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MOTION OF MRS. HAINS DENIED

Justice Carr Refuses to Turn Children Over to Her

NO REASONS FOR CHANGE

Mrs. Hains Makes Deposition—Her Husband Accused Her of Being Unduly Friendly With Annis, Basing His Accusations on a Letter Sent Him by His Brother, T. Jenkins Hains—Was Very Much Excited—Made Her Sign Paper, But She Didn't Know Contents—May Have Been the Confession.

New York, Oct. 19.—The application of Mrs. Claudia Libbey Hains, wife of Captain Peter C. Hains, for counsel fees and alimony pending her suit for divorce, and for the custody of her three children, was denied today by Justice William J. Carr, of the supreme court, in Brooklyn.

Justice Carr ruled against Mrs. Hains at every point and refused to make any change in existing conditions, so far as they affect the custody of William E. Annis and his family. With reference to counsel fees and alimony, Justice Carr says: "It appears that the husband of the petitioner is confined in jail, on a charge of murder, and that he is without money to pay either counsel fees or alimony. His salary is suspended as a result of his imprisonment and his private means are required in his defense. The wife is in a comfortable home with her parents in Massachusetts."

With reference to the children, Justice Carr finds it inadvisable to make any change. He points out that Mrs. Hains has no home in New York state and that she expressed her intention of taking the children to the home of her parents in Massachusetts, should they be given into her charge.

"I deem it inadvisable at this time to disturb the existing situation," he says. While the decision of Justice Carr and the story of Mrs. Hains were being made public District Attorney Darrin, of Queens county, was going ahead with preparations for the arraignment of Captain Hains and his brother, T. Jenkins Hains, under the indictments against them for murder in the first degree. Mr. Darrin said that he would prove that T. Jenkins Hains was a cold-blooded murderer, and he would try him first for that reason.

The deposition of Mrs. Hains follows: "I was sitting on the veranda of my house at Fort Hamilton, May 29, 1908, reading a letter from my husband, dated San Francisco, when he suddenly appeared before me. He appeared to be very much excited and asked me to come into the house. When we got inside he accused me of being the mistress of William E. Annis. I denied this and suggested that we send for Mr. Annis. My husband agreed to this and suggested that I call him up on the telephone. I did so, and talked to him for some minutes with my husband standing alongside of me. I asked Mr. Annis to come to dinner, but he said he could not. He said he would come later in the evening. My husband then spoke to him on the telephone and he came down that evening in his automobile.

"Mr. Annis came down in his automobile and we all went down to Coney Island. My husband and Mr. Annis were very friendly. They joked and talked together and appeared to be just as good friends as they ever had been. That night we were arrested for speeding, and when we returned to the house Captain Hains and Mr. Annis sat up until 3 o'clock in the morning, drinking and smoking. He insisted upon Mr. Annis staying all night, but he would not.

"When my husband returned from San Francisco he based his accusations against me on a letter sent him by his brother, T. Jenkins Hains. This letter accused me of having been intimate with Annis. He did not read it to me as we came into the house that day, but said that it contained these facts. My husband did not show the letter to Mr. Annis after we returned from the ride, nor did he ask him to explain any of the charges in the letter. When Mr. Annis

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WILL NEBRASKA SUPPORT BRYAN?

One Correspondent Says Yes and Vice Versa Another Says No

LABOR VOTE FOR BRYAN

"Nebraska is a Doubtful State, With Chances in Favor of Taft," Says J. S. Henry, Washington Correspondent of the Philadelphia Press, and on the Other Hand the Louisville Courier-Journal Says, "If Bryan Does Not Carry His Own State, Nebraska, He Will Not Carry a State in the Union."

