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IN THE SOUTH SECRET SERVICES

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THE PROSECUTION PRESIDENT WILL RAILROAD WORK MESSAGE ON THE Refuses to Be a Professional Sprinter JOHNSON LICKS RESTS ITS CASE NOT INTERFERE

District Attorney Darrin This Can Not Properly Consider What Has Been Accomplished President has Completed his Merning Rested in Prose- Question as to Whether Fines cution of Hains Are Excessive

in the Year 1908 in Railway Construction

Reply to Houses in Reference to Secret Service

STAND STATEMENT IS ISSUED LOW RECORD MADE JUSTIFIED BY RECORD HARWAY ON

Motion to Dismiss Indictments Refused, as Also of McIntyre to the Court to Direct the District Attorney to State on Which of the Three Counts in the Indictment He Would Send the Case to the Jury-Three Witnesses Examined For State But All Unimportant.

(By Leased Wire to The Times) Flushing, N. Y., Dec. 26-District Attorney Darrin today closed his case against T. Jenkins Hains, on trial as an accomplice to his brother, who shot William E. Annis at the Bayside Yacht Club on August 15. To pick up ends of the case not covered entirely, the prosecutor called three witnesses. Geo. Bolton, policeman, testified how he had spent six days in a search for John Tonning, the missing boatman, without finding any trace of him.

The officer said the best information he could get shows that Tonning and his family had moved preparatory to returning to Sweden.

Thornton Hains was early in court as has been his custom since the trial

For the first time since the beginning of the case, none of the prisoner's relatives were on hand when the session began. The prisoner felt concerned for his brother, the dapper little major who has been his daily companion, and directed his lawyers make telephone inquiry at the Hotel Astor, Manhattan, to learn his con-

Louis Harway, sailing partner with Annis when the latter was killed, was the second witness. He gave testimony in regard to the measurements of Anexamination.

The prosecution rests its case, Darrin announced.

McIntyre then appealed to the court to direct the district attorney to state on which of the three counts he elected to send the case to the jury.
"I refuse to direct him." ruled Jus-

"L don't care for argument at this time," interrupted Judge Crane. "Your motions to dismiss the indictments and to direct the jury to acquit the defend-

ants are all denied," ruled the court, Mr. Young was allowed to argue on points that had not been presented early. He insisted that as the presumption of innocence which the law extends to Captain Peter C. Hains left a doubt that murder had been committed at all. It was not consistent to charge Thornton Hains with murder for that reason.

"As a matter of law, not in the evidence, mind you, this defendant may be gullty of murder in the first degree, interrupted Justice Crane deliberately. "I will deny that motion. This man may be guilty although his broth. er may be guilty of no crime and aithough, he, the brother, may be in-

defendant straighten up in his chair. For the first time he appeared to realize fully the meaning of the crime with which he was charged. Twisting his mustache nervously, the defendant noted perceptibly and seemed to feel the absence of his relatives,

McIntyre sprang a surprise by arguing that as Captain Hains was of unsound mind, Thornton Hains could not induce him to commit a crime.

"It has not been established, but suppose the captain's mind was not receptive, would that change the sitnation?" agized McIntyre.

"This man is going to be tried for the things he did, his acts, his in-tentions," replied the court. "A man may be guilty of a crime perpetrated by a lanatic if he knowingly aided the

commission of the act." "I have not been able to find any reference to this law in the law books but I am going to lay it down in that way. A man cannot hide behind an insane person's invarity. All that must insane person's in Muity. All that must be shown is that the man charged with aiding and abetting the crime

knowingly did so." This last ruling hushed the lawyers and after all their motions had been denied Shay began his opening.

Mr. Shay in his address said in part: 'We will show you in all sincerity that if this case had been honestly investigated and honestly prepared, har today fighting for his life. will prove that Thornton Jenkins Halns had no more to do with the taking of the life of the deceased than we had. We propose to show you that

going to Bayside. (Cnotinued on Fifth Page.) When Final Decision is Made and Des Total Number of Miles Constructed President Will Attempt to Show Out fendants Appeal President Will Then be in Position to Consider Pardon-Statement Issued From White House Says Matter is Still Before the Courts and There is No Way by Which the Government Could Intervene.

