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VOL. XXIX

CHARLOTTE, N. C., THURSDAY EVENING, FEBRUARY 19, 1903.

NO. 4330

THE FATE OF ARTHUR L. BISHOP RESTS NOW WITH TWELVE OF HIS PEERS

Concluding Arguments Take Up Today's Session, But Judge Neil will Charge Jury This Afternoon

COL. JONES MAKES A STRONG PLEA FOR BISHOP

Attorney Cansler Winds Up the Argument for the Prosecution--Interest in the Case Unflagging

Before Superior Court adjourns this morning the fate of Arthur L. Bishop will rest with the jury. What the outcome of the deliberation of those twelve men will be no man can form an idea.

When court opened this morning Mr. T. C. Guthrie resumed his argument where he left off yesterday when court adjourned. He consumed over two hours of the morning session and was followed by Col. Jones, in an impassioned plea for the prisoner at the bar. Many who heard Col. Jones' argument pronounced it one of the most successful, clear and intelligent speeches ever made in Mecklenburg's court house. Col. Jones' speech closed the argument for the defendant and then Mr. Cansler summed up for the State, concluding the argument.

The charge of Judge Neal to the jury, which it is thought will consume about two hours, will be made before court adjourns, in order that the jury may get the case this evening. The session will not come to an end this evening until the jury gets the case, even if this program requires every minute of the time until midnight.

After the News went to press yesterday afternoon Mr. Thomas C. Guthrie, counsel for the defense, addressed the jury. Mr. Guthrie referred to the statement made by Mr. Karpatrik to the effect that sentiment in Mecklenburg was against the prisoner. He said he was prepared to deny this; that in his opinion it was the wish of all fair-minded people that the prisoner get a fair trial and that the verdict by the jury should be in accordance with the evidence.

The speaker said that his client had been held up as a rich man and that the dead was not socially Bishop's equal. This was a perversion of the facts; that Bishop belonged to the arm of laboring men who were making their living by the sweat of his brow and that it was unfair to his client to throw such a sentiment in the jury box.

The speaker then touched on the different points of law involved in the case. He declared there was no evidence produced by the State that would tend to show that the crime was murder in the first degree. He thought the same as to the contention of the State for murder in the second degree. As to manslaughter, he admitted that some of the evidence, that of Miss Ada Wilson tended in this direction. But, the evidence of Miss Wilson was largely contradicted, not only by the defendant but by the witness herself.

Mr. Guthrie then took up the evidence from the house of Mr. Bishop at the house of Mr. Meyer, until the moment of the tragedy. He declared that all the circumstances surrounding the case went to prove that Bishop went to the Wilson home as the invited guest of Miss Wilson; that the prosecution had striven to deny this fact but that it still remained a fact.

"Miss Lena Schultz," said the speaker, "was the intimate friend of Miss

Wilson. They had known each other as school girls and they had been going together since. They were companions and were intimate."

At this juncture the court took a recess until the morning at 9:30 o'clock.

At this hour, Mr. Guthrie continued. He said that he believed the jury would agree with him that Bishop was the guest of Miss Wilson. Mr. Cansler tries to create the impression that Bishop's sole purpose that night was to ruin Miss Schultz. I deny this for there is not the slightest evidence going to show this. I say the State of North Carolina is hard pressed for blood when it attempts to prove such facts.

"The State of North Carolina is not trying Bishop for being a married man who is not trying him for buying a pint of whiskey, but are trying him for a homicide and this is the crime you are to pass upon."

The speaker then took up the different degrees of murder. Murder in the first degree, such as poison, starving, lying in wait, imprisonment or any attempt to perpetration of arson, burglary, rape or any other like felon, or by all killing by deliberation or premeditation.