(By Leased Wire to The Times.) Philadelphia, Oct. 19.—The political writers, sent out from the Press, to treat on the condition in Mr. Bryan's own state, Nebraska, after a careful scrutiny of the political aspect in that state, both J. S. Henry, the Washington correspondent of the Press, and O. O. Stealey, the Washington correspondent of the Louisville Courier-Journal, arrive at the following conclusions: From Omaha Mr. Henry writes: "Nebraska is a doubtful state, with the chances in favor of its being carried for Mr. Taft. That statement will be resented by republican managers here as an insult almost, to their confidence in the success of the republican national ticket. It will be indignantly denied by Mr. Bryan's political captives, who likewise are positive that he will carry the state. There are no doubting Thomases among Nebraska republican leaders.

"The labor vote, which is not very large, will be largely for Bryan, although in South Omaha, where there are about 16,000 workmen, organized and unorganized, Debs, the socialist candidate, has a big following." Mr. Stealey, writing from the same city, sees the following indications: "I shall begin this letter with the broad and emphatic statement that if Mr. Bryan does not carry his own state, Nebraska, he will not carry a state in the Union. After this statement I propose to give the reasons for my making that statement. The further west I go the stronger I find the Bryan sentiment. The people with whom I have talked, republicans as well as democrats, believe in the man. I find here, as elsewhere, the labor vote about 80 per cent. in favor of democracy. A gentleman, highly connected with the Union Pacific shops, here, tells me that Mr. Bryan will carry the shops, getting about 85 per cent. of the votes. And in addition to that there is a strong state pride sentiment in favor of Mr. Bryan from republicans and democrats both. Added to this the farmers like his arguments and are convinced by them."

Little Betting in New York. New York, Oct. 19.—Election betting in New York city is practically at a standstill. Betting men who ought to know say they have never had greater difficulty in getting money down on either a state or national election. The nominal odds quoted by a number of hotel men, through whose hands such wagers usually pass, were 5 to 4 on Chanler and 3 to 1 on Taft. But while those odds were generally accepted by the betting fraternity as about the right proportion, based on reports from throughout the state and the country, they admitted that few wagers had been made.

Maine Gets Home. Portsmouth, N. H., Oct. 19.—The battleship Maine, completing a voyage around the world, arrived at her dock at 8:40 a. m.

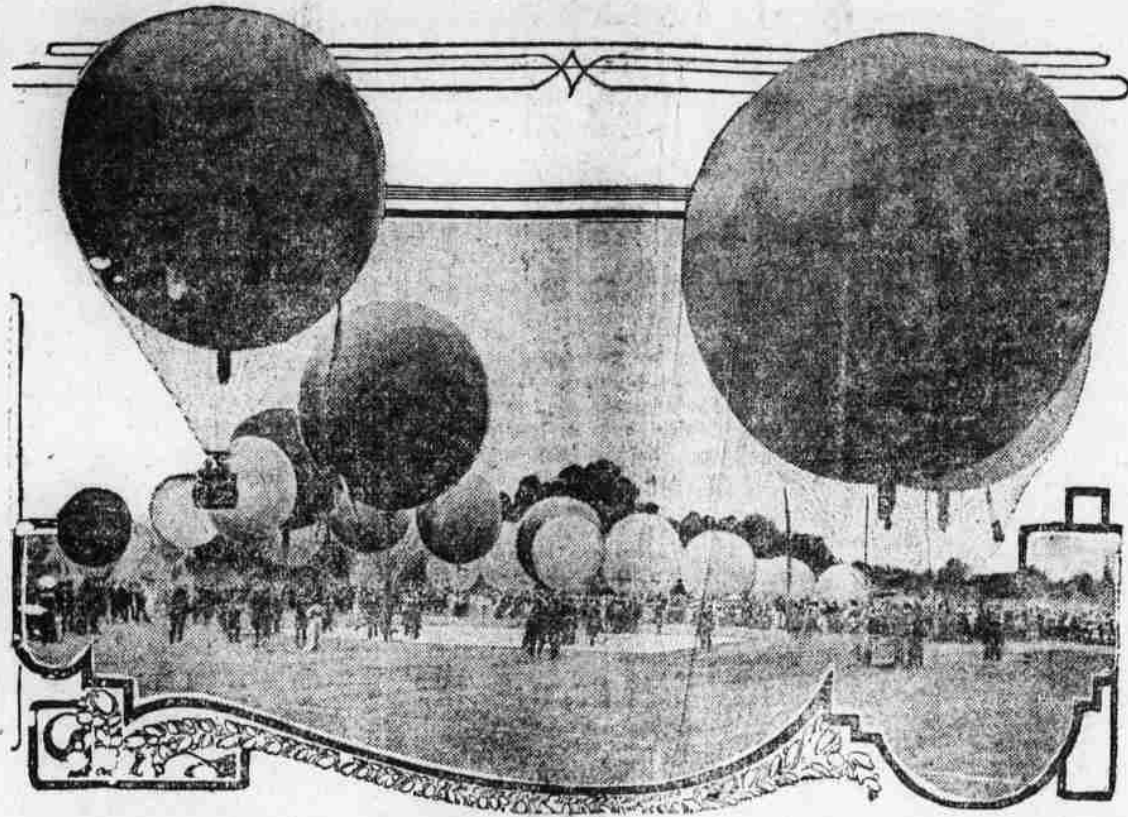
Newark, N. J., Oct. 19.—This city was one grand hurrah this morning when it welcomed Candidate William H. Taft. It is not any wonder that Judge Taft looked pleased or that his smile became an expansive one. The sort of a reception he got today was one which could not have been bought or borrowed. It was the real thing. He spoke at the Blaney theatre on Washington street, shortly after 9 o'clock.

