

SENATORS IGNORE PARTY LINES WHEN LUMBER DUTY IS UP

Simmons of This State Makes Strong Plea For Retention of Protection

DEMOCRATS AND REPUBLICANS MIX

Minority Members Declare Party Platform Does Not Apply in This Case.

(By Associated Press.) WASHINGTON, April 28.—Senator Simmons of North Carolina, during the discussion of the tariff measure in the senate today said lumber and its products represented the principal industry of twelve states, affecting more than a thousand cities which were largely dependent upon it. He opposed the proposed reduction in the duty on lumber, principally, he said, because labor constituted a larger element in the cost of producing lumber than in the cost of producing any other manufactured product, and further, that lumber was a competitor with some of the articles which added to the cost of its production, "I submit," he said, "that there can be no more cruel repression of an industry than by adding thirty per cent to the cost of its production and then forcing it into competition on the one hand with the foreign product which, on account of the difference in labor cost, stumpage cost and the cost of transportation, can be produced at thirty per cent less and, on the other hand, forcing a competition with a product of our own country, the price of which has been enhanced thirty per cent by the protective tariff. Platform Be Hanged. "How do you square your advocacy of a tariff on lumber with the declaration of the national democratic platform in 1908?" Mr. Dixon of Montana, inquired. Mr. Simmons asserted that there was no difficulty about that. That platform, he maintained, declared for a tariff for revenue, and he did not believe the Dingley rate on lumber was more than a revenue rate. (Continued on page seven.)

TRIAL OF CAPTAIN HAINS MOVES WITH UNUSUAL RAPIDITY

State's Proof of Crime All In On First Day With Jury In Box

DEFENDANT STILL ACTS AS ONE INSANE

Witnesses Will Be Put on Stand Today to Prove Him Unbalanced.

(By Associated Press.) FLUSHING, N. Y., April 28.—General Peter C. Hains, the defendant's father, will be the first witness called tomorrow morning as the defense for Captain Peter C. Hains, Jr., beginning his attempt to establish the insanity of the young officer who shot and killed William E. Annis at the Bay-side Yacht club last August. The trial moved today with marked dispatch, and when court adjourned, former District Attorney Eugene N. Young had completed his opening address, vividly outlining the defense to the jury, while in his five hours previous, the prosecution had on its side established proof of the crime. General Hains will be followed by Major Hains, the captain's brother, and then by some thirty witnesses, all of whom will testify concerning Captain Hains' irrational acts following the revelation of his wife's alleged infidelity and her associations with Annis. Brother Will Testify. Thornton J. Hains, the defendant's brother, who was tried and acquitted for complicity in the shooting of Annis, is expected to be in court tomorrow. Because of anonymous threats against his life, counsel has asked for police bodyguard for him, and the court probably will delegate a special officer to sit near him. Thornton Hains will be an important witness for the defense. The question of appointing a lunacy commission to inquire into the defendant's present mental condition was not approached at any time during the proceedings today. Captain Hains showed little emotion during his counsel's vivid narration of (Continued on page four.)

TURPENTINE MEN FIGHT HARD TO KEEP DOWN TESTIMONY

The Witnesses Give Evidence Tending to Show Existence of Trust in Naval Stores

CUSTOMERS FORCED TO SIGN CONTRACTS

Defence Would Limit Testimony to Conspiracy Charge Under Indictment.

(By Associated Press.) SAVANNAH, Ga., April 28.—John W. West, president of the West-Flynn-Harris company, of Savannah and Jacksonville, was the first witness examined today in the United States court when the taking of testimony was begun in the case of the American Naval Stores company for alleged violation of the Sherman anti-trust law. Mr. West testified that the American Naval Stores company refused to buy naval stores from him unless he signed a contract, certain clauses of which he regarded as objectionable. Mr. West, despite these objections, finally signed the contract. Counsel for the defense interposed many objections to much of Mr. West's testimony, on the ground that his statements should be confined strictly to the alleged conspiracy which it is charged was entered into by the defendants to control the prices in naval stores. Extended arguments as to what should be competent evidence to show a conspiracy were made and at the beginning of the afternoon session Judge Sheppard ruled that the government would not be restricted to direct evidence of a conspiracy, but might show here and there facts and circumstances tending to show that there had been concerted action among the defendants to do the acts charged. An Expert Testifies. An effort was made to qualify C. H. Barnes of Jacksonville, Fla., president of the Barnes and Jessup company, as an expert on naval stores. He was called to the stand after John F. Harris of Valdosta and Secretary F. (Continued on page three.)



