

CITY ATTORNEY REPORTS AGAINST THE FRANCHISE

Action On The Matter Put Off One Week.

ALDERMAN SHERRILL IN AN EMBARRASSING SITUATION—A. & B. FRANCHISE.

City Attorney Bourne submitted his report on the validity of the Asheville street railroad's franchise from town branch to the city limits at the meeting of the aldermen last evening. The decision was that the franchise was not valid.

After stating the contention of the road that it had established its right to the franchise by building under it 168 feet beyond town branch, Mr. Bourne said that assuming but not conceding this to be true, for other reasons he arrived at the conclusion that the franchise was not valid. These reasons were that the charter of the road gave it the privilege to operate on such streets for such term of years as might be agreed upon by the road and the city. The fact that a term of years was mentioned was taken to indicate that the city did not have the right to grant a perpetual franchise. "Now, as no term of years is mentioned," says the report, "I know of no rule of construction that will supply such a term, and as before shown the railway is not aided in this regard by anything contained in the Fairholt franchise if the view is taken that this record of May 30, 1890 is simply an amendment to that franchise. I am therefore of the opinion that the road has no valid franchise from the city to construct a line of road from town branch to the city limits."

ASKED TO POSTPONE.

When the report had been read, Mr. Murphy, on behalf of the Asheville street railroad, asked that consideration of the matter be deferred for another week. He said that Mr. Sondley, the regular attorney of the road, was ill, and he wished to consult with him about what course should be pursued.

The request incited a spirited discussion, by Mr. Murphy on one side, and Judge Merrimon, Judge Jones and Judge Carter for the A. & B. company. Judge Jones asked what Mr. Murphy wished postponed, and whether he wished the aldermen to disregard the report of the city attorney, and to have a legal argument before the board.

Mr. Murphy said there was no suggestion that Mr. Bourne's report should be disregarded, but that he wished the whole matter to go over.

AWKWARD SITUATION.

When it came to a vote on Alderman Rawls' motion that the matter go over for a week Judge Jones asked if Mr. Sherrill proposed to vote on the question. Mr. Sherrill replied that he did, whereupon Judge Jones said that he wished to give notice in advance that he protested against the vote, as Mr. Sherrill was an employe of the Asheville street railroad.

Mr. Rawls then amended his motion to the effect that the matter be deferred a week while Mr. Sherrill had time to think how he should vote.

Mr. Sherrill stated that he was a man of too good breeding to allow his vote to be influenced by his connection with the Asheville street railroad.

Judge Merrimon disclaimed any intention of reflecting upon Mr. Sherrill. Mr. Dorsett and Mr. Waddell stated that if the matter went over for a week they would vote to accept the report, and they did not see why it should not be accepted then and there.

The motion to defer was put, and the vote resulted in a tie. Aldermen Wood, Dorsett and Waddell voting in the negative and Alderman Rawls, Sherrill and West voting aye. The mayor thereupon voted aye, deciding the matter.

J. S. Adams, esq., stated that Mr. Barnes of the Intermontane company was going north today to see about the purchasing of iron for the Montford avenue line.

Dr. C. L. Minor urged the board not to allow two street car tracks on South Main street.

Foreman Fullam of the hook and ladder company, and S. P. Burton, a committee, asked the board to purchase new wheels for the hook and ladder truck, the cost to be about \$180.

SYMPATHY EXPRESSED.

Alderman Wood offered a resolution sympathizing with Alderman Sherrill in the embarrassing position in which he had been placed, and expressing confidence in his integrity. The resolutions were signed by all the other aldermen and were adopted. Mr. Sherrill said that he had taken as little part in the proceedings as possible, and that he regretted being drawn into the controversy. He said he intended to vote for the adoption of the report next week.

Alderman West of the street committee recommended that Charlotte street be graded, provided the cost is not too great, and that bids be advertised for. The recommendation was adopted.

Alderman Sherrill of the water committee recommended that the water main on south Pine street be taken up and laid on Charlotte street. The report was adopted.