"I'm feeling bully" said Judge Taft as he started for the Blaney theatre. "My voice is standing the racket very well and I have no fear now that it will give way again."

FOUND DEAD IN WOODS. Body of W. J. Hayes, Well Known Man of Winston-Salem, Found in the Woods. Winston-Salem, N. C., Oct. 19.—The body of W. J. Hayes, a well known notary public and collector, was found in the woods in East Winston today, with a pistol lying beside him. He had probably been dead twelve hours when discovered by men who happened to pass by. He had been drinking several days and indications point to suicide.

Bull and Tiger Fight. El Paso, Texas, Oct. 19.—A fight between a bull and a tiger in the Jauruz bull ring, opposite El Paso, yesterday took the spectators most of them tourists, back to memories of the dark days of Nero. It was a furious fight between two maddened beasts, death locked in an iron cage

Balloons Entered in the Recent Berlin Air Races.



Gathering of balloons from a balloon race. Sixty of these ships of air started in the race from Berlin, some of which have not been heard from since.

THE BETTING ON THE ELECTION

(By Leased Wire to The Times.) Chicago, Oct. 19.—Revised odds on the national and state election are announced by sporting men as follows: Taft, 1 to 5; Bryan, 7 to 2; Denson, 1 to 2; Stevenson, 8 to 5; others, 10-000 to 1.

Heavy play on Bryan and Stevenson at the odds offered is reported. Taft the Favorite. St. Louis, Mo., Oct. 19.—Taft continues favorite among the sporting fraternity of St. Louis in the presidential race, odds of 4 to 1 being offered against Bryan at the sporting headquarters.

That Bryan will carry Missouri many are offering 2 to 1 and are getting few wagers at that. Billy Hagerman, turf expert, who was offering to bet \$1,000 to \$300 on Folk, against United States Senator Stone for reelection, now says he will wager \$500 to \$1,000 or 3 to 5 that Stone will win. At this price Hagerman insists he is giving the Folk backers a little the better of the proposition.

Mr. Bryan I greatly respect and sympathize with, and know that the bias of his activity is kindred to mine in his sympathies to the interests of the working masses, his antimilitarism, and his recognition of the fallacies produced by capitalism. "But do not know, but hope Mr. Bryan will stand for land reform according to the single tax system of Henry George, which I regard as being at the present time of the most insistent necessity, and which every progressive reformer should place to the fore.