The speaker then cited the case State vs. Rhyne. This case is well remembered in Charlotte as the man killed by Rhyne was Mr. T. G. Falls who, at one time was proprietor of the Buford hotel of this city. The Supreme Court held in this case that Rhyne was not guilty of the crime of murder in the first degree because Rhyne had not planned to stab Falls, but, on the contrary, had stabbed him on the spur of the moment.

"Is there any evidence that Bishop had planned to kill Wilson? I submit to you that there is not the slightest. The facts are that Bishop had never seen Wilson before that night. The killing was done in a few minutes after the prisoner and the deceased met."

The speaker then read a transcript of notes taken by Judge Neal on Miss Ada Wilson's testimony. He pointed out the contradictions made by this witness and attempted to show a number of inconsistencies.

"I charge that my client is held up to this jury as a person above the family of the deceased in a social scale. I deny this. He has, since 12 years old, followed the same vocation as Miss Ada Wilson—that of clerking in a store. This is done for no other purpose but to create sentiment against my client. It is not supported by the evidence and the jury should discard it."

"It is little remarkable that Miss Ada Wilson did not hear what Bishop said just as she left the room and after she had handed Bishop his overcoat. I will tell you what Bishop said, and I will tell you what he did. He said, 'I want to call your attention to it. I don't know, he might have done so. No one saw the hat before Mr. Downs stepped on it. Did ever a man step on a hat and make a crimped place in it? If he did he must have had shoes half-soled with a curry-comb, for no shoes will make such corrugated places in a hat.'

"They ask you to believe Miss Wilson beyond a shadow of a doubt. Can you do this in view of the fact of so many contradictions. I say I don't think you can. In order to believe Miss Wilson's statement you will have to set aside the laws of nature."

"The public don't want a man's life on suspicion. The public only demands fairness and this is all. The counsel for prosecution asks you to set aside the evidence of Mrs. Meyer, Lena Schultz, Roy Palmer, Mrs. Bishop and Mr. Bishop, when they testified that my client had a bruised place on his head. They ask you to set aside the sworn evidence of Dr. McLaughlin, who testified that he examined Bishop's head and found some discoloration on Bishop's head."

The speaker then reviewed Bishop's testimony, asked the jury to consider it calmly and dispassionately. The disinterested evidence goes to show that Bishop did no more than to protect his life. If Miss Wilson's testimony is to be believed your verdict cannot be more than manslaughter.

"Now, gentlemen of the jury, I am done. I have spoken at length because I am intensely in earnest. I leave the rest with you, believing you will try the cause, not by sentiment but by the evidence in the case. Give my client a fair trial. We do not ask for mercy. We want and expect fairness."

Col. Jones followed Mr. Guthrie. He said he was glad it had come to this. He had stood before Mecklenburg juries for the past 35 years and he felt sure they would listen to him. He was sad at heart because of irresponsible people talking about this case when they knew nothing about it. He was sorry that the newspapers had made statements calculated to hurt the prisoner at the bar.

"We are here in our feeble way to do justice. There is one being in all the universe that can do perfect justice and that is our Heavenly Father. We are finite beings with limitations in our powers and our efforts. I have often said and many times felt that no man was closer to his God than when he is in the jury box passing upon life and death."

"That man is entitled to a fair trial. I have tried to impress it upon you that he is a stranger within your gates and is therefore entitled to it. You have him here and you should deal with him fairly."

"What is all this about? I have

FELL DEAD AT WIFE'S BEDSIDE.

Frank A. Lapham, Supposedly Well, Was Congratulating Sick Wife.

New York, Feb. 19.—Seated on the edge of her bed, talking to his wife, who was ill, Frank A. Lapham was stricken dead with heart disease at his home, 155 Madison avenue. He had not a moment's warning.

He was congratulating his wife on her improved condition, when he suddenly clasped his hand to his breast, threw back his head and gasped. He staggered to his feet and reeling into a chair, died.

Mr. Lapham was supposedly in perfect health. He had always prided himself on his rugged physique and had never suspected that his heart was affected. He was 53 years old and was very well known among steel manufacturers.