A. & B. ASKS FRANCHISE.

The Asheville & Biltmore street railroad, through its attorney, Judge Jones, asked that it be given a franchise to lay a track on South Main street from McDowell street to town branch, the object being to furnish more efficient service to the public, and the application said that to establish

a system of trackage and transfers, the company would apply to the aldermen to fix the same upon such terms as might be equitable between the A. & B. and the Asheville street railroad. The request was referred to the street committee.

The board then went into the election of officers. All the police as well as the other officials were re-elected.

The appropriations for the Mission hospital, \$50, and for the kindergarten, \$30, were continued.

The Flower Mission was given \$25 to reimburse it for relief given workmen disabled by vaccination.

Dr. Paquin's request for lower water rates for the Turkish baths he is to establish was referred to the water committee.

H. S. Walton was given the contract for feeding the city prisoners at \$1-3 cents per meal.

On Police Justice Brown's suggestion, all persons asking for restaurant licenses will be required to prove good character.

THE SMALLER COUNTIES AND THE SCHOOL FUND

MORE MONEY NEEDED FOR THE SCHOOLS.

From the Mars Hill Enterprise.

Much is being said about the grading and otherwise improving the schools of Buncombe county, and the question is being asked why not pursue the same course with the Madison schools, and the same in regard to other adjoining counties. The remark carries with it the possibility of a deduction that the fault of not keeping space with our sister county lies at the door of our school officials. This is erroneous and needs only a moment's thought to dispel it. Buncombe is one of the largest and wealthiest counties in the state and has one of the best school funds, while the adjoining counties are poor, with small funds with which to support their schools. It is useless to expect much improvement, especially in length of term and school equipments, until we have a larger school fund. Every good citizen deprecates our disadvantages and looks anxiously for the time when we shall have more money for our schools.

In smaller counties property is valued lower, and there is always a long list of insolvent taxpayers, which cuts our school funds down to a very inefficient one. It seems to us that the most important legislation that could be given us would be to devise some plan to increase our public school revenue. Too much need not be expected of school officials until the necessary means are at their command. It does seem that under these circumstances, however, there could be something done in the way of supplementing our school fund by private contributions, and unless some unexpected legislation is given us we will be forced to stir ourselves along this line if we make even the expected success in our school work.

Our school officials should and no doubt will guard with jealous eye the school fund of the county, and make every dollar reach as far as possible, but beyond this we cannot expect them to go.

Let the people join them in an earnest and determined effort to do something from our private resources to supplement our school fund until we are better provided for by the needed legislation.

THE EASTERN TOUR OF HON. LOCKE CRAIG

IMPRESSING THE PEOPLE WITH POWERFUL ARGUMENTS.

From the LaGrange Sentinel. Probably the greatest political speech ever delivered in Lenoir county was delivered in LaGrange yesterday by Hon. Locke Craig of Buncombe county. It was a masterpiece of eloquence and sound reasoning. Many who heard him pronounced it the best speech they ever heard. The amendment was ably and convincingly discussed, and we believe the speech made many votes for white supremacy. Mr. Craig has few equals in the south as a political speaker.

Trenton cor. Raleigh Post.

Hon. Locke Craig made an eloquent and powerful speech here yesterday on the constitutional amendment and the other public questions involved in the present campaign. Democrats, Populists and Republicans here say they never heard such a speech. "For two hours the audience was spellbound under the eloquence and oratory of Buncombe's talented speaker. Mr. Craig's discussion of the amendment was logical, convincing and unanswerable. Several who were opposed to the amendment went away declaring their intention of not only voting for the amendment, but doing all in their power for its adoption."

LaGrange special to Raleigh News and Observer.

Hon. Locke Craig spoke here today at 2 o'clock to a crowd of about 200 people. It was the closing speech of his campaign in the east for the present, and it was a very fine effort—a magnificent argument in favor of the amendment. It aroused the greatest enthusiasm, and many declare it the best campaign speech they ever listened to.

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TOO-LITTLE-TO-BE-HIT AND HIS SELF-SACRIFICE

GAVE HIS LIFE TO SAVE THAT OF A SOLDIER.