"Yours faithfully, "LEO TOLSTOI."

FOREST FIRES UNDER CONTROL

(By Leased Wire to The Times.) Detroit, Mich., Oct. 19.—The forest fire situation in northern Michigan is improved. Fires in the brush close to the city of Alpena have been beaten back. Refugees coming in from the burned districts have spread rumors that entire camps with all their men have been burned in the dense woods along the river.

Five more were added to the long death list when it was learned that Henry Hines, wife and three children were burned to death near Castrò last night. After a day and night of terror, during which the inhabitants of LeGrand fled from their homes and sought safety in every direction only to be balked and turned back by the flames that raged all around them, the village is safe and not a man who left when the town seemed doomed is missing.

TOLSTOI FAVORS BRYAN'S SELECTION

(By Leased Wire to The Times.) New York, Oct. 19.—Ryesson W. Jennings, a hotel proprietor of Philadelphia and as ardent an admirer of Mr. Bryan as he is of Count Tolstoi, wrote to Tolstoi in 1907, asking the latter for an expression of his opinion regarding Mr. Bryan's candidacy for the presidency. Mr. Jennings was a delegate to the democratic national convention and his letter said that the convention had declared the most important issue to be "shall the people rule?"

Count Tolstoi, whom Mr. Bryan visited on his tour of the world, has replied to this letter, as follows: "Dear Mr. Ryesson Jennings: In answer to your letter of August 24, I can sincerely say that I wish Mr. Bryan success in his candidature to the presidency of the United States. "From my standpoint, repudiating as it does all coercive government, I naturally cannot acquiesce with the position of president of a republic, but since such functions still exist, it is obviously best that they should be occupied by individuals worthy of confidence.

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"Yours faithfully, "LEO TOLSTOI."

KILLED IN STREET CAR ACCIDENT

(By Leased Wire to The Times.) Kansas City, Mo., Oct. 19.—At 9 o'clock this morning a northbound Troost avenue car crashed into one following, and J. L. Smith, of Nevada, Mo., was instantly killed and six others injured. The first car was climbing the hill north of Twelfth street when the motorman lost control of it and it plunged backward down the hill. Another car, following about 75 yards behind, was reversed and backed down the hill but could not escape the runaway.

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writing in the Record-Herald, says Bryan is sure to win in Indiana. He points out how the republicans are divided on local issues and are lukewarm toward Taft. "Unless something like a miracle happens during the next fortnight," he writes, "Indiana will give her electoral vote to Bryan this year. As the case now stands, the only doubt is as to the size of his plurality. This is not likely to be large—from 10,000 to 30,000—and on that account the republicans have not entirely abandoned this. They will, of course, continue the brave struggle which they have made against heavy odds since the beginning of the campaign. Even now, with all the facts against them, the republican leaders don't openly admit defeat. They still try to hope that some lucky turn of events, some accident, may enable Taft to squeeze through."

A SUMMARY OF POLITICAL NEWS

(By Leased Wire to The Times.) New York, Oct. 19.—Mr. Taft had breakfast yesterday in the white house, and President Roosevelt went to the Unitarian church with him. They had a walk and then luncheon. After a long conference Mr. Taft received nearly two scores of correspondents. He said he had had two meals in the white house and expected to eat one more.

"Is that all?" he was asked. He said he expected to be elected. He refused to detail his conversation with the president, who, he said, was "not a socialist or an P. Mr. Roosevelt is said to believe that the socialist and independence parties will poll 10,000 votes, most of which otherwise would go to the democrats and he is confident of the re-election of Governor Hughes. Mr. Taft will speak in New Jersey today. Within a few days, he makes his return. He intends to speak only twice a day.

Mr. Kern spoke optimistically of the situation in New York and said if Bryan received the labor vote in Connecticut and New Jersey that he would carry these states. "It was shown that the Standard Oil Company was favored by the Roosevelt administration in the regulations governing the operations of the Prairie Oil and Gas Company, in Oklahoma. Josephus Daniels, democratic national committeeman from North Carolina, replied to Attorney-General Bonaparte's letter on "Trust busting," denying the estimate made that success has crowded the administration's prosecutions.

