

The Gazette-News

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Thursday, September 28, 1911.

"BIG BUSINESS" PERTURBED.

The term is not here used in the commonly accepted, or offensive, sense, but it may be said that the New York Sun is peculiarly the representative of Big Business, in the home of Big Business. With daily regularity the Sun has been publishing letters from business men, principally of New York, who are frankly dissatisfied with the trend of events, industrially and politically, and the Sun has been wanting to know what business men are going to do about it. Most of the Sun's correspondents have been using exceedingly strong language, a number of them seeming to favor a mass meeting at Cooper Union in the hope of being able to devise ways and means of bettering conditions.

So much agitation by politicians, and the general condition of unrest in the country, the swing around the circle of President Taft, and the Sherman anti-trust law, have called for almost universal condemnation among these business men. As indicative of the bitterness that prevails among men of large affairs, one employs this language: "The statements of the President and the Attorney-General today in regard to the present business predicament sound like a duet in the minor key, sadly voicing the condition punishment meted out to the industrially damned unless they repent." Another correspondent laments that the people of this country were once proud of their capitalists of industry, while now: "the riffraff, who even in the mouths of the men who vote for them are contemptuously called 'politicians,' are those who rule."

Under the caption "Business and the Law," the Sun editorially takes issue with President Taft in saying that recent decisions of the Supreme court had cleared the atmosphere with respect to the Sherman anti-trust law. The editorial is more than two columns in length, and we have no idea it was well considered before publication in business circles represented by the Sun. In part, we give the Sun's view:

While Mr. Taft's speech in Detroit on the trust decisions is in many ways admirable and sounds a true note in defending the Supreme Court from the intemperate criticism of Mr. Bryan and other radicals, yet he too is open to criticism in assuming that the mere enunciation of phrases has cleared the atmosphere of the legal fog through which the business interests of this country have blindly groped for nearly twenty years. Mr. Taft is of the opinion that the trust decisions have made the meaning of the Sherman law "clear," but this view is apparently not shared either by judges, lawyers, statesmen or business men. Mr. Taft interprets the decision of the court to mean "that they find that any contract in restraint of trade made for the purpose of excluding competition, controlling prices or of maintaining a monopoly in part or in whole is contrary to the statute." Are we to understand from this interpretation of an interpretation that if two competitors, therefore competing in interstate trade, form a partnership or corporation in order to eliminate competition between them and to that extent control prices, the act is a violation of the law, without regard to its reasonableness or unreasonableness? If this be the fair import of Mr. Taft's definition of the present rule, then nearly every partnership or corporation in this country which is now engaged in interstate trade is in violation of the Sherman law, for nearly all of them were formed by the combination of theretofore competing units, and all have presumably affected the control of prices by a partial destruction of competition.

Mr. Taft's address itself shows that his definition is too sweeping, for he refers with approval to a decision of the Supreme Court in which the vendor of an interstate business sold out to his competitor and formally covenanted that he would not engage in the same business for a term of years. The Supreme court recognized under these conditions his legal right to dispose of the good will of his business, and that the exclusion of competition, even though it prices are thereby affected, cannot in all cases

and necessarily involve a prohibition of the statute. If on the other hand we are to construe Mr. Taft's definition as meaning that a restraint of trade is only prohibited when it excludes all competition, exercises a complete control over prices and monopolizes a given business, then no combination of capital, with the possible exception of those which operate exclusively through patent rights, is within the law, for no one has ever contended that either the Standard Oil company or the Tobacco company ever excluded all competition, exercised an absolute control over prices or maintained an exclusive monopoly. No one with any knowledge of the facts has ever disputed that both the Standard Oil company and the Tobacco company were facing increasing competition in many departments of their business and that their powerful competitors were gaining rather than losing ground.

Between these two extreme interpretations of Mr. Taft's interpretation of the Sherman law there must be some middle ground as the true intent of Congress, and the vital duty of the hour is to mark the boundaries of this middle ground. This, unfortunately, is done in no practical way either by the Supreme court decisions of Mr. Taft's address. The Supreme court simply warns the business interests of the country that restraints of trade or elimination of competition must not be "undue" or "unreasonable," and business blindly plunges through the fog of these phrases until rammed by Mr. Wickersham's legal machine, acting through political action.

In concluding its review of the business situation the Sun remarks: "In the meantime business men may as well understand that there can be no substantial or continuing prosperity as long as the normal conditions of business are conducted under the threat of grand jury proceedings and the shadow of the penitentiary. They should speedily organize and make an effective protest against this mischievous form of legalized terrorism."

Now, the question of immediate interest to us of the provinces is this: Is all this a cry from the predicament to be let alone, or is it a fact that conditions in the political world, and the uncertainty that has grown out of decisions under the Sherman law, are all tending to prevent a return to prosperous business conditions throughout the country?