From the Washington Post.

"One of the most touching incidents of the Boer-English war came to my knowledge just as I was leaving for America," said a missionary delegate from South Africa to the Ecumenical conference. "Of course there have been many brave deeds and many acts of self-sacrifice on both sides, but none has seemed to me so affecting as that of the little 10 year old lad who gave his life protecting the man who had befriended him."

"It was during the siege of Ladysmith, and the British army had its base at Spearman's camp—perhaps I should say General Buller's base was at Spearman's camp—when one evening a little boy struggled into camp, and when questioned by the soldiers said he had come from Ladysmith. He was of English parentage and said that his father had been killed at the very beginning of the hostilities; his mother had been buried the week before, and he had left Ladysmith determined to join the English Army. How he had managed to slip through the Boer lines was the question which most puzzled the English soldiers, for at that time it was not thought possible for a bird to pass unnoticed, so strict was their watch. This child said he thought he had been shot at, but he must have been 'too little to be hit.'"

He was such a wizen-faced slip of a child that the soldiers, recognizing the truth of his surmise, dubbed him "Too-Little-to-be-Hit Blunt"—his real name being Jimmy Blunt. He knocked about the camp and finally attached himself to Major English of the Second Dublin Fusiliers. He became the major's shadow, eating, sleeping and moving about with him on any and all occasions. It became a joke among the soldiers the way "Too-Little-to-be-Hit" followed their major.

"Finally came the action of Venter's Spruit, when the major, leaving his company, walked a short distance ahead to see 'how the land lay.' He was shot down, and a deadly fire from the Boers, who had been in ambush, followed. The firing was so hot that no attempt was made by the soldiers to go to their officer, and when they saw 'Too-Little-to-be-Hit' making the attempt he was ordered back. He did not obey the command, that much the soldiers knew, but he was forgotten until the close of the engagement, when, on collecting their wounded and dead, they found he had managed in some way to drag his wounded friend from the open to the cover of some brushwood. 'Too-Little-to-be-Hit' was lying by the major's side apparently asleep, but when the soldiers lifted him up they found that he was dead. He had bled to death from a wound in the fleshy part of the arm. So, after all, he was not too little to be hit."

AYCOCK AT MARSHALL; HIS CONVINCING SPEECH

ELOQUENT EXPLANATION OF THE PROPOSED AMENDMENT.

Marshall, N. C., May 31.—This has been a great day for Democracy in Madison county. The court house was crowded with people to hear speeches by some of the candidates on the state ticket. At 1 o'clock ex-Senator Tom Murray called the meeting to order, and in a few well chosen remarks introduced Hon. S. L. Rogers, who made a short, pointed and interesting speech. At 1:30 o'clock Hon. C. B. Aycock was introduced, and for an hour and a half he charmed his hearers with one of the strongest, most eloquent and convincing speeches ever heard in the county. The distinguished speaker's explanation and elucidation of the proposed amendment was intensely interesting, clear and forcible. The speech was one long to be remembered. There was present a considerable number of leading Republicans, and also many ladies, who seemed greatly to enjoy the occasion. The courtesies and attention paid Mr. Aycock by some of the leading Republicans here was one of the noticeable and agreeable features of the day.

The Weaverville Cornet band added largely to the enjoyment of the occasion, arriving here on Wednesday afternoon. In the evening the band serenade Mr. Aycock while he held an informal reception, during which many of the people of the village came to meet the distinguished campaigner, among the number being many ladies and prominent Republicans.

Wednesday Mr. Aycock and Hon. S. L. Patterson spoke to a large and enthusiastic gathering at Mars Hill. On the day before (Tuesday) these distinguished speakers filled their appointments at Burnsville, where they were greeted most cordially by a great assemblage of Yancey's thoughtful young men. Tomorrow (Friday) Mr. Aycock goes to Hendersonville; thence to the western counties.

County Democratic Ticket.