KNEW THE BIBLE BY HEART.

Canty Could Repeat Any Chapter Verbatim.

Saratoga, Feb. 19.—Thomas E. Canty, who is serving his third term as a member of the village Board of Trustees, died of consumption at his home, in this place, this morning.

He was born in New York City, in 1844, but had made this village his home for several years.

When a boy he began the study of the Bible, which he gradually committed to memory until he had acquired the whole of it and at a moment's notice could repeat verbatim any chapter.

He was a blacksmith and a Democrat.

LATEST FOREIGN NEWS AND VIEWS

Aged Baron Fights a Duel--Honor is Satisfied--To Grant Citizenship to the Jews--Slavs Coming Here

Budapest, Feb. 19.—A duel with sabres, between Baron Goza Fejervary, a septagenarian and minister of national defense and Herr Lergyeis, member of the Hungarian house of deputies was fought today. Fejervary was slightly wounded on the hand and honor was satisfied.

The duel was the result of the minister giving the deputy the lie recently, in spite of his age the baron states that he wished to fight with sabres instead of foils, as suggested.

Labor Troubles.
Berlin, Feb. 19.—Voiverts in a editorial today, warns all German metal workers from accepting engagements with the Canadian Locomotive Works at Kingston, Ont. The paper declares that men are to be employed to take the places of strikers in Kingston. Engineer Dusseldorf is here enlisting laborers for the company.

More Immigrants.
Vienna, Feb. 19.—Olkshalt today reports 4,000 slaves are weekly emigrating from the northern and eastern provinces of Austria to America. A majority are Ruthenians and the next Poles while others are Slovaks, Slavonians and Czechs.

Citizenship for Jews.
Vienna, Feb. 19.—The Morgan Zeitung announces that the granting of citizenship to Jews in Russia is planned for the near future.

The Venezuelan Matter.
London, Feb. 19.—In the House of Commons today, Chamberlain, parliamentary secretary for the foreign office, replying to a question, said the government was aware at the beginning of nineteen two that Germany was contemplating the necessity of resorting to coercive measures in Venezuela. By the middle of July the English Government reached a like decision. The first proposal for joint action arose in a communication from the German Ambassador.

THE POSTOFFICE CASE POSTPONED

At Request of Local Republicans, Pritchard Delays Action Until Monday--Aspirants All Busy

The settlement of the postoffice fight has been postponed until Monday. This was asked by local Republicans and last night Mr. J. F. Newell received a telegram from Senator Pritchard stating that it would be done.

Notwithstanding this however, Mr. R. W. Smith is before the final tribunal today. He left for Washington last night accompanied by Messrs. George B. Hiss, J. P. Wilson and W. T. Jordan. Mr. Jordan is chairman of the Republican executive committee of Gaston county.

Mr. Newell will leave for Washington Sunday.

NIGHT SESSIONS FOR LIQUOR BILLS

House will Debate the Watts Bill Tonight while the Senate Considers the London Measure

HOUSE PASSES BILL FOR CODE COMMISSION

Several Interesting Bills Introduced Today--The House Killed Watts Bill Amendments Last Night

Raleigh, N. C., Feb. 19.—The following bills were introduced today:

To Hoey, requiring political parties to follow their plan of organization in nominating candidates; Whitaker, to build a dormitory at the State Normal; Macrae, allowing prisoners in jail awaiting trial to work on the roads, and, if afterwards convicted, to be credited with this time on their sentence; Bellamy, providing revolving chairs for school teachers; Glenn, allowing railroads to transport free insane patients, and deaf and blind pupils.

The House meets again tonight for a debate on the Watts bill and the Senators will debate the London bill tonight. The House passed the code commission bill.

SENATE--WEDNESDAY.
When the Senate met Rev. W. C. Wilson offered prayer.

