

SUPREME COURT OPINION IN THE HENDERSON CASE

Certain Fines Must Go To School Fund.

ASHEVILLE IS INTERESTED TO THE EXTENT OF ABOUT TWELVE THOUSAND.

The decision of the Supreme court published in The Citizen yesterday in the case of the board of education vs. the town of Henderson is of immense importance in Asheville.

The board of education of Vance county alleged that defendant town of Henderson had collected, and had in its treasury, a large amount of money collected from fines and penalties belonging to the public school system of the county, which it refused to account for and pay over.

It based this claim on article IX, section 5 of the constitution, which provides, among other things, that "the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal laws of the state, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of the state."

To this demand the town set up three defenses: (1) That all fines and penalties collected belonged to the town; (2) That the claim was barred by the statute of limitations, and (3) that the claim is further barred by an act of the legislature (chap. 25, laws of 1899) which says that "said fines and penalties shall be paid into the treasuries of said towns for municipal purposes," and further adds "that no action shall be brought or maintained against any town for the recovery of any fines and penalties heretofore collected, and this act shall apply to existing actions."

This act the court declares "so palpably unconstitutional" that it feels unwilling to discuss it. The opinion continues, however: "We have this condition: The defendant has the plaintiff's money. This, we will say, is admitted, but defendant says it will not pay it to the plaintiff, and the argument of the defendant is that the legislature says to the defendant: 'Hold on to plaintiff's money; you need it more than the poor common school children do, and we (the legislature) will not let the plaintiff sue you.' Can it be that the legislature can in this indirect way destroy the plaintiff's constitutional right? The defendant, having received money that belongs to the plaintiff, the law presumes that it received it for the plaintiff upon an implied contract, and is liable to be sued for it upon this implied contract. To say that to prohibit the plaintiff from suing the defendant for what it owes the plaintiff, is not to impair the obligation of a contract and not in violation of the constitution, would be to close our minds to all reason, and to disregard all precedent.

"We do not think that the statute of limitations interferes with the plaintiff's right to recover."

Commenting upon the first defense—the court fines belong to the town—the court quotes article IX, section 5, of the state constitution, as above, and adds:

"It must therefore follow that all the fines the defendant has collected upon prosecutions for violations of the criminal laws of the state, whether for violation of its ordinances made criminal by section 3820 of the code, or by other criminal statutes, such fines belong to the common school fund of the county. It is thus appropriated by the constitution, and it cannot be diverted or withheld from this fund without violating the constitution. This is not so with regard to 'penalties' which the defendant may have sued for and collected out of offender violating its ordinances. These are not penalties collected for the violation of a law of the state, but of a town ordinance. But wherever there was a crime imposed in a state prosecution for a misdemeanor under section 3820 of the code, it belongs to the school fund, and, as we have said, must go to that fund."

County Superintendent Venable has sent for a certified copy of the decision, and as soon as it is received he will call a meeting of the school board to have a conference with the city authorities in regard to the decision.

COUNTING THE COST.

From the Chicago News. Maude—They say the count to whom Gladys is engaged is a worthless sort of fellow.

Clara—Yes, I imagine he is worth less than her father paid for him.

THE AMENDMENT.

From the Statesville Mascot. We believe the adoption of the constitutional amendment will result in great good to the negroes themselves. Almost all the prejudice white men have against negroes is caused by their activity in politics. If they are disfranchised the white men will see that they get justice in the courts and that they are not imposed upon by mean white men. In every community the negroes who are best liked by white men and get along best in the world are never seen at elections. Our readers can cite examples of the truth of this in every neighborhood. On the other hand the most vicious and trifling negroes are the loudest-mouthed in politics. We believe the enfranchisement of the negroes was the worst thing that could have happened to them, for their votes have been used to their own and their white neighbors' injury, and that the white people of North Carolina will be conferring a real benefit upon the negroes when they take their right to vote away from them.

From the Shelby Star. The opponents of the constitutional amendment complain that there are more negroes in Louisiana than there are white people and yet only 7000 negroes voted in the late election under the constitutional amendment in that state, and our amendment is similar to the one in Louisiana. Butler's Caucasian—presents this view. The Democrats welcome this issue and point with pride to this feature of the amendment. If we can reduce the number of colored voters from 120,000 to 7000, or even 25,000 or 40,000 in this state, then we will have done much to redress the evils of negro suffrage for the past 30 odd years.

A MOTHER'S STORY.