- For the house: LOCKE CRAIG, J. C. CURTIS. For clerk of the superior court: MARCUS ERWIN. For treasurer: ERWIN PATTON. For register of deeds: J. J. MACKAY. For sheriff: REUBEN F. LEE. For clerk of the criminal court: J. Y. JORDAN. For solicitor: CHARLES A. WEBB. For tax collector: J. KELLY CHAMBERS. For surveyor: A. H. STARNES. For coroner: D. E. SEVIER. For county commissioners: MARK L. REED, R. D. F. ROBINSON, MARION GLENN.

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

Sumner, Deal & Co. Sumner, Deal & Co. Sumner, Deal & Co. Sumner, Deal & Co.'s GREAT ANNUAL RIBBON SALE Everyone knows that the price of all silk Ribbons has been greatly advanced, but our New York buyer has shipped to us about 5,000 Yards of Fine all Silk Taffeta Ribbon bought at one-half the regular value. All the new shades will be included in this great sacrifice sale, and those wanting the best grade of goods for exactly ONE-HALF, will do well to attend this big Special Sale next Monday, Tuesday and Wednesday June 4th, 5th and 6th. The Ribbon is 3, 4 and 5 inches wide and sells every day in our house at 30, 35 and 40 cents per yard. This sale will include all widths and colors at the remarkably low price of 16-18-AND-19 CENTS PER YARD Dealers will do well to attend this sale as the goods are worth much more at wholesale. Remember these Ribbons will only be on sale for three days at these prices. Sale---Monday, Tuesday and Wednesday, JUNE 4th, 5th and 6th. The goods on display in front windows.

ADVERTISEMENTS

Of Land for Sale for State and County Taxes.

