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NO. 4331

JURY IN BISHOP CASE CANNOT AGREE; MISTRIAL PRACTICALLY A CERTAINTY

Three of the Jurors For Acquittal, Six For Second Degree Murder and Three For Manslaughter

HOPE OF A VERDICT IS ABOUT ABANDONED

Jury Took the Case Last Night at the Conclusion of Judge Neal's Charge -- Incidents of the Day

It is learned this afternoon at 3:45 o'clock that the jury in the Bishop case is hopelessly divided. Judge Neal has, it is said, been notified that the jurors cannot agree.

It is stated on good authority that the jury stands as follows: Three for murder in the second degree; six for manslaughter and three for excusable homicide, which means innocence and acquittal.

If this be the case, a mistrial is sure, as it is hardly possible for such a division of sentiment to be reconciled.

After a charge that consumed more than two hours in its delivery, Judge Walter H. Neal gave to the jury, last night at 10:45 o'clock, the case of the State vs. Arthur L. Bishop, who is charged with the murder of Thomas J. Wilson.

Though the hour was late, the court room was crowded to its capacity. Even standing room was at a premium.

The charge was a fair one and it might be said right here that the counsel for the defense were agreeable surrendered in more than one particular. Judge Neal waded through the great pile of evidence and then gave to the jury the law in the case, as he saw it. He defined murder in the first and second degree, manslaughter and dwelt at some length on excusable homicide. After this he told the jury to take the case.

At first, it was thought that the judge would ask the jury to begin the consideration of the case at once. But, owing to the lateness of the hour and the weary and tired condition of each member of the jury, Judge Neal stated that they might not report their verdict before 10 o'clock this morning.

Shortly after this hour, the jury filed into the court room and through its foreman, Mr. C. B. Flournoy, requested the court to again instruct it as to the different degrees of murder. After this was done Judge Neal asked:

"Gentlemen, do you all desire any further instructions?"

"We would like for you to read again the law as laid down by the court," said Mr. Flournoy.

This request was also granted by Judge Neal.

At this juncture Col. Jones asked Judge Neal if he would read the contents of the defendant's counsel.

"I will, if the jury so desire me," replied Judge Neal.

"I would like to hear them," remarked Mr. George Sadler, one of the jurors.

The defendant's contentions were then read by the court, and the counsel then repaired to the council room and remained until 2 o'clock when all hands repaired to the Central hotel for dinner.

It is rumored this afternoon that the jury is hopelessly divided. There are some who wish a verdict of murder in the second degree; some who desire manslaughter and it is also rumored that three of the jury are in favor of

THE POSTOFFICE MATTER.

Meeting of the Executive Committee 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 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 recommended 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 two.

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 developments 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 committee, 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 withdraw the nomination, stating that he thought it fair to insist on a roll-call. The President's desire for a roll-call may not be granted.

Senator Clay will report the nomination in the Senate some time next week, 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 advisable in view of the fact that those Republicans who doubt the wisdom of forcing a colored collector on a community of white business men cannot justify themselves, from a political standpoint, in voting "to turn down" the Administration.

This means that the President will be called on to carry out his threat that unless a roll-call is had he will appoint 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 Congress to adjourn until the next week, so that the 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 Roosevelt.

BUBBLE OF NEGRO ATTORNEY BURSTS

It Sailed Along Smoothly and Gaily Until Solicitor Webb Had Basis of Pet Scheme Not Prossed

AS A MARTYR, PEOPLES WAS NOT HOWLING SUCCESS

Green Resists Motion to Give His Client Liberty But the Judge Overruled the Contention

The case of Bud Peoples was this morning not prossed by Solicitor Webb and Sheriff Wallace was ordered 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 that convicted, were competent to pass upon Peoples' liberty.

First: Because said juries were not drawn from a properly revised jury list.

Second: That when said "jury list" was revised, it was so revised with the avowed purpose of unjustly discriminating against persons of defendant's race.

