

ARGUMENT HEARD BY THE COMMITTEE

On the Question of South Main Franchise.

THE MATTER NOW GOES BEFORE THE WHOLE BOARD FOR DETERMINATION.

The grand laugh was on the aldermen last evening. They thought that by compelling the lawyers to finish their argument on the South Main franchise at one meeting it would compel them to be somewhat brief. As it happened this didn't phase the lawyers in the least. While one was speaking the others could go out and get refreshments, so they wearied very little compared to the aldermen, who after remaining in their seats from 8 in the afternoon until 10 at night, listening to the flow of language, were utterly exhausted.

The case is unquestionably one of the most important the aldermen have ever been called upon to decide. It involves a franchise said to be worth \$60,000, and constantly increasing in value. This justifies the employment of the able counsel, and the time and labor the latter gave to it.

An additional affidavit was filed in the case. The affiant was J. M. Guderger, who gave testimony as to the action of the board of aldermen, of which he was a member in 1899, in regard to the Asheville street railroad.

Attorney J. C. Martin opened the argument for the Asheville street railroad. He said his request was that the original franchise be amended to comply with City Attorney Bourne's opinion, or else to grant an entirely new franchise. It was contended that the original franchise was accepted by the board by building beyond Town Branch. In regard to Mr. Bourne's report he read additional decisions of the Supreme court in which the same point had been raised as to there being no limit to the franchise of 1890 and it was therefore invalid, in which the Supreme court had decided the opposite of Mr. Bourne. He said he did not think Mr. Bourne knew of this decision. Mr. Martin also introduced records to show that the railway had paid everything which was a matter of controversy between it and the city. As to the reason for not building sooner, Mr. Martin said the title to the road was uncertain up to last fall and consequently no one was willing to put up the money.

Mr. Martin was followed by Judge Thos. A. Jones, who said that in the present controversy the A. & B. road was fighting for its corporate life while the Asheville street railroad was merely gambling on its chances. He said the road had not driven a spike in 10 years to carry out this franchise. When Mr. Rankin's lawyers refused to allow him to answer whether the road was insolvent or not, it was admitted that the road was insolvent. He said the Asheville street railroad did not really want to build to Biltmore. The real object of this application was to crush out the line from the square to the station. Judge Jones argued the legal side of the question mainly.

Frank Carter, esq., who appeared for the Asheville street railroad, said the corporations in making the applications did not do so with the public good as the main consideration, but when the application came up it was the duty of the aldermen to consider first the question of public good. He said a great consideration should be the establishment of a perfect street car system. He referred to the enhancement of the value of South Main street property which would result from the building of the Asheville street railroad there. He said the diversion of travel from South Main by a roundabout way by the A. & B. road resulted in a damage of \$200,000 to property on that street, which he said was a great wrong to the owners of that property. It was to the interest of every citizen of Asheville to have the lines of the Asheville street railroad extend in as many directions as possible.

Judge H. B. Carter spoke next for the A. & B. He argued the question of the equity of the case. He said there was no need of more street cars on South Main, as the Asheville street railroad had a car running every 7 1/2 minutes. As to the claim that property depreciated on South Main, he said he always understood that it was the saloons that did the work, at least that was what the property owners there claim. He offered in explanation of the fact that the Asheville street railroad was just now making this application, that the Biltmore road territory had been built up by the A. & B. road and the General Electric company had begun to realize that it was valuable and wanted to confiscate the franchise.

Judge Merrimon's argument was a very careful one. He began at the beginning of the records over 10 years ago and went over all references to the matter in the clerk's minute book. He read the oath of the aldermen and asked if they could grant the Asheville street railroad franchise in the light of that oath. He contended that in this case the Asheville street railroad had everything to gain and nothing to lose, and the A. & B. everything to lose and nothing to gain. He said the effect of granting the Asheville street railroad franchise would be to confiscate the A. & B. road. The idea that it would increase the A. & B.'s business he thought was too improbable to be seriously considered. What they knew and expected would be the result, he said, was that in 12 months the mortgage on the A. & B. road would be foreclosed. Judge Merrimon contended that Mr.

