

W. F. RUCKER, Editor. L. D. MILLER, Manager. PUBLISHED EVERY WEDNESDAY, AT RUTHERFORDTON, N. C. \$2.00 PER YEAR; CASH IN ADVANCE. WEDNESDAY, FEBRUARY 27, 1901.

AN EXTRAORDINARY CASE.

Mistaken Identity—How Geo. Johnstone Served Eight Years in Place of Christopher Betchler.

BY J. C. L. HARRIS. RALEIGH, N. C., February 23, 1901.—An extraordinary case of mistaken identity has just been developed here before Justice Montgomery, of the Supreme Court, in the case of George Johnstone, a white man, who has been unlawfully confined in the penitentiary for the past eight years.

Fifteen years ago a young white man by the name of Christopher Betchler was convicted in Shelby, N. C., of an aggravated case of stealing, and was sentenced to ten years in the penitentiary near this city. Betchler was the son of German parents who had resided for many years in the town of Rutherfordton. His father—Augustus Betchler—was a jeweler. After gold was discovered in Rutherford, Burke and McDowell counties, 1849, old man Betchler was authorized by an act of congress to coin gold dollars, and he bought the dust from the miners and coined it into dollars as high as the fifty-dollar piece. "A Betchler" was stamped on each coin and they were worth five cents more in the dollar than the coins of the United States mintage. These coins to this day are known as the "Betchler dollars," and are now preserved by those who have them as rare coins.

After the war the Betchler family moved to Spartanburg, S. C. There were several sons and daughters, all handsome and well educated. "Chris," as he was called, turned out to be the "black sheep" of the flock. After he was sent to the penitentiary he remained there two years and then made his escape.

In 1893 Captain J. M. Flemming, who was warden of the penitentiary when "Chris" Betchler was received there, and who held this position until 1895, was in attendance on the superior court of Randolph county, at Asheboro, as a witness. While there a man known as George Johnstone was the plaintiff in a case which involved the title to 700 acres of land on which gold in considerable quantity had been found. Flemming saw this man and made inquiries concerning him, and found that he had located in Randolph county some time during 1883. It was in 1887 that Betchler escaped from the penitentiary. Flemming was positive that Johnstone was "Chris" Betchler and so stated. On the trial of the land case Johnstone was asked if he had not been convicted in Shelby in 1885 and sentenced to the penitentiary for ten years, and he had escaped therefrom in 1887? Of course Johnstone denied bitterly all of this and he was an entirely different man from Betchler. The defendants in the land case had Johnstone arrested as an escaped prisoner. Johnstone sued out a writ of habeas corpus but could not produce any witness besides himself to disprove the positive assertion of Flemming that he was "Chris" Betchler, and the judge refused to discharge him and ordered that he be returned to the penitentiary. The arrest and decision of the judge caused Johnstone to lose the land suit. As soon as Johnstone reached the penitentiary he sent for a lawyer, but had no money to pay him. He gave the lawyer the address of a number of people in Montgomery county and that of a man in Atlanta, whom he said knew him and would swear he was not Betchler. The lawyer wrote twice to each of these parties and did not receive an answer to a single letter that he wrote. The failure to have his letters returned or to receive an answer from either of the parties to whom he had written did not impress the lawyer in favor of Johnstone and he gave no more attention to the case.

Four weeks ago Colonel Cebon L. Harris, a man seventy nine years of age, who formerly resided in Rutherfordton and knew the Betchler family well, went to the penitentiary to examine the manufacture of brick, which is carried on inside the stockade. While in the yard he saw a tall white man at work and inquired who he was and was told that it was "Chris" Betchler. Col. Harris then asked and was allowed to talk with the prisoner. He stated to Col. Harris the facts herein stated as to his identification as "Chris" Betchler and asked Harris if he knew Betchler. Harris replied that he had known all the family for fifteen years before the war and while they lived in Rutherfordton. He was then asked if he, the prisoner, was "Chris" Betchler and Harris unhesitatingly declared that the prisoner was not Betchler. A lawyer was then employed and another writ of habeas corpus was issued by Justice Montgomery and the prisoner was brought before him. Captain Flemming swore that he believed the prisoner to be "Chris" Betchler, and that he had known him as a prisoner in the penitentiary for the two years he was in the penitentiary. That he had escaped and remained at large until 1893, when he was arrested at Asheboro and returned to the prison, and that the resemblance of the prisoner to Betchler was very striking. Col. Harris was then put on the witness stand and told of the young boy "Chris" Betchler he had known before the war for fifteen years; how he had seen him grow up to be a man; and that he knew him perfectly well and could not be mistaken, and that the prisoner before the court was not "Chris" Betchler; and that since he had seen the prisoner in the penitentiary he had thought the matter over and had talked with his wife about the case, and that there was a test which would show whether the prisoner was Betchler. Harris then asked the prisoner to exhibit his right leg above the ankle for examination. The prisoner complied with this request and Harris made an examination and said that the prisoner was not "Chris" Betchler because Betchler had the scars of a bad dog bite on his right leg which he had received when he was not over ten

