THE POPULARITY of THE NEWS with the bulk of the best business interests of Charlotte is based upon its well-known ability to render them service far in excess of that af-

VOL. XXIX

CHARLOTTE, N. C., FRIDAY EVENING, FEBRUARY 20, 1903.

NO. 4331

## JURY IN BISHOP CASE CANNOT AGREE! MISTRIAL PRACTICALLY A CERTAINTY

quittal, Six For Second Degree Murder and Three For Manslaughter

## HOPE OF A VERDICT

at the Conclusion of Judge Neal's Charge -- Incidents of the Day

ase is hopelessly divided. Judge Neal as it is said, been notified that the rors cannot agree.

it is stated on good authority that he jury stands as follows: Three for under in the second degree; six for tomicide, which means innocence and

If this be the case, a mistrial is sure, money could have induced him ciled.

om was crowded to its capacity. Ito all that had been said or done. en standing room was at a premium. The charge was a fair one and it ight be said right here that the coun-Used in more than one particular.

Judge Neal waded through the great of evidence and then gave to the GONZALES' SLAYER le of evidence and then gave to the ry the law in the case, as he saw it defined murder in the first and secand degree, manslaughter and dwelt at After this, he told the jury to take the

ase. At first, it was thought that the udge would ask the jury to begin the he weary and tired condition of each ember of the jury, Judge Neal states hat they might not report their verlet before 10 o'clock this morning. hortly after this hour, the jury filed court to again instruct it as to the ifferent degrees of murder. After this was done Judge Neal asked: Gentlemen, do you all desire any

We would like for you to read again he law as laid down by the court,' d Mr. Flournoy This request was also granted by

At this juncture Col. Jones asked dge Neal if he would read the contions of the defendant's counsel, I will, if the jury so desire me," re-

would like to hear them," remark-The defendant's contentions were

on all hands repaired to the Central

### L IN SING SING FOR A SOCIETY MAN

George H. Pell, Wealthy, Aristocratic, Gets Three Years and Six Months For Grand Larceny

New York, Feb. 20.—George H. Pell, ciety man, member of a wealthy mily and at one time a leader in street circles, was today senbe exact charge against Pell was wreck is rapidly grinding away. success of \$3,000 from Theodore A. be borrowed.

aree of the Jurors For Ac- excusable homicide, which means they find the prisoner guilty of no crime. However, all this is idle rumor and the not be known until the matter il decided or a mistrial is ordered.

Mr. C. B. Flournoy, the foreman, is the proprietor of the large china store on East Trade street. He is one of is a Virginian. He, like all the members of the jury, has paid close attention to all the different phases of the IS ABOUT ABANDONED case and he is of that type of man who will do justice, though the heavens fall.

The closing scenes in the Eishop Jury Took the Case Last Night trial yesterday evening were dramatic n the extreme. Col. H. C. Jones' peech was a splendid effort in defense of the prisoner at the bar. This was followed by an exhaustive and able argument by Mr. E. T. Cansler, on behalf

Mr. Cansler stated that this trial had been referred to as the most important one in the history of Mecklenburg is learned this afternoon at 3:45 county. He thought it the most important in the criminal annals of th own in the law books exactly like the numerous cases where positions were reversed. But, he had yet to find one ase where the owner of the home was shot down by the man who was attempting to debauch that home. It was portant to the county of Mecklenourg and it was likewise important to manslaughter and three for excusable the great commonwealth of North

make a statement in the outset. He wanted to say that no amount is it is hardly possible for such a prosecute this case. It was not a case money consideration; that he felt ha had a duty to perform and he intended to perform this duty as God would give nim the strength. He had no harsh an two hours in its delivery, Judge words. It was the face of a gentle ight at 10:45 o'clock, the case of the from him could in any manner be con-Arthur L. Bishop, who is strued as condemnatory of her. He arged with the murder of Thomas had no harsh words to say of the loving father who had, throughout this Though the hour was late, the court interesting trial listened so earnestly

(Continued On Fifth Page.)

