

THE WEATHER TODAY:
For North Carolina:
Partly cloudy.
For Raleigh:
Fair.

THE MORNING POST.

TEMPERATURE:
Temperature for the
past 24 hours:
Maximum, 74.
Minimum, 50.

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Winston to Get Her Public Building

Abandons Fight to Have Government Buy Court House, and Accepts Old Appropriation of \$60,000.

Gen. Ainsworth's Book

By THOMAS J. PENCE

Washington, D. C., April 28.—Speaking at Winston-Salem has abandoned the fight to have the government purchase the court house for a public building, and at the instance of representatives of the city authorities and the board of trade, the supervising architect of the treasury department this afternoon to advertise for bids for a \$55,000 building to be erected on the site purchased under authority of the appropriation made by congress four years ago for the erection of a public building in the twin cities.

There was a \$60,000 appropriation made for this project, but the people of Winston-Salem thought they were entitled to a better building, and they considered the county court house more desirable in every way for the new post office, and for that reason they never took advantage of it. The purchase of the court house was vigorously urged, but it is against the policy of the government to buy second-hand buildings for its purposes, and there was little hope that congress would be induced to set the precedent.

Realizing the futility of further effort in this direction, it was decided to take advantage of the old appropriation, which means a public building at a comparatively early date. The situation was laid before Mr. Taylor, the supervising architect, this afternoon by W. T. Brown, representing the city and aldermen and R. W. Burdell, of the board of trade. He suggested them on their decision, and stated that he would ask for bids at an early date for the construction of the building, the plans of which were drawn several years ago. These provide for a very substantial two-story building, with post office, court and revenue accommodations. The site on which the new building will be located was purchased at a cost of \$1,500. This leaves \$56,000 for the building. However, an additional appropriation may be obtained from the new congress, which would give this site a more ornamental. The public building bill that failed of passage last winter contained a \$15,000 appropriation for the Winston-Salem project.

Speaking of the situation while at the treasury department, Mr. Brown said: "Our growing city is in urgent need of a commodious public building and our people decided they would not wait longer. While the appropriation available is nothing like what we desire, we decided to take any old thing. We

have been fighting for a public building for 20 years, during which time we have paid into the federal treasury forty million dollars."

General Ainsworth, the military secretary, has just completed one of the most valuable and interesting publications issued by the government in a long while. It is a pamphlet containing a mass of information in regard to the general officers who served in the armies of the Confederate states from 1861 to the close of the war in 1865. The statements were compiled from the official records and are complete in every particular, giving the date of the appointment to each officer, together with information regarding his services.

With reference to the policy of the administration to force the separation of organization Republicans from the service, the Star, the administration organ here, said this afternoon:

"It is said to be the intention of the postmaster general to issue a circular to all postmasters, in which they will be instructed in the rules of the civil service, after which, if they do not possess the proper amount and quality of gray matter to comprehend their meaning, it is more than likely that they will be relieved from their duties in the government service and permitted to devote their entire time and labors to the political organizations with which they chance to be affiliated."

Commander McCrea, inspector in charge of the light house service in this district, announces the appointment of Mr. John Rose to be keeper of Wreck Point beacon light, N. C., succeeding N. V. Midgett, who has retired from the service.

The president today appointed the following North Carolina postmasters: Daniel McLeod at Carthage, Drury W. Deweese at Murphy.

Fourth class postmasters were named as follows: James E. Estep at Amelia, Alleghany county; Joshua W. Wood, Holyfield, Surry county; James Disson, Ham, Bladen county.

Rural delivery routes were authorized today to begin operation June 1 as follows: Route No. 1 from Bath, Beaufort county; route No. 6 from Greenville, Pitt county.

North Carolina arrivals include Representative Fou, G. L. Morton of Wilmington, ex-Judge Spencer B. Adams of Greensboro, Reuben D. Reid of Wentworth, A. R. Newcombe of Charlotte, John A. Mills and Charles H. Gattis of Raleigh, W. J. Craig and W. H. Malloy of Wilmington and Mr. and Mrs. J. R. Rountree.

Mrs. George Mercer of Washington Circle, will leave Washington this week for a visit to Durham, N. C. Marriage license was issued to John W. Brown of Charlotte and Elizabeth R. Hendricks of this city today.