Cutler's testimony alone established the contention set forth in the manifesto—that the whole thing is backed by the General Electric company. "Why do I say this?" he said. "Mr. Cutler tells you he is an employe of the General Electric company. If that fact is true, he has no qualification for arguing this question. He knows, we know, the public knows, that ever since he has been here he has been the factotum of the General Electric company—a New York corporation, as sworn by itself in our courts. Look at his situation—the agent of the General Electric company, the treasurer of the Asheville Electric Co. He and Mr. Rankin are the Damon and Pythias of the two companies. Mr. Cutler not only appears before you as a witness, but he addresses you for three quarters of an hour; not content with this, he pours the force of his reason into the newspapers. I say his evidence shows our contention of a conspiracy, confederation and combining. . . . Isn't it as plain as the shining sun that Cutler is the representative of the General Electric company, and that every stroke of work he has done since he has been here has been in its interest? When a man refuses to testify in a court, which he may do on the ground that he might incriminate himself, is it not plain that he is morally guilty? The same rule will apply to Mr. Cutler.

"Not free from the usual vanity of man, he, after giving in his evidence, rises and pours forth his eloquence in what is perhaps the first speech he ever made—for what? To tell that he had no interest in the matter beyond the prospect of a future customer? No; to convince you that you ought to grant this thing. He feels sure that he will get the Asheville street railroad as a customer, when it has its own power plant, and also furnishes power to the Adams line. Does he think we are a parcel of jackasses and fools?"

"Let us imagine what took place. Cutler says to the Asheville Railroad company, 'Now is your time to strike. When again will you have a president who stands so high in the community as the one you now have?' Not only would he use the name of Rankin, but that of Andrews is also one to conjure with. Why does it make any difference to us what money is at the back of this? Because we are Democrats; this is a Democratic board. Mr. Cutler deprecates that politics should be considered in this matter; I do not. The Democratic party, in every platform it has ever made, is a great organization against trusts.

"Will it furnish competition, as they say? Do you not see that if Rankin parallels the track of the Asheville & Biltmore road, some time or other the latter will be sold under the hammer, and the Asheville road secure a monopoly? Is that competition?"

Mr. Murphy followed for the Asheville street railroad. "I enter upon this discussion with charity toward all concerned, with malice toward none," he said. "I have been much pained at the exhibition I have seen here to-night. Every member of this board must have been pained at Judge Merrimon's deliberate charge of 'conspiracy, confederation and combining.' I accord to him intellectualty, personal integrity and quick perception—all these are his due—but when he claims Mr. Rankin and in the next charges him with playing Damon to Mr. Cutler's Pythias, the conclusion is inevitable; all that he charges is to be done is to be done with the consent, knowledge and co-operation of Mr. Rankin. I ask you to summon the city of Asheville and the county of Buncombe, and I challenge you to show a spot or blemish on the character, private or public, of Eugene Rankin. Judge Merrimon's song is, entirely aside from the question all about J. H. Cutler. Mr. Cutler has been going in and out among us since about 1892 or 1893. His manners differ from those of the south, probably, but I challenge Judge Merrimon to show that he has failed to comply with every obligation assumed, or ever deceived or acted dishonorably or improperly. Judge Merrimon lugs in Col. A. B. Andrews. I say that he, not we, is using that name to conjure with. A. B. Andrews is my personal friend, of whose hospitality I have partaken. All men of thought and action are willing to accord to him his meed of praise for what he has done for western North Carolina, and when he, of all men, is stabbed by a prominent citizen of Asheville—"

Judge Jones—"Who stabs him?" Mr. Murphy—"I didn't interrupt your speech and I expect to be accorded the usual courtesy of an attorney. When my personal friends are attacked I propose to defend them."

Mr. Murphy then asked the board to consider if South Main would be materially injured as a driveway by the construction of the line. He asked the board to go to South Main street and see what little impediment, as he expressed it, the rails would be. He referred to the difference in price of car tickets charged by the A. & B. where there was competition and where there was none. He said there was nothing in the charge that foreign capital was in the Asheville Street Railroad company. The same was true of the A. & B., he said. Mr. Murphy defended Mr. Cutler's character and said that the other attorneys couldn't tell him that Mr. Rankin was the Damon of a Pythias devil, as had been asserted. Mr. Murphy concluded his speech shortly before 10.