(By Leased Wire to The Times) Washington, D. C., Dec. 26-President Roosevelt will not interfere in the Compers-Mitchell-Morrison case

In a statement given out at the white house through Secretary Loeb it is stated that the president cannot properly consider the question as to whether or not the sentence of 12, 9 and 6 months pespectively, were excessive. When the final decision is made .if the defendants carry out their appeal, it will be a different matter. The president will then be in a position to consider a pardon.

The statement says that the prezident through the department of justice will keep informed upon the progress of the case, so that he may act at once if action becomes necessary.

The statement follows: "Various appeals have been made to the president to interfere by parto don in the case of Mr. Compers and of what has been accomplished. Sev- question was used, he was justified his associates. Those making the the matter is still before the courts: it is a civil suit between private parties and there has been no way by which the government could have inboat. His examination was brief tervened, even if it had desired to do and there was practically no cross- so. Whether the president does or does not think, the sentence of Mr. Lawyer Young began reading a vot- the terms of imprisonment are ex- built at various points. On the Bal- upholding his course respecting the uninous brief, moving the dismissal of cessive or improper. But it is of timore & Ohio, also, there was practi- secret service. On the other hand, first; and the defendants are at the work, except maintenance. present moment at liberty on bail. If "Notwithstanding the depression, slow, matter. The president has already the work done this year. instructed the department of Justice The declaration of the court made the event of its becoming proper for him that he even that he event of its becoming proper for him that he even that he even

> is not altogether too severe. But at present the president has no more to do with the case than with the case of the \$21,00,000 fine im- MINERS AND OFFICERS Standard Oil Company, which is also on appeal and concerning which the president has also been repeatedly asked to interfere by well-meaning persons who did not know that he could not interfere while the matter was still before the courts on appeal."

(By Leased Wire to The Times) Washington, Dec. 26-Harry Skinner, Purnell, presented his credentials to the president this morning.

Mr. Skinner, who seems to be the when he left his home on the 15th day only candidate for the vacancy, has menced at once when they refused to ideas of the best things achieved in years ago, and under the date of May uty Sheriff Nicholas Mitchell was shot spread out over his face, and he of August, 1908, he had no thought of been district attorney for several years. only candidate for the vacancy, has and has served in the house of repressurrender. A posse has departed for the United States toward prison re- 1, 1898, it contains the admiral's own and killed while trying to quell a gasped as the negro drove blow atsentatives from his state.

Was 1,760, the Lowest Record in Many Years-Amount of Construction in Big Railroad Companies Was Very Small, Some of Them Reporting No Work at All Except Maintenance-Prospects For Next

(By Leased Wire to The Times) Baltimore, Md., Dec. 26-In publisting this weeks its annual review the Manufacturers' Record says:

structed during 198 in the south in- and ready for distribution is given to the building of railroad a fee.

"The amount of construction by The president is expected to refer traordinarily small, as will be seen by give some extracts from it to show reference to the detailed statement that when he said the organient in eral of them reported no building at by the record. The message will be appeals are unaware of the fact that all, while those that did anything ac- of about 5,000 words in length, and complished nothing more than the will be calm, dignified and disposfulfillment or partial fulfillment of signate. It will not only seek to turn

work already undertaken. Gompers and his associates, excessive Pacific, for instance, reported abso- service has done. It will be barren of is not at present of consequence, be- lutely nothing done during 1908 and any personal attacks on members of cause he cannot take any action, or nothing in prospect for 1909. The congress, express any opinion, while the case is Seaboard Air Line, the Missouri Pa- it is a most interesting phase of pending before the courts. When cific, the Chesapeake & Ohio, and the this controversy that the president final decision is made then the presi- Nashville, Chattanooga & St. Louis has received all manner of messaues dent can properly consider whether Railways reported only a mile or two and letters from all over the country course impossible for the president to early nothin gdone. Many smaller act while an appeal is pending, for he companies which usually build each members have received some letters leave the amateur ranks. has nothing whatever to act about. year from 10 to 25, or even more, of support, they have also been hear-The courts must finish with the case miles of railroad, also shut down on ing much advice from the country,