Arguments in the case of the Wells Company of Mississippi vs. the Gastonia & Avon Mills was completed in the United States supreme court today. J. Hirsch and C. W. Tillett spoke for the plaintiffs, while Assistant District Attorney Augustus H. Price appeared for the defendants. About \$70,000 is involved in the litigation.

in Boston yesterday to advocate the representation of Massachusetts at the Jamestown Exposition in 1907. He appeared before the legislative committee on federal relations during the afternoon and made a strong address in favor of having Massachusetts erect a state building at Jamestown. He left here last evening, apparently in his usual health.

Change for the Worse

Washington, April 28.—At 11 o'clock tonight there has been a change for the worse in General Fitzhugh Lee's condition, and the opinion was expressed at the hospital that his chances of recovery were very poor.

Career of General Lee

General Lee was born at Clarmont, Fairfax county, Va., November 19, 1835, his father being a brother of the late Robert E. Lee. He was graduated from the United States Military Academy in 1855, commissioned a second lieutenant in the second cavalry and saw considerable service against the Indians, receiving a severe wound in one engagement. He was an instructor at the West Point Academy when the civil war began, but resigned his command and joined the Confederacy. He was made adjutant general of Ewell's brigade and in September, 1861 was appointed colonel of the First Virginia Cavalry. He participated in all the battles of northern Virginia 1861-2 was made brigadier general in 1862 and major general the next year. At the battle of Winchester he had three horses shot under him and was severely wounded. In 1865 he commanded the army of Northern Virginia until he surrendered to Gen. Mead at Farmville.

General Lee was elected governor of Virginia in 1886, serving until 1890. In 1893 he was appointed United States consul at Havana by President Cleveland, and was retained by President McKinley until the declaration of the war with Spain. His conduct of the detail questions preceding the war was the subject of high praise.

In May, 1893, he was appointed major general of volunteers, and after the conclusion of peace was made military governor of Havana. Subsequently congress by a special act in 1901 made him a brigadier general in the regular army for the purpose of placing him in such upon the retired list, which was done in March of that year.

FOUR BEARS THURSDAY

Roosevelt's Message to Sec'y Loeb—He Rests Till Monday

Glenwood Springs, Col., April 28. President Roosevelt communicated with Secretary Loeb this afternoon and gave a quietus to the reports that he is in ill health. His message came over the telephone, the president dictating it to Courier Chapman, who rode from the camp to a nearby ranch. The president's message in part was as follows: "We got four bears yesterday. All are well."

The rest of the president's message related to public matters and was tonight communicated to Secretary of War Taft.

Newcastle, Col., April 28.—President Roosevelt did not participate in the hunt today, according to a telephone message received from a rancher living close to camp Roosevelt. It is further stated that he intends to rest until Monday.

J. B. DUKE'S CHAUFFEUR ARRESTED

President of American Tobacco Co. Was Taking Initial Spin in New Auto

New York, April 28.—Romer Grasser, of 30 West Sixty-sixth street, who drives an automobile for James B. Duke, president of the American Tobacco Company, was arraigned in the West Side court today, charged with running his machine at 22 miles an hour. The automobile was a brand new 40 horse-power car that Mr. Duke had just paid the duty on, and he was taking his initial spin in it at the time of the arrest. A bicycle policeman of the

Sixteen Miners Killed by Explosion at Eleanora Shaft

Dubois, Pa., April 28.—Sixteen men were killed and one will die as the result of an explosion at the Eleanora shaft near Big Run. The shaft is located one and a half miles from Big Run on the Buffalo, Rochester & Pittsburgh Railway, twelve miles south of here.

The mine is owned and operated by the Rochester and Pittsburg Coal and Iron Company, and is a comparatively new shaft, having been open two years. The mine was thought to be free from dangerous gases. The night shift was small, or there would have been more fatalities. Every man who was in the mine at the time of the explosion except one was killed. The men were English speaking and resided at Eleanora, a small mining village two miles from the shaft.

Asheville's Police Court Law Decided Unconstitutional

Asheville, N. C., April 28.—Special Judge Neal this afternoon decided that the new city police court law giving the police justice of Asheville jurisdiction over all misdemeanor

cases, was unconstitutional. An appeal will be taken to the supreme court immediately and the law tested before the higher court.

The law is similar to the one now in force in Raleigh.

the West Sixty-eighth street station, who made the arrest, said that he followed the machine from Riverside Drive and Seventy-second street to Broadway and Sixty-eighth street.

The arrest was made within a couple of blocks of Mr. Duke's residence at 11 West Sixty-eighth street. He asked the policeman to allow him to be taken home, as he was lame. The policeman went along and Mr. Duke sent his valet with \$100 cash to the police station to bail Grasser out.