Tells About Her Daughter's Illness and How She was Relieved—Two Letters to M. B. Pinkham.

"Mrs. PINKHAM:—I write to tell you about my daughter. She is nineteen years old and is flowing all the time, and has been for about three months. The doctor does her but very little good, if any. I thought I would try Lydia E. Pinkham's Vegetable Compound, but I want your advice before beginning its use. I have become very much alarmed about her, as she is getting so weak."



"MRS. MATILDA A. CAMP, Manchester Mill, Macon, Ga., May 21, 1899. "DEAR MRS. PINKHAM:—It affords me great pleasure to tell you of the benefit my daughter has received from the use of Lydia E. Pinkham's Vegetable Compound. After beginning the use of your medicine she began to mend rapidly and is now able to be at her work. Her menses are regular and almost painless. I feel very thankful to you and expect to always keep your Vegetable Compound in my house. It is the best medicine I ever knew. You have my permission to publish this letter if you wish, it may be the means of doing others good."

Executions, Summons and all Legal Forms at The Citizen office.

LIST OF MEMBERS OF THE ASHEVILLE BOARD OF TRADE

The following is a list of the members of the Asheville Board of Trade, with the occupations of the members:

ADVERTISING AGENCY.

J. D. Plummer. ARCHITECTS.

A. L. Melton. R. S. Smith. AUCTIONEERS.

William Turner. BAGGAGE TRANSFER.

Asheville Transfer Co. Herbert R. Millard. BANKERS.

J. E. Rankin. A. E. Rankin. J. P. Sawyer. Erwin Sluder. BICYCLES.

Eugene C. Sawyer. BOARLING.

S. J. Cain. G. L. McDonald. BOOKS AND STATIONERY.

F. F. Bainbridge. H. Taylor Rogers. CARRIAGES AND WAGONS.

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L. Blomberg. CIVIL ENGINEERS.

H. M. Lee. John A. Rosbling. CLERGYMEN.

Rev. Father Marion. COAL.

Asheville Ice & Coal Co. Carolina Coal Co. CONTRACTORS.

J. P. Woodbury. W. T. Hadow. J. M. Westall. DENTISTS.

Dr. J. W. Foreman. Dr. J. A. Gorman. Dr. Wexler Smathers. DRAYING.

Asheville Dray Co. J. M. Lovick. DRUGGISTS.

W. C. Carmichael. Heintzh & Reagan. Paragon Pharmacy Co. The Pelham Pharmacy. C. A. Rayser. T. C. Smith. J. E. Wiggood. DRY GOODS.

S. Lipinsky. D. Oestreicher. Stoner Bros. Sumner, Deal & Co. EDITORS.

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J. D. Eggleston, jr. Archibald A. Jones. R. J. Tiche. FLORISTS.

Idewild Floral Co. FURNITURE.

W. A. Blair. W. B. Williamson. FRUIT.

FRUITS & PRODUCE, WHOLESALE.

McConnell Bros. W. A. Mitchell. R. L. Ownbey. GROCERS, RETAIL.

G. A. Greer. H. C. Johnson. Wm. Kroger. D. G. Noland. Clarence Sawyer. Stradley Brothers. GROCERS, WHOLESALE.

Eli Mustin. W. J. Slayden. HARDWARE.

Claybrook James. W. B. Northup. Penniman Bros. & Co. HARNESSES.

J. M. Alexander. HOTELS.

F. A. Lincoln. Frank Loughran. E. P. McKissick. Thos. Wadley Raoul. INSURANCE.

Aston, Rawls & Co. F. S. Cox. D. C. Waddell, jr. Alex Webb. JEWELERS.

Gustave Alexander. B. H. Cosby. A. M. Field. The Directors of the Board of Trade meet at the City Hall the second Thursday of each month at 4 p. m. All members of the organization are earnestly invited to attend these meet ings. B. M. JONES, Sec'y.

W. H. Shoffner. LIVERY.

Chambers, Weaver & Co. J. R. Oates. LAUNDRIES.

John A. Nichols. Charles M. Steele. LAWYERS.

Alfred S. Barnard. Bourne & Parker. Frank Carter. T. H. Cobb. Locke Craig. Theo. F. Davidson. Marcus Erwin. Thomas A. Jones. Martin & Webb. L. P. Loud. Charles McNamee. Duff Merrick. Fred Moore. J. D. Murphy. Henry B. Stevens. J. H. Tucker. Whitson & Keith. Thos. Settle. LUMBER, RETAIL.

