

VOL. LIV. NO. 131. RALEIGH, NORTH CAROLINA, WEDNESDAY MORNING, FEB. 10 1904. Leads all North Carolina Dailies in News and Circulation

# NIGHT SHAKEN BY SHOCK OF BATTLE

## Vice-Admiral Togo, Attacks the Russian Fleet and Forts at Port Arthur with Terrible Effect.

### THREE WAR VESSELS BEACHED They Are The Russian Battleships Poltara and Czarevitch and The Cruiser Boyarin.

### TWO GUNBOATS TAKEN

These Were Captured by the Japanese at Chemulpo. The Practical Wrecking of the Russian Warships a Port Arthur is the Work of Japanese Torpedoes. The Battle is Renewed in the Morning, the Russians Reporting in This Engagement the Loss of Killed of Ten Men. Withdrawal of the Japanese Fleet.

At ten o'clock Tuesday morning the Japanese fleet outside of the harbor consisted of the battleships Petropaulovsk, flag ship; Peresvet, sub-flagship; Pobieda, Poltava, Czarevitch, Retzivan and Sebastopol, and the cruisers Novik, Boyarin, Bayaru, Dianu, Palada, Askold and Angara.

At ten o'clock Tuesday morning three Japanese cruisers beached within view of the harbor. They were seen followed by a Russian cruiser which also was beached. None of the vessels were damaged above the water line.

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# GINNERS REPORT GIVEN TO WORLD

## Commercial Bales Ginned are 9,859,277. INCLUDING THE ROUND Or Counting the Round as Half Bales 9,485,537. How These Figures Compare With Those of the Years 1902 and 1903.

Washington, Feb. 9.—The report issued by the Census Office today of the quantity of cotton ginned from the growth of 1903 up to and including January 16, 1904, shows that 30,171 ginneries were operated, and that these ginned 9,859,277 commercial bales. Counting round bales as half bales the number is 9,485,537, which compares with 8,905,503 and 10,588,250 bales to December 13, 1902, and March 14, 1903, respectively.

The report for the entire country is as follows: 9,858,890 square bales; 747,480 round bales; 72,907 sea island crop bales; 9,859,277 total commercial bales. The total commercial bales ginned from the crop of 1902 to December 13, 1902, was 9,311,835, and to March 14, 1903, was 11,078,882.

The cotton ginned from crop grown in 1903 up to and including January 16, 1904, is given by States and Territories as follows: Alabama—3,873 ginneries; 947,599 square bales; 25,758 round sea island crop bales; 37,174 commercial bales.

Florida—272 ginneries; 30,418 square bales; 25,758 round sea island crop bales; 57,174 commercial bales.

Georgia—4,994 ginneries; 1,224,419 square bales; 46,516 round bales; 36,234 sea island crop bales; 1,307,169 commercial bales.

Indian Territory—489 ginneries; 217,829 square bales; 81,814 round bales; 299,553 commercial bales.

Kansas—2 ginneries; 55 square bales; 55 commercial bales.

Kentucky—2 ginneries; 568 square bales; 568 commercial bales.

Louisiana—2,201 ginneries; 746,773 square bales; 79,543 round bales; 826,316 commercial bales.

# THE SOVEREIGNTY OF THE ISTHMUS

## Guaranteed to Colombia, Says Overman.

### THE PLEDGE OURS

Yet We Tied Her Hand and Foot in the Panama Revolution. Overman Declares, Explaining His Reasons for Voting Against Treaty.

Washington, D. C., Feb. 9.—Senator Overman made his maiden speech in the Senate today in opposition to ratification of the Panama canal treaty. During its delivery he had close attention from the Senators on both sides of the chamber and at its conclusion was the recipient of many congratulations.

The fact that Senator Overman has made a good impression on his fellow-Senators that has grown since the first time he occupied a seat among them, and his speech today, though short, has added to the high esteem in which they hold him.

It is pleasant to know that the most cordial relations exist and will continue to exist between the two North Carolina Senators though they have spoken on opposing sides of the Panama question and will vote accordingly.