SEVERAL CHICAGO CAPITALISTS DRAWN INTO VAN VLISSINGEN CASE

Prisoner Who Forged Mortgages for Years Testifies That Others Compelled Him To Continue Forging to Get Money to Pay Them With. John E. Walsh Is One of Those Mentioned.

(By Associated Press.) CHICAGO, April 28.—The names of John R. Walsh, formerly president of the Chicago National Bank, who is under a five year sentence for misapplying the funds of that institution, and Fred M. Blount, Mr. Walsh's business and political associate, were drawn into the Peter Van Vlissingen forgery scandal today. Van Vlissingen, who was brought from Joliet prison to explain his assets before referees in bankruptcy court, and who had testified that Bernhard Rosenfeld and Maurice Rosenfeld, Chicago capitalists, had knowledge of his practices as early as 1904 and had compelled him to carry out more forgeries in order to pay them, was asked this question by Attorney Leasing (Rosenthal), representing the two accused financiers: "What information did you get before or subsequent to November 6, 1908, (the day that Van Vlissingen confessed his crimes) that John R. Walsh and Fred M. Blount knew of your illegal practices?" "I had no knowledge prior to that date," responded Van Vlissingen. The question plainly excited the witness. "Well, subsequent?" persisted Mr. Rosenthal. "If you would permit me to talk with you, I think you would withdraw that question," faltered the witness. "I have nothing to conceal, but a conference can do no harm," said Mr. Rosenthal. A conference was then held after which Mr. Rosenthal asked: "Were any facts disclosed to you prior to your exposure to show you that either John R. Walsh or Fred M. Blount knew your secret?" "No," replied Van Vlissingen. "Did anyone know it besides Rosenfeld and Rosenburg?" "Not to my knowledge." At the close of the day's session Van Vlissingen in the presence of his counsel made this statement: "It is most unjust that Mr. Walsh's name should be dragged into this trial for some purpose not evidenced. Leasing Rosenthal, as attorney for Rosenburg and Rosenfeld, came to the penitentiary January 25 and informed me that Walsh knew my secret." Mr. Rosenthal said: "I never informed Van Vlissingen that Walsh knew his secret and the forger knows this well enough. The name of Walsh was not mentioned during our conversation at the penitentiary." The hearing will be continued tomorrow.

REV. MR. BILLINGS LOSES HIS APPEAL AGAINST CHARLOTTE OBSERVER

Carried His Complaint to Supreme Court Too Soon Say Justices.

OTHER DECISIONS

(Special to The Citizen.) RALEIGH, N. C., April 28.—In a list of appeals disposed of with opinions and otherwise today by the Supreme court in Billings vs. Charlotte Observer Publishing company from Rockingham county in which the appeal by the plaintiff is dismissed. This is the case in which Rev. C. N. Billings sued for damages because of a news article printed in The Observer involving charges against the character of Billings against compromising relations he was alleged to have had with a negro servant, Blackville, S. C., and being specified as the places of his alleged indiscretions. At the trial the jury found that the charges as to Blackville were true as published, but that the Wayneville charges were not true. The jury assessing \$5,000 damages against The Observer. Judge Ward ruled that the damages allowed were excessive and ordered a new trial on that score. At the same time counsel for the plaintiff moved to set aside the finding against the plaintiff as to the Blackville charges being true. This was overruled and the plaintiff appealed. It is this appeal that is now dismissed, Justice Hoke writing the opinion and the ground for the dismissal being that the appeal was premature. Under this ruling the Observer company will come in for a new trial on the question as to the publication of the Wayneville feature of the charges against Rev. Billings. Other Opinions. Other opinions delivered follow: Bordeaux vs. Atlantic Coast Line R. Co., Wayne county, no error; Shaw vs. Co., Wayne and Fuller, Davidson, no error; Nall vs. Brown, Forsyth, no error; Alexander vs. Metropolitan Life Insurance company, Cabarrus, reversed; Quantz vs. Concord, Cabarrus, no error; Cashmet vs. King Supply company vs. Dowd and King, Mecklenburg, affirmed; Lambert vs. Williams, Alexander, petition for certiorari denied; Stroup vs. Cotton Mills, Lincoln, per curiam, affirmed; court being evenly divided and Justice Hoke not sitting; Ballard vs. Ballinger and City of Charlotte, Mecklenburg, per curiam, affirmed.

