

Asheville Daily Citizen.

VOLUME VII.--NO. 271

ASHEVILLE N. C., THURSDAY EVENING, MARCH 10, 1892.

PRICE 5 CENTS.

WHITMAN'S : CANDY

BY EXPRESS EVERY
Tuesday : and : Friday.

KROGER,
41 College Street.

CIGARS,

BY THE BOX AT

WHOLESALE PRICES.

THE

LARGEST STOCK

AND THE

FINEST VARIETY

—IN—

WESTERN NORTH CAROLINA.

Manuel Garcia's,

Figaro's,

Juan F. Portuondo's,

Frank Teller's,

Asheville Cigar Co's.

KROGER.

BUTTER,

Elgin Creamery

and

New York Dairy,

KROGER.

REAL ESTATE.

WALTER B. GWYN, W. W. WEST.

GWYN & WEST,

(Successors to Walter B. Gwyn)

ESTABLISHED 1881

REFER TO BANK OF ASHEVILLE.

REAL ESTATE.

Loans Securely Placed at 8

Per Cent.

Notary Public. Commissioners of deeds.

FIRE INSURANCE.

OFFICE—Southeast Court Square.

CORTLAND BROS.,

Real Estate Brokers,

And Investment Agents.

NOTARY PUBLIC.

Loans securely placed at 8 per cent

24 & 26 Patton Avenue Second floor,

Feb 9 1892

JOHN CHILD,

(Formerly of Lyman & Child),

Office No. 1 Legal Block

REAL ESTATE

—AND—

LOAN BROKER,

TRUSTEES A BROKERAGE BUSINESS.

Loans secure placed at 8 per cent.

WILLS BROS.,

ARCHITECTS,

28 Patton Avenue.

Next Y. M. C. A. building. P. O. Box 554.

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JENKS & JENKS,

REAL ESTATE AND INSURANCE.

We have some very desirable timber properties for sale at a low figure. We can show you full description at our office. One fine Asbestos mine for sale. We can show you some specimens from the mine and can take you to the property if you desire. Furnished and unfurnished houses to rent.

JENKS & JENKS,

NO. 32 PATTON AVE., ASHEVILLE.

WE PAY

FOR THIS SPACE

TO INFORM YOU THAT NO

GROCERY HOUSE

In Western North Carolina sells goods at

lower prices than we make.

We do not offer to sell any goods

Below Cost

And then live on the losses, but give you

uniformly low prices on every article.

A. D. COOPER,

STAPLE AND FINE GROCERIES,

NORTH COURT SQUARE.

"BON MARCHE."

37 SOUTH MAIN STREET.

GRAND SALE OF

LADIES' MUSLIN UNDERWEAR.

Drawers at 29, 39, 49 and 59 cts. Chemise

at 33, 43, 53 and 63 cts. Gowns at 59, 69,

79, 89, 99 cts. \$1.17, \$1.27. Skirts at 48,

58, 68, 78, 88 cts. \$1.18, \$1.38.

These goods are full size, nicely trimmed,

good material and well made. Also a full

line of Hamburg, Nainsook and Swiss

Embroideries and Torchon Lace, White

Goods, and Gingham, all new Spring Goods.

"BON MARCHE."

11,000—Acres—11,000

SELECTED.

11,000 acres in one body.

Hard wood Timber.

Never cut over.

Unequaled in W. N. C.

Easy of access.

Title Guaranteed.

For sale, apply to

D. C. Waddell,

Asheville, N. C.

A BRILLIANT RING.

We are showing some of the daintiest novelties

ever displayed in jewelry. It would be

easier to tell you what we haven't got than

what we have. If you haven't seen our elegant

trifles in gold and in silver, there is a

treat awaiting you, and, whether you have

urchases in mind or not, you should not

miss them. It is difficult to resist going into

details—we are strongly tempted to describe

some of the exquisite products of the season's

art, some of which show that the caprices of

fashion are apt to be wonderfully charming,

but you'll get a much better idea if you come

and look for yourself.

B. H. COSBY,

JEWELER,

PATTON AVENUE.

THE

CRYSTAL PALACE.

FRENCH ; CHINA ; ART ; POTTERY.

Japanese Products,

Souvenirs, Novel-

ties, Lamps, Candel-

bras, Porcelains,

Glassware, Toware,

House Furnishings.

Dinner and Teaware

THAD W. THRASH & CO.

41 PATTON AVENUE.

YOUNG SHOPPERS

If you buy your Groceries where you have

to keep your eyes wide open you will be

caught napping some time however watchful

you may be. Buy where a child can pur-

chase with as much safety as its mother.