Senator Overman began by saying that being a new Senator he had preferred to adhere to the tradition of the Senate and remain silent for a while at least, in regard to the proposed treaty with Panama and that even now he did not arise for the purpose of making a speech, but to read a plain statement of his position. He continued:

"I have preferred to vote with my old league, who at the very outset, announced his purpose to vote for the treaty, and I have hoped, having always been a strong advocate of a canal, and knowing that very large number of my majority of my people and the people of the country desire the treaty ratified, that I could get the consent of my conscience to support it. I have heard the debate, have for myself investigated every phase of the controversy, have familiarized myself with all the facts and circumstances surrounding the revolution in Panama and its recognition by this Government as an independent republic, with a view, if possible, to vote for the treaty and at the same time not to violate my duty as a Senator representing not only the great State of North Carolina, but representing my country as well.

"But, Mr. President, there has been all the time standing before me an insurmountable barrier which has prevented my coming to this conclusion. Here is a solemn treaty—the treaty of 1848—entered into between this country and New Granada (now Colombia), a solemn covenant, signed, sealed, ratified, ratified, exchanged, and filed in the archives of each Government for its future conduct, the one to the other for all time unless modified and repealed. It is called a treaty of peace, amity, navigation and commerce. For the purpose of my statement I will read only a summary of the thirty-five articles, which is as follows:

"The Government of New Granada guaranteed to the Government of the United States that the right of way or transit across the Isthmus of Panama, upon any mode of communication then existing or hereafter constructed, should be open and free to the Government and citizens of the United States and for the transportation of any articles of produce, manufactures, or merchandise of lawful commerce belonging to the citizens of the United States. . . . And the Government of the United States, in order to secure to themselves the tranquil and constant enjoyment of the advantages mentioned and as an especial compensation for said advantages and other favors acquired by the treaty, guaranteed, positively and efficaciously, by that stipulation, the perfect neutrality of the Isthmus of Panama with the view that free transit from one to the other sea should not be interrupted or embarrassed in any future time while the treaty should exist; and in consequence the United States also guaranteed in the same manner, to wit, positively and efficaciously, the right of sovereignty and property which New Granada then had and possessed over the said territory, to wit, the entire Isthmus of Panama."

"Therefore, Mr. President, we not only guaranteed the perfect neutrality of the Isthmus of Panama, but the United States in the most positive terms guaranteed the rights of sovereignty and property which Colombia had and possessed in the said territory, the entire Isthmus of Panama. . . . It is contended that the guarantee of sovereignty means only the guarantee of sovereignty against foreign nations and not against secession and dismemberment from Colombia. . . . The friends and high contracting parties could have had no such intention. Why, Mr. President, I ask—why guarantee the sovereignty of Colombia against foreign nations only when that was al-

# RIISING IN POWER OUT OF HER ASHES

## Baltimore for the Present Needs No Aid.

### IS EAGER TO REBUILD

Day of Conferences Developed That City and State Will Try to Meet Emergencies, Loss About \$125,000,000. Cash Vaults Unharmed.

Baltimore, Feb. 9.—A REVIVAL OF THE FIRE TONIGHT IN THE LUMBER YARD OF WILLIAM D. GILL & SON, AT THE EXTREME SOUTHEASTERN LIMIT OF THE BURNED TERRITORY, CAUSED A NEW ALARM TO BE SENT IN. FOUR COMPANIES AND FIRE BOAT, THE CATARACT, RESPONDED AND AT 8 P. M. THE BLAZE WAS SAID TO BE UNDER CONTROL.

Baltimore, Md., Feb. 9.—A mild rain still hot and smoking. Baltimore has begun its resurrection. With the dawn of a clear winter day, whose brightness was in itself an inspiration, the apathy of yesterday gave way to energy, and from the Government of the State to the least private citizen the people of this distressed city aroused themselves to meet the appalling conditions that confront them.

It was a day of conferences. The Governor, the mayor, and various municipal officials, met and thrashed out the problems that are theirs by virtue of public office. From this conference came a decision that, Baltimore for the present needs no outside help, but will endeavor with her own resources and those of the State to meet the emergency. At this conference also was developed the machinery for an advisory legislative commission to act in conjunction with the legislature.