## IS REFUSED BAIL

Chief Justice Pope Turns Down the Application Made By Attorneys of James Tillman

Columbia, S. C., Feb. 20.-At 4:50 'clock yesterday afternoon Chief Jusice Pope refused the application for oail of James H. Tillman, charged with the murder of N. G. Gonzales and now

confined in the Richland county jail. The hearing was resumed in the sujourned from Newberry on the 12th inst., at 10 o'clock and continued until nearly 5 with an intermission from :35 until 2:40 p. m.

The prosecution was represented by Selicitor J. W. Thurmond, ex-Attorney Mr. George Sadler, one of the jurors. General G. D. Bellinger and Judge An drew Crawford

and remained until 2 o'clock en and ex-Solicitor P. H. Nelson of Messrs. C. L. Blease of Newberry and this afternoon that G. R. Rembert of Richland, of counsel pury is hopelessly divided. There for the defense, were also present but some who wish a verdict of mur- not actively participating. During most in the second degree; some who de- of the day about 100 spectators were in manslaughter and it is also rumor- the room, the number at times increas that three of the jury are in favor of | ing. Mr. B. R. Tillman, Jr., a son of the opening Col. Croft read a waiver of his legal right to be present by the defendant, Col. Tillman, who did not in person appear. The reading of the affidavits consumed one hour and a

> "Veterans" Bury the Hatchet. Washington, Feb. 20.-The Spanish War Veterans and the Spanish-Amerian War Veterans have decided to join orces. This decision was reported after "get together meeting" held at the Ebbitt house by the rival Spanish organizations and a new name and new constitution will be adopted that will be satisfactory to both. President Roosevelt expressed himself as highly pleased over the amicable result of the joint convention and will probably join the consolidated organizations.

Auctioning Madiana's Cargo. Hamilton, Bermuda, Feb. 20.-The to three years and six months cargo of the wrecked steamer Madiana | Committee on Insular Affairs today | a brickyard on the outskirts of the ing Sing, by Judge Newburger, on continues to be recovered. Auction decided to accept the Senate substition and his body thrown in an old plea of guilty of grand larceny. sales today realized a fair price. The tute for the Philippine currency bill. well.

a note broker. Sharp gave Pell Morgan Offers \$400,000 For Picture. deliate a loan, but instead Pell sold Morgan has just made an offer of the other by providing that all existers department store, a three story in the sheriff's office a few minutes. shares on Wall street and pocket \$400,000 to Dr. Breduls for his famous ing debts may be paid in coin that was frame building and threatened a The sheriff stood outside the door. the difference between the selling Rembrandt, "David and Saul," but the legal tender when the debt was conit to go to America.

THE POSTOFFICE MATTER.

Meeting of the Executive Committe Tonight to Have Bearing On It,

The unsettled condition of Charlotte postoffice affairs still excites interest and keeps up the guessing. The fact that a settlement of the matter is billed for Monday, whether or not makes the interest the keener as the day approaches. This fact is still further accentuated that a meeting of the county truth of the standing of the jury will executive committee of the Republican party is called for tomorrow. The committee is composed of about 45 members with Mr. E. A. Smith chairman It is said that the committee regards the action of the element that recom-Charlotte's best citizens and by birth mended the appointment of R. W Smith to the position as without authority and unwarranted. It is said that they as the official body of the party were entirely ignored. They further claim that if any body is entitled to a hearing that they are and must be considered in the matter. As to who the committee is in favor of is another question and of course can not be known until they have acted. It may be only principle that is involved in their fight and that they have no kick coming against Smith. It may be Newell and it may be neither of the

Mr. Newell leaves tomorrow night for Washington, Mr. Smith and his party are already there.

PRESIDENT STANDS BY CRUM.

Insists On Recorded Vote In the

Senate On the Advance Report. Washington, Feb. 20.-Today's derelopments in the Crum case indicate that party lines will be drawn by the President's request for a roll-call on the adverse report of the Commerce committee on the nomination. Senator Frye, chairman of the com-

nittee, called on the President, and suggested that in view of the fact that the appointment of Crum as collector of customs is unquestionably distasteful to the business interests of Charleston, S. C., and the general sentiment prevailing in the committee, it might be advisable to withdraw it.

The President positively declined to he thought it fair to insist on a rollcall. The President's desire for a rollcall may not be granted.