The place to buy is where the best of every-

thing is kept, where the worst of anything

is unknown and where inflated prices are

not likely to be asked. We keep that kind

of a place.

POWELL & SNIDER

H. REDWOOD & CO.

LOTS OF

STYLISH SPRING GOODS

Already received and several lots of the

most desirable already gone. Naturally

the handsomest go first, and any one in

search of them late in the season has a

"monkey and parrot" time of it.

Redwood & Co.

Dry Goods, Clothing, Shoes, Hats, Car-

pets, &c.

7 AND 9 PATTON AVENUE.

GENUINE AUSTRALIAN LENSES.

I am devoting all of my time to study of

the eyes and to the peculiar formation of the

lenses. I warrant all spectacles I furnish to

give entire satisfaction in all cases, and can

suit any one on first examination of the eyes

E. WEXLER,

NO. 17 NORTH MAIN ST., ASHEVILLE, N. C.

STILL IN THE RING.

R. B. NOLAND & SON,

GROCERS,

No. 21 N. Main Street,

Wish to announce the fact that they are

sole agents for the Spartanburg steam baked

bread, the only first class bread to be found

in the city, and so table is complete without

it. We get it fresh by express every day.

Don't forget that we are wholesale and re-

tail dealers in potatoes, apples, onions, and

all kinds of country produce. Everything

kept that is usually found in a first class

grocery store.

MISSION HOSPITAL CASE.

SOME POINTS FROM THE SUPREME COURT DECISION.

The Law in the Case Laid Down by Justice Avery—An Opinion of Interest Not Only to Builders of Hospitals, but to Builders of Ordinances as Well.

The opinion of the supreme court in the Mission hospital case has been received by Clerk of the Criminal Court Patterson. Many parts of it will be found to be of general interest. After reciting the conceded facts in the case the court, Justice Avery delivering the opinion, says:

"It is clear that if an ordinance is passed by a municipal corporation which upon its face restricts the right of dominion which the individual might otherwise exercise without question, not according to any general or uniform rule, but so as to make the absolute enjoyment of his own property upon the governing arbitrary will of the authorities of the town or city, it is unconstitutional and void, because it fails to furnish a uniform rule of action and leaves the right of property subject to the despotic will of aldermen, who may exercise it so as to give exclusive profits or privileges to particular persons.

"The first ordinance relied upon to support the indictment provides: 'That no person, firm or corporation shall build or erect within the limits of the city of Asheville any building of any kind or character, or otherwise add to, build upon or generally change any building, without first having applied to the aldermen and obtained a permission for that purpose.' Whether the land owner proposes to erect on his premises a store house, opera house, dwelling, stable, kitchen, or hen house, and whether he proposes to use fire-proof or combustible material in the structure, he is required to apply to the aldermen of Asheville for a permit, and if the ordinance is valid he incurs liability for violation of it the moment he begins the work of building. Moreover, if he should add a porch, a tower, or any other building, or alter in any way the structure occupied by him, he would subject himself to like danger, though he should use no material in making the improvement not generally considered fireproof. But while the right to prohibit the erection of a building without regard to the material to be used in erecting it, has been held unreasonable, the most objectionable feature of the ordinance is the reservation by the aldermen of the right to refuse the application of one land owner and grant that of another, arbitrarily and despotically, when for all material purposes the two apply for precisely the same privilege.

"What is there in the ordinance under consideration to prevent the aldermen, if they were so inclined, from prohibiting the construction of any houses in a definite boundary except certain dwellings, and thereby enhancing the value of the property in which they have a personal interest? We have no idea that any such purpose exists, but we cannot sanction the enforcement of an ordinance by means of which the aldermen may at any time not only interfere, but act upon such a corrupt motive.

"The learned justice then quotes the following opinion from the Indiana court: 'No discretionary powers should be vested in officers whose duty it is to execute the provisions of ordinances. . . . The ordinance itself should specify every condition of the license, and the officer should be merely entrusted with the duty of issuing licenses to all who comply with the prescribed conditions.'

"The opinion of Justice Avery then continues: 'If the ordinance, instead of being a restriction upon the exercise of discretion by aldermen, had provided in plain terms that no person or corporation should be allowed to erect a building without license at any point within the city, if it were understood that the person or corporation which admitted a patient suffering from typhoid fever into a hospital under their management in another part of the same lot, the ordinance would have allowed an unreasonable interference with the rights of land owners because it is not necessary, to protect health, to prohibit a person from building a house according to any plan on his own land, but the end may be reached by prohibiting the reception of patients who are suffering from infectious or contagious diseases.

