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GAVE EVIDENCE AGAINST HAINS

Berbert H. Kimmell, Newspaper Man Gives Damaging Testimony in Case

SAID

Defense Puzzled by Announcement That Deputy Sheriff John Phillips is to be Called as a Star Witness For the Presecution—Phillips Has Been the Personal Guardian of the Hains Brothers Since Their Arrest. Darrin Hints at Surprise to Come and Says Mrs. Annis Was Not His Best Witness.

(By Leased Wire to The Times) Flushing, N. Y., Dec. 23-The defense in the T. Jenkins Hains murder trial was puzzled at the opening of court this morning by the announcement that Prosecutor Darrin proposes to call as one of his star witnesses Deputy Sheriff John Phillips, of the Queens county jail, who has been the personal guardian of both the defendant and his brother ,Captain Peter C. Hains from the day of the shooting Joseph A. Shay, of the Hains counsel, Darrin is going to attempt to get into the case, through Phillips, certain damaging statements made by Thornton Jenkins Hains to the captain since their imprisonment. Darrin late last night hinted at a surprise to come and was heard to say emphatically that Mrs. Annis was not his best wit-

ness, as she has been supposed to be. The deputy sheriff has been enabled to hear every word of conversation which has passed between the brothers since their incarceration. That the brothers have talked freely in their cells there is no doubt, but seldom before in murder trials have such convensations been considered otherwise than private.

the nervous spell that followed damaging testimony for the state

T. Jenkins Hains' chief counsel, John F. McIntyre, declared to a Hearst News Service reporter today able story of William E. Annis' retahis whole case before the jury.

club as the captain fired the shots, was the witness called this morning. Kimmell was in a bay house when he heard the first shot and ran to the float, reaching there as Downs de-clared it was a gentleman's club, as he asked Thornton to surrender his

"When a policeman arrived and led Captain Hains away," he testrfled, "I said to the officer, 'You'd better take charge of this man,' moin:ing to Thornton Hains, 'He is equally guilty-he held off the men while the other one did the shooting."

"The defendant stood about two my declaration: 'I know I did. If I partment this afternoon; had been in his place I would have done the same as he did."

Lawyer McIntyre sought to have Brazilian minister at Caracas, exthe court strike out the damaging pressing the wish of President Gomez every objection of the defense, how- al questions and expressing a desire United States. ever. Under cross-examination Kimmell admitted that he submitted a statement to Darrin detailing all that he saw and heard after the shooting and that he had talked with Special Prosecutor White in regard to the Buchanan has left for Venezeula as case. He insisted, though, that the special commissioner with instructions conversations were only of a perfunc- of the most friendly character. tory nature and that his testimony

John A. Clark, of Amityville, the colored sailing master of a yacht which was moored close to the club house on the day of the shooting, was the next witness. He told of going over to the float after the first shot and gave his recollections of condi-

The witness denied emphatically that he had heard the defendant or anyone else call out: "Keep back, keep back; he knows what he is doing."

see him press his gun against Mrs. Of the great distance from a hydrant. 5. The boys start training at once.

As these denials were made the de-(Continued on Second Page.)

Miss Isabella McK. Young, Dunn.



at Bayside Yacht Club. According to Miss Young is One of the Leaders in the Great State Beauty Contest of The Evening Times, and Her Friends Say She Will Win First Honor.

Intense Interest In Hearings In The Cooper Murder Case--Court Crowded

Nashville, Tenn., Dec. 23-The hear- and was smiling. ing of evidence in the criminal court on the application for ball of Colonel with the murder of former Senator E. principal witness. Thornton Hains came into court W. Carmack, was resumed this mornthis morning entirely recovered from ing. Interest in the case is intense

before the hour for convening court. of Police Pilcher was coming up; that the Tennessecan. tively on the court record the remark- that it contained two empty shells.

tions with Mrs. Claudia Hains, which heard the shots. He saw Robin Cooper of which was about as follows: Carolina we wish to congratulate he desires to make the keynote to lean over the body and then step away: "I am an old man, 65 years old. I them in being selected by their he desires to make the keynote to lean over the body and then step away; Herbert H. Kimmell, of Bayside, pavement. Harwood, who is a third seeker. I am a private citizen and you state in this great contest. They cousin of ex-Sheriff John D. Sharp, have no more right to say these things have all made a great race and we one of the defendants, say John D. Jahout me in the course there is a say have all made a great race and we Sharp at the scene of the shooting and to say them to my face."

for the presence of an American war-

government has responded promptly to

of a good understanding between the

two countries and Mr. William I.