Senator Clay will report the nominaweek, but there is a firm determination on the part of the opposition to take advantage of the rule and prevent a vote. This course is deemed those Republicans who doubt the wisdom of forcing a colored collector on a community of white business men cannot justify themselves, from a political This means that the President will

that unless a roll-call is had he will reappoint Crum immediately after Congress adjourns, Some of the Democrats contend that it will be "good politics to put it up to the President. The colored supporters of Crum have presented to individual Republican Senators a lengthy petition urging confirmation, and alleging that a principle is involved in which the entire colored race is interested. The petition recites the history of the disfranchisement movement in the South and gives a list of colored Federal appointments made by Harrison, McKinley and

## MORGAN FIGHTING PANAMA TREATY

Congress Will Attend Dedication of St. Louis Exposition -- The House Committee Adopts Substitute

Washington, Feb. 20.—The Senate immediately upon asembling at 11 o'clock this morning, went into executinuing its consideration of a Panama canal treaty. No quorum being present, a roll call was ordered after which a sufficient number of Senator arriving, Morgan resumed his speech against ratification of the treaty.

The Day in the House. Speaker Henderson laid before the House today an invitation from the attend the dedication exercises of the St. Louis exposition April 30th, May 1 and 2nd, 1903. The invitation was accepted and a resolution adopted providing for the appointment of eight members of the House, elected to the 58th Congress, to form a committee, with five Senators, to represent Con-

gress at the exercises. Concurrent resolutions were adopted for printing 24,000 additional copies of the oration delivered by Secretary of State Hay at the time of the Mc-Kinley memorial exercises in the

Philippine Currency Bill. It was amended in two particulars, however, one by striking out the Patterson amendment providing for an

## BUBBLE OF NEGRO ATTORNEY, BURSTS

It Sailed Along Smoothly and Gaily Until Solicitor Webb Had Basis of Pet Scheme Nol Prossed

#### AS A MARTYR, PEOPLES WAS NOT HOWLING SUCCESS

His Client Liberty But the Judge Overruled the Contention

The case of Bud Peoples was this Webb and Sheriff Wallace was ordered 3d.

by the Judge to liberate Peoples. Ordinarily, Bud Peoples' case would not excite any interest but in this instance it is one of special importance. It will be recalled by News readers that this is the case W. H. Green, the negro lawyer,took to the Supreme court after the defendant Peoples had been tried, convicted and sentenced for the crime of gaming.

In the statement of facts cited in Green's contentions it was charged that neither the grand jury that found the bill of indictment or the petit jury bridge county. that convicted, were competent to pass upon Peoples' liberty. First: Because said juries

drawn from a properly revised jury Second: That when said "jury list" was revised, it was so revised with the

nating against persons of defendant's Third: That for more than twentyive years such unjust discrimination has been the practice of various offifor the several courts, for said county. which the defendant was ready to

show from the records of the court and The counsel for the defendant Peobe called on to carry out his threat this city, motion was made to quash to be heard in the Superior court in the bill of indictment, because the grand jury that found the bill and the petit jury that passed on same wer

improperly and biasly selected. Judge Coble who was presiding at his special term of the Superior court denied the right of the defendant to go nto the matter, therefore, the case was taken to the Supreme court. A decision handed down by Justice Montgomery was in favor of the contentions made by Peoples' counsel. Since that time Peoples has conten-

ed himself at the county jail, there a martyr to his race—as he claims. But Solicitor Webb thinks that Peoples has suffered enough. He has been in jail for nearly nine months and as his crime was that of gaming, he thought that the best disposition to make of the case was to give Peoples his liberty. Green resisted the argument of the Solicitor to have the case nol prossed, saying that he did not think this a proper time to enter a nol pros. The Judge overruled the contention and ordered that Peoples be given

BEFORE THE RECORDER.

Mark Teeter Charged With Violating

Barroom Ordinance. Mack Teeter and W. H. Hoover were charged with violating the city ordinance in regard to the delivery of liquors from the back door of barcooms. The offense occurred at Hoov er's bar, Teeter being the salesman who delivered the liquor. Hoover knew nothing of the matter. Teeter acknowleged to the offense but said that it was unintentionally and without thinking that he was violating the law. He was fined \$10 and the costs. Hoover was discharged.