Geo. F. Scott & Co. LUMBER, WHOLESALE.

W. T. Mason. MACHINE SHOPS.

Ash-e Supply & Foundry Co. B. Burnett. MANUFACTURING.

Asheville Skirt Co. Asheville Tobacco Co. E. W. Grove. MEATS, RETAIL.

A. Brandt. W. M. Hill. MEATS, WHOLESALE.

Armour Packing Co. MEN'S FURNISHINGS.

H. S. Courtney. M. V. Moore. A. Whitlock. PAINTS AND VARNISHES.

F. B. Miller. PHYSICIANS.

Dr. C. P. Ambler. Dr. S. W. Battle. Dr. W. C. Brownson. Dr. J. A. Burroughs. Dr. J. E. David. Dr. C. L. Minor. Dr. J. F. Peavy. Dr. G. W. Purefox. Dr. Carl V. Reynolds. Dr. James Sawyer. Dr. John A. Watson. Dr. H. B. Weaver. Dr. John H. Williams. Dr. W. V. Powell. PLUMBERS.

Ball & Sheppard. J. L. Rich. PRINTERS.

Asheville Citizen. G. L. Hackney. REAL ESTATE.

E. B. Atkinson. J. B. Bostle. John M. Campbell. L. A. Farinbolt. H. F. Grant & Son. W. B. Gwyn. A. J. Lyman. George S. Powell. O. D. Revell. Weaver & Alexander. W. W. West. Wilkie & LaBarbe. SALOONS.

J. H. Loughran. Frank O'Donnell. Patrick McIntyre. SHOES.

J. Spangenberg. COVES AND TINWARE.

W. A. Boyce. TELEPHONES.

Asheville Telephone Co. UNDERTAKERS.

C. W. Brown. UNCLASSIFIED.

J. S. Adams, jr. Jno. A. Campbell. D. C. Champlain. J. H. Drakeford. N. Emanuel. R. P. Foster. Fred A. Hull. Wm. Johnston Jr. B. M. Jones. John P. Keet. T. W. Patton. H. W. Plummer. W. W. Rollins. C. E. Waddell. W. T. Weaver. R. S. Howland.

REAL ESTATE

By Weaver & Alexander, Real Estate Brokers 26 Patton Ave. P. O. Box 244.

FOR RENT. Furnished nine-room house, new and very desirable, near business part of city, but on quiet street; furnace, cement basement, electric lights, new range, perfect plumbing; fine outlook and locality. Won't rent for boarding house.—Weaver & Alexander. 33

Unfurnished eight room house; only three minutes' walk from the square; newly painted and kalsomined; built of best material and most substantial way; modern conveniences; stable; \$20.—Weaver & Alexander. 40

5-room cottage in excellent condition, and several acres of land in suburbs, near cars. Good barn, spring house, poultry yard, etc. Good orchard. Would let cow, horse and buggy with place. Cheap to the right parties.—Weaver & Alexander. 32

UNFURNISHED—Seven room house in suburbs; new cars, newly papered and kalsomined; splendid garden planted with vegetables now ready for use; strawberries, peaches, etc.; stable; shady yard. \$17.50.—Weaver & Alexander. 36

FURNISHED—Six rooms and servants' room; furniture, carpets and range new; large and beautiful lot; excellent location; only two blocks from square; has stable and garden. Only \$35.00.—Weaver & Alexander. 37

Unfurnished eight-room house, with small garden spot and stable, only two blocks from postoffice; modern conveniences. Very desirable for persons wanting near business section. \$29.—Weaver & Alexander. 38

FOR RENT—Furnished—Five room cottage, new; desirable location; near cars and paved street; electric lights; all modern conveniences. Only \$40—12 taken at once.—Weaver & Alexander. 39

Furnished eight-room house, practically new, on Cumberland avenue; modern in every way and very desirable. \$50.—Weaver & Alexander. 41

Furnished—Elegant country home; superb location; fine view; splendidly furnished and modern conveniences; good outbuildings, etc.; beautiful drive to city.—Weaver & Alexander. 42

FOR RENT OR SALE. Residence lot 1-1-3 acres, near car line and paved street. Location such that view rivals any point in city. Two small houses, renting for \$100 per year. Price, \$1000. Owner refused \$1750 last year.—Weaver & Alexander. 34

CITY MARKET.