years old, and that Harris had killed the dog. On this evidence, Justice Montgomery discharged the prisoner from further imprisonment.

The attorney of Johnstone is now awaiting the decision of the supreme court in another case as to whether the state's prison is such a corporation as can be sued. If this decision is to the effect that the state's prison can be sued the attorney of Johnstone intends to sue for a large sum in damages for the false imprisonment, which lasted eight years.

APPORTIONMENT BILL.

Mr. Duls' Division of the State Said to Give Nine Democratic Districts. The bill introduced in the House yesterday by Mr. Duls, of Mecklenburg county, to apportion the several congressional districts, is said by its author to insure nine Democratic districts, with the tenth doubtful.

The division is as follows: First—Carrington, Camden, Pasquotank, Perquimans, Chowan, Gates, Hertford, Dare, Hyde, Tyrrell, Washington, Pitt, Martin, Pamlico and Beaufort.

Second—Bertie, Edgecombe, Halifax, Northampton, Warren, Wilson, Greene and Nash.

Third—Craven, Carter, Jones, Onslow, Pender, Bladen, Sampson, Duplin, Wayne and Lenoir.

Fourth—Franklin, Vance, Wake, Johnston, Chatham, Moore and Randolph.

Fifth—Granville, Durham, Orange, Person, Alamance, Caswell, Guilford and Rockingham.

Sixth—New Hanover, Brunswick, Columbus, Robeson, Cumberland, Harnett, Richmond, Scotland, and Anson.

Seventh—Mecklenburg, Union, Stanley, Cabarrus, Montgomery, Lincoln and Gaston.

Eighth—Stokes, Surry, Alleghany, Wilkes, Ashe, Watauga, Caldwell, Alexander, Mitchell, Yancey, Madison and Yadkin.

Ninth—Forsyth, Davie, Davidson, Rowan, Iredell, Catawba and Cleveland.

Tenth—Burke, McDowell, Rutherford, Polk, Henderson, Transylvania, Buncombe, Haywood, Swain, Jackson, Macon, Clay, Cherokee and Graham.—Raleigh News & Observer, 22nd.

A Convincing Answer.

"I hobbled into Mr. Blackman's drug store one evening," says Wesley Nelson, of Hamilton, Ga., "and he asked me to try Chamberlain's Pain Balm for rheumatism with which I had suffered for a long time. I told him I had no faith in any medicine as they all failed. He said: 'Well if Chamberlain's Pain Balm does not help you, you need not pay for it.' I took a bottle of it home and used it according to directions and in one week I was cured, and have not since been troubled with 'rheumatism.'" Sold by Twitty & Thompson.

SPREAD OF SMALLPOX.

No Less than 3,399 Cases in the United States Since December First—Vaccination the Only Preventative.

That loathsome disease, smallpox, seems to be sweeping the country from one end to the other. According to the latest United States government health bulletin, there have been no less than 3,399 cases reported throughout the country since December 1st and most of these cases have occurred since the beginning of January. The disease is prevalent in various sections of Georgia and has been reported for several years. Indeed, it is likely to remain scattered all over the state and country under the loose way of dealing with it. There is really no excuse for an epidemic of smallpox anywhere since science has supplied a preventative; but you have no idea how many people have failed to take advantage of the immunity science has offered them. Many even rebel at the very thought of vaccination, and to take refuge behind that great bulwark of petty consciousness—"individual liberty," a term that covers a multitude of sins.