John Dayfield, a 16-year-old negro oy, was charged with assaulting Jim Dorritee, the 13-year-old son of Rev. exposition managers for Congress to J. A. Dorritee. He was warned to attend to his own affairs and let off with

Tom Johnson and John Pickert, colored, were charged with assault on Tom Lyles and with carrying concealed weapons. Pickert was dicharged, Johnson was required to give two bonds of \$25 each and Lyles was also equired to give one bond of \$25 for his part in the affair.

Stevenson Gets Thirty Years. Winston-Salem, N. C., Feb. 20.-Sandy Stevenson was sentenced to 30 years On strict party lines the House December 21. Miller was murdered in tion into his condition.

Fire Burns Department Store.

MRS, SHAW MAY WED A GOELET. Former Miss Nannie Langborne Said To Be Engaged.

New York, Feb. 20.-Society is looking forward to the formal announcement of the engagement of Robert Walton Goelet, the richest single young man in New York, and Mrs. Nannie Langhorne Shaw, which has been rumored frequently since Mrs. Shaw obtained her divorce a few weeks

Mrs. Shaw is in Paris, and Mrs. Goelet and her son will shortly start for the other side in the former's yacht Nahma. It is thought that the engagement will be announced in Paris. Since his graduation from Harvard

Mr. Goelet has spent most of his time in travel and has been seen little in New York society. Within a year Mr. Goelet came into the bulk of the fortune left by his father and is now the possess in his own right of \$20,000,000. His wealth, however, has not made any appreciable difference in the quiet, re-Green Resists Motion to Give served and modest young man who was

the pride of his class at Harvard. Mrs. Shaw, formerly Nannie Langhorne, is a Virginia girl and a sister of Mrs. Chas. Dana Gibson, the original "Gibson" girl. She was married October 27, 1897, to Robert Gould Shaw. On February 3 last Mrs. Shaw was granted a divorce on statutory grounds. Under the terms of the decree Mrs. Shaw was given the possesmorning nol prossed by Solicitor sion of her son, Robert Gould Shaw

Four days after the divorce was granted Mr. Shaw was quietly married Mrs. Mary Converse, widow of C. H. Converse, of Newton, Mass.

POSTMASTERS APPOINTED.

Charges In Virginia And West Vir ginia Postoffices.

Washington, Feb. 20.-Postmasters ave been appointed as follows: Virginia-George W. Henkle, to suceed Jesse T. Hopkins at Bandy, Tazewell county; Gilmore S. Leech, to suceed P. S. Beard at Collierstown, Rock-

West Virginia-J. M. Toler, to succeed A. M. Toler at Beech Creek, Min-Charles F. Stewart at Edith, Wyoming

The rural free-delivery routes will be established in North Carolina on avowed purpose of unjustly descrimi- March 2 according to the following arangement:

Barber, Rowan county-One carrier; length of route, 221-8 miles; population served, 540; number of houses on route, 120. The postoffice at Blackner cers respecting the selection of juries will be discontinued. The postoffice at Manning is to be supplied by rural carrier. Mail to Barber, N. C. Bower, Forsyth county-One carrier

ength of route, 23 3-4 miles; population served, 508; number of houses on ples' stated that when the case came route, 127. The postoffices at Nain and Clemmonsville will be discontinued Mail to Bower, N. C. Kernersville, Forsyth county-One

earrier; length of route, 203-4 miles; population served, 432; number of ouses on route, 108. The postoffice at Goodwill will be discontinued. Mail to Kernersville, N. C.

Fifth Victim Dies.

New York, Feb. 20 .- The fifth victim of the Fort La Fayette explosion yesterday, William Van Gurp, civilian ordnance man, living in Brooklyn, died in the government hospital at Fort Hamilton today.

Well Known Explorer Dead. Vienna, Feb. 20.-Chevalier De Ssherser, a well known explorer of North America and the far east, died today, aged 82 years.