Corrected by Clarence Sawyer, wholesale and retail grocer. These prices are being paid by the merchants of the city today: Country butter 15 to 29 Eggs 12 to 25 Chickens 15 to 25 Turkeys 50 to 150 Ducks 15 to 20 Potatoes, Irish 75 to 120 Potatoes, sweet 1.00 Turnips 25 Onions 2.00 crates Cabbage, per pound 5 to 5 Peas, per bushel 2.00 to 2.50 Peas 1.00 to 1.25 Apples, dried 3 to 6 Wheat 50 Corn 60 Meal 60 Oats 40 Honey 12 1/2 to 15 Sorghum 20 to 25 Rye, per pound 19 to 21 Hay, ton 19 to 21

No matter what you want in the way of fine job printing, The Citizen can do it.

Special Notices

LITTLE Pig Hams from 6 1/2 pounds upward.—Kroger.

WANTED—Table boarders at 31 Grove street by Mrs. Chas. W. Carr. 5-9-dif

A NEW line of Go-Carts just received. Call and see them.—Mrs. L. A. Johnson, 43 Patton avenue.

CALIFORNIA FRUITS—Peaches, Oranges, Lemons and Prunes. Thos. W. Fitzpatrick & Co., 24 North Main street.

LADY, good reader of English or French, wishes engagements to read to invalids and the sick. Address M. A. S., care The Citizen. 1-4-dif.

WANTED—A good machine man, also a good turner and band sawyer, at the Waynesville Wood Manufacturing Co., Waynesville, N. C. 5-31-diwk*

SUBURBAN board, near golf links, 15 minutes' walk to cars; high ground, fine view, new house, choice table.—Mrs. Gulliver, Ottari, Box 47.

PRIVATE BOARD—Pleasant rooms—grate and furnace heat; central, high location; near P. O. Rock Ledge, 62 Haywood street. Mrs. L. V. Cole, proprietor.

SPECIAL SALE of stamped goods in center pieces, doilies and sofa cushions to make room for some new goods.—Mrs. Belle D. Jones, 54 Patton avenue, Kensington Art school. 5-28-dim

NOW is the time for spring chicken. We are serving a better meal than ever, and want you to eat with us. Strawberries and strawberry short-cake at Woodlawn.

FOR SALE—Good paying business on Patton avenue. \$375 cash. Purchaser can make 100 per cent, if properly managed. Fine investment for good man of small means.—J. M. Campbell.

FOR RENT—A new four room cottage; good pasture and garden ground; 11-2 miles out on Lookout Mountain street railway. Enquire of C. S. Cooper, 39 S. Main street. 5-20-dimo

QUICK AND SURE profits are assured to those buying any of the choice business or residence lots I have for sale at the freight depot. The future prosperity of Asheville is certain. No better investment can be made than in the purchase of a well selected lot. Property of every description for sale. Furnished and unfurnished houses to let. Apply to A. J. Lyman, office No. 13 Church street.

PATENTS TRADE-MARKS AND COPYRIGHTS OBTAINED ADVISE AS TO PATENTABILITY Notice Inventive Age FREE Book "How to Obtain Patents" Charges moderate. No fee still patent is secured. Letters strictly confidential. Address E. S. ROGERS, Patent Lawyer, Washington, D. C.

REAL ESTATE

WILKIE & LaBARBE, Real Estate Brokers. 23 Patton Avenue. Phone 661

PARTIAL LIST. THIS LIST WILL BE CHANGED TWICE A WEEK.

FOR RENT—FURNISHED. Seven room house, 5 minutes' walk from court square, all modern conveniences, including two bath rooms, electric lights, etc. \$40 per month.—Wilkie & LaBarbe. 11

Large house on popular residence street; desirable either for boarding house or private residence. Large shady yard. \$75 per month.—Wilkie & LaBarbe. 3

Eleven room house on Bailey street; well furnished; two bath rooms; bed rooms all large. \$75 per month.—Wilkie & LaBarbe. 121

Three minutes' walk from court square. Six rooms, completely furnished, except linen; well built; all modern conveniences. \$35 per month.—Wilkie & LaBarbe. 102

Desirable ten-room house on nearby street. Large yard and garden. Hot and cold water, bath, etc. \$65 per month; or would rent unfurnished for \$40 per month.—Wilkie & LaBarbe. 103

FOR RENT—UNFURNISHED. House of nine rooms; three blocks from court square; hot and cold water, and all modern conveniences.—Wilkie & LaBarbe. 6

