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FLEMING CASE IS CONTINUED

Hearing Will Be Held at Smithfield On Wednesday September 13 Before Judge Peebles

MR. W. C. DOUGLASS ILL.

Senior Member of Law Firm Unable To Be Present Today and Postponement of Matter Ordered—Depositions, Affidavits and Testimony Before Judge Clark Admitted as Competent—The Court's Order.

Judge R. B. Peebles today continued until Wednesday, September 13, at Smithfield the matter of the custody of the Fleming children and the suit for alimony instituted by Mrs. Nelle Claire Fleming against her husband, Percy B. Fleming. The continuance was ordered on account of the illness of Mr. W. C. Douglass, senior member of the firm of Douglass, Lyon & Douglass, leading counsel for the husband.

In his order of continuance Judge Peebles says that only testimony heretofore introduced, affidavits and depositions shall be admitted as competent.

Dr. A. H. Fleming will continue to care for the children and provision is made for groceries and other supplies for Mrs. Nelle Claire Fleming—or rather that the present arrangement whereby she is furnished groceries and supplies shall be continued. The judge will not determine as to the sale of the Fleming home on Blount street, but may determine what alimony Mrs. Fleming shall receive pending the disposition of her suit for divorce from bed and board. The point he will determine is the question of moral fitness of Mrs. Fleming and her financial ability to care for the children, she having alleged she is able to do both.

Judge Peeble's Order.

Judge Peeble's order follows: "In the above entitled matter which comes before the undersigned for hearing at his chambers in Raleigh, N. C., on September 1, 1911, it is by the court ordered that the hearing of the motion for alimony and custody of children be continued to be heard before me at my chambers in Smithfield, N. C., on Wednesday, September 13, 1911, at 10 o'clock or as soon thereafter as counsel can be heard. It is further ordered that the said motion shall be heard on the testimony taken before his honor, Judge Walter Clark, insofar as the same is or may be adjudged competent by the court and upon the pleadings filed in said case, and upon such additional affidavits as may be taken by either side. Provided, however, that no affidavit to be taken or which may have been already taken shall be competent or had in evidence unless copy of the same shall have been served on opposing side at least three days before the date set for said hearing, except affidavits and reply to affidavits so served.

"It is further ordered that the status quo now obtaining as to the possession of the Fleming home place and the furniture therein, and as to purchase of groceries and supplies continue in force until the hearing of said motion."

DROP IN CONDITION OF OKLAHOMA COTTON

Oklahoma City, Okla., Sept. 1.—A drop of 23.3 per cent in the condition of the cotton crop was the result of the week end of intensely hot dry weather and the activity of the boll worms is shown by the monthly crop bulletin of the state board of agriculture. Cotton condition is given as 63.7 per cent, compared with 87 per cent a month ago. The board of officials estimate that the total cotton crop of the state this year will not exceed eight hundred thousand dollars. A month ago, there was a prospect for more than a million bales.

Savannah Official Dead. Savannah, Sept. 1.—J. P. K. Carr, for a quarter of a century clerk of the superior court was found dead in bed this morning.

A CONVICT RETURNS

Charles Tinsley Surrenders In Remarkable Manner

Sent to State Prison October 5, 1903, and Escaped December 21, 1903—Spent Five Years in Virginia Prison for Grand Larceny—Pardoned by Governor of Virginia—His Story To Times Reporter.

The surrender of an escaped convict upon his own free will and accord only happens once in a life time. This very identical thing though happened this morning at the State prison.

When Mr. Dupree, the day guard at the main entrance gate, went on duty at six o'clock, a negro man appeared and asked to see the superintendent. He was told that the superintendent was out of the city. He then asked to see the bookkeeper of the prison, but was told that he had not yet come down and to wait awhile till he did come. The negro stood around for awhile and then walked up to the guard and told him "See here, I am an escaped convict, and want to get in," so the guard then opened wide the big gates and gave welcome to Charles Tinsley a bright mulatto negro.

His Arrest and Escape.

Charles Tinsley, was sent to the State prison from Vance county, October 5, 1903 to serve a sentence of one year, having been convicted for larceny and receiving. He escaped from the State farm on December 21, serving just three months and sixteen days. He made his escape good and the State authorities knew nothing more of him until a few days ago.