Third: That for more than twenty-five years such unjust discrimination has been the practice of various officers respecting the selection of juries for the several courts, for said county, which the defendant was ready to show from the records of the court and out of the mouths of witnesses.

The court, after the defendant Peoples' stated that when the case came to be heard in the Superior court in this city, motion was made to quash the bill of indictment, because the grand jury that found the bill and the petit jury that passed on same were incompetent and biased. He further stated that when the case came to be heard in the Superior court at this special term of the Superior court denied the right of the defendant to go into the matter, therefore, the case was taken to the Supreme court. A decision handed down by Justice Montgomery was in favor of the contentions as made by Peoples' counsel.

Since that time Peoples has contented 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 counsel has the money, 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 not prossed, saying that he did not think this a proper time to enter a nolo pross. The Judge overruled the contention and ordered that Peoples be given his liberty.

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 Langborne Shaw, which has been rumored frequently since Mrs. Shaw obtained her divorce a few weeks ago.

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 possessor in his own right of \$20,000,000. His wealth, however, has not made any appreciable difference in the quiet, reserved and modest young man who was the pride of his class at Harvard.

Under the terms of the divorce Mrs. Shaw, formerly Nannie Langborne, 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 divorce Mrs. Shaw was given the possession of her son, Robert Gould Shaw 2d.

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

POSTMASTERS APPOINTED.

Charges in Virginia and West Virginia Postoffices.

Washington, Feb. 20.—Postmasters have been appointed as follows:

Virginia—George W. Henkle, to succeed Jesse T. Hopkins at Brady, Tazewell county; Gilmore S. Leech, to succeed P. S. Beard at Collierstown, Rockbridge county.

West Virginia—J. M. Toler, to succeed A. M. Toler at Beech Creek, Mingo county; Perry Elkins, to succeed Charles F. Stewart at Edith, Wyoming county.

The rural free-delivery routes will be established in North Carolina on March 2 according to the following arrangement:

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

Bower, Forsyth county—One carrier; length of route, 23-4 miles; population served, 508; number of houses on route, 127. The postoffices at Nain and Clemmonsville will be discontinued. Mail to Bower, N. C.

Kernersville, Forsyth county—One carrier; length of route, 20-3-4 miles; population served, 432; number of houses 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 Gorp, 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 Orleans, 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.

This One Is Crazy.

Reading, Feb. 20.—Jesse Pennypacker, distant relative of Governor Pennypacker, walked into the National Union Bank this morning and thrust a dagger 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 as armed Pennypacker and jailed him. He will be confined, pending an examination into his condition.

Alleged Murderer Soulds.

Akron, Ohio, Feb. 20.—John Barber, who has been on trial for the murder of his wife, suicided last evening. Barber had just been taken from court by the sheriff and was allowed to sit in the sheriff's office a few minutes. The sheriff stood outside the door. Barber found a revolver in the sheriff's desk and shot himself through the heart.

Fire Burns Department Store.

Houghton, Mich., Feb. 20.—Fire at 2:30 this morning destroyed L. Hillers department store, a three story frame building and threatened a business portion of the town. Hillers' stock, valued at fifty thousand dollars, will be a total loss.

MANY GUESTS PERISH IN FLAMES; CROWDED HOTEL DESTROYED BY FIRE

Clifton Hotel, at Cedar Rapids, Ia., 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 more persons overcome by smoke. It is reported that 25 were injured, several seriously.

SENATE PASSES CHILD LABOR BILL

As Amended It Prohibits Employment of Children Under Twelve and Regulates Hours of Labor

Raleigh, N. C., Feb. 20.—The Senate passed the child labor bill after amending 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 longer.

The bill for the better regulation of fire insurances passed the Senate.

The Senators debate this 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. J. M. Cuthbert offered prayer.

PASSED FINAL READING.

