

PETER SMITH MUST BE HANGED

Gov. Glenn Declines Further
Respite or Commutation

TO BE HANGED MONDAY

Governor Finds That Prosecutrix
Persists in Her Story of Crime
and Corroborating Evidence Leaves
No Room for Doubt of Guilt.
Gov. Glenn's Statement

Governor Glenn has decided that he will not commute the death sentence of Peter Smith, the white man who is under sentence to be hanged October 2d in Madison county for committing a criminal assault on a woman near Marshall. He was convicted at the February term, 1905, and after the affirmation of the findings of the lower court by the supreme court Governor Glenn fixed another date for the hanging. However, application for pardon was made and respite allowed until September 14th, when it was announced that there would be no further interference with the execution of the sentence.

It was while Governor Glenn was off on his New England trip that he was informed by telegraph that important news matter had developed, indicating the innocence of Smith; and on the strength of this the governor wired a further respite until October 2d in order that he might look into the matter. Now comes the announcement that there can be no further executive clemency. Here is the statement issued by his excellency in explanation of his action:

"State vs. Peter Smith.—This case was tried in Madison county superior court, February term, 1905. On appeal to the supreme court the judgment of the lower court was affirmed. Application for pardon was made and from time to time the prisoner was respited until September 14, 1905. While in the eastern states I received a telegram from the prisoner's attorney stating that he was informed that the prosecutrix in this case had written a letter saying she had sworn to a lie, having been compelled to do so by her father. Upon receipt of this telegram I wired from Concord, N. H., respiting the prisoner until October 2d, at the same time instructing the solicitor to get the prosecuting witness and carry her before Judge Moore in order that it might appear whether or not she had made the statement attributed to her in the telegram. After careful examination by Judge Fred. Moore, the trial judge in the case, the prosecutrix denied having made any such statement and reaffirmed what she had said at the trial of the cause. Both judge and solicitor refuse to recommend commutation. While the prosecutrix may not be all that she ought to be, her testimony is fully corroborated by the expert witness and by other witnesses. The defendant is contradicted and his conduct shows guilt. While regretting exceedingly not being able to see my way clear to commute the prisoner's sentence to life imprisonment, after considering the testimony I have no doubt of his guilt and that he committed the alleged rape, the punishment of which is the death penalty, and I must decline therefore to further respite him, and the sheriff is directed to execute the sentence of the court."

THEATRES NEXT WEEK

Plays at the Academy Tuesday,
Wednesday and Thursday

The attraction at the Academy of Music on Tuesday evening, October 3, will be Mason and Mason supported by a company of sixty people in the musical comedy "Fritz and Snitz," which is under the management of Messrs. Broadhurst and Currie. The play is now in its second season, although many new features have been added, and it is said to be one of the cleverest musical shows on the road. The plot is said to be based on a story that gives a wide scope for the humorous complications and laughable situations, which are relieved by the introduction of many numbers of bright melody. The chorus of "show girls" as they are called are said to be real "American Beauties" who know how to captivate the audience with meritorious singing and dancing. The scenery is entirely new this season, and the wardrobe is said to be a revelation of the dressmaker's art.

Victor Hugo and "The Clansman"

Victor Hugo, poet, novelist and dramatist of genius, was none the less an accurate observer of material things. While discussing dramatic topics, he declared that "the audiences in a theatre can be divided into three classes—the crowd which expects to see action, women who are best pleased with passion and thinkers who are hoping to behold character."

The inference to be drawn is that a successful play must contain the three elements necessary to hold the interest of the three classes. This threefold appeal is found in "The Clansman," the powerful drama by Thomas Dixon, Jr., which will be seen at the Academy of Music Wednesday, October 4th.

Babes in Toyland
Of action there is plenty and with

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the workings of the Ku Klux Klan, as the principal motif, it can be seen that the action is of the most strenuous type, although not tending too much toward the melodramatic. The play is also full of heart interest in which the divine passion dominates the action of the play. The characters are skillfully drawn, and many types new to the stage are presented.

When Hamlin & Mitchell's gorgeous extravaganza "Babes in Toyland" is seen here next week the theatre-goers of Raleigh, according to the press agent, will have an opportunity of witnessing the greatest musical comedy, according to the verdict of New York's most eminent critics and the public generally, produced in years.

To make the road production just as elaborate as they gave the show in New York, where it ran for 250 nights at the Majestic theatre.

So much has been written about this dramatization of the famous "Babes in the Wood" fairy stories that the public is thoroughly conversant with the scheme of the plot.

SABBATH SCHOOL DAY

Special Exercises at the Presbyterian
Church Tomorrow

The exercises tomorrow at the Presbyterian Sunday school will be most interesting, and the officers and teachers of the school hope to see every member of the church and congregation present. The school will open promptly at 9:30 and close at 10:45.

Sabbath school day, which comes this year on October 1, is being observed by all the schools throughout the southern Presbyterian church. It is a day when the parents and all the church members meet with the school. The large and flourishing home department of the Presbyterian school have been especially invited to be present and the members of the cradle roll will be there. Good music by the orchestra. Splendid singing and excellent short talks by the pastor, Gov. R. B. Glenn, Dr. D. H. Hill and Mr. N. B. Broughton.

A cordial invitation is extended to all friends of the school.

WHO STOLE THE BRANDY

Four Barrels Seized by Revedue officers,
Stolen and Reseized

On August 16th last revenue officers seized four barrels of brandy near Eure Station, Gates county, and sent it to the depot to be shipped to Collector Duncan at Raleigh, but the night after the seizure the brandy was stolen from the depot warehouses and removed to parts unknown.

Several days ago Officers W. G. Martin and D. C. Downing located the brandy in an old barn on the premises of an old colored man by the name of Daniel Ballard and found that eighteen gallons had been taken from the barrels while in hiding. Now the question is who stole the barrels and who stole from the brandy.