(Continued on Page Two.)



New pictures of the two cousins playing leading roles in the greatest murder trial in the history of Virginia. At the left, Paul Beattie, who declared on the stand that his cousin confessed his crime, photographed while loitering outside the court house during recess. On the right, the cousin, Henry Clay Beattie, defendant in the case, entering the court house at Chesterfield, Va., where the case is being tried.

MAKE CITY BEAUTIFUL

Proposition Comes Before Board of Aldermen Tonight

Movement Began by State Press Taken Up by Raleigh Citizens—Proposition is to Present Twenty-nine Beautiful Five-Cluster Lamp Posts to the City Free—City Only to Maintain Them.

A movement was mentioned some time ago by the state press toward making Raleigh beautiful. This movement has already taken definite shape, by some of Raleigh's patriotic citizens. These citizens now propose to donate to the city a total of twenty-nine five-cluster lamp posts, provided the city maintain the expense of lighting them for at least a period of five years. This movement on the part of these citizens is indeed a worthy one, and it is hoped that the city fathers will see their way clear tonight to accept the proposition. It will mean much to the crowds that pour into our city daily from the various trains and have to travel Martin street.

The proposition in general is to light up Martin street from the union station to Fayetteville street.

The placing of these lamps will be as follows:

One (1) five-cluster post to be located on the southwest corner of Martin and Dawson streets.

Ten (10) five-cluster posts to be located along each side of the street running to McDowell street, situated equal distance from each other, thereby providing five lamps on each side of the street.

Ten (10) five-cluster posts to be located along each side of the street, running to Salisbury street.

Six (6) five-cluster posts to be located along each side of the street, running to Fayetteville street.

Two (2) five-cluster posts to be located, one each on the northeast and southeast corners of Martin and Fayetteville street.

This form of lighting will provide the most beautiful street in the state and is practically the same style of lighting followed by New York city, Richmond and other large cities. These posts are the same as the ones now used by Raleigh Hotel. They will not cost the city one cent other than maintaining the lights.

Those who have consented to contribute these twenty-nine lights are those along Martin street: Howell Cobb, W. B. Wright, News and Observer, C. B. Edwards, E. M. Uzzell, W. N. Jones, J. W. Bailey, M. Ashby Lambert, Tucker Building Pharmacy, Carolina Power & Light Company, Academy of Music, Citizens

National Bank, M. W. Woodward, Bland Hotel (Ricks & Bland), R. W. Winston, Cooper Bros., J. M. Norwood, Capital Club, T. B. Mosley, A. M. Murray.

BRIBERY AT POLLS CHARGED.

Councilman John Murtland at Atlantic City is indicted.

Mays Landing, N. J., Sept. 1.—Ten additional indictments were returned today by the special grand jury of Atlantic City, growing out of alleged violations of the state election laws at the polls last year. All but two of the defendants appeared before Justice Samuel Kalfshek to plead and enter bail without the service of warrants, and the other two will go before him tomorrow at his hotel in Atlantic City.

Councilman John Murtland was one of the "big men" indicted today. He was in Philadelphia on business, so the court fixed his bail at \$2,500 in two cases and will hear his plea tomorrow. William Sullivan, indicted on four counts, could not be found, and will be notified to appear tomorrow. Both are charged with bribery. Bail in the latter case was fixed at \$4,000 at the attorney general's suggestion.

ACCIDENT TO LAUNCH.

Gasoline Tank Explodes and Men Have Narrow Escape From Drowning.

Baltimore, Sept. 1.—Six members of the crew of the revenue cutter Mohawk, searching for a deserter from the ship, had a narrow escape from drowning when the gasoline tank of their launch exploded, forcing the men to jump overboard. The men were rescued by a man in a row-boat. Two were severely burned.

DRINKS LAUDANUM TO END LIFE

Mrs. R. C. Wall, who lives on North Boylan avenue, attempted to commit suicide about eleven o'clock today by drinking about two-thirds of an ounce of laudanum. Medical attention was sought and Dr. R. H. Freeman responded to the call and administered to the woman. While her condition was regarded as serious, it is not thought the result will be fatal. No motive is known for the deed.