Candidate Taft today is scheduled to speak at the following points in New Jersey: Newark, Rahway, New Brunswick and Trenton. He will arrive at Baltimore about 6 o'clock this evening and will be introduced there by Attorney-General Bonaparte. Eugene Debs is so ill that he can scarcely leave his private car. Candidate Bryan started today on his longest and most arduous trip, going in a special train to St. Louis, where he will speak and then leaving for Chicago where he is scheduled to deliver four addresses.

ARE DIVIDED ON LOCAL ISSUES

(By Leased Wire to The Times.) Chicago, Oct. 19.—Walter Wellman, writing in the Record-Herald, says Bryan is sure to win in Indiana. He points out how the republicans are divided on local issues and are lukewarm toward Taft. "Unless something like a miracle happens during the next fortnight," he writes, "Indiana will give her electoral vote to Bryan this year. As the case now stands, the only doubt is as to the size of his plurality. This is not likely to be large—from 10,000 to 30,000—and on that account the republicans have not entirely abandoned this. They will, of course, continue the brave struggle which they have made against heavy odds since the beginning of the campaign. Even now, with all the facts against them, the republican leaders don't openly admit defeat. They still try to hope that some lucky turn of events, some accident, may enable Taft to squeeze through."

STATE DEFIES FEDERAL COURTS

New York Refuses to Give Thaw Up—Still at Matteawan

ATTORNEY IN CONTEMPT

Federal Court Had Ordered That Thaw be Taken to Pittsburg Today But State Authorities Refuse. Prisoner Fully Expected to go and Had Dressed and Packed His Suit Cases—Attorney Morschauer Says Colonel Gardiner Will go to Jail for His Defiance.

(By Leased Wire to The Times.) New York, Oct. 19.—The state of New York has defied the United States federal courts and Harry K. Thaw, instead of being in Pittsburg today as ordered by United States Judge Archibald, in connection with Thaw's bankruptcy proceedings, is detained at Matteawan asylum by the state authorities. Colonel Asa Bird Gardiner, a deputy attorney general, employed for this case and a legal advisor of Dr. Lamb, superintendent of Matteawan, has induced the physician to refuse to deliver Thaw as ordered. Charles Morschauer declares that Colonel Gardiner will go to jail for his defiance and has declared he will make it hot for him.

Thaw was so sure he would be taken to Pittsburg that he dressed himself for the trip and his suitcase packed. He was greatly disappointed at having to stay in Matteawan. Colonel Gardiner is already in contempt of court for refusing to give Thaw up, Morschauer asserted. So is Dr. Lamb, according to the lawyer. He intimated that he was not so eager to make trouble for the latter, but he certainly would press matters against Gardiner. "I shall make every effort to have the writ of the United States court enforced," Attorney Morschauer declared, "and if Colonel Gardiner appears in Pittsburg court without Thaw he will stand closer to a jail cell than he ever stood in his life. He will be in contempt of the United States court and I will urge his punishment as strongly as I know how. "If either Colonel Gardiner nor Thaw shows up—and I know now that Thaw won't—I will ask for an attachment against Colonel Gardiner and will come back with a United States marshal to take him to Pittsburg in custody. Maybe after he's locked up awhile he won't feel so much like trifling with a federal writ and getting into contempt."

Attorney Morschauer and his associate, Albert P. Heyer, left for Pittsburg after learning that Colonel Gardiner had made no plans for talking Thaw there, as he had been ordered by Judge Archibald.

Late last night, while the men folks were absent, the same men appeared, and, seizing the girl bride, hurried toward a swamp, threatening to kill her mother if she made an outcry. The husband and father, returning soon after, organized a posse. The men, who refuse to give their names, were captured in the swamp but no trace of the girl has been found and it is feared she may have perished in the swamp.