Bills Introduced.
London, To relieve the Soldiers' Home, Reinhart: To incorporate Pleasant Grove, Reinhart: To prohibit the manufacture and sale of liquor near Denver, Reinhart: To incorporate against liquor in three miles of Lebanon church in Catawba, Durham: To allow H. M. Garrison to sell drugs in Bessemer City, Travis: To relieve the widow of Chas. Smith, Hoey: To amend the charter of Shelby, McLaughlin: To protect quail in Davidson, Durham: To make the Mayor of Gaston court two weeks, Aaron: To amend the charter of Fremont, Norris: To incorporate the Raleigh Banking and Trust Co, Norris: To authorize the issue of bonds by Raleigh township for the purchase of the Centennial Public school, Hunter: To amend chapter 483 laws of 1899 relating to dispensaries in Warren, Hunter: Creating a relief fund for firemen in the North Carolina Firemen's Association, Lamb: To establish a graded school at Hope Mills in Cumberland, Reinhart: To determine whether liquor shall be manufactured or sold in Catawba and Lincoln; providing for an election on the subject next June. This bill was placed on its immediate passage and went through the Senate without opposition.

Pharr: To allow Charlotte to issue \$50,000 bonds for a graded school, Pharr: To give Charlotte Board of Aldermen additional power so that railroads can be made to light crossings, Pharr: To enable Charlotte to fund its indebtedness by issuing \$100,000 bonds, Ballinger: To amend chapter 50 laws of 1901, regarding Polk, London: To extend time for the organization of the Southern North Carolina Railroad, HOUSE.

The House met at 10 o'clock and prayer was offered by Rev. W. C. Will son.

Introduction of Bills.
Freeman, of Mecklenburg: Relative to working the public works in Mecklenburg, Willis: To place John Reese on pension roll, Scott: To amend the charter of the town of Graham, Brit tinger: To prohibit the manufacture and sale of liquor in Randolph; Beasley: To prevent gathering wild celery seed in Currituck, Daniel, of Warren: To authorize a special tax in Warren Morris, of McDowell: To appoint justices of the peace in McDowell county, Morton: In reference to the stock law in Cape Fear township in New Hanover, Morton: To amend the charter of Wilmington with reference to municipal elections, Morton: For the protection of the harbor boats of the port of Wilmington, Erwin: To amend the charter of Morganton Woodley: To permit the clerk of Superior Court of Chowan to absent himself from his office, Woodard: To appoint a justice of the peace in Pamlico, Waddell: For the drainage of Belev's Creek in Forsyth, Hughes: To appoint a justice of the peace in Camden, Wood: To prohibit hunting and fishing on the lands of another in Johnston county without consent of owner, Brittain: For the relief of Elizabeth church in Randolph county Bryan: For the relief of Roxie Billings, Guion: Relating to the tax in Craven stock law territory, Guion: To shorten the fence in Craven stock law territory, Guion: To give the courts of this State jurisdiction in cases of larceny in other States, Etheridge: To protect certain fishing in Dare, Moore:

THE GAMBLERS' FATE

Not Yet Known--The Case Continued Until Next Tuesday.

Henry Hayden, a colored hack driver was charged with going to sleep in his carriage. He gave bond.

Guy and Harry Nolan and Dick Hatch were charged with being drunk and disorderly and with an affray. Harry Nolan did not appear. Guy Nolan paid two dollars and the costs in the affray case and both paid costs in the other case.

Lou Guita, a negro woman was charged with profanity. When this case was settled and Chief Irwin began calling the names of D. L. Brooks, C. L. Rich, A. T. Yoder, Walter Daniels and W. H. Horah, there was quite a stir in the court room and interest was quickened.

These are the names of the men for whom warrants for gambling were issued last week. The trial of the cases was set for today and all the men answered to their names as called.

Mr. W. H. Horah, in answer to the Recorder's question—said that he was ready for trial.