THE DOCTORS AND DR. BAIRD.

In a recent editorial reference to the report of a committee of physicians appointed to look into the work done by the county health officer, and outline what he ought to do if employed for all his time, the intention of publishing the text of the report was signified. What these physicians have to say on the subject of the public health service in the county is given in full in today's Gazette-News, alongside a very vigorous protest by our friend Dr. J. S. T. Baird, who sounds the full diapason of his rhetoric, unlimbers the entire batteries of his fine diction, unmisses the entire pack of logic dogs of war in a general ferocious onslaught against his brother sawbones' position. After reading his report, however, we expect Dr. Baird to repent and recant.

We fully expect that he will hurry in to repudiate his heresies and cry aloud that, if necessary, they may even double the taxes on his broad, bounteous acres. And if the peroration to his present agreement strikes you as fine and beautiful prose poetry, wait until you hear him in advocacy of the right side of the question.

To drop in at Doc. McGuire's herbateria is to enjoy a feast of the officinalia—blend of concentrated essence of out of doors; smells baked and brought from booky dell and flowery meadow and far woodland interior. A youth came wandering by with a double handful of roots tucked away in an old suit case. The stuff was put upon the scales. "How much?" inquired the owner. "Three dollars," was the reply. Ginseng, of course; absolutely worthless, the pharmacist says. And yet it has a very strong herby flavor, and ought to be good for something except the imagination of the heathen Chinese.

They are insuring with great dignity and politeness, while the President is visiting them.

PRESS COMMENT.

INHERITED.

"I am a politician," says Arthur Pue Gorman, democratic nominee for governor of Maryland—the which is pretty conclusive evidence that he is the son of his father.—Norfolk Virginian-Pilot.

GETS IT ANYWAY. A Chicago woman wants a law compelling husbands to pay their wives a salary. No salaried husband will object to the law. She gets it all, anyway.—Houston Post.

SPACE RESERVED FOR FERD. Whether or not Ferdinand Pinney Earle ever got into the salon with one of his paintings the world doesn't know, but he may rest assured that he can continue to get on the first page with a new wife whenever he acquires one.—Louisville Courier-Journal.

PIG-GAH.

According to The Richmond Times-Dispatch in discussing Champ Clark's brassy style, Pigrah is pronounced "Piggy" in Missouri and Texas. We dare any Missourian or Texan sojourning in Asheville to pronounce it that way.—Charlotte Observer.

Visitors and Tourists

Don't fail to visit Mountain Mead own Inn. Beautiful drive, excellent service, dinner parties a specialty. Phone 225.

A Prince and a Chieftain

BY SAVOYARD.

He would not flatter Neptune for his trident.

Or Jove for's power to thunder. His head's his mouth; What his breast forges, that his tongue must vent.

Perhaps as much in love as in admiration that called Allen G. Thurman "the old Roman." The appellation would better fit Roger Q. Mills than Thurman was dominated by his "old Bill" Allen, who for him to condone if not advocate "rig money." It probably cost him the presidency, for had it not been for his speech of 1875 tolerating greenback repudiation it is not unlikely that "the old Roman" would have been president despite the Paynes, John R. McLean, the tariff king and Standard Oil. In a forensic debate in the senate Allen G. Thurman never met his equal in the opposing ranks, much less his master; but

Was by a mousing owl hawked at and killed. Mills was made of sterner stuff. They called those Conkling the American Czar and Mills was equally lofty, and for principle, he would have welcomed the ostracism—exultantly surrendered place and power and wealth and fame.

The great Texan was a disciple of Thomas Jefferson. He saturated himself with the philosophies of the Sage of Monticello as Thackeray did with the history, the traditions, the letters and the manners of the golden age of Queen Anne's time. Turn him into a cause or policy treated of by our profoundest political thinker and Mills could elucidate the spirit of it "familiar as his garter." He put that test to political creed and plan, and was inexorable in the application of it and merciless in the solution of it. There was no compromise in him. He was a good hater, proud as Lucifer, brave as Hector and stood four square to every wind that blew.

He entered public life at this capital December 1, 1873, as a member of the 43d congress and simultaneously with the re-entry upon that theater of Alexander H. Stevens, Lucius Q. C. Lamar and John Young Brown. Gen. Hill, Dave Culbreton and Joe Blackburn appeared two years later. At that time the G. O. P. marched under the hoody shirt and loyalty was purged from all legislative corruption, cleansed from all political sin. It was the era of Credit-Mobiler, National Contracts, Leet and Stoking, General Average, Freedman's Bureau, and all and singular other knaveries that plagued the body politic and were on constant expedition for an appropriation.