In Germany where no attention has been paid to such exasperating contentions as this, and all have been vaccinated, the disease has been practically stamped out. This is the work of a comparatively few years, and the same might have been done in the United States during that time but for our "individual liberty"—a good enough thing in itself but a mighty bad thing when it allows an unreasonable man or any number of them to keep others in danger because they refuse to comply with a simple health regulation that science and experience have demonstrated means the complete eradication eventually of one of the most horrible of diseases.

Whenever I see these sort of stumbling blocks in the path of progress I always feel like they need treatment in the head first of all. What if an arm has been amputated here and there, say about one case in ten thousand, isn't that better than to subject the entire people to an epidemic of smallpox? It seems impossible to me to do anything compulsory under our form of government, but we will never be able to successfully cope with such diseases as smallpox until we place pro bono publico above "individual rights."—Atlanta Journal.

COMMERCIAL BANK.

Report of the condition of the Commercial Bank of Rutherfordton, at Rutherfordton, N. C., at the close of business on February 5th, 1901.

Table with columns for RESOURCES and LIABILITIES. RESOURCES includes Loans and discounts (\$19,095.60), Overdrafts (13.58), Furniture and fixtures (1,000.00), Due from banks and bankers (8,281.04), Cash on hand (4,765.54), Due on stock (45.42), Revenue on hand (50.00). LIABILITIES includes Capital stock (\$10,000.00), Undivided profits (636.53), Deposits subject to checks (22,395.90), Cashier's checks (229.81). Total for both is \$32,262.24.

J. F. FLACK, Cashier. State of N. C., Rutherford County. Sworn to and subscribed before me this 5th day of February, 1901. M. O. DICKERSON, C. S. C.

Having qualified as administrator of J. K. Lynch, deceased, I will sell at his old home place on Saturday, March the 9th, 1901, the following lots of produce, to wit: 1700 bushels of corn, more or less; 175 bushels refuse corn, more or less; 100 bushels wheat and rye, more or less; 6000 bundles of fodder more or less; 20 bushels of peas, more or less; 15 gal. lons of molasses, more or less.

T. M. LYNCH, Admr. February 6th, 1901.

Disbursements for 1900.

(CONTINUED FROM FIRST PAGE.)

Table listing disbursements for 1900. Items include Commercial Bank promissory note (\$105.00), J C Morrow, repairs on bridge (25.50), J B Harrill, repairs on bridge (25.50), J P Barges, registrar of election (4.25), S B Grant, money spent on stock law fence (1.00), W H Martin, repairs on bridge (4.00), J W Hampton, building bridge (100.00), G H Mills & Son, judge of elec. etc. (2.00), J E Scarcey, summoning jury etc. (3.50), Twitty & Thompson, medicine to county (35.00), S Gallert, county attorney (45.00), J W McDaniel, judge of election (1.00), G H Mills & Son, goods to county (1.10), W P Hardin, court cryer, summons, etc. (20.20), J C Gettys, 2 days judge of elec. (2.00), Mack Whiteside, summons, etc. (13.30), J F Flack, promissory note (61.89), L G McFarland, road jury (1.00), J L Allen, supplies to paupers (7.50), J D Justice, registrar of elec. etc. (7.21), Plato Gettys, registrar of elec. etc. (2.18), C E Waters, damage allowed by road jury (5.00), William Gettys, road jury (1.00), W A Blanton, judge of election (1.60), J L Gray, stationary (6.50), Robt. Clements, judge elec. 2 days (2.00), R R Haynes, repairs on bridge (25.00), A L McFarland, coffin to pauper (2.50), W A McFarland, 1 day road jury (1.00), F B Logan, 2 days judge of election (2.00), J J Patsner, work on S. L. fence (19.00), W A Thompson, county physician (15.64), M Levi, goods to poor house (4.33), R F Tate, registrar of election (2.00), J L Gamble, damage allowed by road jury (2.00), O W Holland, registrar of election (4.00), S A Mode, 1 day jury on road (1.00), C W Price, 1 day jury on road (1.00), J E McFarland, 1 day road jury (1.00), J D Justice, as guard one night prisoner (1.50), M C Phillips, as guard one night prisoner (1.50), E B Quinn, as guard one night prisoner (1.50), O C Erwin, as guard one night prisoner (1.50), W A Rucker, as guard one night prisoner (1.50), Barney Butler, as guard 2 nights prisoner (3.00), Mack Whiteside, as guard 1 night prisoner (1.50), W P Harrill, summoning guard etc. (5.40), E A Martin, expense prisoner to Gaston county (40.05), J F Palmer, service as com. (29.20), J F Edwards, service as com. (37.70), B P Koon, 1 day judge of elec. (1.00), J F Edwards, service as com. (6.15), A S McDowell, service as com. (160.00), Wilson Jarrell, work on S. L. fence (2.25), J B Palmer, service as com. (5.00), E A Martin, team and surry, Arrowood & Harrill (6.00), E A Martin, feeding prisoners etc. (74.10), " " " serving summons etc. (7.10), " " conveying prisoner to jail term, 1900 (37.10), J F Henderson, repairs on bridge (72.65), D T McArthur, repairs on bridge (86.08), E A Hamrick, repair in tax (1.00), C J Miller, commissions on \$277.08 (11.31), J B Hill, repairs on bridge (1.50), J A Philbeck, conveying prisoner to jail (3.50), P C Rollins, stock law commissioner three days (3.00), Z V Dalton, work on S. L. fence (3.00), Bud Clements, work on S. L. fence (8.25), Rutherford Supply Company 24 bolts to county (6.00), J S Robbins, 2 1/2 days road jury (2.50), W A Henson, 2 1/2 days road jury (2.50), J M Atkinson, 2 1/2 days road jury (2.50), G H Hill, judge of election, etc. (2.00).