Mr. Chase Brenner, representing Mr. Daniels, said that he was ready but stated that Mr. T. C. Guthrie who represented others of the men could not be present this morning and asked that out of courtesy to him the trial of the cases be postponed until this afternoon, asking that the court take a recess until that time. The Recorder stated that all the witnesses could not possibly be present today and that while there were enough witnesses present to make out two or three cases against all the men he wanted to go to the bottom of the matter when the cases were taken up. There was evidence to show in the affidavits that had been made that there was well organized professional gambling in Charlotte and he thought that the public good demanded that the matter be thoroughly sifted. For these reasons, he continued the case until next Tuesday morning.

Mr. Brenner then asked that the bond of \$600 required by his client, Mr. Daniels, be reduced, claiming that it was excessive. The Recorder, however, thought otherwise and the same bond was required. All the others were required to give the same bonds as before.

"FAUST" LAST NIGHT.

Gaethe's Immortal Play Presented At the Academy.

"Faust" was well received by a large and representative audience of playgoers last night. Mr. Lewis Morrison, who has many Charlotte admirers, imperiously demanded Mephisto splendidly, speaking his lines with the full consciousness of the character he played. Miss Mabel Morrison as Marguerite, sustained her part with the highest art. Mr. Leander de Cariova, as Faust, was not without merit in his presentation of Goethe's immortal character. The facilities of the new theatre for presenting electrical and pyrotechnic effects were fully tested and admirably shown in the scene of the Brocken, where Mephisto shows Faust the revels of his demons and the vision of Marguerite in prison. The closing scene showing Marguerite borne to heaven on angel's wings was a charming picture.

Carter Case Continued.

The case against John Carter, (colored) for the murder of his wife, Mary Carter, several weeks ago and which was set for trial today, was continued until next term of court.

THE BISHOP CASE.

Public Tension Is Great As the Trial Nears the End.

The town is all agog over the Bishop case and were such sensations as the suppression of gambling, the survival of the fittest, in an actual selection of a postmaster and the continuance of the cold wave—all of them legitimate headlines under normal news conditions—have been thrown into shadow. As the tumult and the shouting is about to die and the time approaches for the plea to charge and the jury to take the case the intensity of public interest is reaching the grand climactic pitch.

As usual the forecasters are trying to anticipate what the jury will do and as usual that issue remains inscrutable. If anything, the outcome is coiled in more than the customary mystery. Even the knowing ones are kept guessing, and it may prove that in this as in many other matters one man's opinion is worth as much as another's. Public sentiment perhaps has never been so outspoken in its divisions as about this homicide. The entire gamut of varying opinions has been run as to the guilt or innocence of the accused.

Some few people express themselves as desiring capital punishment. Others don't think it is necessary for the punishment to go the limit. In order to fit the crime. Others think that a verdict of manslaughter, with a recommendation to mercy, would serve the ends of justice. And still others think that upon a legal construction of the facts the prisoner at the bar should be acquitted. So the entire range is covered in the matter, and it is perhaps pertinent to all that has been said to observe that the News distinctly leaves this matter as it took it up, and that is without conclusion.

New Club Rooms.

The work of remodeling and refitting the club rooms of the Southern Manufacturer's Club will be completed this week or the first of next. When the work is done the club will have the handsomest club rooms in the South.

Bandmaster Creator Ill.

Cincinnati, Feb. 19.—Bandmaster Creator is sick with grip and his tour will be interrupted.

EIGHT CHILDREN ARE SLAUGHTERED IN THIS GRADE-CROSSING HORROR

Trolley Car Loaded With Human Freight, and fast Train Meet With Awful Results

GATES OF THE CROSSING NOT IN WORKING ORDER

Groans of the Dead and Dying Appall Rescuers--Fifteen Injured and Many Will Die

Newark, N. J., Feb. 19.—A Delaware & Lackawanna train struck a trolley car at the Clifton avenue crossing at 8:50 this morning, completely demolishing the car and instantly killing eight school children and injuring many others, who were on their way to High school.

