

WITNESS WAS TAMPERED WITH

Witness for Defense in Hains Case Will Give Evidence for Prosecution

LAWYERS ARE EXCITED

John F. McIntyre, Chief Counsel For Hains Brothers, Came Into Court Much Excited This Morning and Declared That One of His Principal Witnesses Had Been Tampered With—Witness Had Made Affidavit That Hains Went to Scene of Murder to Look At Real Estate.

(By Leased Wire to The Times) Flushing, N. Y., Dec. 16—At the very outset of the opening of the case of the State vs. Thornton Jenkins Hains, accused with his brother, Capt. Peter C. Hains, U. S. A., of the murder of William E. Annis at the Bayside Yacht Club on August 15, last, the defendant's chief counsel, John F. McIntyre accused the prosecution of tampering with his principal witness. It was no secret in and about Justice Frederick Crane's court at the convening hour this morning that this witness was expected by Mr. McIntyre and his assistants to be the star performer for their client. This man was almost the first person to meet and talk to the Hains Brothers on the day they arrived in the vicinity of the boat house.

According to McIntyre, he had even prepared an affidavit, in which he supported in detail the assertion of Thornton Hains that he came to the spot of the crime with his brother for the purpose of inspecting some real estate and meeting a real estate agent and for no other purpose, and that the subsequent crime was the outcome of a sudden situation of circumstances.

According to McIntyre, this witness had given to the defense an affidavit in which he supported in the strongest fashion this contention by recalling in detail a talk with the brothers. They had asked him (the witness) the affidavit sets forth, according to the Hains' lawyers, where a certain man, the real estate agent, could be found and the witness had replied that the agent they were looking for could be found at the Bayside Yacht Club.

The strength and importance of this testimony to the defendant is at once obvious. But now at the very opening of the case McIntyre declares that this man will attempt to repudiate his affidavit and, becoming a witness for the state, will testify that the brothers were heard to talk about "Billy" Annis and that one pistol at least was displayed in the presence of the witness. Both McIntyre and his principal assistant, Joseph Shay, evidently greatly excited by the sudden turn of affairs, came to the court room as early as 9 o'clock.

"We have this man's affidavit," McIntyre declared, "and it is plain upon its face. He made it, we believe in sincerity and we certainly intend to hold him to it. That he has been 'monkeyed' with by some one is evident.

"A man can't with impunity swear to one thing upon a legal paper and testify to the contrary in this country if I can help it."

ARTIST STARVES.

Would Not Part With Valued Picture.

(By Leased Wire to The Times) San Francisco, Cal., Dec. 16—Carlotta Rodriguez, daughter of a famous California artist and once prominent Bohemian, starved herself to death. With a small fortune on canvas in her possession she refused to save her life by parting with the masterpiece of her artist father. She had planned that it should stand between her aged grandmother and want. Had the girl but to take the picture to an art dealer at least \$1,000 could have been secured. But conscience would not permit her to sell the last resource of a once wealthy family.

Extra Session of Ohio Legislature.

(By Leased Wire to The Times) Columbus, O., Dec. 15—Governor Harris has issued a proclamation calling a special session of the legislature, to meet on January 4.

No statement is made as to the purpose for which the legislature is called, the governor saying that he will point out the reason for the call in a special message.

A successor to Senator Foraker will be voted for at the session.

WORK OF THE CONGRESS TODAY

(By Leased Wire to The Times) Washington, D. C., Dec. 16—In the senate today the resolution introduced yesterday by Senator Foraker ordering an investigation into the employment of special detectives for the purpose of ferreting out the perpetrators of the Brownsville shooting, was taken up and passed.

Senators Aldrich and Kean introduced resolutions to the effect that the committee on appropriations should make a thorough investigation of the secret service referred to in the president's message.

Senator Culberson said the resolutions were not strong enough in their language and urged that that portion of the message referred to be referred to the committee on appropriations, which shall make the necessary investigations and report to the senate what steps should be taken in the matter.

The house as a committee of the whole took up the consideration of the penal code bill and the first clause considered was that relating to trading in futures by mail on the New York Cotton Exchange.

The special house committee, of which Mr. Perkins is chairman, will probably not report until tomorrow on that part of the president's message which reflected on the members of the house.

FLEECE BY OLD FAKE PRIZE FIGHT

(By Leased Wire to The Times)

Wilkesbarre, Pa., Dec. 16—H. A. Smith, a well-to-do resident of Chicago, this morning caused the arrest of four men whom he accused of fleecing him out of \$3,000 by the old fake prize fight game. The men arrested gave their names as J. W. Heinrich, Seattle; W. H. Courtney, New York City; J. E. Childberg, Detroit, and E. Millville, New York.