The following bills from the House passed final reading in the Senate and were enrolled for ratification: To amend chapter 253, acts of 1895 for draining Matamusket Lake. To allow Dartmouth to levy a special tax. To allow Yancy to levy a special tax. To authorize Beaufort to levy a special tax to 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. To incorporate the town of Pinebluff. To establish graded schools in Cross Creek, 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 State in suits without the State. Repeal 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 their reading in that body and were sent to the House: To amend the charter 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 Pinebluff. To establish graded schools in Cross Creek, 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 State in suits without the State. Repeal 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.

HAPPIEST DAY OF 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 Vatican Hall of Beatification. Admission 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 Beatification. The ceremony consisted 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 magnificent triple crown offering of Roman Catholics throughout the world.

The Pope, after entering the Hall in an invalid's chair, was borne to the throne on the shoulder of the Guard, amid a waving of peacock fans. Simultaneous with the ceremony in the Hall of Beatification, Cardinal Rampolla, papal Secretary of State, conducted a solemn thanksgiving service in St. Peter's Cathedral and about 25,000 were in attendance there.

Replying to the congratulations of those present His Holiness said: "These last fetes of my jubilee open auspiciously and please God may they close the same way." On reaching his apartments after the exercises he appeared to be suffering but little from the fatigue. He was in excellent spirits and exclaimed, "This is really the happiest day of my life!"

AFTER ROCKEFELLER MILLION.

Worcester, Mass., Feb. 20.—Charles L. Gibson, railway mail clerk who has met with wonderful success as a magnetic healer, is after the \$1,000,000 John D. Rockefeller has offered for the person who can cure him of his stomach troubles. Gibson has never yet failed in a case he has accepted, he says, and he believes he can win the oil magnate's million.

"I am not a magnetic healer for the gain there is in it," said Gibson today, "and I have not accepted fees for what I have done, but Rockefeller's million is tempting and I want it."

Mr. Rockefeller has been asked to donate Gibson an interest, and every day Gibson expects to receive a summons to go to the Standard Oil king.

GONZALES' SLAYER IS REFUSED BAIL

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

Columbia, S. C., Feb. 20.—At 4:50 o'clock yesterday afternoon Chief Justice Pope refused the application for bail 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 supreme court room, having been adjourned from Newberry on the 12th inst., at 10 o'clock and continued until nearly 5 with an intermission from 1:35 until 2:40 p. m.

The prosecution was represented by Solicitor J. W. Thurmond, ex-Attorney General G. D. Bellinger and Judge Andrew Crawford.

The defense was represented by Congressman-elect G. W. Croft of Aiken and ex-Solicitor P. H. Nelson of Columbia. Ex-Judge O. W. Buchanan, Messrs. C. L. Bleasde of Newberry and G. R. Rembert of Richland, of counsel for the defense, were also present but not actively participating. During most of the day about 100 spectators were in the room, the number at times increasing. Mr. B. R. Tillman, Jr., a son of Senator Tillman, was a spectator.

At 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 half.

"Veterans" Bury the Hatchet.

Washington, Feb. 20.—The Spanish War Veterans and the Spanish-American War Veterans have decided to join forces. This decision was reported after a "get together meeting" held at the Elbitt 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 cargo of the wrecked steamer Madiana continues to be recovered. Auction sales today realized a fair price. The wreck is rapidly grinding away.

Morgan Offers \$400,000 For Picture.

The Hague, Feb. 20.—J. Pierpont Morgan has just made an offer of \$400,000 to Dr. Bredius for his famous Rembrandt, "David and Saul," but the owner refused it, as he does not wish it to go to America.

CELL 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, a society man, member of a wealthy family and at one time a leader in Wall street circles, was today sentenced to three years and six months in Sing Sing, by Judge Newburger, on the plea of guilty of grand larceny.

The exact charge against Pell was larceny of \$3,000 from Theodore A. Mack, a note broker. Sharp gave Pell several hundred shares of stock to negotiate a loan, but instead Pell sold the shares on Wall street and pocketed the difference between the selling price of the shares and the amount he borrowed.