"The act incorporating the Asheville Mission hospital, which empowers the corporation to erect one or more hospitals for unfortunate and destitute persons, and invested it with authority to make by-laws, etc., so that the officers might, while the building was in course of erection, have enacted a by-law prohibiting that one and uniform persons, who were destitute, should be admitted. Instead of using their authority to prevent the spread of disease, the ordinance leaves it in the power of unprincipled officers to locate hospitals entirely with a view to enhancing the value of certain sections where there were only tenement houses might enhance values of property in the vicinity; while if located in a more fashionable quarter it might be considered an eye-sore. It seems, however, that the corporation, in the case at bar, have already a building on the same lot which had been used as a hospital, and had asked a permit to add another and thereby furnish additional accommodation for the sick, and had passed a by-law forbidding the reception of patients suffering from contagious or infectious diseases, except by special arrangement with the managers under the advice of the physician. But cases of typhoid fever had been admitted to that hospital. We do not know judicially whether the disease is infectious or not; but if the city, instead of the Mission hospital, will enact just such a provision granting permits, the ordinance passed after the contractor had expended money in disregard of the void law, and providing simply that all persons engaged in erecting such buildings should be subject to a penalty for failure of the owner of the property to get a permit under the old arbitrary law, would be subject to the same objection, if not to others equally as fatal to its enforcement against the defendant.

"There was error in the ruling of the court that the defendant was guilty, and a new trial must be granted."

MORRISON ON PALMER.

He Thinks It Unwise to Name the Senator for the Presidency.

CHICAGO, March 9.—William R. Morrison arrived here this morning, and at once opened his batteries on Senator John M. Palmer:

"I am opposed to Senator Palmer's candidacy and regard it as an unwise movement," said Mr. Morrison. "Senator Palmer is altogether too old to be a candidate. He is in his seventy-fifth year, and I don't believe any man at that age should be a candidate. Then, again, the democracy of the state would look upon Senator Palmer's candidacy as a practical gift to the republicans of a senatorship, because the next legislature, which would elect a successor to Gen. Palmer, will not doubt be republican."

"If the state convention declares for Palmer, will your friends bolt the nomination?"

"I never bolted the nominee in my life, and I never will. Hence I have no reason to believe that my friends would do such a thing."

VANDALIA, Ill., March 7.—It looks as though the threat of Col. W. R. Morrison and his followers to make trouble for Palmer would be fulfilled.

Twelve counties in central and southern Illinois have selected delegates to the democratic state convention, and there were no instructions for Palmer in any of them. Jackson endorsed him, and so did Wayne. The others were silent.—New York Sun.

THE TARIFF DISCUSSION.

Mr. McMillin Opens the Battle Royal.

WASHINGTON, March 10.—In the past years the day for the opening of the debate in the house upon the tariff bill has been a red-letter day and almost all the members have been in attendance and the galleries have been thronged with spectators, but the rule met with an exception yesterday. When the speaker called the house to order at noon there were not more than 150 members present and the galleries did not contain more than the usual audience. On motion of Mr. McMillin, of Tennessee, the house went into committee of the whole upon revenue bills. Mr. Blount, of Georgia, being designated as the presiding officer. Mr. McMillin addressed the house.

Mr. McMillin said: "The last congress imposed the highest tariff taxes ever levied in this country. It also made the most extravagant appropriations ever made here in the time of peace. This congress was sent here to correct both evils. The expenditures in two years for which the last congress appropriated, besides deficiencies, aggregated \$1,000,000,000, forty dollars per family annually, or more than \$500,000,000 each year, about one-third of all the money in existence in the United States."

A CRAZY EMPEROR.

He Will Yet Plunge Europe into War.

LONDON, March 10.—A St. Petersburg despatch to the Standard relates this story as an echo of Emperor William's famous Brandenburg speech:

After the Emperor sat down at the close of his address a guest said to him jokingly that he apparently had forgotten that Russia was always behind him. The Emperor retorted: "I will pulverize Russia."

Shuvaloff upon hearing this remark made close inquiries concerning it, and then communicated the details of the scene and the dialogue in question to M. de Giers, who related them to the *Czar*.

At a court reception four or five evenings ago the *Czar* is said to have addressed Gen. von Schweinitz rather abruptly with the words:

"Tell your Emperor that when he wants to begin pulverizing us we will throw half a million soldiers over his frontier with the greatest pleasure."

MADE CRAZY BY HYPNOTISM.

A Boy Mentally and Physically Wrecked by the Influence.

CANTON, O., March 7.—Thomas, the seventeen-year-old son of J. H. Numan, a merchant, has disappeared, and it is thought that he has wandered away with "Prof." Kennedy and Flynn, hypnotizers, who have been giving performances here and using the boy as a subject.