Smith says he was induced to come to this city by the men on the pretext of looking at a large timber tract which they had to sell and was kept here by them for several days viewing the land and talking business.

Then a prize fight was proposed as a recreation and the fighters, known as O'Brien and Glover were engaged.

The syndicate of four tipped Smith that the fight was fixed for Glover to win and that they were going to bet \$40,000 on him quietly. Smith was induced to add \$3,000 to the pool and says that he never got his money back. The fight did not take place.

WALL STREET INVESTIGATION.

Governor Hughes' Commission Will Get Promptly to Work.

(By Leased Wire to The Times) New York, Dec. 16—Governor Hughes' commission for the investigation of Wall street is likely to get promptly to work to finish its labors.

Horace White, who, as the first named in the Governor's list of appointments to the committee will undoubtedly be chairman, says the committee will probably get to work immediately after the holidays and proceed diligently to an early finish of its investigations.

The committee is not an inquisition, but a commission of inquiry and its membership met the approval of the street generally, so far as the bankers and brokers spoke for publication.

Mr. White said that the committee would probably ask officers of the stock exchange first to give the committee the benefit of their views and then officers of other exchanges, and if any exchange officers preferred not to appear or give the information desired, he thought there was no doubt that creditable witnesses, other than such officers, would be quite willing to give the information.

He thought questions would be put to bring out minutely the rules of the exchanges and the practices of the community interested. Mr. White said that the committee would recommend legislation if it thought advisable.

Presidential Appointments.

(By Leased Wire to The Times) Washington, Dec. 15—Following nominations were sent to the senate by President Roosevelt today:

To be envoy extraordinary and minister plenipotentiary to Roumania and Serbia and diplomatic agent to Bulgaria—Huntington Wilson, of Illinois.

To be governor of Arizona—Joseph H. Kibbey, of Arizona.

BOYD CONYERS TELLS HIS STORY

Still Denies His Confession Made to Detective William Lawson

HE TALKS FREELY A WILD EXCITEMENT

Conyers Says He Knows Nothing of the Brownsville Affair and Denies the Published Confession He is Alleged to Have Made to William Lawson, the Negro Detective—Says Special Investigator Brown Offered Him Immunity if He Would Make Clean Breast of Affair.

(By Leased Wire to The Times.)

Monroe, Ga., Dec. 16—Boyd Conyers, of this village, a young mulatto, formerly a private in Company B, Twenty-fifth Infantry, one of the companies discharged from the army for alleged participation in the Brownsville raid, has denied all the statements attributed to him in the affidavits of William Lawson, the negro detective, who claims that he secured a confession from Conyers.

Conyers has been visited by four detectives since his discharge from the army and claims that every statement he has made to them has been in the presence of some citizen of Monroe and that none of these statements contained any information which would tend to incriminate himself or anyone else. Conyers declares that he knows nothing of the perpetrators of the Brownsville outrage.

Conyers talked freely of the matter. He says Herbert J. Brown, a government official, visited him in October and offered him immunity from arrest in the event he made a clean breast of the affair, but Conyers stated to Mr. Brown that he was not in possession of the information desired. Sheriff Arnold was present at this interview and corroborates the statement of Conyers.

W. G. Baldwin and A. H. Baldwin also visited Conyers—in November. Fred D. McGarity, a notary public, was present at the interview of A. H. Baldwin. Mr. McGarity states that the statement of Conyers to Baldwin contained nothing tending to show that Conyers was connected with the riot or knew anything definite about it.

Conyers stands well among the citizens of the village, of the white race as well as his own.

VIRGINIA RAILWAY RATE.

Conference Being Held and Differences Will Likely Be Compromised.

(By Leased Wire to The Times) Richmond, Va., Dec. 16—A 2 1/2-cent flat rate on all main lines; a rate to be determined at a conference with the state corporation commission, the conference to be held later, for all branch lines; a 2-cent rate for 1,000-mile lines; withdrawals of all pending litigation, and abrogating the agreement now binding the railroads not to charge more than a 2-cent rate until the case reaches a finality in the United States supreme court is likely to be the action which will be taken as a result of the conference now being held by attorneys representing the railroads of this state.

Among those present at the conference were President Stevens, of the Chesapeake & Ohio; President White, of the Richmond, Fredericksburg & Potomac; A. P. Thom, general counsel for the Southern; Henry T. Wickham, general counsel for the Chesapeake & Ohio.

SEVEN SEAMEN DROWNED.

Start For Shore During Snowstorm and Fail to Reach Port.