Madam—Ah, my dear, did you ever see such a bill? Scrubs (thinking backward)—Yes, that's a little one!—New York Journal

OLD PICTURE TAKEN FROM THE FRENCH BROAD

Photograph of S. C. Carpet-bag Legislature.

SOME SAMPLES OF REPUBLICAN MISREPRESENTATIONS IN THIS CAMPAIGN.

An interesting and valuable piece of campaign literature, or rather art, was brought down by the French Broad the other day and taken from the river near Avery street. It is a framed photograph of one of South Carolina's fragment legislatures of the happy days of carpetbag rule. A central figure in the august group, which contains 32 negroes and about the same number of white men, is that eminent statesman, Lieutenant-Governor Boozer, the originator of "Forty acres and a mule."

"The Republicans are telling," said J. H. Jones, who exhibited the picture in The Citizen office, "that the North Carolina legislature which framed the proposed amendment to the constitution had as many negroes in it as this one, and that they were Democratic negroes."

This statement is significant, as showing the methods that are being resorted to for the defeat of the amendment. No intelligent Republican, perhaps, ever made such a statement in such a way that its authorship could be traced to him, but it is none the less effective on that account. It may seem incredible to the readers of The Citizen, but there are a great many people upon whom the statement will have an effect, simply because they do not keep up with the trend of events and do not know it to be untrue.

WOMAN'S FOREIGN MISSIONARY SOCIETY PROGRAM OF THE MEETING AT WAYNESVILLE.

The following is the program of the annual meeting of the Woman's Foreign Missionary society of the W. N. C. conference of the M. E. church, south, to be held at Waynesville June 22-25:

Friday, 9 a. m.—Opening exercises. Reports of district secretaries and of auxiliaries. Discussion: How to enlist the uninterested, led by Mrs. L. H. Robertson. Closing exercises.

Friday afternoon—Devotional exercises. Reports continued.

Friday evening—Anniversary exercises. The addresses of welcome will be made by Mrs. R. D. Gilmer and Miss Mary Boone on behalf of the societies of Waynesville. The responses will be made by Mrs. B. F. Dixon and Miss Clara Claxton.

Saturday morning—Devotional exercises. Reports of juvenile work. Paper on proportionate and systematic giving. Miss E. H. Bumpass. Discussion. Saturday afternoon—Devotional exercises. Business session and committee meetings.

Saturday evening—Missionary experience meeting, conducted by Mrs. John K. Brooks. Communion service.

Sunday, 11 a. m.—Annual sermon, Rev. J. H. Pritchett, D. D.

Sunday afternoon—Entertainment by Waynesville Light Bearers.

Sunday evening—Missionary address, Rev. J. H. Pritchett, D. D.

Monday morning—Devotional exercises. Business session. Claims of the training school presented by Mrs. M. J. Branner.

Monday afternoon—Devotional exercises. Miscellaneous business. Election of officers.

It is hoped that the returned missionaries, Miss Glenn from Brazil and Miss Gary from China, will be in attendance.

Working Women

are invited to write to Mrs. Pinkham for free advice about their health. Mrs. Pinkham is a woman.

If you have painful periods, backaches or any of the more serious ills of women, write to Mrs. Pinkham; she has helped multitudes. Your letter will be sacredly confidential.

Lydia E. Pinkham's Vegetable Compound is known wherever the English language is spoken.

Nothing else can possibly be so sure to help suffering women. No other medicine has helped so many.

Remember this when something else is suggested.

Mrs. Pinkham's address is Lynn, Mass. Her helping hand is always outstretched to suffering women.

APPOINTMENTS IN THE COUNTY

MEETING TO BE HELD AT OPERA HOUSE THURSDAY NIGHT, JUNE 21.

