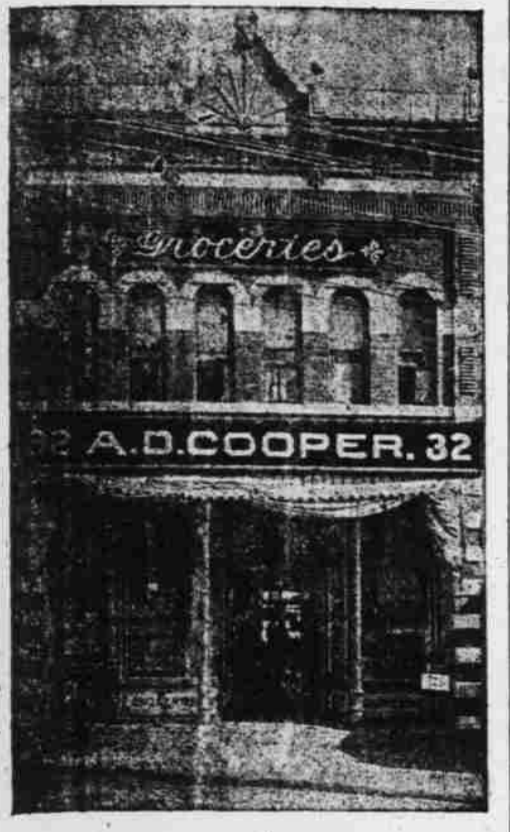


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PEARSON VS. CRAWFORD

EXTRACTS FROM BRIEF OF MR. PEARSON. Grounds of Contest.

Q. After the shooting was over did you find that your husband was shot?—A. I called him and asked him where he was, and he said, "Here I am; I'm shot." I got out from under the bed as quick I could and went to him.

Q. Did you find him in the house or out of the house?—A. In the house. Q. Was the house pretty well shot to pieces?—A. Yes, sir; what I see of it; I never examined it.

Q. Do you remember the day of the month that this happened?—Yes, sir; it was the first day of November. I don't know what year it was. Q. It was just before last election, was it not?—A. Yes, sir.

Q. About what time of night did this happen?—It was about 4 o'clock in the morning. JESSE GRAHAM being duly sworn, deposes and says: Q. At what time before the election and during the campaign of 1898 did a crowd of men go to your home in the night time and interfere with you and your family?—If so, state as near as you can what was done and said by them on that occasion.

Q. The contestee objects to this question, that it is leading and incompetent, for the further reason that it is too general. Counsel for contestant admits that this question is some what leading and would not be asked in the way it is; but for the reason that witness is a colored man and does not possess intelligence enough to answer the question were it not in its present form.

Q. The contestee insists that there is no excuse for asking the above question in such a leading form, for the reason that the law makes no special provision for the asking of leading questions whatever be the intellectual capacity of the witness. The contestee further insists that if counsel for the contestant admits such a gross lack of intelligence on the part of the witness, his testimony should not be brought into this contest.

A. On Monday night on the 31st of October, 1898, a crowd of men went to my house about midnight, beating the door and window, and called me to come out; I told them I wasn't going out there; by that time they commenced beating the door and broke it down, and about fifteen or twenty guns was drawn on me in about 3 or 5 feet of me; I told them not to come in, and I ran back in my room; I did not have anything but a .32 pistol, and before they broke the door down some said, "Go ahead boys, he has not got but a .32 pistol," and when I saw they were coming in I give up; I didn't want all my family killed; they said they were not going to hurt me; only wanted to talk to me a little, and I asked them what for; said because I would not work for the Democrat party; they took me out about 100 yards from the signboard, and I begged them to not to let them hurt my boys; there was a crowd pulled my boys out of the lot, and one struck my son Jesse and cut a gash in his head, and carried both of my boys, Jesse and Henry, out to the signboard, and whipped them, both with a buggy trace; one of them filled Jesse's mouth full of sand and held his nose, cut a deep gash in his side, and asked him what did he register for, and he said he was only 18 years old and had never been to the registering ground.