By authority vested in me as tax collector of Buncombe county and by virtue of the lien imposed upon real estate by the assessment and levying of tax, and by the tax list for the fiscal year 1899, I will at noon of Monday, July 2, 1900, sell as provided by the law in the case of unpaid taxes the following described pieces of real estate, to-wit: One certain tract of land in Buncombe county, North Carolina, in Reems Creek township, lying on the west side of the Weaverville road, adjoing the lands of Mrs. Mamie Reynolds, the DuBoise place, Aiken and others, known as the "Gold View" tract, containing about 127 acres and being the same land conveyed by P. C. McIntyre and wife to M. E. Carter, trustee, by deed dated on the 15th day of November, 1891, and registered in Book 28, at page 2, of the record of deeds in the office of the register of deeds of Buncombe county, to which deed reference is hereby made for a full description. Tax for '98 \$6.20; '99 \$6.30; total \$12.50. One town lot, listed by Alex Alexander, first ward, city of Asheville, described by assessors No. 498; east side, east side, adjoining R. P. Walker and others. Tax \$3.80. One town lot, listed by Charles Bailey, first ward, city of Asheville, described by assessors No. 419; east side Valley street, adjoining H. H. Johnson and Stella Dobbins. Tax \$3.15. One town lot, listed by John B. Brooks, first ward, city of Asheville, described by assessors No. 212; east side of Pine street, adjoining Dave Carson, etc. Tax \$3.60. One town lot, listed by Charles Chambers, first ward, city of Asheville, described by assessors No. 157; east side of Brick street, adjoining Am Forney, etc. Tax \$1.35. One town lot listed by Duff Erwin, first ward, city of Asheville, described by assessors No. 325; west side of Pine street, adjoining D. T. Alexander, etc. Tax \$4.80. One town lot listed by Sandy A. Goodrum, first ward, city of Asheville, described by assessors No. 169; south side of Hildebrand street, adjoining H. S. McDuffey, etc. Tax \$2.25. One town lot, listed by Henry Hamilton, first ward, city of Asheville, described by assessors No. 251; situated on the south side of Gether's alley, adjoining A. Gaither, etc. Tax \$1.45. One town lot, listed by Mary Jane Harris, first ward, city of Asheville, described by assessors No. 643; situated on north side of Dundee street, adjoining Lewis Leno, etc. Tax \$4.27. One town lot, listed by A. F. Kinman, second ward, city of Asheville, described by assessors No. 736; situated on east side of Chunn street, adjoining I. C. Cook, etc. Tax \$7.74. One town lot, listed by John Lykes, first ward, city of Asheville, situated on south side of Currie street, adjoining Peter Williams; described by assessors No. 393. Tax \$2.45. One town lot, listed by McGill Est, first ward, city of Asheville, described by assessors No. 241; situated on east side of Davidson street, adjoining J. E. Lyman, etc. Tax \$6.75. One town lot, listed by Granville Martin, first ward, city of Asheville, described by assessors No. 393; situated on east side of Sanson's street, adjoining Sam Thompson, etc. Tax \$4.45. One town lot, listed by William Stinson, first ward, city of Asheville, described by assessors No. 185; situated on south side of Mountain street, adjoining Mat Cope, etc. Tax \$3.35. One town lot, listed by George Wiley, first ward, city of Asheville, described by assessors No. 199; situated on south side of Clemmons street, adjoining E. T. Clemmons estate. Tax \$4.27. One town lot, listed by James Wilson, first ward, city of Asheville, described by assessors No. 314; situated on south side of Sycamore street, adjoining Dave Carson et als. Tax \$ 90. One town lot, listed by John Wilson, first ward, city of Asheville, described by assessors No. 267; situated on south side Beaumont street, adjoining Alfred Wilson et als. Tax \$2.25. One town lot listed by Isaac Wilson, first ward, city of Asheville, described by assessors No. 263; situated on south side of Beaumont street, adjoining H. W. Miller et als. Balance of tax \$3.30. One town lot, listed by Susan Britton, first ward, city of Asheville, described by assessors No. 257; situated on north side of South Beaumont street, adjoining T. W. Patton and others. Taxes \$1.25. One town lot, listed by R. A. Loder, second ward, city of Asheville, described by assessors No. 438; situated on south side of Broad street, adjoining R. S. Stewart et als. Tax \$4.25. One town lot, listed by McGill estate, second ward, city of Asheville, described by assessors No. 402; situated on south side Chestnut street, adjoining A. S. Barnard et als. Tax \$23.50. One town lot, listed by Martha Bowen, third ward, city of Asheville, described by assessors No. 745; situated on south side Madison street, adjoining Henry Bynum et als. Tax \$1.35. One town lot, listed by Henry Bynum, third ward, city of Asheville, described by assessors No. 744; situated on south side of Madison street, adjoining Tempy Avery et als. Balance of tax \$1.84. One town lot, listed by R. D. Child, third ward, city of Asheville, described by assessors No. 164; situated on west side of North Main street, adjoining F. M. Weaver et als. Tax \$4.50. One town lot, listed by Jasper McCarty, third ward, city of Asheville, described by assessors No. 731-1-2; situated on south side of Gray street, adjoining