

### CONTENTIONS IN RAILWAY MATTER

#### Does the Old Franchise Still Hold Good?

ASHEVILLE ROAD HOLDS THAT IT HAS AN UNQUESTIONED STATE GRANT.

The only phase of the Asheville Street Railroad company's proposed extension to Biltmore is the question referred to the city attorney; whether the company can legally extend out South Main without a further grant from the city, under the resolution of May 30, 1890. Unless a further grant is made the matter of extension will be a question of law which will be fought in the courts probably. It will be whether the company has forfeited its right to extend out South Main, either under the state grant to the company, or the city's license, and if the A. & B. company applies for an injunction, the further question of whether the Asheville street railroad has the right to occupy any of the streets.

The charter given by the state to the Asheville company gave it right to build in the streets, provided the city first gave it permission. This the city did on several occasions, once to build on certain streets including South Main to Cripple Creek, again from South Main along Valley street, and a third time from the creek to the city limits. The third license was that of May 30, 1890, and the company claims that it did build under this about 170 feet beyond the creek to hold the franchise.

On the other hand it is claimed by the opposition that the track was built in order to get into Valley street under that grant. It is about 75 feet from the switch at the entrance to Valley street to the end of the line on South Main. The Asheville company claims that the state grant was complete when the city gave license, and that the city's power was then exhausted, and that it cannot revoke that license because the state grant is supreme. It further says that there being no limitation of time fixed it can build at any time. Others say that the road not having accepted the franchise by building the city can revoke its license as to the part of the street not built on because of delay in building, but that at any rate any citizen can stop the extension of the road because under the code the company has failed to exercise its powers—that of building over the remainder of the street—for more than two years.

Some lawyers construe the code that way, while others claim that this section means that a corporation must exercise some of its powers in two years, not necessarily all. In the grants it was made a "condition" that the road should pay certain proportions of the paving and expense of widening the street. It has not done the latter, at least beyond its present line. The contention that the Asheville road has no franchise anywhere is this: the grants by the city were for unlimited periods, and for 10 years an exclusive right. The former, it is claimed, is void for uncertainty or as being a perpetuity, and the latter as being illegal, but whether illegal or not, it was the only grant under which the railway could hold and it has expired.

The Asheville road holds that it has an unquestioned state grant, and a license to build and maintain roads from the city, and it makes no difference whether the term is uncertain; that the time will be controlled by the charter. Of course most of these are objections which are naturally opposed to the extension; the Asheville road cannot take the initiative in the discussion because it claims there is nothing to discuss.

### J. C. MARTIN WRITES ABOUT THE CONTRACT

FINAL NEGOTIATIONS WERE CONDUCTED BY HIM.

Editor The Citizen:—I have read your editorial of the 30th in reference to the city lighting contract, and the statement of the mayor and board of aldermen published in today's Gazette, in which your editorial is denounced as absolutely untrue, and I heartily concur in the statement of the members of the board concerning the same.

The final negotiations terminating in the award of the city contract to the Asheville Electric company were carried on by myself alone, as Mr. Rankin was at home sick and Mr. Cutler was in Bangor, Maine. All the terms of the proposition of the Asheville Electric company which was accepted by the board of aldermen were prepared twenty-four (24) hours before I or any one of our people knew that Mr. Weaver was bidding on city lighting, which fact will be proven to the satisfaction of any one by telegrams now in my office. JULIUS C. MARTIN. May 31, 1900.

### SHY ON FINANCE.

Trenton, May 31.—The Democratic state convention to select delegates to the Democratic national convention at Kansas City met at noon today with nearly 800 delegates present. Col. Sim Ulrich, former governor of Arizona, but now a resident of Monmouth county, temporary chairman of the convention, in his speech touched only slightly on the financial question and referred to trusts and militarism as the issues of the hour.

### Around Town.

FORECAST till 8 p. m. Friday:—Partly cloudy with showers tonight; Friday showers.

The Arden Park hotel will open Saturday.

The A. L. I. will meet in the armory this evening at 8:30 for drill.

Mrs. Branch and family have discontinued housekeeping at 14 Starnes avenue, and are boarding at Mrs. Reynolds', 88 North Main.

The Murphy Scout says that John Hitchcock, colored, has been sentenced by Judge McNeill to 15 months in the Buncombe county chain-gang for false pretense.

T. M. Stevens has samples of ear corn in The Citizen museum, showing damage from the voracity of the English sparrow. Mr. Stevens says wheat is suffering in the same manner from the birds.

Supt. S. F. Venable has received and accepted an invitation to deliver an address before the department of educational boards of the National Educational association, which is to meet in Charleston in July.

The regular monthly meeting of the Women's Foreign Missionary society of Central church will be held in the chapel of the church Friday afternoon at 5 o'clock. All the members are requested to be present.

The Light Bearers of the North Asheville M. E. church, south, picketed at the city pumping station on the Swannanoa today. The little folk were under the care of Miss Ethel Ray and Miss Bessie Johnson.