(By Cable to The Times) St. Pierre, Miquelon, Dec. 16—Seven of the crew of the French warship Admiral Aube, who started for the shore Monday night are missing and it is thought all were drowned.

The men left the warship in a small boat during a heavy snow squall. The men on the warship, however, supposed that the sailors had reached port and no alarm was given until yesterday, when the crew failed to report.

Postoffices Advanced.

Washington, Dec. 16—An order was signed by Postmaster-General Meyer yesterday advancing 200 fourth-class postoffices to the presidential class, effective January 1, 1909. Postmasters of the presidential class are allowed a salary of from \$1,000 to \$1,500, in place of the fourth-class commissions.

CARACAS IS IN OPEN REVOLT

Martial Law Has Been Declared as an Aftermath of Rioting

A WILD EXCITEMENT

Enemies of Castro Government Stone Houses and Loot Stores and Buildings—President Burned in Effigy and Statues Demolished—For Hours Authorities Were Unable to Cope With Fury of the Mob—Wrath Solely Against Castro and No War-like Demonstrations Against Holland.

(By Cable to The Times)

Caracas, Dec. 16—Martial law is reigning in this city today to prevent an aftermath of the furious rioting of last night, when houses were stoned, windows broken, buildings fired and merchandise carried from looted stores and burned. The animus of the mob was leveled at the friends and adherents of President Castro, of Venezuela, who is today in Berlin.

The Plaza Bolivar was the scene of the wildest excitement. The president was burned in effigy and statues of Castro were hauled there with ropes and demolished. For hours the authorities were unable to cope with the fury of the mob.

There have been no warlike demonstrations against Holland yet, despite the fact that Dutch warships have been maneuvering off the coast and offering warlike moves against this nation. The wrath of the mob is directed solely at Castro and his henchmen.

Several stores belonging to Senor Thiele, a son-in-law of General Tello Doadozo, were wrecked, as was the building which houses the newspaper El Constitucional, a newspaper friendly to the administration. General Mendoza was at one time minister of finance and has been open in his friendship for Castro. It was feared for a time that an attempt would be made on his life, but this was openly denied.

A number of men were injured in the riots, and one, Marciano Rojas, was killed. His funeral will occur tomorrow and extreme precautions will be taken that an outburst does not occur then.

All the proclamations posted about the city by Castro were torn down and trampled on.

TO STUDY WATERWAYS.

Committee Appointed to Prepare Bills to Introduce in Congress.

(By Leased Wire to The Times) Washington, D. C., Dec. 16—Representative Ransdell, of Louisiana, president of the National Rivers and Harbors Congress, has appointed Representative J. Hampton Moore, of Pennsylvania; J. N. Teal, of Oregon; Albert Bettinger, of Ohio, and Representative Swager Shirley, of Kentucky, to serve as a committee to prepare bills for introduction in the congress of the United States, providing for a bond issue for the country's waterways improvements and for the creation of a statute commission to study and report on the waterways of this and foreign lands.

The members of the committee charged with preparing these bills will get together immediately and may be ready to introduce the measures after the holidays.

BIG INDUSTRIAL MEETING.

Secretary Straus Considers Advisability of Calling Meeting.

Washington, D. C., Dec. 16—Secretary Straus has referred to a special commission in the Department of Commerce and Labor the advisability of calling together important labor leaders, publicists and directors of big industries to consider industrial questions of importance throughout the country. He had suggested that the meeting be held at the Department of Commerce and Labor about January 12.

Two Officers Dismissed.

Washington, Dec. 16—President Roosevelt has approved sentences of dismissal imposed by courts-martial on Captain Solomon P. Avery, Jr., coast artillery corps; and First Lieutenant William W. Ballard, Jr., coast artillery corps. Captain Avery was found guilty of irregularities in connection with his company's funds. Lieutenant Ballard was tried on charges of scandalous conduct growing out of excessive drinking.

WORLD NOT FRIGHTENED

Says President is Guilty of Libel

World Has More Respect for Office of President of the United States Than Theodore Roosevelt Has Ever Shown—Mr. Robinson's Veracity in Preference to the President's.

New York, Dec. 16—The World today in its answer to President Roosevelt has the following: "Mr. Roosevelt is mistaken. He cannot muzzle The World.

"While no amount of billingsgate on his part can alter our determination to treat him with judicial impartiality and scrupulous fairness, we repeat what we have already said, that the congress of the United States should make a thorough investigation of the whole Panama transaction, that the full truth may be known to the American people.

"The World fully appreciates the compliment paid to it by Mr. Roosevelt in making it the subject of a special message to the congress of the United States.