## DARING DEEDS OF DESPERATE MEN

One Had Sense Enough To Kill Himself, Another is Crazy While Third Still Afflicts Humanity

New Orlcans, Feb. 20 .- A negro desperado is holding the entire police force of this city at bay. He is barricaded in a room on Rampart street armed with his own revolver and two pistols captured from police officers who attempted to arrest him before he fortified himself. The house is surrounded and a repetition of the Charles affair is not unlikely.

Reading, Feb. 20.-Jesse Pennypacker, distant relative of Governor Pennypacker, walked into the National Union Bank this morning and thrust a

This One Is Crazy.

lagger a foot long through the window at Assistant Cashier Wanner, He demanded money and said he intended to kill some of his neighbors. The Chief of Police was summoned who aisin the penitentiary today by Judge armed Pennypacker and jailed him. He Shaw for the murder of John Miller on | will be confined, pending an examina-

Alleged Murderer Suicides. Akron, Ohio, Feb. 20.-John Barber, magnet's million. who has been on trial for the murder of his wife, suicided last evening. Houghton, Mich., Feb. 20.-Fire at Barber had just been taken from court

## MANY GUESTS PERISH IN FLAMES; CROWDED HOTEL DESTROYED BY FIRE

POISON SENT AS VALENTINE.

Young Woman Of York Receives a Phial Of Deadly Drug By Mail. York, Pa., Feb. 20 .- A dainty package containing a phial of dark liquid marked "poison" was delivered by a postman on St. Valentine's Day to Miss Lulu Cole, a pretty, young woman of 231 West West Philadelphia street. This undesirable valentine has since been followed by eight unsigned letters coming through the mail and containing dark threats against the young

woman's life. Upon the receipt of the eighth letter Miss Cole became alarmed, and the bottle containing the poison and the letters have been given to the postal authorities. Miss Cole is confident they will be successful in running down the sender, as suspicion is cast upon a young woman of her acquaintance who is known to have made jealous utterances against her and a young man who recently threatened to kill Miss Cole and her brother. The phial marked "poison," upon analysis, was found

Confirmation Services.

Rt. Rev. Joseph Blount Cheshire, Bishop of North Carolina, will visit St. Martin's chapel, Davidson and Tenth streets tomorrow (Saturday) night at 8 o'clock, and administer the rite of confirmation. The public is cordially

## SENATE PASSES

As Amended it Prohibits Em- more persons overcome by smoke. It ployment of Children Un-Twelve and Regulates Hours of Labor

Raleigh, N. C., Feb. 20 .- The Senate passed the child labor bill after amend ing the same. As amended it prohibits the employment of children under twelve; makes 66 hours a week's work for children under eighteen, but does not prohibit them working

The bill for the better regulation of fire insurance passed the Senate. The Senators debated the London bill and the House the Watts bill without reaching a vote

A resolution was introduced relative to the cyclone sufferers in Hertford.

SENATE-THURSDAY. The Senate met at 10:30 and Rev. M. Culbreth offered prayer. PASSED FINAL READING

The following bills from the House were enrolled for ratification: amend chapter 253, acts of 1895 for draining Matamusket Lake. To allow Dare to levy special tax. To allow Yancey to levy a special tax. To authorize Beaufort to levy a special tax the indebtedness of Alamance. To authorize Beaufort to levy a special tax. To allow High Point to issue bonds. To authorize Fayetteville to contract for water works, lights and sewerage, To consolidate the charter of Brevard. To authorize Mitchell to levy a special tax. To allow Camden to levy special tax. To instruct the commissioners of Pender regarding the sinking fund. To incorporate Caldwell Institute graded school. To incorporate the town of Washington. To amend the charter of Bayboro. To protect water supplies. To validate certain acts of justices of the peace in Brunswick. For the relief of certain citizens of Brevard.

PASSED THE SENATE. The following Senate bills passed third reading in that body and were ter of Wilson. For better working of the roads in Chatham. To authorize Oxford to issue bonds for water works and lights. To amend the charter of Pinebluff. To repeal and recharter of Vatican Hall of Beatification. Admis-Pinebluff. To etablish graded schools in Cross Crook, Cumberland. To incorporate Gladstone in Stanly. To incorporate Oakley in Pitt. To allow Greene to levy a special tax. To facilitate the taking of depositions in the Beatification. The ceremony consisted State in suits without the State. Re-

(Continued On Third Page.)