The following speakers will address the people at the following times and places. All white men are invited to hear the great issue of the campaign discussed:

Skyland, Wednesday night, June 20—Locke Craig and Charles A. Webb. Asheville, opera house, Thursday night, June 21—Locke Craig, J. M. Guderger, Jr., and J. C. Curtis.

Avery's Creek, Friday afternoon, June 22, at 2:30—Charles A. Webb and J. C. Curtis; at school house near Joel Ingram's.

Sand Hill, Lower Hominy, Friday night, June 22, at 8:30—Charles A. Webb and J. C. Curtis.

Candler, Saturday, June 23, at 2:30—J. C. Curtis and Charles A. Webb.

Gash's Creek, Saturday night, June 23, at 8:30—Locke Craig.

Leicester, Saturday, June 23, at 2:30, at college—J. M. Guderger, Jr., and Alfred Barnard.

Newfound, Friday, June 22, at 8:30, church near Levi Plemmons—J. M. Guderger, Jr., and Alfred Barnard.

Flat Creek, Georgetown school house, Friday afternoon, June 22, at 2:30—Louis M. Bourne and John Y. Jordan.

Weaverville, Friday night, June 22, at 8:30—Louis M. Bourne and John Y. Jordan.

Alexander, Saturday, June 23, at 2:30—Louis M. Bourne and John Y. Jordan.

Piney Grove, Swannanoa township, Friday afternoon, June 22, at 4—Locke Craig.

Burnsville Hill, white supremacy club to be organized, Friday night, June 22, at 8:30—J. D. Murphy and Alfred Barnard.

North Fork Swannanoa, at school house near Fayette Burnett's, Friday night, June 22, at 8:30—Locke Craig.

Black Mountain station, Saturday, June 23—Locke Craig.

Pittmore school house, Wednesday night, June 20, at 8:30. White Supremacy club—J. M. Guderger, Jr., and J. D. Murphy.

J. D. MURPHY, Chairman.

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

PURINA HEALTH FLOUR Special Drive in Pickles and Catsup We are a little overstocked in Pickles and Catsup, and are offering same at reduced prices for the next ten days. All kinds of vegetables fresh from the garden every morning. Full line of staple and fancy groceries, in fact, everything housekeepers need, can be found at our store, No. 148 Montford Avenue. P. S.—Try a small sack of Purina Mills Whole Wheat Flour.

Some Facts of Interest to the Insuring Public of North and South Carolina. The Mutual Life Insurance Company of New York RICHARD A. McCURDY, President WROTE and "paid for" sixty per cent more business than any other company, and gained more in "insurance in force" than any other two companies in North and South Carolina in 1899. DETAILED STATEMENT COMPILED FROM OFFICIAL REPORTS IN NORTH AND SOUTH CAROLINA:

Tate Springs, Tenn., Improvements at the Carlsbad of America The most delightful health and pleasure resort in the South, 164 miles east of Chattanooga, in the loveliest valley of the East Tennessee Mountains. Two hotels, 25 cottages, 40 acres lawn, walks and shade trees; complete system water works with modern baths; a splendid orchestra, spacious ballroom, telegraph and long distance telephone. Buildings and grounds lighted with electricity; in fact all the amusements and comforts. Best German and American cooks. The water cures indigestion, dyspepsia, and all troubles of liver, stomach, bladder, bowels and kidneys. Shipped anytime, anywhere. Write for 40 page book free. THOS. TOMLINSON, Prop.

ON SALE ON SATURDAY AT W. A. BLAIR'S. FINE CHINA AND GLASSWARE... By a Family Breaking up House-keeping. CAR LOAD Co.'s Peas and Millet F. P. INGLE, 37 NORTH MAIN STREET.

When the Sun Shines We have Ladies' Oxfords from \$1.25 to \$4.50 Spring Heel Oxfords, from 8 to 2 and from 2 to 6, 1.00 and 1.25 You will want Light Shoes Boys' Oxfords, from 9 to 13, at \$1.25 Boys' Shoes, from 2 to 5-1-2, at \$1.75 and \$2.00 KERR-HODGES CO. 50 PATTON AVENUE NEAR THE POSTOFFICE