The military officials had unusual problems to decide and solved them in a military manner, for tonight every part that has been issued giving entrance to the fire lines was revoked. No civilian may pass the cordon of citizen soldiers which after forty-eight hours of continuous duty tonight stretches around the fire-swept district where its safes and vaults containing untold treasures.

With equal promptness the Chamber of Commerce held a general meeting and issued a formal announcement that reflected the prevailing hopefulness, declaring "there are already such witnesses of recuperation that all are encouraged in the hope of the early restoration of every branch of trade."

The Stock Exchange members met and decided to rebuild as soon as possible. The same story can be told of practically every commercial body, while on every hand is evidence of private effort toward rebuilding.

Old buildings long unused, private residences near the business section and every available structure bears proudly lettered signs on board or cloth announcing that within is the temporary office of a firm. The names on some of these signs are familiar to all who are in the financial and commercial circles of the world and in the temporary offices men who for years have known only mahogany desks work on deal tables and plain boards.

Labor is in demand and the newspapers already contain display advertisements for men to begin the work of clearing the ruins. . . . All things considered, the public stock taking that engrossed the business world of Baltimore today was satisfactory. But this does not mean that the great fire was a lesser calamity than has been pictured in these dispatches. The words that have hurried over telegraph wires, restored by almost superhuman energy to meet a wanting world's demand for news, have given but an inadequate conception of this catastrophe of a century. The bald fact is that 110 acres of business buildings, representing property to the approximate value of \$125,000,000 were destroyed within twenty-four hours. . . . A great cloud was lifted this afternoon when it was discovered that practically all of the vaults and strong rooms and safes of the financial concerns whose buildings were destroyed, are unharmed. A tremendous loss in securities had been anticipated here, and when vault after vault yielded up its treasures unharmed the joy of the guardians was boundless. . . . From the Continental Trust Company's safes alone papers to the amount of more than \$200,000,000 were recovered. The news cheered the whole city and encouraged immediate and thorough investigation. Merchants and their assistants, smoke-soiled and begrimed and hollow-eyed from anxiety and loss of sleep worked like laborers in the smoking ruins to uncover their safes, and in nearly every instance they were rewarded by intact contents. . . . Another surprise was the discovery that financial concerns whose homes were directly in the path of the flames, were practically unharmed. These were the Mercantile Trust Company and Brown Bros' Bank. The escape of these buildings is attributed to their lack of height. They do not exceed four stories and as they were surrounded by lofty structures the flames swept over them. . . . There are between \$11,000,000 and \$15,000,000 now in vaults of the Sub-Treasury, of which over \$7,000,000 are in gold. (Continued on Page Five.)

# MRS. POST GUILTY

## So Declares the Jury After a Long and Subborn Struggle.

(By the Associated Press.) Jacksonville, Fla., Feb. 9.—A verdict of guilty was returned this evening by the jury in the case against Helen Wilman Post, the mental science healer who has been on trial for the past ten days in the United States Court. The charge against Mrs. Post was that of violating section 5480 of the Revised Statutes of the United States. It was specifically charged that she devised a scheme to defraud divers people and that she used the United States mails to further said schemes.

The jury was out for seven hours. It stood ten for conviction and two for acquittal from the first. At 4 o'clock the jury was called into court and the judge stated that the court would in this case require a verdict from the jury, and that if no verdict was returned by 6 p. m., the jury would be locked up and left in charge of the marshal, while the judge went to Tampa to hold a term of the court. At 5:30 a verdict of guilty was returned.

The maximum penalty for the violation of section 5480 is a fine not exceeding \$500 or imprisonment not exceeding eighteen months, or both, in the discretion of the court. . . . The court has not yet passed sentence and the defense has been given ten days to prepare and submit a motion for arrest of judgment or a new trial. The defendant is under \$1,900 bond. . . . There are eleven other indictments against Mrs. Post, her husband, C. C. Post, and her son-in-law, Charles C. Bergman.

# Mysterious Death of Scott Wright.

(Special to News and Observer.) Washington, N. C., Feb. 9.—Scott Wright, who is engaged in hauling logs for B. B. Willis, of this city, was found early this morning about three miles from here lying on the road dead. His carry-log and horses were standing in the road just a few feet from the body. Master John Willis found Wright on his way to the woods to haul wood. There were no bruises on the body, and how he came to his death is not known. He was a resident of this city.