BODY OF WASHINGTON'S FRIEND IS RE-INTERRED IN NATIONAL CEMETERY

Major L'Enfant Who Laid Out Capital is Fittingly Honored After Century.

WAS BRAVE SOLDIER

(By Associated Press.) WASHINGTON, April 28.—After remaining unnoticed for nearly a century beneath the soil of an obscure Maryland farm, the body of Major Pierre Charles L'Enfant, the French engineer who remodeled the city hall in New York and who designed the national capital, was today removed to the Arlington national cemetery at the capital. The body was taken under military escort to the capitol, where it lay in state until the hour for the exercises. President Taft accompanied by Mrs. Taft was present. Vice-President Sherman and Ambassador Jusserand of France paid tribute to the memory of Major L'Enfant, and spoke of the work of the French officer particularly as it affected the building up of the city of Washington. Ambassador Jusserand in his address called attention to the primitive condition of the land upon which the future of the capital of a nation was to be erected and to the great transformation which had taken place in a little more than a century. Major L'Enfant, said the ambassador, had been selected by Washington to lay out the city because during thirteen years of association he had qualities of character and his abilities. L'Enfant had been one of the earliest enthusiasts of the American cause, served throughout the war of independence and had been left on the battlefield severely wounded at Savannah where he had led the vanguard of one of the columns of attack and lost two-thirds of his men. Later he was taken prisoner and afterward exchanged for Captain von Heyden, a Hessian. Gathered about the bier were representatives of the society of the Cincinnati whose emblem was designed by L'Enfant. Other patriotic and civic organizations also were represented. Among other emblems and relics interred with the body is a badge of the order of the Cincinnati, which was taken from his own lapel by Senator Bacon of Georgia and pinned upon the casket.

CALHOUN MAKES PLEA TO JURY OVER PROTEST OF FIVE ATTORNEYS

Resents Insinuation Made at Trial by District Attorney O'Gara.

YOUNG MAN SMIRKED

(By Associated Press.) SAN FRANCISCO, April 28.—The unusual spectacle of a defendants addressing the court and the jury while his five attorneys remained silent was presented today during the trial for bribery of Patrick Calhoun, president of the United Railroads. Mr. Calhoun, ignoring the appeal of A. A. Moore, his chief counsel on speaking after Assistant District Attorney O'Gara had made a remark touching on the good faith of the jury. "I am on trial for my liberty," said Mr. Calhoun, "and as a citizen I desire to enter protest against the remarks of the district attorney which I designate as misconduct. They are contrary to every rule of law practiced among English-speaking people." Made Faces at Jury. Mr. O'Gara's remark, which aroused Mr. Calhoun was as follows: "I desire to call the court's attention to the fact that a young man seated at the defendant's table has been laughing and smiling at members of the jury whenever he conceived a point to have been scored in the defendant's favor, and that he has been snarling at portions of the testimony." "That is absolutely false," said John J. Barrett, one of the attorneys for the defendant. "Mr. O'Gara bases his accusation on a report made to him a moment ago by one of the men who sit there all day long, looking menacingly in our direction." Declined Henry's Offer. Calhoun's attorneys were invited by the prosecution to make a legal acknowledgment that the United Railroads paid \$200,000 for an over-head trolley permit. Mr. Rogers for the defense, was attempting to draw from Daniel C. Coleman an admission that he had agreed with Supervisor Gallagher to hold up the Parkside franchise unless money was paid, the object being to show that the supervisors were engaged in a blackmailing conspiracy. "Do you hold such proof will constitute a legal defense," inquired Judge Lawlor. "I do not," said Mr. Rogers, "but I hold that it constitutes the fact that a jury ought to know."