Miss Marion Baker, who has been visiting in Louisburg, returned home with her Miss Margaret Hicks, who will visit her for a few days.

CHARACTER OF BEATTIE

Defense Puts On Additional Witnesses to Show Good Reputation of the Accused

BROTHER ON THE STAND

Defense Tries to Show the Good Character of T. H. Nebitt, Who Contradicted Paul's Testimony About the Gun—Douglas Beattie, the Prisoner's Eldest Brother, on the Stand This Morning—The Witness Corroborated His Father's Testimony About the Pleasant Domestic Relations of the Accused and His Wife.

Chesterfield, Sept. 1.—To show the good reputation of Henry Clay Beattie, Jr., charged with wife murder, the defense called additional character witnesses when the trial was resumed this morning. The defense also sought to show the good character of T. H. Nebitt, whose testimony yesterday presented an important contradiction to Paul Beattie's story of the time of the delivery of the gun to Henry. Douglas Beattie, the prisoner's elder brother, took the stand and testified that the relations of Henry Beattie and wife were perfectly happy. Beattie and his wife once lived at his home.

"How did he greet her when he met her or departed from her?" Douglas was asked.

"He always kissed her the few times I saw him greet her," responded the witness.

The witness corroborated his father's testimony yesterday about Henry's manifestations of grief on the night of the murder. Douglas said he heard of the murder when he received the phone message from Dr. Mezer, saying Henry had been held up and shot. Douglas testified: "I told the other people in the house and my father, sister and I went to Tom Owen's house. Henry was in the room to the right of the hall. He was lying on a reclining chair and my father knelt by his side. Henry was sobbing, moaning and fondling his wife's slipper."

CHOLERA GETTING FIRM HOLD IN TURKEY

Constantinople, Sept. 1.—The cholera epidemic is obtaining a firmer hold in Turkey. Partial returns show on August 31st, there were seventy cholera cases and twenty-five deaths in Constantinople. At Uskup, in the vilayet of Kossovo, there is an average of fifty cases daily, while at Monestir in Macedonia, the disease is equally virulent.

Paul Geidel Guilty. New York, Sept. 1.—The jury in the case of Paul Geidel, the seven-year-old boy charged with murdering William H. Jackson, a broker, in the Iniquis hotel, July 26th, returned a verdict of second degree murder. The jury was locked up all night.

BACK FROM CAMP PERRY

Rifle Team of National Guard Returns Home

Tar Heels Did Not Win Any Honors on This Their First Attempt, But Escaped Being Goat of States by Wide Margin—Arkansas Lowest Team.

Adjutant General R. L. Leinster, other officers of the North Carolina National Guard and the rifle team of fifteen men returned to the state today from Camp Perry, Ohio, where they were engaged in competitive rifle practice with the teams from forty different states and expert teams from the army and navy. This was the first trip the Tar Heels have ever made to the national shooting grounds and the boys acquitted themselves well.

Speaking of the shoot today, Adjutant General Leinster said that it was the hope of the members of the team to escape being the goat in the shoot and this they did by a comfortable margin. Arkansas has the distinction of making the lowest score, while North Carolina was up several points above the westerners and several other state teams Massachusetts made the best record of any national guard team.

Among those who returned today were General Leinster, Lieut.-Col. J. Wash Bizzell, Goldsboro, who acted as coach; Capt. R. G. Gladstone, Reidsville, spotter; Capt. Ed. J. Clemenger, Asheville, surgeon and Lieutenant E. B. Parrish and Sergeant H. C. Simons, Raleigh, members of Company B.

ANOTHER FINE BANK BUILDING?

That Raleigh is to have yet another fine bank building is the well-defined rumor that gained currency this afternoon. It is said that the Commercial National Bank, corner of Martin and Wilmington streets, will erect a \$200,000 bank building on its present site. Officers of the bank have not denied that they intend doing this, but the plans have not matured sufficiently to justify a public admission. The directors will meet tomorrow afternoon, when the announcement may be made.