"Assuming that the expressed de-

sibility of disorder, the president has

considered that it was desirable to send

an officer of large experience and dis-

cretion and therefore has sent Admiral

FIRE IN LOUISBURG.

Residence of Mr. Holloway Entirely

Destroyed. (Special to The Times.)

Arnold with a sultable command."

(By Leased Wire to The Times) | testified that Sharp looked at the body

Hearing of the application for ball in the Cooper case was not completed Duncan B. Cooper, his son, Robin this morning. Mrs. Lucius Burch. Cooper, and John D. Sharp, charged daughter of Colonel Cooper, was the

She said her brother, Robin, had telephoned her that day, shortly after great honor thus conferred on her. and the court-room was crowded long 9 o'clock that their father was armed and that he feared trouble. She said fine group of young ladies who are Patrolman Vaughn testified that Robin told her Colonel Cooper was very the prettiest girls in the state, and when he reached the scene Lieutenant much incensed over some editorials in The Times feels highly honored to

that he had found a way to get post- have been used by Mr. Carmack and her home later in the day and seemed very indignant. He sat down at her shall win the great honor of being the W. J. Harwood was passing and desk and wrote a letter, the substance prettiest woman in the state of North

> saw Carmack's empty pistol on the am not an office-holder or an office- friends to represent the beauty of the one of the defendants, saw John D. about me in the paper than you have wish each a Merry Christmas and all

DR. ELIOT TALKS FOR VENEZUELA

(By Leased Wire to The Times) Boston, Dec. 23-Discussing social-Washington, Dec. 23-The following

statement was issued by the state deism before the Economic Club, Presideat Charles W. Eliot, of Harvard, "The United States has received an official communication from the government of Venezeula, through the propoganda which proposes to interevidence. Justice Crane overruled to settle satisfactorily all internation erty will make and headway in the today that his distinguished patient filled room until two poncement, who

ship at LaGuira. The United States in any way be connected with a post- plarm. tion of ease or, let me say, repose. these overtures toward the resumption What can be more tiresome than the ordinary descriptions in sacred literature of the world than the Kingdom of Heaven. The element of hard work seems to be lacking. My most serious apprehension about socialistic agreed in every detail with the earlier sire for the presence of an American prophecies is that they might conwarship at LaGuira indicates the pos- celvably result in something like even the Christian Heaven."

WELSH-MEMSIC BATTLE.

Ten Round No-decision Affair to be Pulled Off.

(By Leased Wire to The Times) Los Angeles, Cal., Dec. 23-The Pacific Athletic Club has secured the Freddle Welch-George Memsic battle Louisburg, N. C., Dec. 23-The today.

home of Mr. Holloway on the north | Memaic is to make 133 pounds at of the graded school grove was en- 6 o'clock for the English champion. Furthermore he declared he had not heard Thornton threaten anyone, bour today. The fire company could point his gun at anybody, nor did he not battle with the flames on account will be staged on the night of January The house and furniture were insur- Weich gets a guarantee of \$1,000 for Who is Making a Great Race For the an amusement building at 4411 Third ed, but is not nown whether it cov- his end, win, lose or draw, with a Fine Prize. She is Second in avenue. The low floor was occupied percentage privilege.

BEAUTY CONTEST ENDS TOMORROW

Young Ladies Are Making **Final Effort to Win First** Honor -- Much Excitement Over Contest

WILL CLOSE AT NOON

Most Unique Contest in History of State Will Come to a Close Tomorrow When the Clock Strikes 12-Pretty Girls From All Over State Are Making Great Race For Fine Diamond Ring-Contestants Will Begin Arriving From Several Towns This Afternoon.

Tomorrow the great contest will be over and the big dlamond that has caused so much talk throughout the state will be in Raleigh on the hand of a Raleigh girl, or it will be gone to some other town on the hand of one of the other fair contestants.

All day we have been busy issuing votes, both to the people in Raleigh and those who are here for the contest. It has been a rush all day and we will be open until 10 o'clock, or later, tonight to accommodate the people who are here to pay for their subscriptions and get votes before Thursday morning. Numbers of people are coming to town tonight to be here for the closing, as they are interested in the great race and want to be here for the close.