PROFOUND MATTERS FOR GENERAL CONFERENCE

Important Resolutions Adopted by Preliminary Meeting of Methodists.

(By Associated Press.)

MEMPHIS, Tenn., April 28.—After adopting resolutions making the gathering of representatives of the various district boards, a fixed feature preliminary to the meeting of the general board of church extension of the Methodist Episcopal church, South, the meeting here of the representatives of the thirty-one conferences, was brought to an end this evening. Tomorrow, the general board of church extension will begin its annual meeting. Resolutions adopted at the concluding session of the conference this evening recommended that pastors be allowed to remain indefinitely in certain cotton mill and mining communities when the exigencies so demands, that the general and conference boards be allowed to loan church extension money and make donations in cotton mill towns and mining districts when deemed advisable, even where clear titles cannot be secured; that an insurance committee of five be appointed to whom shall be referred the matter of issuing bonds for the purpose of securing loan fund adequate to the needs of the church and that the different conferences of the church, to whom resolutions adopted today will be presented, will be asked to define the status of the preliminary conference. Tonight a mass meeting was held in the interest of the women's home mission societies.

HARGIS SENTENCED FOR LIFE FOR PATRICIDE

Second Trial Results in Conviction and Heavy Penalty For Slayer.

(By Associated Press.)

IRVINE, Ky., April 28.—Beach Hargis, charged with the murder of his father, Judge Hargis, was today sentenced to life imprisonment. The defendant showed no emotion when the verdict was rendered. Neither did his mother and sister by whom he sat. This was the second trial of Hargis for this crime. The first resulted in a mistrial. United States Senator W. O. Bradley headed the counsel for the defense in both trials. The murder of Judge Hargis by his son, Beach, occurred in the judge's store at Jackson, Breathitt county, on February 6, 1908. Senator Bradley, for the defense, entered a motion for a new trial, which will be heard by Judge Adams tomorrow. RAILROADS STILL FIGHT ALABAMA (By Associated Press.) WASHINGTON, April 29.—The controversies between Alabama and the railroads of that state relative to the freight and passenger rates today reached the Supreme court of the United States through two petitions for writs of certiorari by the Georgia Central and the Western Alabama roads, asking the court to review the decision of the United States Circuit Court of Appeals for the fifth circuit which was adverse to the railroads. WAR GOVERNOR DEAD. (By Associated Press.) BRATTLEBORO, Vt., April 28.—Frederick Hollbrook, former governor of Vermont, the oldest ex-governor in the country and one of the last of the civil war's executives, died at his home here tonight. He was ninety-six years of age. DAILY NEWS TO RESUME. (By Associated Press.) GREENSBORO, N. C., April 28.—The Daily Industrial News which suspended publication on January 29, was sold to E. C. Duncan, republican national committee man from North Carolina. Publication will be resumed shortly under the name of "Greensboro Daily News," as a republican morning daily.

PROF. WOOD WILL CAST NO REFLECTION ON MARS

Has Reflector and is Perfecting That but is Not so Ambitious as Texans Think.

(By Associated Press.)

FORT WORTH, Texas, April 28.—A message received here today from Robert W. Wood, professor of astronomy of Johns Hopkins university, of Baltimore, practically agrees to the establishment of an observatory at Stamford, West Texas, which will be used in an effort to communicate with the planet Mars. BALTIMORE, April 28.—Robert W. Wood, professor of astronomy at Johns Hopkins university, after reading the Fort Worth dispatch regarding the establishment of an observatory at Stamford, Texas, said that he was engaged in experimenting with a mercury reflecting telescope twenty inches in diameter, that up to the present time he had not seriously contemplated the construction of a larger instrument. He has received telegrams from Fort Worth asking if he would consider the construction of an immense mercury reflector if the necessary funds were provided, but said he had made no agreement. In his reply he stated that it would be unwise to attempt to build a large instrument until the small one was perfected. "Even if it were possible to build a reflector twenty or even one hundred feet in diameter," he added "it is unquestionable at least whether we could see very much more of planetary detail on account of atmospheric disturbances." Professor Wood declared that he did not agree to go to Texas to carry on his experiments but said that he appreciated the offer of aid and that if it should ever seem advisable to carry out the experiment on a larger scale he might be willing to avail himself of such an offer. Professor Wood expressed skepticism as to the possibility of signaling to Mars. WEST GEORGIA EXTENSION. (By Associated Press.) ABERDEEN, Ga., April 28.—A charter was granted the Western of Georgia railway by Secretary of State Phil Cook this morning. The proposed road is to be capitalized at \$500,000. The road is to be sixty miles long. It will connect with the Atlanta, Birmingham and Atlantic at Aberdeen in Forsyth county and extend in a westwardly direction to the state line.