TOLL OF THE HURRICANE

Many Wrecked Vessels As Result of Hurricane

S. O. S. Messages Continue to Come In Telling of the Loss of Vessels in the Gale—Heroic Work of Rescuers—Revenue Cutters Searching the Coast.

Washington, Sept. 1.—S. O. S. messages continue to reach the revenue cutter headquarters telling of vessels in the gale which swept the South Atlantic coast Sunday and Monday and the heroic work of ships which went to their assistance.

The schooner Malcolm B. Seavey, of Bath, Me., abandoned by her crew, who were taken aboard the Clyde River Mohawk, has been located, sunk off Charleston, S. C. The 3-reel destroyer Seneca was ordered to remove from the path of navigation the wreck of the schooner, Josie R. Bart, of New York, which foundered last night off Barnegat, N. J. The schooner's crew of 11 was saved by Little Egg Life Saving Station's men. It is believed the final reports will show the toll of hurricane greater at sea than was at first supposed. Many disabled or abandoned vessels, yet unaccounted for are believed to be drifting north with the gulf stream. Revenue cutters are standings to sea all along the coast from Key West to Norfolk to assist them.

Crew Taken Off Coal Schooner.

Philadelphia, Sept. 1.—The coal laden schooner Henry S. Little, was sighted in distress several miles out from Delaware breakerwater, in the Atlantic Ocean.

The steam pilot boat Philadelphia went to its assistance and took off.

DEPOSITORY IN RALEIGH

Postal Savings Bank In Connection With United States Postoffice In This City

Supplies Are Received

Postmaster Briggs Announces New Enterprise, Which Will Probably Be in Operation This Month—Deposits Received From Any Person Over Ten Years Old or Married Woman in Her Own Name—Interest Paid at Rate of Two Per Cent.—Some Information.

The United States postoffice at Raleigh has been furnished the necessary supplies to open a postal savings depository, and the depository is expected to begin business this month. The opening day has not been announced. Postmaster Briggs states that the depository will probably be in connection with the money order department of the office, Mr. C. P. Wright continuing in charge of this department. The clerical force will not be increased for the present.

Deposits may be made by any person ten years old or over, in his or her own name, a married woman in her own name and free from the control of her husband, and will draw interest at two per cent. per annum. The principal and interest are guaranteed by the government.

Certificates for any amount from one dollar up to fifty are given by the postmaster as evidence of deposits. No account will be opened for less than one dollar. Amounts less than one dollar may be saved for deposit by the purchaser of stamps and ten cent postal savings cards. No interest will be allowed for a fraction of a year and interest will be paid separately on each certificate.

No fee or charge of any kind is exacted for opening an account or for withdrawing the same. No person will be allowed to deposit more than one hundred dollars in a calendar month, nor will more deposits be accepted when the amount exclusive of interest amounts to five hundred dollars. On January 1st and July 1st of each year depositors may exchange their certificates for United States bonds bearing interest at two and a half per cent.

Depositors are furnished an envelope in which to keep their certificates and a ledger blank upon which is kept an account of their deposits. Postmasters are not permitted to accept certificates for safekeeping. Depositors may withdraw the whole or part of their savings at any time upon surrender of their certificates. Employees are forbidden to reveal the names of any persons having deposits.

FLEET BEGINS TO PRACTICE.

Long Range Firing Will Be at Distance of More Than Five Miles.

Norfolk, Sept. 1.—In a heavy sea, the Atlantic fleet under Rear Admiral Osterhaus, began the September war game on the southern drill grounds, off the Virginia capes today. It is planned that in long range firing no shot will be fired at less than nine thousand yards, a distance of more than five miles.

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OYSTER FACTORIES PUT OUT OF BUSINESS

Charleston, Sept. 1.—Further reported damage to shipping by the hurricane Sunday is anxiously awaited. The revenue cutter Yamacraw, which rescued the Lexington's passengers and the people of the schooner Beattie Whiting, is intent upon ascertaining if other vessels are in distress off the coast. Upon every hand there is evidence of quick rebuilding of destroyed structures. It is thought the oyster factories here and at Beaufort will be out of commission this season. The plants were wrecked and the oyster boats badly smashed. Additional reports do not change the damage estimate of one million dollars.

Many a man has been robbed by his friends while watching his enemies.