"The World likewise appreciates the importance of Mr. Roosevelt's statement when he declares to congress that the proprietor of The World should be prosecuted for libel by the government authorities, and that the attorney-general has under consideration the form under which the proceedings against Mr. Pulitzer shall be brought."

"This is the first time a president ever asserted the doctrine of lese majeste, or proposed, in the absence of specific legislation, the prosecution by the government of citizens who criticized the conduct of the government or the conduct of individuals who may have had business dealings with the government. Neither the king of Great Britain nor the German emperor would venture to arrogate such power to himself. John Adams' attempt to enforce the sedition law destroyed the federalist party in America. Yet Mr. Roosevelt in the absence of law proposes to use all the power of the greatest government on earth to cripple the freedom of the press on the pretext that the government itself has been libelled—and he is the government.

"It is true that The World printed the public reports concerning the Panama Canal affair which resulted from William Nelson Cromwell's appeal to the district attorneys' office during the recent campaign to prevent the publication of a story which was said to be in the hands of the democratic national committee. It was Mr. Cromwell's own action which raised the issue in the campaign.

"It is true also that when Mr. Roosevelt made his attack upon DeLaban Smith The World called attention to certain statements which Mr. Roosevelt must have known to be false or misleading and appealed to congress to end all scandal by a full and impartial investigation. If this be treason, let Mr. Roosevelt make the most of it.

"Mr. Roosevelt's lamentable habit of inaccurate statements makes it impossible to accept either his judgments or his conclusions. In his message he does not state correctly even so simple a matter as the pretended causes of his grievances. The World has never said that Charles P. Taft or Douglas Robinson made any profit whatever. Mr. Taft denied that he was concerned in the transaction in any way, which denial The World published and accepted. It would have been equally glad to print Mr. Robinson's denial could it have succeeded in obtaining one from him, as it frequently attempted. The World has no evidence that he was associated with Mr. Cromwell, and would accept his word to that effect; for Mr. Robinson is an estimable gentleman; of high character, whose reputation for veracity is infinitely better than that of his distinguished brother-in-law.

"If The World has libelled anybody we hope it will be punished, but we do not intend to be intimidated by Mr. Roosevelt's threats, or by Mr. Roosevelt's denunciations, or by Mr. Roosevelt's power.

"No other living man ever so grossly libelled the United States as does this president who besmirches congress, bulldozes judges, assails the integrity of court, stencils private citizens, and who has shown himself the most reckless, unscrupulous demagogue whom the American people ever trusted with great power and authority.

"We say this not in anger, but in sincere sorrow. The World has immeasurably more respect for the office of president of the United States than Theodore Roosevelt has ever shown during the years in which he has maintained a reign of terror and vilified the honor and honesty of both public officials and private citizens.

RALEIGH'S NEW CHARTER AROUSES ENTHUSIASM

LONGBOAT WINS RACE Dorando Drops on Track From Exhaustion

Indian a Better Runner Than the Italian and Was Leading the Race When the Latter Repeated His London Performance by Dropping on the Track.

(By TAD.)

New York, Dec. 16—Coming down the stretch at a gait which would have made Arthur Duffy hustle, Tom Longboat, the great Indian runner, won the Marathon race at the garden last night after he had broken the heart of Dorando Pietri, the great little Italian. He won the race alone, this Indian. He sprinted at times so fast that the plugging Italian was footsore and weary, and on the fifth lap of the twenty-sixth mile, fell from exhaustion and had to be carried from the track. There was only one man in the race, and he finished.

Although the time made in this race was slower by 45 2-5 seconds, it was more thrilling by far than when Dorando defeated Johnny Hayes three weeks ago. Dorando repeated his London performance by dropping on the track, but this time he was not in the lead. He was following the lanky Indian when he fell, and from the looks of things was going to run second anyway.

It was a few minutes after 9 o'clock before either man made his appearance on the track, and then there was a round of applause that fairly shook the place as Dorando appeared with an armless white shirt and his famous red running trunk. He wore no cigarette ads on his person this time. He got his for wearing them before. Longboat came out then the Canadian rooters tore off an awful chirp. The tall, black-haired Aborigine smiled as he was cheered and posed for a photo with the Italian champion. A few minutes after Floyd McFarland, winner of the six day bicycle race, fired the gun and the pair started off, as the crowd howled, waved their flags and tossed hats in the air.