Mills was not only a stout soldier, but brilliant in the field and was where valiant men were found, both in the army of Northern Virginia, led by Lee, and in the army of Tennessee, led by Johnston and Hood. A native of Kentucky, he went to Texas when he was yet a youth and was a capable and successful lawyer when the call to arms came. An exceptionally handsome man, he was as eloquent as he was brave and as dashing in the forum as he was splendid in battle.

And now Mills was an actor on a theater for which he was bountifully endowed by nature and fortuitously equipped by study. With a powerful understanding he combined a deep and fierce sense of justice, a vigilant and a fanatic honesty, a copious and a dramatic eloquence and a courage that was at once defying and flawless.

After the most famous and grandly fought booster the house every knew had defeated Ben Butler's infamous force bill, Mills joined the majority faction led by Morrison in the 44th congress, which would have given the country tariff reform if the dispute over the presidential succession and the death of Speaker Kerr had not displaced the tariff as the paramount. In that contest Mills played a brilliant part, seconding Proctor Knott in opposition to the elect to seven electoral commission. There was no greater constitutional lawyer in the land than Knott. He saw the situation clearly and said: "Why throw away a victory you have already won? The democratic house will declare Tilden elected. The republican senate will proclaim Hayes elected. That amounts to no election, and article 12 of the constitution then prevails, the election is thrown back to the house and the democratic house will choose Tilden." Had the republicans held the democratic cards they would not have lost a trick; but the democrats followed Randall and Howitt instead of Knott and Mills and they did not take a trick.

There never was a more dramatic scene in a legislative body than when Mills took to the floor to oppose an electoral commission. With a clear voice, magnificent attitude and flashing eye he began: I fell as one who treads alone Some banquet hall deserted. The effect was electrical, but the flat had gone forth. The democrats were bewildered and walked right into the trap set for them.

Randall was twice elected speaker after the death of Kerr, and packed the ways and means committee so as to make it impossible to tinker with the tariff. When Randall was the caucus nominee for speaker the last time Mills bolted, and the same day Pig Iron Kelley bolted Garfield, the republican caucus nominee for speaker of the 46th congress. Randall was too much of a protectionist for Mills and Garfield was too much of a free trader for Kelley.

But when the 48th congress was organized Carlisle beat Randall for speaker in the democratic caucus, yet Randall was powerful enough to beat the Morrison bill of that congress and he also defeated the Morrison bill of the 49th congress. Morrison was defeated for re-election in 1886 and Mills became chairman of ways and means of the 50th congress. He brought in a bill providing for free raw materials and tariff for revenue only on the finished product for the ultimate consumer and passed it through Randall mustered nearly two score democrats in opposition.

When Mills brought in the bill and took the floor to discuss it McKinley was recognized and hoped that the republican side would allow the chairman of the ways and means committee to make his speech without interruption. "I invite interruption," roared the Ruper from Texas, and he always did. When Harrison was elected president McKinley supplanted Mills as chairman of the ways and

means and brought in a bill revising the tariff up, an inveterate republican habit.

The country repudiated the McKinley tariff in 1890 even more emphatically than it subsequently condemned the Payne tariff in 1910. Mills made a tour of New England, pleading for free raw materials and tariff for revenue only on the finished products, with the result that New Hampshire and Rhode Island sent solid democratic delegations to congress. Only one republican came from Connecticut and the Massachusetts delegation contained a majority of two to one of democrats. Thus for the first time in history of the democratic party a majority of congressmen from New England were democrats, the democrats having 16 and the republicans 11. And there is not the slightest doubt that the republicans would have had the majority if Mills had not stumped New England.

In that congress, the 52d, the democrats had the biggest majority any party ever had in that body, and Mills was the logical candidate for speaker, and speaker he would have been if he had allowed them to elect him. He was a candidate for the speakership was in it, not from any personal vanity, but because he believed he incarnated a great issue. When the caucus was in session, the first evening Carlisle a senator, and Morrison, an ex-member, were in Mills' room. Mills was prostrate on a lounge and they thought him asleep. Sam Donelson rushed in and said that a certain member P. . . would vote for Mills if he got a place on rivers and harbors. "All right!" exclaimed Carlisle and Morrison, "tell him he shall have it." "What's that?" yelled Mills. "Tell him no such thing. I absolutely refuse to have any state." It was magnificent, but it wasn't politics. It was Roger Q. Mills from crown to heel, from skin to marrow.

Crisp was chosen speaker, and except that Mills was the exponent of a great idea Crisp was a much more capable man for the place. Springer was made chairman of ways and means and brought in numerous bills providing for free raw materials, the first wool, for which Mr. Bailey, of Texas, voted, as he voted for all the others.