The driver is French and had difficulty in understanding the magistrate, whose usual lecture was wasted on him. He asked Grasser if he ever stopped his machine to allow pedestrians to cross the road in front of him, or if he tooted his horn and expected them to run for their lives. After some trouble Grasser comprehended the question and said he had stopped to let people cross in front of him.

"If you ever did," said Magistrate Crane, "you deserve the biggest medal in New York."

Grasser was held in \$300 bail for trial. Mr. Benjamin N. Duke, brother of J. B. Duke, appeared to bail out Grasser. He said that his brother's lameness was occasioned by a recent surgical operation on his foot. As security for Grasser he gave the \$500,000 house at Eighty-second street and Fifth avenue.

AWFUL CHARGE AGAINST THEM

Mr. and Mrs. Shepard Knapp Smith Arrested for Beating Child to Death

New York, April 28.—Mrs. Shepard Knapp Smith, formerly a New York girl, daughter of a well known family, who was imprisoned in Manchester, Va., and her husband were arrested in this city today and locked up at police headquarters to await extradition. They are charged with beating to death their five year old son. Mrs. Smith expressed no regret at her act.

Mrs. Smith was formerly Miss Estelle Townsend, daughter of Mrs. Charles Townsend of this city. The Townsends are well known southerners, and Mrs. Smith has three brothers prominent in financial and professional circles. A brother of Mr. Smith is president of the Hygel Pure Distilled Water Company of this city.

THE EDUCATION CONFERENCE OFFICERS

Ex-Gov. Aycock Vice-President—Clarence H. Poe on Executive Committee

Columbia, S. C., April 28.—Robert C. Ogden of New York was unanimously selected president of the Conference for Education in the South at this morning's session of that body. Chas. B. Aycock, former governor of North Carolina, was elected vice president. These gentlemen compose the executive committee for the ensuing year: S. C. Mitchell, Virginia; H. L. Whitfield, Mississippi; S. J. Bowie, Alabama; R. B. Cousins, Texas; C. H. Poe, North Carolina; B. C. Caldwell, Louisiana; C. P. Bibson, Georgia; R. H. Jessemann, Missouri; J. H. Hinne-man, Arkansas; D. B. Johnson, South Carolina.

B. J. Baldwin, Alabama, was elected secretary and W. A. Blair of North Carolina, treasurer.

Asheville and Greensboro, N. C., Lexington, Ky., and Austin, Tex., presented claims for the next annual session. A decision will be announced later. Edward M. Shephard of New York was among the speakers at tonight's session, after which the conference adjourned.

100,000 TROOPS IN ST. PETERSBURG

Paris, April 28.—One hundred thousand troops are massed in St. Petersburg in anticipation of popular disturbances on May 1. Last night, 1,500 arrests were made.

Governor General Treppoff has issued an order enjoining the populace to pay no attention to rumors of what may be expected next Saturday. He says that any attempt to create a disturbance will be ruthlessly suppressed.

Nan Patterson Decided to Make no Defense

Prosecution Has Put in its Case—Mrs. Smith Refuses to Testify Against Her Sister, Although Guaranteed that Conspiracy Case Would be Dropped

New York, April 28.—Nan Patterson through her counsel has decided to leave her fate with the jury without making any defense to the charge that on the morning of June 4th last she murdered Bookmaker Caesar Young in a cab. This decision was arrived at this afternoon after the prosecution had put in its case, and after a lot of new evidence, considered very damaging to the chorus girl, had been introduced.

From the prosecution's standpoint the principal witness against the prisoner was her sister, Mrs. Julia Smith, the wife of J. Morgan Smith. Three pieces of jewelry, two of which had been given to her by her mother, Mrs. Smith identified as belonging to her. Pawn tickets were admitted in evidence showing that the jewelry had been pawned in Hyman Stern's pawnshop, where the revolver was bought on June 3, the day before Young was killed. Mrs. Smith swore that she had given the jewelry to her husband to pawn, but that she did not know where he had placed it.

The pawn tickets were dated October 5, 1904, and by a number of questions Assistant District Attorney Rand tried to show that they were renewal tickets. It was not claimed by Mr. Rand that the jewelry had been pawned the day before the shooting, although by a series of questions in an attempt to confuse Mrs. Smith, he asked her if she did not know that the jewelry had been pawned on that day.