Dorando took the lead. He did that in the race with Hayes. He kept the same race as he did in the former race. Longboat did not follow in the carriage dog style like Hayes, close to his man, but gave the equal-maker fully twelve feet lead. Tom has a long stride. He needed the room. Hayes very often had to miss a step or two for fear of stepping on Dorando's heels. Longboat had plenty of room and he kept in the back and smiled. He wore a white shirt and white running trunks, and on the shirt was a green maple leaf with a gold harp, the emblem of the Irish-Canadian Club.

The tall Indian looked like the Singer building jammed up against Trinity church as he stroled after the plodding Italian. He took his time, and knew that when he let out he was all alone, so for two miles he followed the swift pace his opponent set for him. At the beginning of the second mile Tom took the lead and sprinted for seven laps. He thought he had done enough then and let his chunky adversary take the lead again as he washed his face with a sponge.

On the ninth lap of the nineteenth mile, Longboat jumped to the front again and led a merry pace. It was breaking Dorando's heart, but he hung on bravely. He joggled along behind the long-legged Indian with his face as white as a sheet. He took the lead again, but it could be seen then that he was not there with the speed. His pace was very much slower and Longboat did a little trot that was just a tiny bit better than a walk.

Hayti is Quiet.

Washington, Dec. 16—Officers of the state department are confident there will be no further disorder in Hayti and the naval force in Haytian waters will be withdrawn to allow the cruisers Tacoma and Dolphin to continue their target practice at Cape Cruz. The Tacoma has sailed from Port-au-Prince for target practice.

Zens who opposed his policies or thwarted him in his purpose.

"So far as The World is concerned its proprietor may go to jail, if Mr. Roosevelt succeeds, as he threatens; but even in jail, The World will not cease to be a fearless champion of free speech, a free press, and a free people."

Commission Form of Government proposed By Legislative Committee of Association

FIVE MEMBERS IN THE CITY COUNCIL

The Proposed New Charter Embodies the Very Latest Developments in the Science of City Management—Committee Has Done a Great Deal of Work on the Charter—The Famous DesMoines Charter is the Model on Which Raleigh's New Charter is Built.

The people of Raleigh and the members of the Good Government Association missed the best session of that body has ever engaged since its inception, by not being present last night. The crowd was not large, but it was composed of earnest men, leaders in the movement for better government.

The charter was read by Hon. W. N. Jones, chairman of the legislative committee. In a few preliminary remarks, Mr. Jones spoke of the work of the committee. He explained that the committee, after long research and study the committee decided to adopt the "commission form" of city government, a plan which is rapidly being adopted by progressive cities all over the country. Des Moines, Iowa, Houston, and Galveston, Texas, and many other cities have tried it with success.

The charter is here given. It is what might be called a "general charter."

A Bill to be Entitled "An Act to Promote More Efficient Municipal Government."

The General Assembly of North Carolina do enact:

Section 1. That any city in the state having a population of ten thousand or over, as shown by the last preceding national census, may become organized as a city under the provisions of this act by proceeding as hereinafter provided.

Sec. 2. Upon the petition of electors equal in number to twenty-five per centum of the votes cast for all candidates for mayor at the last preceding city election of any such city, the governing body of said city shall submit the question of organizing as a city under this act at a special election to be held at a time specified therein, and within two months after said petition is filed. If said plan is not adopted at the special election called, the question of adopting said plan shall not be resubmitted to the voters of said city for adoption within two years thereafter, and then the question to adopt shall be resubmitted upon the presentation of a petition signed by electors equal in number to twenty-five per centum of the votes cast for all candidates for mayor at the last preceding general city election. At such election the proposition to be submitted shall be: "Shall the proposition to organize the city of (name the city) under chapter (naming the chapter containing this act) be adopted?" and the election thereupon shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to other city elections. If the majority of votes cast be in favor thereof, the city shall thereupon proceed to the election of a mayor and four (4) councilmen, as hereinafter provided. Immediately after such proposition is adopted the mayor shall transmit to the secretary of state and the clerk of the superior court of the county in which said city is situated, each a certificate stating that such proposition was adopted. At the regular city election after the adoption of such proposition, there shall be elected a mayor and four (4) councilmen. In the event, however, that the next regular city election does not occur within one year after such special election, the governing body of said city shall, within ten days after such special election, order a special election for the election of a mayor and four councilmen, sixty days notice thereof being given in such call; such election in either case to be conducted as hereinafter provided.

Sec. 3. All laws governing towns and cities of this state, not inconsistent with the provisions of this act, shall apply to and govern cities organized under this act, and as provisions in the charters of such cities as may adopt this act, not inconsistent with the provisions of this act, shall remain in force and apply to and govern cities organized under this act; and all by-laws ordinances and (Continued on Page Two.)