My son Henry is only 16 years old and knows nothing about elections, and my son Archie is only 14 years old; they pulled him out of the bed and he hit one of them and they struck him two licks; my daughter they drew pistols and guns on her; then they turned around, if I had anything to do with the election; I told them I had nothing to do with it; that I was out of politics four years; that I had not nothing to do with it; they said they would not ask me to come out, but would make me come out; seven or eight threw me down and stood on me, two or three on my head, some hold of my feet, and beat me with a buggy trace, both hands, struck me eight times, but there did not but one lick hurt me; some man said that Jesse and his boys was good, they believed what I said and stopped them from whipping me; they made me raise up my hand and swear that I would come up to Laurinburg next day and get a

list and go around and tell the colored people not to vote; my boys was still laying on the ground; they would not allow them to get up; then they told us to get up and go home, and not to leave there because they had some one watching us; and then they come back toward Laurinburg.

(Counsel for the contestee objects to that part of the witness's answer in which he testifies to what he does not know of his own knowledge and to what was said by parties taking no part in the occurrence related.) Q. Did they whip your boys, Jesse?—A. Yes. Q. Did you vote in the election of 1898?—A. No, sir. Q. Why did you not vote?—A. I was afraid to go.

JOHN WILLIAMS being duly sworn, deposes and says: Q. What is your age and where is your residence?—A. Age 53; residence, I don't know exactly whether it has changed or not. They used to call it Stewartville; I don't know whether it is Laurinburg or Stewartville. Q. How far from Laurinburg?—A. I live just about 1 1/2 miles from Laurinburg. Q. Are you a Union soldier? (Question objected to.)—A. Yes, sir.

Q. Did a crowd of men go to your house in the nighttime, just before the last election, and whip you? If so, state what was done and said by them.—A. They did; and they came here on the 25th of October; I looked at my clock; they came before the election, and they called my wife and asked her was John in here, and I didn't let her answer. After a while I said, "Yes, I am in here," and I was slow about opening the door, and didn't open the door. They said, "You ain't going to open the door?" and some man knocked the door, but the door open with their gun, and come in there and says, "Light your light!" I says, "I have no oil in the lamp." They did not believe me; they went on to the mantelpiece, and took the lamp down, brought it to the table, and there was no oil in it. Then they grabbed me and carried me outdoors with them, about 30 yards from the house, and asked me, said, "I heard you were guarding Hugh Archie Gilchrist and Mose Duglass," and I says, "No, sir; I wasn't doing it." They put me down on the ground, and they give me near 50 lashes with a buggy trace, and told me if I came here to the polls on the day they would kill me afterwards. I says, "Sir, I did not vote, no-how," and then they turned me loose and says, "You run, sir!" and before my God, I tried to run, I run, and I fell down over a dozen times before I got home, and I was laid up three weeks, and I ain't able to make my own export now like I ought to be, from that beating.

CALVIN PITKIN being duly sworn deposes and says: Q. You say that on Tuesday morning before day, it being election day, a crowd of men came to your house with red shirts on, shot your house to pieces and everything in it, and came in and drew the gun on your wife, and shot you in the foot while you were under the house, and after they went to the polls because you were afraid to stay at home?—A. Yes; there was a crowd came to my house and shot it up what was in it, and shot me in the foot while I was under the house; two of them rushed in the house with guns, and one threatened to shoot my wife's brains out; and I did go to the election because I was summoned to be poll holder and I was afraid not to go. (See Record, Duckery vs. Bellamy, pp. 131 et seq.)

J. C. PRITCHARD, being duly sworn says (p. 140): Q. Did the inflammatory speeches of Tillman and others in the east and center influence voters in the west? (Question objected to on the ground that the answer must be naturally purely one of opinion and not of fact known to the witness.)—A. Yes; unquestionably so. The results that followed in the wake of the speeches to which you refer were more potent in influencing voters in the west than the speeches, I am informed that as a result of the inflammatory speeches, a reign of terror existed throughout the counties of Richmond, Robeson, New Hanover, and others. Republican and Populist speakers were prevented from addressing the people, and in some instances Republican and Populist registrars and poll holders were driven from their homes by threats of violence, and the Democratic papers announced daily that these outrageous performances were necessary in order to protect the white people of the State and prevent the uprising of the negroes.