ABDUL HAMID QUIT WITH NICE LITTLE LE LAID ASIDE

Rumor Estimates That He Has Millions Deposited in Banks of Europe

NEW REGIME IS ON TRAIL OF HIS HOARD

Deposed Sultan Will Not Be Tried As He's Above Human Laws.

(By Associated Press.) CONSTANTINOPLE, April 28.—The former ruler of the empire, Abdul Hamid II, is to be kept a prisoner in a large house with walled grounds on a height overlooking Saloniki, which has lately been occupied by the Italian commander of the international gendarmerie. He is not to be put on trial, as has been widely reported in Constantinople, for he is considered to be above the law. It was thought wise to keep the deposed sultan in European Turkey, remote from the capitol. His household will be administered for him upon a generous scale and his life will be safeguarded as he earnestly begged when notified of his dethronement. Abdul Hamid, with four wives, five daughters and two of his youngest sons, two eunuchs and a comparatively large number of female servants, was taken from the Yildirim palace last night and started under an escort to Saloniki. The party proceeded by steam launches to the landing near the railway and a special train on which they were to be placed left at 1 o'clock in the morning. The constitutionalists would like to get back part of the great sums of money that the former sultan is supposed to have abroad; not only because the government is in need of the money, but because it is desirable that he should be deprived of the resources for another coup d'etat. Speculation places Abdul Hamid's wealth at anything between \$25,000,000 and \$200,000,000. American the First. It was mentioned with pleasure today at the palace of Mohammed V. that the American ambassador was the first of the foreign representatives to convey his good wishes to the newly proclaimed sultan. The sultan sent his compliments and thanks to Mr. Lohman, expressing pleasure that the representative of the United States was the first to congratulate him. The city is illuminated tonight and general rejoicing continues. Although this was a holiday, court martial were held and several of the principals in the mutiny of the troops were condemned to death. Later they were taken outside the walls of the city and shot. Prince Sabah Eddine, the nephew of the sultan who was arrested on suspicion of being implicated in the rising, has been liberated and his release has caused a good impression. The streets of the capital are filled with Macedonian volunteers. They are being feted by the citizens at the coffee houses and restaurants which are full to overflowing. The huge square inside the railings of the war office presented an unusual scene this afternoon. Thousands of soldiers of the late garrison were seated, cross legged, in companies in a great semi-circle, while officers made the rounds and picked out those suspected of active complicity in the mutiny. The men, however, were cheerful. They chatted and smoked and appeared to bear their disgrace lightly. Will Clean Up Capitol. Mahmud Scherker Pasha, commanding the forces, in an interview today intimated his intention to purify the capitol of all subversive elements and to establish a salutary example to the army. He said that he would have no half measures but would (Continued on page three.)

NEGRO CLIMBED TREE TO ESCAPE, IS HANGED ON IT

Confessed to Assault on White Woman Before Mob Strung Him Up.

(By Associated Press.)

BARTOW, Fla., April 28.—Strung up to a tree in which he sought refuge and his body riddled with bullets, Charles Scarborough, a negro who yesterday attempted to assault Mrs. Taylor Frierson of Fort Myer, met a speedy death today at the hands of a posse of infuriated men. The posse started out with blood hounds on the negro's trail soon after the crime became known, and scoured the woods all night. In a secluded spot the posse captured the negro today, finding him in the top of a tree which a few minutes later served as his scaffold. The negro confessed and without delay a rope was put around his neck and he was drawn up to a limb. The posse then stood off and fired twenty shots into his body.