The new telephone line to Fairview is expected to be completed in about three weeks. Walter T. Wray, who is in town today, says there is a movement on foot to have the line extended to Bat Cave, 10 miles beyond Fairview.

Murphy Scout: Our old friend of former days, Col. A. T. Davidson of Asheville, well known in this county, recently celebrated his 81st birthday. We are indeed glad to know that he is enjoying remarkably good health; that his faculties are well preserved.

A pleasant informal dance took place at the Swannanoa casino last evening. Music was furnished by the Asheville orchestra. Those who participated were: Misses Balsler, Mason, Randolph, Acheson, Hamilton, Carter, Acee, Woolen, Howell, Rogers, and Messrs. Sawyer, Jeffries, Reynolds, Holmes, Love, Faucette, West, Shemwell, Withenbury, Painter, Lipscombe, Miller, Adams, Hazard and Taylor.

Willard and Kendall Northup and Spencer Douglas were given a surprise party last evening at W. B. Northup's on Hiwassee street. Those in the party were Misses Fannie Moore, Vienna Nichols, Rena Nichols, Bettie Sites, May Bernard, Sadie Rollins and Grace Fanning, and Messrs. York Bridgell, Lawrence Jones, Bennie Cobb, Nat Wagner, Leslie Fanning and William M. Jones, Jr. The evening was spent in dancing.

Miss Isabelle Gilskay, daughter of Moses Gilskay of New York and Samuel Lettman were married Tuesday evening at "The Franklin" on Bailey street. The religious ceremony was performed by Rabbi L. Landon and was followed by the legal ceremony by Justice C. W. Malone. The bride was prettily attired in white. There were about 50 guests present, including most of the prominent Jews of the city. Telegrams of congratulation were received from friends of the pair in New York and Chicago. An elegant supper was served. Morris Meyers gracefully performed the office of master of ceremonies.

### A B. L. E. RULE.

Milwaukee, May 31.—At yesterday's session of the Locomotive Engineers it was resolved that locomotive firemen when promoted to the position of engineer, must drop their membership in the Brotherhood of Locomotive Firemen, if they want to become members of the Brotherhood of Locomotive Engineers.

### BIRMINGHAM BLAZE.

Birmingham, May 31.—Fire broke out in the Nabors, Morrow & Sinnige building this morning. For a time it looked like the conflagration would destroy the structure and spread, but at 9 o'clock it was under control. Loss about \$30,000.

Just received. Fresh Potato Chips, 8 oz. net, 15c. Shredded Wheat Biscuit, 2 for 25c. Butter Gems, 10c. Junket Tablets, 10c. 500 doz. Tennessee Eggs (while they last), 12 1-2 cents. Baird Bros., successors to S. D. Holt & Co.

### CONVENTION CALLED.

A convention of the Democratic party of the Western Criminal district is hereby called to meet in the court house in Morganton, Burke county, at 12 o'clock m., on Thursday, the 7th day of June, 1900, for the purpose of nominating a candidate for judge of Western Criminal district court, the selection of an executive committee of said district and such other business as may properly come before the convention.

By order of the executive committee. MARCUS ERWIN, Chm. Executive Com.

### Notice.

Notice is hereby given that the Board of Aldermen of the city of Asheville intend to make application to the general assembly of the state at its June, 1900, session for certain amendments to the charter of said city. This May 4, 1900.

### SPECIAL NOTICES TOO LATE TO CLASSIFY.

WANTED — Stenographer (young man). Address box 235. 5-31-00-00

## Bamboo Porch Shades

ARE MUCH BETTER THAN AWNINGS, AS THEY KEEP OUT THE SUN BUT LET IN THE AIR. VERY DURABLE AND NEAT . . . . .

WE HAVE THEM IN STOCK 5, 6, 7, 8, 10 AND 12 FEET WIDE.

W. B. WILLIAMSON & CO. Furniture, Carpets, Etc 16 Patton Avenue.

## PLUSH CARPETS

are being purchased liberally for parlors and reception rooms of the best homes in the country. We have a nice assortment in best patterns and colors. Bear in mind that these carpets wear. Axminster or Velvet Carpets are as good as gold. They always give satisfaction. But when selecting you want to get a good one. Cheap ones are not satisfactory in wear. And you want to be assured that the patterns are up to date. Car load of new goods just received.

SAWYER'S CARPET HOUSE, 18 and 20 Church St. Phone 228.

## BICYCLES FOR EVERYBODY

We carry the largest and nicest line of Bicycles shown in North or South Carolina. We can suit any one who wants a Bicycle or anything pertaining to one. If you are not prepared to pay cash we can give you time to pay for it. See us about it.

ASHEVILLE CYCLE CO. 18 and 20 Church St. Phone 228. Anything for a Wheel

## Knox Straw Hats...

Stiff and Soft Brims—\$2.50 to \$4.00. Sizes, 6 1/2 to 7 1/2. Other Straw Hats from 25 cents to \$1.50. Don't fail to see our latest Golf Hat—the prettiest ever shown.