The parents of the lad say that his mind and body have been wrecked by the hypnotic influences. At the time for opening a performance the boy would become almost frenzied if not permitted to attend, but at its close he would be kept away from the next one.

It is reported here that a boy at Alliance and another at New Philadelphia have become crazy through hypnotism.—New York World.

Scrubbed the Statue of the Virgin.

BERLIN, March 9.—The spectacle of two well dressed young men diligently scrubbing the statue of the Virgin in the market place, while a crowd of town people jeered at them, was witnessed today at Suhl. The young men were students, who, while on a lark the night before, had daubed the marble figure of the Virgin with tar.

They were quickly detected, and their fathers were fined 500 marks each for the damage done to the statue, while the boys themselves were punished by being compelled to restore the monument to its original condition.

Fatal Fool Joke.

BOSTON, March 7.—Mrs. John T. Haines, 50 years old, and living at Jamaica Plain, was sitting in one of the rooms of her home with several persons when one of the party started the others by saying that the house was on fire, intending it as a joke. The shock was too much for Mrs. Haines, and she fell to the floor dead. She had been troubled with heart disease for several years.

Atlanta Firm Trouble.

ATLANTA, Ga., March 10.—A mortgage of several thousand dollars on the stock of Louis A. Mueller & Co., china and glassware dealer, was foreclosed today.

Springer Out of Danger.

WASHINGTON, March 10.—Representative Springer is now considered practically out of danger.

Armour Packing Company's fresh meats are the best. Finlay & Nelson.

THE BEHRING SEA CASE

GREAT BRITAIN TAKES AN INDEFENSIBLE POSITION.

She Will Not Renew the Modus Vivendi and Evidently Wants Canada to Slaughter all Our Seals.

WASHINGTON, March 10.—The president has sent to the senate the correspondence in regard to the Behring sea question covering the period from April 20, 1891, to the date of the recent correspondence. The most important letters are two from Sir Julian Pauncefote, under dates of February 29 and March 7, and the reply sent yesterday. In his note of February 29, Sir Julian informed Mr. Blaine that Salisbury does not admit, as previously indicated by Mr. Mr. Blaine, that the delays have been greater on the part of Great Britain than on the part of the United States. He says the British commissioners have reported that there is no danger of serious diminution of the seal and therefore the necessity of the modus vivendi is not apparent. Still he would not object to the prohibition limited to a zone no more than thirty miles around the Pribyloff island, provided the seals on the islands be limited to 30,000.

In his note of March 7 Sir Julian presents an argument in support of Lord Salisbury's refusal to accede to another modus vivendi. He says it first was agreed to under stipulation that the measure could not be repeated, and that there is no apparent danger to the seal species. He adds that the zone proposed is more extensive than that mentioned by Mr. Blaine on March 16, 1891.

In the response sent yesterday Assistant Secretary Wharton states that the president notices with regret the disposition of her majesty's government not to agree upon an effective modus for the preservation of the seals in Behring Sea pending the settlement of the respective rights of the two governments in those waters and into seal fisheries therein. He calls attention to the fact that the treaty of arbitration awaits only the action of the American senate, and that the judgment of the arbitral tribunal cannot be stated in time to control the conduct of the sealers during this season.

The urgent question, he says, is what does good faith, to say nothing of international comity, require of parties to an arbitration? Was it ever held before, he asks, that one party to such controversy, whether a nation or an individual, could appropriate the whole or any part of the income and profits, much less the body of the contested property, pending the arbitration? Was it ever held that litigation without accountability to the arbitral tribunal for any trespass, it is contended, to say that the owner will have an undiminished harvest next year. Last year's harvest was his also, and further, this government has already undertaken all obligations to indemnify the United States for any invasion of its jurisdiction or any injury done to its sealing property by the Canada sealers.

A BITING BLIZZARD.

It Is Cold Here, But at the North, Whew!

WASHINGTON, March 10.—A combination of blizzard and cyclone is reported prevailing from Wisconsin west to the Dakotas and south to Kansas, with all the accompaniments of deranged telegraph service, snow drifts, stalled railroad trains and schedules abandoned. Throughout all that territory the weather was mild, bright and pleasant yesterday.

CHICAGO, March 10.—A frightful post-winter blizzard from Lake Michigan to Montana, the worst in years and unexampled at this season, is raging according to the fulfil advice possible over the telegraph wires, which are ice and snapping asunder as soon as patched.

Reports from all sides of the destruction to property and life are features of the extraordinary visitation. Individual cases are