Rally Day Services

The friends of Edenton Street Methodist Sunday school are invited to participate in their rally day exercises tomorrow morning at 9:30 o'clock.

Four bright talks of 5 minutes each, delightful music by the children, songs by Mrs. Dowell, Miss Annie Jones, Mr. Jackson and quartettes from the school and from the A. and M. College will make a varied and interesting program that all will enjoy. Not less enjoyable will be the cradle procession, when the children in their nurses' arms or carriages enter the school during the exercises.

At the 11 o'clock service in the church there will be infant baptism.

Like Finding Money

Finding health is like finding money—so think those who are sick. When you have a cough, cold, sore throat, or chest irritation, better act promptly like W. C. Barber of Sandy Level, Va. He says: "I had a terrible chest trouble, caused by smoke and coal dust on my lungs; but, after finding no relief in other remedies, I was cured by Dr. King's New Discovery for Consumption, Coughs and Colds." Greatest sale of any cough or lung medicine in the world. At all druggists; 50c and \$1.00; guaranteed. Trial bottle free.

GOV. GLENN'S ATTITUDE

States His Position as to the
Sensational Nall Case

Says at Proper Time Every Possi-
ble Investigation Shall Be Made
So Equal Justice May Be Done.
Duties Assigned Judge Womack

A statement was issued by Governor Glenn yesterday setting out clearly his position with reference to the noted Nall case at the State Hospital for the insane and with reference to the trial of the four attendants charged with causing Nall's death by harsh treatment. Here is the statement as issued by the governor:

"So many letters have been written me, desiring to know what I would do in regard to the investigation of the State Hospital at Raleigh, and being unable to answer each one separately, I ask you to say to the public that at the proper time, every possible investigation shall be made of this unfortunate occurrence, to the end that equal and even justice may be done all concerned.

"By authority of the council of state, I employed Judge T. B. Womack to represent the executive department in the investigation of the crime alleged against the attendants in their treatment of Thomas Nall, telling him that we did not desire him to carry on the investigation, either for the purpose of incriminating anyone, or exonerating anyone, but to find out the exact truth, as obtained from witnesses under oath in a court of competent jurisdiction, and then to report the evidence taken in that case, with his recommendations to the council, so they could take such steps as to them seemed best. I very much regret that the ends of justice required the continuation of this case at this term, but as it seems that it could not be avoided, I trust the general public will withhold its opinion until all the facts are brought to light, in order that no injustice may be done anyone. Everything will be done to probe this matter to the bottom, with due regard to the rights of parties accused, as well as giving ample protection to the unfortunate inmates in our state institutions. We feel it is best, to await the termination of the criminal proceeding, before definitely deciding what further course will be taken."

Better Than a Plaster

A piece of flannel dampened with Chamberlain's Pain Balm and bound on the affected parts, is better than a plaster for a lame back and for pains in the side or chest. Pain Balm has no superior as a liniment for the relief of deep seated, muscular and rheumatic pains. For sale by W. G. Thomas, Robert Simpson and Bobbitt-Winne Drug Co.

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THE NEW GRAND STAND

Gives Fine View of the Race
Course and Midway

The Structure Nearing Completion
and is a "Tower of Strength."
Location of Speakers Stand for the
President and Party

Work on the new grand-stand at the fair grounds is progressing rapidly, and will be finished in another week, provided the weather is favorable. Secretary Pogue has given his personal attention to the construction of the new stand, and it is by far the best arranged and most substantial building of the kind in the state of North Carolina. It is modeled after the grand-stand at the famous race-course at Benning, and will afford the occupants a view of the track events and the scenes along the midway and other parts of the fair grounds never before provided at the state fair.

In the construction of this stand special attention was given to a convenient arrangement as to location and view; then strength and durability was given preference over all other considerations. It is in reality a "tower of strength" and would hold up ten times the weight of all the people who could be crowded into it. The foundations, of hard brick pillars, are all laid in cement, and there is an iron cap two inches thick on which rests the square ends of all the upright supports. The latter are all strongly braced, and the whole frame structure is tied together with large iron bolts. The same order of substantial frame-work is carried out to the very roof. All the timbers are well-seasoned solid heart long-leaf pine, not a single piece of sap timber being used.

There are three entrances to the grand-stand, all on the front side facing the race-course. Just in front of the middle entrance, and on a level with the first section of seats, is being erected a pavilion sixteen feet wide and thirty-two feet long, for the use of President Roosevelt and escort, from which the distinguished visitor can be seen from every seat in the grand-stand, as well as from any point along or inside the race-course, or along the midway in both northerly and southerly directions. This pavilion is being constructed of like substantial material with the grand-stand, and will be a permanent part of that structure.

In all these improvements most excellent judgment has been displayed by those having the work in charge. The arrangement of things is so far in advance of the old grand-stand that visitors will hardly recognize the place. And just in that proportion will the coming fair be ahead of all that have been held in the past.

DEATH OF MRS. S. A. BEEMER

Passed Away Yesterday—Funeral
This Afternoon at 4 O'clock

Mrs. Sarah A. Beemer, wife of J. W. Beemer, died at 1:20 p. m. yesterday in the 69th year of her age, at the home of her sister, Mrs. John A. Simpson of this city.

Mrs. Beemer had been in feeble health for years, and during the last week of her life suffered from a stroke of paralysis. Mrs. Beemer was noted for quick and clear intelligence, indomitable energy and a memory which made her an interesting talker about the history of Raleigh in the days before the war. She will be remembered for many a deed of neighborly kindness.

The funeral will be held at the Central Methodist church at 4 p. m. Saturday by the pastor, the Rev. F. A. Bishop.

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