When Mr. Levy demanded of Mr. Rand to produce any tickets dated June 3, Mr. Rand admitted that he did not have any.

All this testimony was brought out after Mr. Rand had promised Mrs. Smith to free her on the indictment for conspiracy if she would answer a number of questions about what happened after she and her husband fled from this city soon after Young was killed, and a day or two before Nan Patterson was indicted for murder. When Mr. Rand offered to have the conspiracy indictment against her dismissed, the scene was one that stirred every one in the court room.

Mr. Rand asked her if she left this city on June 3, four days after Young was killed. She answered that she would be pleased to tell him if it had not been that she was under indictment for conspiracy, and that any answer she made might tend to degrade or convict her of a crime. With his arms outstretched and in a tone most pleading, Mr. Rand walked until he was directly

in front of the witness: "And is that your only reason?" he asked.

She paused, shifting her eyes from her sister to Mr. Levy: "Yes, sir, it is," she answered hesitatingly.

Mr. Rand stepped back and in a solemn tone, told her that he was the acting district attorney and that he would guarantee her that if she answered his questions, he would immediately have the indictment against her dismissed. She smiled at him, it seemed approvingly, and asked if she might consult with her counsel, Herbert R. Limberger, before answering. This was accorded her, and after a five minute conference with Mr. Limberger she returned to the stand. Mr. Rand repeated the question several times, first coaxingly, then threateningly. Finally, grabbing the arms of the chair and straightening herself until she became almost rigid, Mrs. Smith answered defiantly: "No, sir, I will not; I will stick by my sister."

After that Mrs. Smith declined to answer some two score questions, taking refuge in her privilege. After being on the stand all day she felt weak, but still defiant.

"I feel good," she said, "but at the finish I think they had me a little bit rattled."

With the exception of Mrs. Margaret Young, who was witness for only a few moments, Mrs. Smith was on the stand all day. Mrs. Smith said she knew that Hyman Stern was in Toronto in March last, but she denied that she knew he was there for the purpose of trying to identify either her or her husband.

A letter which was marked for identification, but not admitted in evidence or read to the jury, she said was in her handwriting. That letter was supposed to have some reference to Stern. Another letter which she said was in her handwriting, was also introduced by Mr. Rand, but not admitted in evidence, nor was it read to the jury. This letter, or a section of it is supposed to show that she wrote to her husband telling him to stay away as "I am not trusting to my own judgment, but am simply acting under L and U's order, as you are."

When Mr. Rand got through with Mrs. Smith, he announced that the prosecution's case was in. It was then a few minutes after 4 o'clock.

Mr. Unger made the usual motions for the dismissal of the indictment on the ground that no crime had been shown to have been committed, that Mr. Rand had failed to make good his promise in this opening that J. Morgan Smith bought the pistol, and that evidence had not been submitted to show that the prisoner killed Young. In answering this argument Mr. Rand said that the manner in which Young had been killed was in itself enough to submit the case to the jury. It was a question, he said, of whether the man or the woman fired the pistol. "I did not state that I would prove that J. Morgan Smith bought the pistol," Mr. Rand said. "I knew what

(Continued on page two.)

Gen. Fitzhugh Lee Died Last Night

Suffered Stroke of Apoplexy Between Boston and New York—Went on to Washington—Death Came at 11:20 in Providence Hospital

Washington, D. C., April 28.—General Lee died tonight at 11:20. He had retained consciousness throughout the day, and his naturally strong physique had led his physicians to believe that there was hope for his recovery. There was no great change in his symptoms until later this evening. At 11 o'clock the attending physicians issued the following bulletin: "General turn for the worse. Respiration is difficult and pulse is not as strong."

It soon became apparent that the distinguished patient had only a short time to live, and he passed peacefully at the hour named, surrounded by relatives and friends of the family.

Washington, April 28.—General Fitzhugh Lee, a Confederate cavalry commander in the civil war, former governor of Virginia, a veteran of three wars, and now a retired brigadier general of the United States army, is dangerously ill at Providence hospital, where he was taken upon his arrival in Washington today from Boston.

General Lee suffered a stroke of apoplexy while on the federal express this morning when the train arrived at New Haven on Harlem River, physicians were summoned. He was conscious and decided to continue the journey to Washington where the train arrived at ten o'clock in the afternoon. On the train he received

medical attention from Dr. Richard C. Cabot of Boston and Dr. Schull of the Pennsylvania Railroad.