We are giving in today's paper some of the pictures of the leaders, We regret that it is not possible to give the picture of every girl who has been in the race, but it was impossible to get all the photographs in time for today's paper. Is your favorite in the list, and if she is it is your duty to support her for the first honor in the state.

These young ladies are contesting for the highest honor in the state and they and their friends have worked faithfully and hard for this great prize, and the winner will deserve the

The Evening Times is proud of this have them as its loyal and best Carolina we wish to congratulate the happiness possible to come to the prettiest daughters of the good Old houses, was completely wheel out and North State

deposited by that minute or they will disastrous are that has visited Brookcredit has been given for all money hours, the big army of themen among turned in at that time and the votes gamed control the block between Third count the ballot and then give their and Forty-Figh streets was a black

Former American Girl, Wife of Duke of Manchester, Has Been Sick.

(By Cable to The Times) said he has no fear that any socialist M.D. the eminent British surgeon, after the flames had swept across the who performed an operation yesterday on the Duchess of Manchester, at ed to jump across second avenue. fere with the rights of private prop- the duke's London home, announced old boy, refused to leave a subject pany must be paid. is resting easily and that her condi- had climbed up to save them, hest Woodson and concurred in as to the be operative outside the District of "The enjoyment of life should not tion is not such as to excite undue carried his mother and sister down the result by the other six judges. Judges Columbia, where it was issued."

> MISS RUTH FEATHERSTON, of Rexboro.



the Race.

Miss Josephine Sears, Raleigh.



The Favorite of the Capital City in the Great Beauty Contest and the Leader of the Contest as Announced Yesterday.

DISASTROUS FIRE STANDARD OIL DESTROYS BLOCK KEPT FROM STATE

Homeless, loto a Bitter Snow Storm

Hands Down Decision Barring Oil Company

LIVES ARE LOST NOT ALLOWED IN STATE

Destroyed Did Firemen Gain Cox. trol-Hundreds of Thousands of Dollars Worth of Property Destroyed-Many Persons Overcome by Smoke But No Lives Were Lost-Heroic Work of the Firemen.

(By Leased Wire to The Times) New York, Dec. 23-An entire city block, closely built with apartment over a thousand persons were driven Tomorrow at 12 o'clock the con- homeless and half clad into a bitter test will close, and all votes must be snow-storm early today by the most not be counted. After the proper lyn in years. When, after a fight of issued the judges will proceed to and second avenues and Forty-Pourtn panorama of smoking ruins.

Twenty persons were overcome smoke, but no lives were lost. the determined work of the fire boat, London, Dec. 23-Sir A. F. Ripp, Seth Low, saved the great Bush docks block from Inird avenue and threaten-

> avenue station, was dragged unconscious from a hallway with a little he was revived rushed back to the

rescue work again. the streams from the are onto the business in Mirsouri. structure itself to prevent the wooden work from being burned out almost under the feet. The fright-crazed women and children, numb and cold, dropped on their knees in the snow and prayed. With kindly force they were dragged into saloons and restaurants n the neighborhood which the police first stream was thrown on it. Three trust laws of Missouri. alarms were sent in and Chief Croker came on the last one to command the fight. One engine company from Fort Hamilton failed to reach the fire at all. The engine broke down in the street.

A patrolman discovered the fire in by a moving picture show.

by January 15 That it Has Several boycott could still be made effective. Oil Connections With Standard Oil be Held in Abevance.

(By Leased Wire to The Times) St. Louis, Mo., Dec. 23-Judgcourt at Jeffer on City today in the courts' decree in public assembles. ed from the state.

The order of ouster against the with the Standard Oil Company then courts. the order of dissolution will be held in abeyance, otherwise it will go into 000, however, imposed upon this com-

ladder. When they returned for him Lamm and Graves filed separate opinhe was aimost unconscious. 'The tee lons, but each concurs in the result. on the fire escapes rendered them use- Judge Lamm holds that the Standard Gompers, Mitchell and Morrison and less. Lieutenant Convoy, or the Fourth Oil Company was doing business in said they had "set themselves up as

boy clasped in his arms. As soon as It has real estate and personal courts of the land." He paid a tribproperty in Missouri to the value of ute to the laboring men of the coun-\$765,000. The Republic Oil Com- try and said they were often the vic-Three times the firemen fighting the pany did not make any return to the times of misguided leaders, as in this blaze from the structure of the Innd secretary of state this year, the as- case. He stigmatized the efforts of avenue elevated were forced to turn sumption being that it had ceased the American Federation of Labor to

St .Louis.