THE BANK OF RUTHERFORDTON.

Report to the North Carolina Corporation Commission of the Condition of the Bank of Rutherfordton at Close of Business on the 5th day of Feb. 1901.

Table with columns for RESOURCES and LIABILITIES. RESOURCES includes Loans and discounts (\$16,078.24), Overdrafts, secured and unsecured (725.77), Stock and bonds (1,250.00), Banking house (3,750.00), Furniture and fixtures (1,250.00), Cash due from banks (5,770.03), Other resources (1,267.58). LIABILITIES includes Capital (\$10,000.00), Undivided profits (1,672.60), Deposits (17,119.02), Notes re-discounted (2,000.00). Total for both is \$30,191.62.

We respectfully solicit your business, and we guarantee every accommodation consistent with sound banking. D. F. MORROW, President. S. B. TANNER, Vice-President. M. H. MORROW, Cashier.

CONSTITUTION CENTURY OFFER.

\$3500 Cash.—The Agent's Best Chance.—New Year, New Agents, New Methods. The Constitution now offers \$2500.00 in Cash Prizes to agents for the very best agent work during the first quarter of the first year of the new century. Omitting all contests, except for agents, they place the whole sum to the agent's credit and make the terms equitable for distributing it over the whole territory. To arrange this the South has been divided into four sections, as follows: 1st Section, Virginia, North Carolina, South Carolina and Florida. 2nd Section, Tennessee, Alabama and Mississippi. 3rd Section, Georgia. 4th Section, Louisiana, Texas, Indian Territory and Oklahoma. This making about an equal number of subscriptions according to the Constitution's list as it now stands.

THE CASH PRIZES ARE: For highest list from ANY agent, Jan. 1st to April 1st, 1901, from WHOLE Territory — \$400.00

For the highest list in EACH of the above four divisions from Jan. 1st to April 1st, 1901. After the above list general prize is awarded. For the second highest list for the three months in each section 100.00 For the third highest list for the three months in each section 50.00 For the fourth highest list for the three months in each section 25.00 For the fifth highest list for the three months in each section 15.00 For the sixth highest list for the three months in each section 10.00 Six prizes in each section — \$500.00 Total for four sections — \$2000.00 For the ten next highest lists from the whole territory at random, not taking any of above prizes, \$10.00 each — \$100.00 Total cash prizes, from January 1st, to April 1st, 1901, — \$2500.00 The subscribers to be renewed for the three months covered by this contest are 48900 names. These with the new subscriptions secured will doubtless run the list up appreciably in every section. Every newspaper reader in the whole South will be given an opportunity to get on our list.

Beautify Is Blood Deep. Clean blood means a clean skin. No beauty without it. Cascares, Candy Cathartic, cleans your blood and keeps it clean, by stirring up the lazy liver and driving all impurities from the body. Begin today to banish pimples, boils, blotches, blackheads, and that sickly bilious complexion by taking Cascares—lightly for 100 cents. All drug stores, satisfaction guaranteed. 100-200-300.