BURNING BRIDGE IMPERILS TRAIN

(By Leased Wire to The Times.) Hammond, Ind., Oct. 19.—A hundred passengers on the New York Chicago Erie train, No. 9, were in peril of their lives near Wilders, Ind., this morning, when the train narrowly escaped being plunged into the Kankakee river because of the burning of the bridge that spans the stream at that place. The train due there about 4 o'clock approached the bridge at a good rate of speed and the engineer, seeing the blaze from the trestlework on fire, put on his brakes in time to save the train from plunging into the river. The bridge was 200 feet long and completely destroyed by the marsh fires that are raging in the Kankakee marsh. Traffic on the road was delayed for three hours and all trains detoured over the Panhandle.

MARRIED A NEGRESS.

(By Leased Wire to The Times.) New Orleans, La., Oct. 19.—Forester Henry Dolhonde, in divorce proceedings alleges that his bride of less than a month is a negress. Dolhonde, who is a white man, had started on his honeymoon, when some one told him his wife was not of his race. The bridegroom began an investigation with the result, as stated in the petition, that he learned that the bride's father, Azemar Lanahere, registered his daughter with the board of health at the time of her birth, twenty years ago, as a negro child.

The bride, who is a beautiful girl of the brunette type, will fight the divorce. KING HAS CONSENTED TO THE DUKE'S MARRIAGE. Rome, Oct. 19.—The Giornal D'Italia declares that the king has formally consented to the marriage of the Duke of the Abruzzi and Miss Catherine Elkins. The paper says that Miss Elkins is now practically an Italian princess, as it has been decided that she shall enjoy royal rank before the wedding.

The declaration of the Giornal is significant. Heretofore the Italian press has never explicitly stated that the king had sanctioned the marriage; hence an official denial is not expected.

YOUNG BRIDE IS KIDNAPPED

Carried Into Swamp by Two Men and Cannot be Found

KIDNAPPERS IN JAIL

American Girl Who Married Foreign the Object of Persistent Attack by Rascals—Was Kept for Three Days in Woods—Returned Home and Carried Off the Second Time—Her Captors Locked Up But Girl Cannot be Found and Believed She Has Perished.

(By Leased Wire to The Times.) New York, Oct. 19.—Mrs. Abby Wickes-Merriongola, the 17-year-old daughter of Mr. and Mrs. Henry Wickes, of Huntington, L. I., is believed to have perished in a swamp five miles south of Huntington last night after she had been kidnapped from the home of her parents and bound in the dense woods by her captors. A posse is searching through the swamps for her or her body.

The police of Huntington and the neighbors are firmly convinced that the girl is dead, while the jail at Huntington, a ramshackle sort of affair, in which two of her alleged kidnapers are confined, is being closely guarded for fear of attack. The kidnapping of this American girl by foreigners cannot be explained, unless it is that her marriage to Nichola Merriongola six months ago offended some clan. Merriongola was employed on the Wickes farm and was a saving fellow and attended strictly to business. He and his employer's daughter eloped six months ago. Forgiveness awaited the couple when they returned to the farm and Mr. Wickes gave his son-in-law a piece of ground in South Huntington. On Thursday night while the husband was absent, two men entered the house, bound and gagged the young woman and took her to the woods. Three days later the girl staggered into her father's home. The father and husband had searched for her night and day after the kidnapping and the father had reported the case to the police. He asked, however, that the matter be kept quiet.

When the girl got to her father she was dazed and weak. She had been horribly mistreated, and could remember little, save that she had been taken to a swamp by two men and kept there. Late last night, while the men folks were absent, the same men appeared, and, seizing the girl bride, hurried toward a swamp, threatening to kill her mother if she made an outcry. The husband and father, returning soon after, organized a posse. The men, who refuse to give their names, were captured in the swamp but no trace of the girl has been found and it is feared she may have perished in the swamp.

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