$20. See us for further particulars.

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HESTON'S
26 South Main.

PRINCE'S DAY IN BOSTON

WOUND UP BY ATTENDING A BANQUET GIVEN IN HIS HONOR.

Visited Cambridge in the Afternoon And Was Made An L. L. D. by Harvard.

MESSAGES RECEIVED FROM KAISER AND KING

STORM HAD LEFT BOSTON'S STREETS IN BAD SHAPE FOR PRINCE HENRY'S RECEPTION, BUT THEY WERE CLEARED BY HARD WORK, OVER NIGHT.

Boston, March 6.—Prince Henry wound up his sojourn in Boston tonight by attending a banquet at Somerset house, given in his honor by city officials, and by holding a private reception after the banquet at the residence of Mrs. Montgomery. He spent a busy morning in Boston receiving and returning official visits, and most of the afternoon was spent at Cambridge where Harvard conferred on him the degree of LL. D. with elaborate ceremonies.

While at the university the prince in-

(Continued on 5th page.)

Our... Exhibition

Newest and Best Styles in Dress Goods Wash Silks

And other Handsome Materials have been coming in for the past Six Weeks. Our Resident Buyer in New York selects the best and most approved patterns and in order to be Well Dressed and Up-to-Date inspect the New Goods

Now on Display AT SUMNER'S

Send for samples. Visit the complete Chinaware, Mattings and Rug Departments also

At SUMNER'S The Leaders.

If You are Tired of Paying Rent

Come and let us explain how we can sell you a good house on the installment plan. We have several desirable places we can sell you this way.

H. F. GRANT & SON
48 Patton Avenue.
Asheville, N. C.

When a Cough

hangs on and tends to become chronic try GRANT'S EGGS EMULSION. It is both food and medicine and supplies the system with warmth and strength and enables it to throw off the cough.

PRICE \$1.00 PER PINT BOTTLE.

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