J. D. Shuford et als. Tax \$2.58. One town lot, listed by Daniel Redmond, third ward, city of Asheville, described by assessors No. 832; situated on west side Maiden lane, adjoining John Crawford et als. Tax \$2.25. One town lot, listed by Jesse Steele, third ward, city of Asheville, described by assessors No. 887; situated on south side of Hill street, adjoining M. J. Campbell et als. Balance of tax \$2.00. One town lot, listed by Rebecca Bailey, fourth ward, city of Asheville, described by assessors No. 609; situated on north side of McDowell street, adjoining S. B. Erwin et als. Tax \$2.70. One town lot, listed by Mrs. Mary Hunt, third ward, city of Asheville, described by assessors No. 341; situated on south side Starnes avenue, adjoining Mrs. E. H. Gage et als. Tax \$22.50. One town lot, listed by J. L. L. Slagle, fourth ward, city of Asheville, described by assessors No. 483; situated on south side of Patton avenue, adjoining Thomas D. Johnston et als. Tax \$7.71. One town lot, listed by J. L. Comp-ton, Hazel ward, adjoining Judge Henry and Mrs. H. N. Atkinson. Tax \$2.54. One town lot, listed by Alex. Gardner, fourth ward, city of Asheville, described by assessors No. 349; situated on south side Phifer street, adjoining Frank Looper et als. Tax \$6.75. One town lot, listed by Major J. Hill, fourth ward, city of Asheville, described by assessors No. 758; situated on west side Roberts street, adjoining Amanda Walker et als. Balance of tax \$1.80. One town lot, listed by Jane Moseley, fourth ward, city of Asheville, described by assessors No. 850; situated on east side Depot street, adjoining Mrs. L. A. Johnson et als. Tax \$2.90. 150 acres of land, more or less, listed by J. Harve Roberts, Flat Creek township, Buncombe county, adjoining A. F. Eller, G. M. Roberts, W. R. Chambers et als. Tax \$16.52. 5000 acres of land, more or less, listed by Jos. B. Chambers, agent for Craggy Mountain Land company, situated on headwaters of Reems Creek, adjoining John P. Webber, John W. Coggins et als.—Balance tax \$17.63. 18 acres of land, more or less, listed by Martha Revis, in Flat Creek township, adjoining Abb Elier et als. Tax \$2.20. One town lot, listed by Mrs. C. T. Addison, first ward, city of Asheville, described by assessors No. 312; situated on east side of Davidson street, adjoining the McGill estate et als. Tax \$4.05. J. K. CHAMBERS, T. C. Not-c. By virtue of the power contained in a deed of trust, executed to the undersigned trustee by H. B. Carter and Laura Kate Carter, his wife, on September 30, 1895, and registered in the office of the Register of Deeds of Buncombe county, North Carolina, in Book 39, page 401 est seq., of the record of deeds of trust and mortgages, default having been made in the payment of the principal and interest of the note therein secured, and having been requested so to do by the holder and owner of said note, I will on TUESDAY, THE 12TH DAY OF JUNE, 1900, at 12 o'clock m., expose for sale at front door of court house, for cash to the highest bidder by public auction the following described tract or lot of land in the city of Asheville, Buncombe county, North Carolina: Beginning at a point in the east side of South Main street in said city of Asheville, about 20 feet and 4 inches from the southwest corner of the Reynolds building at the corner of Sycamore street, it being a point where a line bisecting longitudinally, the wall dividing the lot herein described from the lot adjoining it on the north, formerly belonging to T. F. Starnes, and now owned by M. H. Kelly and John O'Donnell, would, if projected, intersect said east side of South Main street, and runs thence with the east margin of said street about south 15 degrees and 30 minutes east of 14-1-4 feet to a point in the middle of the wall dividing this property from the lot adjoining it on the south and now occupied by James H. Loughran as a bar room; thence eastwardly through the middle of this last named wall to the eastern end of the same, and then on and in the same direction in all about 126 feet to a rock wall on the west side of Eagle street; thence with the same about north 15 degrees west 17-1-1 feet to a point; thence westwardly in a line parallel with the south line of this lot running eastwardly and equally dividing the wall between this building and the building on the north about 123 feet to the beginning, being a part of the Eagle hotel property, and formerly owned and occupied by J. M. Heston, and lately used as a barber shop, and now occupied by J. H. Loughran as a store room, being the same land conveyed in said deed of trust, to which reference is hereby made for a fuller description. This 11th day of May, 1900. J. W. SUMMERS, Attorney. 5-12-dit-sat

TRANSYLVANIA RAILROAD CO Formerly Hendersonville & Brevard railway. General offices Brevard, N. C. Winter schedule, in effect October 22, 1899: No. 4, mixed. No. 3, mixed xx P.M. STATIONS. P.M. 12:01 Lv. BrevardAr 5:39 12:16 Lv. Davidson RiverAr 6:29 12:27 Lv. PenroseAr 5:07 12:37 Lv. BlantyreAr 4:58 12:46 Lv. EtowahAr 4:50 12:55 Lv. CannonAr 4:48 1:00 Lv. Horse ShoeAr 4:38 1:10 Lv. YaleAr 4:29 1:20 Ar. HendersonvilleLv 4:10 *Fing stations. xxPassengers only on Saturday. Connects with Southern Railway at Hendersonville for all points north and south. J. F. HAYS, General Manager. T. S. BOSWELL, Superintendent.