Finally the Republican ticket in the county of New Hanover was withdrawn on the suggestion of the State in order to prevent bloodshed and riot. He was informed by the Democratic managers that if the Republican kept their ticket in the field that there would be bloodshed, and that he would be held responsible for it. When it became known that the Republicans had withdrawn their ticket in that county it had a tendency to stampede the Republican forces throughout the State.

It was acknowledged as a quasi admission on the part of the Republican party that we were unable resist by force the methods that were being employed by the Democrats for the purpose of getting control of the legislature. Q. Do you think the Republican voters of the Ninth district were in-

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liminated by the speech of Mr. Tillman in the Sixth district, or by the race issue, from actually voting the sentiments?—A. I think that the methods of intimidation and violence that were resorted to by the Democrats after Mr. Tillman had made his speeches were calculated to terrorize a certain class of voters of the State. Q. Do you know that any Republican white voter in the Ninth district was induced to change his vote? If so, name him.—A. I am not prepared to give of my own knowledge the name of any voter who changed his vote in consequence of Senator Tillman's speech, but I have been informed that quite a number of voters in Buncombe, Rutherford and McDowell counties were in influenced thereby.

CHARLES J. HARRIS, a witness for the contestant, deposes and says (p. 142): Q. Mr. Harris will you please state your name, place of residence, what position you hold, and what position you hold in the Republican organization in the Ninth Congressional District of North Carolina?—A. Charles J. Harris; reside at Dillsboro, N. C.; member of the United States Industrial Commission; have been chairman of the Congressional committee of the Ninth District. Q. What was the issue made by the Democrats in the last campaign, and what was the character of the speeches made by the Democratic candidates and other speakers and what was the character of the newspaper articles bearing upon the campaign?

(Question objected to because newspaper articles themselves are best evidence and the remaining part of the question calls for an opinion merely.)—A. The issue in the last two months of the campaign was of itself in opposition to the negro, obliterating almost entirely all other questions. The character, or rather the plan, of the Democratic campaign was to stir up race prejudice, and by the extensive dissemination of the anti-negro campaign literature, by threats of force and intimidation all over the State, and the avowed and open declaration that the Democrats must be in power by force, if necessary.

Q. Please state whether the campaign literature circulated by the Democrats contained suggestive and offensive cartoons, and pictures illustrating the negro question. (Question objected to as irrelevant, and because the cartoons should themselves be produced as the best evidence.)—A. I did. Q. Did such cartoons depict actual or imaginary situations? (Question objected to upon the ground of the impossibility of the witness testifying to the truth or falsehood of occurrences in the distant parts of the State in which he never resided and probably never visited.)—A. I travel a great deal about the State, and would say from my experience they were greatly exaggerated, if not wholly imaginary cartoons, and statements invented deliberately to create race prejudice and hatred.

Q. From your knowledge of the Ninth Congressional District can you state whether any negro has held any State or county office under the present administration in any of the counties of the district?—A. I do not know of any. Q. Do negroes serve on the jury in Jackson, or in any of the counties of the district?—A. They do not that I am aware of. Q. Have the negroes greater or less representation on school committees than they had under the Democratic school laws?—A. I don't know, but my impression is less. (Question objected to the answer.)

Q. Where were you on election day?—A. At Dillsboro. Q. What distance is Dillsboro from Franklin?—A. Twenty miles. Q. At what time did you hear of the lynching of the negro Moseley at Franklin the night preceding the election?—A. It was telephoned over Monday morning that he was probably lynched, and it was so telegraphed to the outside world. This, of course, is to the best of my knowledge. Q. What time were the actual facts made known at and around Dillsboro, was it commented on during election day?—A. There were telephone messages constantly the day before and on the morning of the election, and its effects, of course, was harmful to the Republican party.