House of 14 rooms; on car line; large shady grounds (4-1-2 acres). House has all modern conveniences, large rooms, high ceiling. \$55 per month, or \$50 by the year.—Wilkie & LaBarbe. 104

New house of five rooms on Lookout mountain car line, just beyond New Winyah; garden; good neighborhood. \$1 per month.—Wilkie & LaBarbe. 105

Eight room house on Central avenue, in good repair; all modern conveniences. \$18 per month.—Wilkie & LaBarbe. 106

Twenty room house of modern construction, on side of mountain near city limits; cool and delightful, electric lights and bells; hot and cold water; porch enclosed in glass doors. \$50 per month.—Wilkie & LaBarbe. 107

FURNISHED OR UNFURNISHED. We have furnished and unfurnished rooms in suites of two, three and four desirably located in various residence sections of the city. Apply at our office for description and prices.—Wilkie & LaBarbe. 108

BUSINESS OPPORTUNITIES. A small business located near court square for sale. Requires capital of \$200 to \$300. Is now paying good profit on investment and can be made to pay more.—Wilkie & LaBarbe. 8

We have for sale a desirably located retail business requiring capital of about \$100. Capable of being enlarged.—Wilkie & LaBarbe. 19

MONEY WANTED. We can place \$3500 to good advantage. Security is first mortgage on city improved property worth more than \$7500.—Wilkie & LaBarbe. 9

MONEY TO LOAN. \$1000 to loan on city improved property, first mortgage.—Wilkie & LaBarbe. 400

BUSINESS ANNOUNCEMENTS. DOES IT PAY TO ADVERTISE?—It certainly does if it costs you nothing. If you list your property with us it will cost you nothing to have it advertised—we pay for the "ad" and only charge a small commission if we rent or make a sale.—Wilkie & LaBarbe. 109

FOR RENT—Very desirable newly furnished rooms; high location; splendid view; one square from postoffice, in vicinity of several nice boarding houses. 64 Haywood st. Phone 288.

IS THERE a building and loan association or other company that will build a house according to plans of my choice, to be paid for in rent? Address "Home," care The Citizen. 5-7-dtf.

MY SPECIALTIES this week—Iron beds, large Buck steel range, fine old mahogany bureau, etc. An experienced cabinet maker on the premises for repairing.—W. Turner, 25 N. Main street.

LOST—During the recent Epworth league conference, a lady's gold ring with two diamonds set diagonally. A liberal reward will be paid upon delivery to E. C. Chambers, liveryman. 5-29-dtf.

FOR RENT—At 241 Haywood, three newly kalsomined, well ventilated rooms; choice neighborhood; convenient to first-class board; will rent one or all. Please call or address box 235. 5-23-d6t-cod

FOR RENT. One boarding house, 12 rooms, all modern conveniences and electric lights; on newly paved street. Also one seven room cottage, one furnished and one unfurnished flat. All modern conveniences. Apply to O. D. Revell, 32-34 Patton avenue.

I BUY and sell anything. I now have for sale one good elevator for two or three story building, in good condition, with new ropes; capacity four thousand pounds; four good prize screws and frames complete; one dynamo, capacity five hundred lights; two organs in fine condition, and a lot of household goods. All very cheap.—W. L. Moore, 11 West Court Square, Phone 373.

FOR SALE—Two smooth coat St. Bernard male puppies, three months old, by Lord Roseberry ex. Findern Fanchon. Pedigree complete for five generations, comprising blood of Remnant, Marvel, Scottish Chief and Lord Melrose on the sire's side and Aiton, Plimlimmon, Sir Bedevere and Victor Joseph on the dam's side. May be seen at 172 Chestnut street. For information see G. O. Worland at American Hardware company. 4-4-dtf.

FOR RENT AND SALE—We have for rent desirable six room cottage on West Chestnut street; five room flat, Spruce street, furnished; also 12 room house on Haywood street, furnished. Choice places. For sale, Special bargain in seven room cottage on Starnes avenue; also 12 room house and large, shady grounds, same street. Choice vacant lots near new sanitarium. Fine brick store on Main street at low figure for quick sale.—Natt Atkinson Sons Co., Real Estate Dealers.

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No Lockout No Strike....

With my painters. Everyone desiring to have work done without strike or a lockout give me a call. I do work as cheap as any reliable contractor and do good work. I work union men only, according to union rules, therefore I guarantee your work to be done better and without any trouble. Address J. B. WHITE, 173 Bailey Street.