It is said the gates of the crossing were not in working order at the time of the accident.

Eight or nine were killed and at least fifteen injured, some so badly it is feared they will die.

The trolley car was one of a number of special vehicles which the company runs between eight and nine o'clock, five mornings in the week for the special accommodation of High school pupils. The car was so full that the front platform was crowded with boys.

There is some question as to whether both the crossing gates were down when the car and train were approaching the crossing at the same time. The motorman saw the train and put on breaks with all his force. The car, however, slid up on the icy rails until the front platform projected over the tracks. A moment later the awful crash came.

The pilot of the engine struck the front platform and slewed the car around. The car then toppled over. The pupils by the force of the collision were precipitated under the wheels of the engine and some were killed immediately while others lingered a moment in fearful agony and then expired.

The motorman's skull was fractured and he will probably die. The dead or injured children lay in all directions and in addition to the police reserve every ambulance in the city was soon on the scene.

The dead are:
EDITH FAULKES,
NEVIN EASTWOOD,
ALMA ROWENBERG,
EMILY KNIGHT and four others unidentified.

Republicans to Meet.

There will be a meeting of the Republican executive committee Saturday for the purpose of reorganization. Mr. E. A. Smith the chairman has resigned and his successor will be named at the meeting Saturday. And who will succeed Mr. Smith has not been determined.

FIRE WAS HOT, BUT KINGICE TRIUMPHED

Flames Destroy Big Factory While Neighborhood Chatters With Cold--Three Killed in Springfield

Three Dead in Springfield Fire.

Springfield, O., Feb. 19.—The Fountain Square theatre, the Y. M. C. A. building and several mercantile houses were destroyed by fire this morning. Three men were killed. The loss is estimated at \$300,000.

SENATE DISCUSSES PANAMA TREATY

It is to Remain in Executive Session Today Until Action On the Matter is Secured

Washington, Feb. 19.—The Senate met at 11 o'clock today, an hour earlier than customary. This is for the purpose of clearing away routine business, so that early executive session might be held for the consideration of the Panama canal treaty. It is the intention to remain behind closed doors to lay until final action on the treaty is settled.

Senator Cullom, chairman of the Foreign Relations committee, announced this morning that at noon he would move the Senate to go into executive session on the Panama canal treaty. It is his intention, he said to hold the Senate in continuous session until the treaty is ratified.

Senator Morgan's desk is piled high with reference books and he is prepared for an indefinite continuation of his speech against ratification.

YANKEE PLUCK HAS THE KING'S FAVOR

London Firm Was Too Slow and the American Who Could Hustle Was Awarded This Commission

London, Feb. 19.—King Edward has commissioned J. G. Stewart, formerly of Cleveland, O., and connected with the Westinghouse Company here, to draw plans for a model factory for a training school, at Osborne, which His Majesty is going to erect.

His Majesty recently asked an English firm how long it would take to get plans ready for his inspection and the firm replied, three months. The King became greatly irritated at such slowness and accordingly called Stewart.

The latter promised to have the plans ready in ten days, and have the building completed by the end of August. The King promptly gave Stewart the commission.

WEATHER WILL BE WARMER ON FRIDAY

Mercury, Weary of Trying to Drop Out at the Bottom of the Tube, Will Begin Its Ascent

Washington, Feb. 19.—The Weather Bureau says this morning that the high pressure and low temperature continues throughout the country except in the extreme northwest.

There is some slight indication of another disturbance by way of New Mexico, and increasing cloudiness, with rain, may therefore be expected in the east Gulf States tonight, continuing Friday and extending into the south Atlantic States. The temperature will continue low in the East and South tonight and will rise generally, though not decidedly, on Friday.

Boston, Feb. 19.—The coldest place in New England, Northfield, which is reported to be eight below zero, Eastport, Maine, two below and Boston, four below.

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