HENRY BENSON, a witness for the contestant, being duly sworn, deposes and says: Q. Please state your age, place of residence, and at what precinct you voted at last election.—A. Forty-eight years old; Henry Benson; Asheville, N. C., second precinct. Q. Please state whether any threats were made against you, or to your knowledge, any other Republican voter in the city of Asheville, at or before the last election; if so, state all the circumstances. (Question objected to by counsel for contestant.)—A. I was threatened before the election. On the 12th of October I was up town on the street, and Tom

ALL OVER THE COUNTRY. INTERESTING HAPPENINGS OF A WEEK BOILED DOWN.

Sarah A. Baker, the oldest American actress, is dead near Philadelphia. She was born in 1818. The city school board of Chattanooga has rejected Lee's history on the ground that it was partial to the south. St. Joseph's Orphan asylum at Hartwell, a suburb of Cincinnati, was destroyed by fire. No lives were lost.

While digging a well on Lookout Mountain G. M. Jarnagan and others discovered gold quartz in large quantities. The mayor of Macon has wired Adjutant General Corbin offering to receive troops from cities reported infected with yellow fever. Great Britain and the United States have practically agreed upon temporary line defining the boundary between Alaska and Canada.

The attorney general of South Carolina has served notice on ex-Penitentiary Superintendent Neal's bondsmen that they will have to pay up his shortage or suit will be entered. McKinley will present to Dewey the sword voted him by congress. The new battleship Kearsarge made a record of 17 knots on her trial trip. Advice received from New York state that the Southern railway has bought the Knoxville and Bristol road.

American apples are in such great demand in Germany this year that shipments have commenced one month earlier than usual. A factory has been started at Titusville, Fla., for the manufacture of recently patented tents to protect orange trees in winter. Judge Baldwin of the Connecticut supreme court declared in an address that it was wrong for doctors in cases of mortal disease to seek to prolong life.

The farmers of Tronp county, Ga., have passed resolutions declaring they will hold their cotton until the price reaches 8 cents and calling on planters throughout the south to join in the movement. The Garden City hotel at Garden City, I. T., owned by the A. T. Stewart estate, has been burned. Admiral Dewey expressed the hope that the dry season in the Philippines would see the insurrection quelled.

The Alabama Steel and Wire company's plant, now in course of construction at Ensley, will be in operation by Oct. 15. The Southern Passenger association has issued a circular giving a rate of one fare for the round trip during the state fair in Atlanta. The German ambassador at Washington gave a dinner to Mr. Chambers, chief justice of Samoa, and the fact is taken to indicate a better state of feeling.

Two hundred coal miners at the Sale creek mines, near Chattanooga, have gone on a strike because the company was furnishing coal to the Dayton Coal and Iron company, whose miners are on a strike for higher wages. Admiral Henry F. Pickens, commandant of the Boston navy yard, is dead. Andrew Carnegie, it is said, will be the next Liberal candidate for parliament from Southamptonshire.

The lowest price on record for "futures" coffee was reached in New York when October deliveries sold at 4.40 cents. A small body of troops from San Salvador have crossed the frontier of Nicaragua and attacked the garrison located near the Pacific coast. New Jersey won the Hilton challenge trophy on the rifle range at Sea Girt, defeating the Georgia team, which captured the prize last year. Mayor S. L. Davis and his six councilmen of Hobson City, Ala., Calhoun county's new exclusively negro town, have been inducted into office.

Many ship owners have called at the offices of the English admiralty and offered British vessels as transports in case of war with the Transvaal. James B. Eustis, former ambassador to France, is dead. A Chinaman killed a negro George Town, S. C., in a dispute over 1 cent. General Otis has been instructed, in framing his plan of campaign for the dry season, to allow for the fullest participation of the naval forces now in the Philippines. Senator Hanna, on sailing from Liverpool for New York, denied recently circulated reports to the effect that he would retire from the national Republican committee.

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