On the issue of Millsism Cleveland was elected president. The Wilson bill was Millsism incarnated; but it was plastered over with party porphyry and party dishonesty in the senate by Gorman, of Maryland; Smith of New Jersey, and Murphy, of New York, and Cleveland allowed it to become a law without his signature. Then the silver question came on to shove the tariff out of paramountcy, just as the disputed presidential succession had in 1877.

Mills was elected senator, in which body he served until 1899. He entered public life poor and never statesman had hands or cleaner conscience than his. He might have been a millionaire had he not scorned dirty money. But he died a wealthy man, wealth legitimately acquired by a fortunate development of some landed property he owned in Texas. He was a very great pity, and his like is not in public life today.

And the king said unto his servants, Know ye not that there is a great prince and a great man has fallen this day in Israel? Washington, Sept. 20.

THE MARKETS

New York, Sept. 28.—With a much smaller volume of trading, the stock market moved irregularly at the opening today. Speculative leaders developed considerable strength.

The market showed a good deal of irregularity due to professional operations rather than the nervousness extant yesterday. A heavy demand set in, carrying the list higher. A strong rise prevailed throughout the morning on the stock exchange and stocks advanced steadily. The whole market was strengthened by a demand which grew more insistent as the day advanced. Although gains were rapid, the advance was orderly. There was an absence of yesterday's disquieting fluctuations.

Demonstration of the strength of the market came in the second hour was so convincing that there was a frantic scramble by shorts to cover and bull forces operated with growing confidence.

Virtually every stock of moderate activity rose from 2 to 2 1/2 points.

Cotton Rules Steady; Prices Lower. New York, Sept. 28.—The cotton market opened steady today at 7 and 8 points decline. Prices quickly eased off to a net loss of 10 and 12 points. There was good buying of December around 14 1/4. The market recovered 4 or 5 points of the loss later in the first hour.

The market was less active in the late forenoon, ruling generally steady on trade buying or covering of shorts, with active months some 5 or 6 points up from the lowest or about 2 to 4 points under the closing figures yesterday.

At midday September and October were relatively easy and some 7 to 10 points net lower. The south continued a seller in the local market, but between the demand from the spot people and shorts there seemed quite a good deal of cotton wanted below 10.30 for December.

Table with columns: STOCKS, Open, Close. Includes entries for Atchison, Am Smelting, Atlantic Coast Line, Brooklyn Rapid Transit, Baltimore & Ohio, Ann Arbor, Canadian Pacific, N. Y. Central, Chesapeake & Ohio, Erie, Great Northern, Illinois Central, Mo. Kan. & Texas, Louisville & Nashville, National Lead, Missouri Pacific, Norfolk & Western, Northern Pacific, Pennsylvania, People's Gas, Rock Island, Rock Island pfd, Reading.



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Optometrist and Optician.

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KIDNEY TROUBLES

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GRANT'S PHARMACY, Agency for Wood's Seeds.

Southern Pacific

Table with columns: Southern Pacific, St. Paul, Southern Railway, Southern Railway pfd, Tennessee Copper, Union Pacific, U. S. Steel, U. S. Steel pfd, Wabash, Wabash pfd.

NEW YORK COTTON.

Table with columns: Open, Close. Includes entries for September, October, December, January, March, May, Spot.

LOCAL SECURITIES.

Table with columns: Reported and corrected daily by Henry F. Claudius, Bid, Asked. Includes Asheville Water, Beaumont Fur, Citizens Bank, Universal Security, Universal Security, Wachovia B. & T. Co., Wm. Brownell Mill.

Advertisement for J.L. SMATHERS & SONS MAMMOTH FURNITURE STORE, 15 NORTH MAIN ST., 24 LEXINGTON AVE., PHONE 225. THE LARGEST FURNITURE ESTABLISHMENT IN THE SOUTH.

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Advertisement for Ball, Thrash & Co., 5, 7 and 9 East College Street, ASHEVILLE, N. C.

Advertisement for STREET CAR SCHEDULE IN EFFECT OCT. 23, 1910. RIVERSIDE PARK, MONTFORD AVENUE TO SANTEE STREET, DEPOT VIA SOUTHSIDE AVENUE, DEPOT VIA FRENCH BROAD AVENUE, MANOR, CHARLOTTE STREET TERMINUS, PATTON AVENUE, EAST STREET, GRACE VIA MERRIMON AVENUE, BILTMORE, DEPOT & WEST ASHEVILLE, via Southside Ave.

Advertisement for Prof. O. B. Schoenfelds Sulphur Springs Health Farm, See the beautiful springs, Grand Surrounding Scenery, and make arrangements for treatment, also mineral water.

Advertisement for Swannanoa Laundry, For Sale—Special Bargain, STOVES, Large Boarding House, 10 acres land 8 miles out. See about this at once. S. D. HALL, Phone 91, 32 Patton Ave. 14 S. Main St. Phone 441.