Attorney General Hadley filed pro- enemy. ceedings against the companies some | Before sentence was imposed Justhree years ago, alleging that the tice Wright asked each of the defend-Standard Oil controlled the other ants if he had anything to say why had ordered to receive them. The hre two companies and that they were sentence should not be pronounced. gained frightful headway before the operating in violation of the anti- Mr. Gompers rose and addre

> the court appointed Robert C. An- of any violation of the law of the thony, of Madison county, Mo., a land. He could not say all that commissioner to take testimonk and in his mind, he declared, but m submit a finding.

curing the information before it was tion was granted were right, a in shape to present to the court.

GOMPERS GETS JAIL SENTENCE

Justice Wright Decides Against American Federation of Labor in Injunction Case

DEFENDANTS

Samuel Gompers, John Mitchell and Frank Morrison, All Sentenced to Jail in Noted Buck's Stove Injunction Case-All Three Defendants Appeal and Give Bond in Sums of 5,000, \$4,000 and \$3,000 Respectively—Mr. Gompers Addresses Court, Saying That He is Not Con-scious of Violating Law.

(By Leased Wire to The Times) Washington, D. C., Dec. 23-Jus tice Wright, of the supreme court of the District of Coumbia, this morning sentenced Samuel Gompers to twelve months, John Mitchell to nine months, and Frank Morrison to six months imprisonment in the United States jail, for violation of an injunction issued by Justice Gould, of the di trict court of the District of Columbia December 23, last, prohibiting them from any further proceedings in the boycott instituted against the Bucks Stove & Range Company of St. Louis.

The defendants appealed the case to the United States supreme court and gave bail in the sum of \$5,000,

\$4,000 and \$3,000, respectively. In delivering his opinion, Justice Wright severely scored the action of the defendants in prosecuting the boycott against the Bucks Stove & Range Company in the first instance and was especially severe in his denunciation of the editorials indorsing Thousand People Briven Supreme Court of Missouri the boycott in the American Federationist, and in the speeches of Gom-

pers and John Mitchell. The court said that while Compers was the prime mover in violating the injunction, John Mitchell, as president of the United Mine-workers' Journal and by his speeches and actions in various occasions, was al-

most equally guilty. Stress was laid on the sending out of ten thousand copies of the American Federationist after the injunc-Fire Raged For Hours and Not Until Judgment of Ouster and a Fine of tion had been issued in which appear-Block of Apartment Houses Was \$50,000 Each Was Entered in the ed further reference to the boycott Order Against Waters-Pierce is American Federation of Labor, that, Conditional-if it Satisfies Court notwithstanding the injunction, the

Frank Morrison , secretary of the Company Order of Dissolution Will American Federation, was charged with assisting President Gompers in sending out these copies of this publication.

Numerous incidents were cited in ment of oaster and a fine of \$50,000 which the defendants were specifically each was entered in the supreme charged with open defiance of the

suit filed against the Standard Oil The gist of the decision was that Company, the Republic and the Wa- the action of the American Federaters-Pierce Oil companies by Attor- tion in the first instance was a conney General Hadley. The Standard spiracy against trade and therefore, and Republic oil companies are oust- under the terms of the Sherman antitrust act, unlawful.

The injunction was issued in the Waters-Pierce Oil Company of Mis- first case to restrain the defendants souri, or rather an order dissolving from injuring the trade of the Bucks its charter is conditional. If it sat- Stove & Range Company, which was nundreds of thousands of dollars laftes the court by January 15, 1909, engaged in interstate commerce, unworth of property was destroyed. Only that it has severed all connections til the matter could be settled in the

The defendants, said Justice Wright, "incited members of the effect immediately. The fine of \$50.- American Federation of Labor and other laboring men to continue the boycott, stating on numerous occas-The opinion was filed by Judge ions that the injunction might not

Justice Wright, in summing up, severely criticised the course of this state as an Indiana corporation. a tribunal higher than the lawful set itself up as a higher court than The Waters-Pierce Oil Company is a federal tribunal in the severest a domestic corporation with offices in terms, adding that when it proceeded that far it became a public

the court, saying he was not consciou On motion of the attorney general, now, nor had he ever been cons quite an extended argument, More than a year was spent in se- ing that his actions after the (Continued on Sec

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