AFTER ROCKEFELLER MILLION. Magnetic Healer Thinks He Can Cure | world. the Oil Magnate.

Worcester, Mass., Feb. 20.-Charles Gilson, a railway mail clerk who throne on the shoulder of the Guard, has met with wonderful success as a amid a waving of peacock fans. Simulmagnetic healer, is after the \$1,000,005 taneous with the ceremony in the Hall John D. Rockefeller has offered for the of Beatification, Cardinal Rampolla, person who can cure him of his stom- papal Secretary of State, conducted a ach troubles. Gilson has never yet fail- solemn thanksgiving service in St. ed in a case he has accepted, he says, Peter's Cathedral and about 25000 were and he believes he can win the oil

"I am not a magnetic healer for the gain there is in it," said Gilson today, "These last fetes of my jubilee open "and I have not accepted fees for what auspiciously and please God may they hundred shares of stock to The Hague, Feb. 20.-J. Pierpont international monetary Congress and 2:30 this morning destroyed L. Hill- by the sheriff and was allowed to sit I have done, but Rockefeller's million close the same way." On reaching his is tempting and I want it."

grant Gilson an interview, and every the fatigue. He was in excellent spirits of the shares and the amount owner refused it, as he does not wish borrowed.

The Senate bill provides a stock, valued at fifty thousand dollars, desk and shot himself through the day Gilson expects to receive a sum- and exclaimed, "This is really the hap- will be a total loss."

The Senate bill provides a stock, valued at fifty thousand dollars, desk and shot himself through the hap- will be a total loss.

Clifton Hotel, at Cedar Rapids, la., Reduced to Ruins in the Early Hours of the Morning

#### 25 PERSONS ARE REPORTED INJURED, SOME SERIOUSLY

Number of Dead Will Not Be Known Until the Debris is Cleared Away -- Guests Leaped from Windows

Cedar Rapids, Ia., Feb. 20.-The Clifton hotel in this city was destroyed by fire early this morning. It was filled with guests, many being delegates to the State Y. M. C. A. convention and every room was crowded, several guests occupying cots in the hallways. When the alarm of fire was sounded, forced forward by the dense smoke that flooded the halls and apartments, some of the guests plunged two and three stories to the pavement.

The number of lives that were sacrificed will not be known until the wreckage is cleared away. Women and children were carried through smoke-filled corridors to places of safety and policemen who rushed into the burning structure found a dozen or is reported that 25 were injured, several seriously.

FROHMAN GETS NEW PLAYS.

Secures Two On First Day Of His Lon-

London, Feb. 20.-Mr. Charles Frohmen, although but a few hours in London, has already secured two pieces which will be produced in American

later in the year Mr, Frohman arrived yesterday at the Carlton Hotel. When seen in the evening he said he had secured all the rights in England and America to a new comedy by Anthony Hope, and had also completed arrangements to produce in New York in the autumn, with an American company, George Edwarde's musical comedy. Girl from Kais," which is having a big run at the Apollo Theatre.

More Trouble For Louise.

Dresden, Feb. 20.-The wife of a prominent dentist in this city has brought suit to have the marriage ties passed final reading in the Senate and broken. She alleges that she recently found in the pockets of her husband's clothing several love letters which she claims were written by the Crown Princess Louise, who eloped with the French tutor, Giron,

# POPE LEO'S LIFE

Aged Pontiff Celebrates The Twenty - Fifth Anniversary of His Ascendancy to the Pontificate

Rome, Feb. 20 .- The twenty-fifth anniversary of the election of Leo XIII to the head of the Roman Catholic church was celebrated this morning in the sion was only by ticket and about 4,000 persons were present.

A majority stood in the Regia and Bucale halls, through which His Holiness passed on the way to the Hall of of the Pope receiving delegations of pilgrims from all parts of the world followed by the presentation of gifts to His Holiness, the chief of which was a magnificient triple crown offering of Catholics throughout Roman

The Pope, after entering the Hall in

in attendance there. Replying to the congratulations of those present His Holiness said: apartments after the exercises he ap-Mr. Rockefeller has been asked to peared to be suffering but little from