The services of W. P. Rea, an architect of Raleigh, have been secured by the public school trustees of this city to make the plans for the new graded school buildings soon to be erected here. The building when completed will cost approximately \$20,000.

Hanna Resists Quietly. (By the Associated Press.) Washington, Feb. 9.—The following bulletin on Senator Hanna's condition was issued tonight: At 8 p. m. Senator Hanna was resting quietly. His temperature was 102.6; pulse 94 and regular. Respiration 24. There are no complications and his general condition remains good. (Signed) "RILEY," "CARTER."

# DEATH IN PULPIT

## Rev. J. A. Kuykendall Falls as He Announces His Text.

(Special to News and Observer.) Asheville, N. C., Feb. 9.—Wiley B. Brown, of this city, received the news of the death of his brother-in-law, Rev. J. A. Kuykendall, which occurred at the Corinth Baptist church of this county, under peculiar circumstances. Rev. Mr. Kuykendall is a Baptist minister of this section, and Sunday had gone to Corinth to preach his regular weekly sermon. The preacher arrived at the house of worship in his usual good health, and had begun the services, taking for his text the 44th chapter of Genesis: "I will go and see him before I die." When after speaking a few words he suddenly placed his hand to his side and fell to the floor of the pulpit, expiring within a few seconds and without uttering a word.

Rev. J. L. Cook, who occupied a seat close to the pulpit, was the first to reach the minister's side, but Mr. Kuykendall was dead before the brother pastor could reach him. When it became known that death had suddenly invaded the sanctuary and taken from them without a moment's warning their pastor, the excitement among the congregation was intense. Women became hysterical and children screamed, and a number of men were utterly unable to control themselves. After several minutes had elapsed and it was finally realized that the minister was dead, his body was removed from the church.

# NORTH CAROLINA BASEBALLISTS.

## A Number of Them to Go to Jacksonville With "King" Kelley.

"King" Kelley, once the captain of the famous "Red Birds," of Raleigh, is rapidly getting together his men for the ball team in Jacksonville, Fla., of which he is the manager and first baseman. Mr. Kelley went to Chapel Hill yesterday, his purpose being to sign Jack Curran and to talk with Edward Hogoboom with the view of taking him on if terms were satisfactory. The Jacksonville papers are hurrahing up things for the team. In a recent issue of the Florida Sun and Labor Journal there is a big lot of pictures of the players, and among the faces are those of George Kelly, Eddie Peterson, pitchers; Will Wynne, of Raleigh, fielder; Charles Nichols, now at the A. and M. left field; Richmond Reed, of Concord, catcher; William Petzer, of Concord, third base. The Jacksonville Times-Union is just as liberal with space and pictures. It has a long write up and description of the men and praises Eddie Peterson very highly. Ashenbeck, who is in Charleston at the head of the Charleston team, tried to buy that lad, but failed. The Jacksonville folks have got a hustling manager in "King" Kelley, who will soon take fifteen men to Jacksonville.

There is talk of an artesian well for Williamston. Don't let it be all talk, the real thing would be appreciated more.—Williamston Enterprise.

Myrtle Hotel Has a Blaze. (By the Associated Press.) Bristol, Tenn., Feb. 9.—A special to the Herald from Pulaski, Va., says: "Guests of the Myrtle Hotel were aroused from slumber at five o'clock this morning by an alarm of fire, the flames having been discovered in W. D. Davidson's store. This store and stock was destroyed, as was also the general merchandise store of Bowling, Head & Sloan, entailing a total loss of \$50,000, partially insured. The Myrtle Hotel was saved only by heroic work of a bucket brigade, blankets being thrown over the frame building and kept soaked with water. None of the guests was hurt."

Caught in a Stream of Liquid Fire. (By the Associated Press.) Bristol, Tenn., Feb. 9.—A special to the Herald from Pulaski, Va., says: "A piece of the bucket of the Dora Furnace burst off this morning at five o'clock, blowing about two car loads of molten metal to escape. Wilber Smith, an employe, was caught in the stream of metal and burned to death instantly. No one else was seriously injured. One colored man was burned slightly. The damage to the furnace and appliance will reach several thousand dollars."