Don't Tobacco Spit and Smoke Your Life Away. To quit tobacco easily and forever, be magnetic, full of life, nerve and vigor, take No-Tobacco. The wonder worker, that makes weak men strong. All drug stores, 50c or \$1.00. Care guaranteed. Booklet and sample free. Address Sterling-Renoldy Co., Chicago or New York.

LAND SALE.

Under and by virtue of a decree of the Superior Court of Rutherford county made by the clerk in a special proceeding entitled C. O. Gettys, administrator of W. S. Hill, deceased, vs. M. S. Hill, widow, et al., heirs at law of W. S. Hill, the undersigned will sell the land described below on

Saturday, March 16th, 1901, between the hours of 12 m. and 2 p. m., all that land lying and being in said township, and described as follows, to-wit: A tract or parcel of land situate, lying and being in Cool Springs township in said county and State, and beginning at a B. O. on the east side of the old ridge road, R. T. Moore's corner; thence north 85 west 54 poles to the head of the Allen Rogers's branch; thence with the meanders of said branch south 75 west 34 poles to a W. O.; thence north 22 west 40 poles to a stake on bank of B. Lott's spring branch; thence with its meanders south 72 east 37 poles to a W. O. near the spring; thence east 60 poles to a small B. O. on the east side of ridge road; thence south 80 east 20 poles to a pine stump, H. Harrill's corner; thence south 72 east 65 poles to the center of the creek; thence up Puzzle creek as it meanders 82 poles to a stake on the creek bank; thence north 63 west 194 poles to a pine on the east side of ridge road; thence nearly south with ridge road 24 poles to the beginning, containing 33 acres. A second tract containing 10 acres and beginning at a W. O. on the bank of the river and running north 9 west 45 poles to a stone; thence south 60 west 45 poles to a stake; thence with the river as it meanders to the beginning.

This sale will be had on the premises described, and will be for cash to create assets with which to pay the debts of said W. S. Hill, deceased. This February 19th, 1901. C. O. GETTYS, Administrator. R. S. Eaves, Attorney.

NOTICE. In the United States District Court for the Western District of S. C. IS THE MATTER OF D. W. HICKS, BANKRUPT, IN BANKRUPTCY.

In pursuance of an order in the above stated case from C. W. F. Spencer, Referee in Bankruptcy for the District aforesaid, I will sell at public auction to the highest bidder, on Monday, the 4th day of March, 1901, during the legal hours of sale, before the south house door in Rutherfordton, N. C., all that tract of land belonging to the estate of the above named bankrupt, situated on the South side of Broad River in High Shoals township, Rutherford county, N. C., bounded by lands of M. L. Hicks, R. C. Watkins, L. Leman and S. H. Phillips, and containing eighty-five acres, more or less. Terms of sale cash. Purchaser to pay for papers and stamps. FRANK P. McCAIN, Trustee. February 19, 1901.

NOTICE. By authority of an order of the Superior Court of Rutherford county in the cause of W. E. Jarrill and others in an ex parte proceeding, I will sell in the Premises in Golden Valley township, in said county, on

Saturday, March 23rd, 1901, at 12 o'clock, noon, at public auction to the highest bidder, about one hundred and fifty-six (156) acres of land, lying on the waters of Jarrill's creek, joining the lands of Isaac Jarrill, the Speculation lands, the lands of Julius Quinn and others, described by metes and bounds in deeds from Wm. Suttle, dated 17th of November, 1868, and registered in the Office of Register of Deeds for Rutherford county in Book 49, No. 249, and also deeded from the Speculation Company to Adam Jarrill, dated March 8th, 1879. Said lands will be offered first in two parcels and then offered together, and sold in that way that they bring the best price. Terms of sale: One-half the best price, and balance on 12 months time, with interest from date, to be secured by note with approved security. Title retained till the entire purchase price is paid. This February 20th, 1901. W. J. MODE, Commissioner. McBrayer & Justice, Attorneys.

STOP SMOKING. No more tobacco. No more spit. No more smoke. No more bad habits. No more bad health. No more bad looks. No more bad feelings. No more bad habits. No more bad health. No more bad looks. No more bad feelings.

A Free Trip to Paris! Enable yourself to make a mechanical or inventive mind drawing a trip to the Paris Exposition, with good The PATENT THEODORE, Baltimore, Md.