The Whitlock Clothing House, No. 41 Patton Avenue.

## ..COAL..

That makes a hot, lasting fire that leaves but few ashes, that costs no more than slate coal—is the kind we sell. Asheville Wood & Coal Co. R. M. Ramsey, Pro. Phone 223. Office 1 W. Court Sq.

## BARLEY MALT

We desire to call your attention to the appended result of a chemical analysis recently made of CHASE'S BARLEY MALT WHISKY, by the recognized highest authority in the United States upon analytical chemistry, HERBERT E. SMITH, M. D., dean of the medical faculty of Yale University and state chemist of Connecticut.

YALE UNIVERSITY. DEPARTMENT OF MEDICINE. New Haven, Conn. Messrs. E. H. Chase & Co., Louisville, Ky.

Gentlemen:—Inclosed you will find the results of my analysis of the sample of Chase's Barley Malt Whisky which you recently sent to me. These results show it to be a whiskey of good alcoholic strength, free from fusel-oil and containing no trace of the metals, copper, lead and zinc. In my opinion Chase's Barley Malt Whisky is, on account of its absolute purity, an excellent article for medicinal use.

HERBERT E. SMITH, M. D. Conn. State Chemist. Chemical Laboratory, July 21, 1899.

Result of a chemical examination of a sample of Chase's Barley Malt Whisky. 100 cubic centimeters contain: Alcohol 51.95 cub. cent. or 4.33 grams. Residue on evaporation . . . . . 0.51 " Non-volatile matter or Ash . . . . . 0.01 " F. ee acid, as acetic acid . . . . . 0.04 " Reducing bodies, as dextrose 0.22 " Tannin . . . . . a trace only. Attest: HERBERT E. SMITH, M. D. These facts commend the CHASE BARLEY MALT WHISKY, not only to the public, who seek a superior Whisky, but also to the members of the medical profession in their practice. The consumptive will find it most beneficial, as it strengthens the Lungs, checks the wasting of tissues, and relieves the severity of coughing. The dyspeptic will find it an aid to digestion, as it relieves the stomach when oppressed with gas. It builds up the feeble and stimulates the system against malarial attacks. For sale only by FRANK O'DONNELL, 34 S. Main St., Asheville, N. C.

Making Home Cosy THE EMPORIUM 45 PATTON AVE. is easy and costs very little if you get into the right store. We can furnish every room, from kitchen to parlor, with good reliable furniture, and at prices which will surprise you if you've never been here before. If anything is bought here which doesn't wear well we'll thank you for telling us. It is our intention to live up to our advertisements in spirit and in letter.

Quisiana Nature Cure Sanitarium, 157 French Broad Ave. Asheville, N. C. Latest German methods. No medicine. No operations. We assist nature to cure the patient by: Proper diet, sun-baths, air-baths, massage, Swedish movements, prescribed exercise, baths, packs, etc. All diseases treated. Treatment in and out of the Sanitarium. Classes in Swedish movement daily.

IF YOU WANT THE... VERY BEST HOSE BUY OUR CHICAGO ELECTRIC AT 17 CENTS. ASHEVILLE HARDWARE CO. J. E. Cor. Court Square. Phone 87.

We have the MOST COMPLETE STOCK of high grade and medium price Carriages Ever shown in Asheville. We can save you a Five-Dollar bill on every set of Rubber Vehicle Tires put on by us. CAROLINA CARRIAGE HOUSE O. B. WRIGHT, Proprietor and Manager. 86 Patton Ave., Asheville, N. C.

Notice to Property Owners. HOW TO INCREASE THE INCOME FROM HOUSES. First consideration should be a perfect roof. Use WOODBURY'S RUBBER ELASTIC ROOFING PAINT, the best roof preservative manufactured. It protects metal and shingle roofs, never cracks, never washes off, is water proof, prevents rust and corrosion. Woodbury's Rubber Elastic Cement For repairing leaks about chimneys, coping, skylights, windows, gutters—will not run or crack. Phone 121.

It Costs Less To have plumbing done right, whether it's repairs or new work. We do it right because we know how — We know how because it's our business to know how. BALL & SHEPPARD, 4 Patton Ave.

Delaware Roe Shad. WIRE FENCING. We are still getting fine lots of delicious Delaware River Roe Shad, and you would do well to get them while you can. The Shad season will shortly be over. The price is right here. We buy right and can afford to make our price right. We get shipments daily, often twice a day, they offer freshest stock. ASHEVILLE FISH CO., PHONE 289. I am prepared to contract for your fencing, both ornamental and plain. Iron and Wire Fences—both woven or strand wire for farms, lawns and cemeteries. I have many new and very desirable designs, both heavy and light fencing. Also the finest Acme Poultry netting ever put up in Asheville. Phone 318. Address M. A. CREASMAN.

IT'S USELESS... To remind you that the best is the cheapest. If, however, you want a Mower that works well and wears well, buy the... IMPERIAL BROWN, NORTHUP & CO., 33 PATTON AVENUE