News of General Lee's illness was telegraphed to the war department, and when the train pulled into the Pennsylvania station, a group of physicians and friends were there. Surgeon General O'Reilly of the army sent three surgeons, Majors Kean, Edie and Mason, and among others who were at the station were Major Michie of the general staff, Prof. Harry St. George Tucker of George Washington University, Major Holmes Conrad, former solicitor general of the United States and Major Robert W. Hunter of Virginia. During the process of carrying him from the station to the hospital General Lee retained consciousness, but his condition was regarded as alarming. At one o'clock Major Edie of the army, one of the attending physicians, issued a bulletin saying that General Lee had suffered a stroke of apoplexy but remained conscious. The general's whole left side is affected by paralysis. While alarmingly ill, the physicians believe that he has a chance of recovery. He is 68 years old.

General Lee went to Boston to urge the Commonwealth of Massachusetts to erect a building at the Jamestown Exposition. He is president of the exposition company and has been working for the success of the project in New York, Pennsylvania and other states. He left Boston last evening for Washington, where he was to be joined by Mrs. Lee. She has been notified, as her son, George, an officer, who is in San Francisco preparing to sail for the Philippines.

Since becoming connected with the Jamestown Exposition, General Lee has made his home in Norfolk.

Surgeon General O'Reilly went to the hospital this afternoon and participated in the consultation of physicians over General Lee's condition.

Made Strong Address in Boston

Boston, April 28.—General Lee was

Russian Fleet Sighted Off Cape Varela Thursday

May Proceed Toward Vladivostock—Left Kamranh Bay Provisioned for Six Months—Foreign Officers Training Crews

Tokio, April 28.—5 p. m.—The Russian second Pacific squadron was sighted yesterday off Cape Varela, seventy miles north of Kamranh Bay.

Still Off Kamranh Bay

London, April 28.—The meagre information here is regarded as indicating that Admiral Rojestvensky is still off Kamranh Bay, awaiting the arrival of the third Baltic squadron. It is assumed that the latter, unless it is fog bound, will pass Singapore Sunday or early Monday morning. France maintains that it can not prevent the Russians from cruising off Kamranh Bay outside territorial waters.

Provisioned for Six Months

Saigon, April 28.—Admiral Rojestvensky's fleet left Kamranh Bay on Wednesday evening. Its destination is not known. The fleet had a reserve of provisions sufficient for six months. It is believed the Russians will steer out to the Pacific and make their way towards Vladivostok. Admiral Niebogotoff's squadron was expected to arrive in Indo-Chinese waters yesterday.

The appearance of Rojestvensky's fleet of 52 ships excited general admiration.

Foreign Officers on Fleet

Paris, April 28.—The St. Petersburg correspondent of The Matin says that an engineer just returned from Madagascar declares that the Russian fleet arrived there in bad condition. The Russians repaired the boilers and machinery. The personnel of the fleet was increased by a large number of former commissioned and petty officers of

Greek, German, Italian, English, Scotch and Chilean nationality, who soon taught their trade to the inexperienced crews. It may be expected that these foreigners will constitute an important element of strength in case of a battle.

Russians Seize British Steamer

London, April 28.—Lloyd's agent at Calcutta telegraphs that the Russians have captured off the Annamese coast the British steamer Beatrice, laden with a cargo for Japan.

Total Japanese Loss

Tokio, April 28.—Ex-Prime Minister Okuma, addressing the committee of the progressive party appointed to aid the wounded, said that the Japanese wounded and sick since the beginning of the war numbered between 200,000 and 300,000. The deaths in action and from disease numbered 50,000. He warned the public that the prolongation of the war was to be expected.

WHY HE FAILED TO HELP ROOSEVELT'S YACHT

New York, April 28.—Because he considered the yacht in no immediate danger, and a perishable cargo which would make any delay on his part dangerous, and had no towing gear, are the reasons given by Captain Hoiville of the fruit steamer Oteri, for his failure to go to the assistance of President Roosevelt's yacht Sylph when she was lying in a disabled condition. The Oteri arrived here today from Banes, Cuba, and for the first time since the incident Captain Hoiville had an opportunity to give his version of the affair.

Dense Fog Off Capes

Norfolk, Va., April 28.—Dense fog last night and today outside the Virginia capes imperilled navigation and delayed vessels. There was great anxiety for the steamship Jamestown of the Old Dominion Line from New York, but she arrived here tonight, eight hours late. No accidents have been reported.