the defendants see fit to abandon work was vigorously prosecuted on their appeal, the matter will then, of such new enterprises as were financed Eattimore and Ohio Railway's Hay course, be at once brought before the before the panic, like the Virginian executive, in which case it will re- Rallway, the Carolina, Clinchfield & Baltimore, Md., Dec. 26-Fire early ceive immediate and most careful Ohio, the Florida East Coast exten-today destroyed the hay and wheat deconsideration. But the defendants sion, the Atlanta, Birmingham & At- pository of the Baltimore & Ohio 1341 have a perfect right to prosecute lantic, the Georgia and Florida and way at Mount Clair shops, causing their appeal, and, if unsuccessful in Kansas City, Mexico and Orient and damage estimated at \$150,000. While the final court, then to ask for a par- the Missouri and North Arkansas No. 3 truck was being placed in posidon or commutation. But as long as railroads. The ltter, the Atlantic, tion the big accial fire fighting they are prosecuting an appeal the Birmingham & Atlantic, and the Vir- paratus topoled over, a number of firepresident has nothing to do with the ginian, were practically completed by men narrowly escaping death or seri-

"The Virginia Air Line, a new conto keep him fully informed as to the necting road in Virginia, thirty miles progress of the case, so that in the long, was also finished. The Texas posal all of the facts which will en- the south, was completed from Dalable him to decide whether there was las to Sherman. The Carolina, Clinchjustification for the sentence and field & Ohio, the Georgia and Florida whether if there was justification for and the Kansas City. Mexico and some punishment, the sentence is or Orient railways, all have considerable work in prospect for next year.

(By Leased Wire to The Times) Danville, Ky., Dec. 26-United nitched battle between striking mra- will meet in Washington in 1919, further investigation. ers and five United States marshals The congress will be as wide in scope at Stearns, a country town south of as the international tuberculosis conhere vesterday.

uty United States Marshals Tate and which will deal with matters of Sterns to prevent further trouble. form.

or Mouth Itself Tant, He Has Transgressed None of the Proprieties-Will Pull the Record on Them-Will Be Cake and Dignified and Contains to Attack on the Members of the House-President Has Received Many Letters Con.mending His Position.

(By Leased Wire to The Times) Washington, 1) e. 26-President of railroad construction in the south. Roosevelt has completed his reply to the house with reference to the secret "The total number of miles con- service and the message is in print

cluding Missouri and Oklahoma, was It may be expected, according to 1,760 miles. Last year there were close friends of the prostdent, that he more than 2,300 unles built. In the will seek to show out of the words south proper-that is, leaving out from the mouth or the house itself Missouri and Oklahoma- there were that he has transmissed none of the 1,682 miles built in 1908; had year proprieties in what he said in his anit was 2,987 miles. This is the low- nual message regarding the secret est record of new construction in the service. He is expected to bring up south for many years but the prost the debate of May 1, 1948, in which pect for next year is that 3,256 miles there was a running discussion on will be constructed although this may the house floor over the question of be exceeded if more encouragement curtailing the uses of the secret serv-

the blg reilroad corporations was ex- to this debate in his message and to the record of the house against the "The Atlantic Coast Line, the Can- house, but it will go into detail about tral of Georgia, the Kansas City the meritorious ages to which the ser-Southern, the Mobile & Ohio, the St. ret service has been put in the past, Louis Southwestern, and the Texas & It will tell much of what the secret

while there is no doubt congress through letters and otherwise, to go

Wheat Depository Consumed.

Death of Mrs. J. B. King. after an illness of only a few days. to act he may already have at his dis- railway and the longest of its kind in eral took place from the Boptist three years. church, conducted by her pastor, Rev. The three young children had been the schooner is supposed to have Johnson as a champion should at-J. R. Edwards.

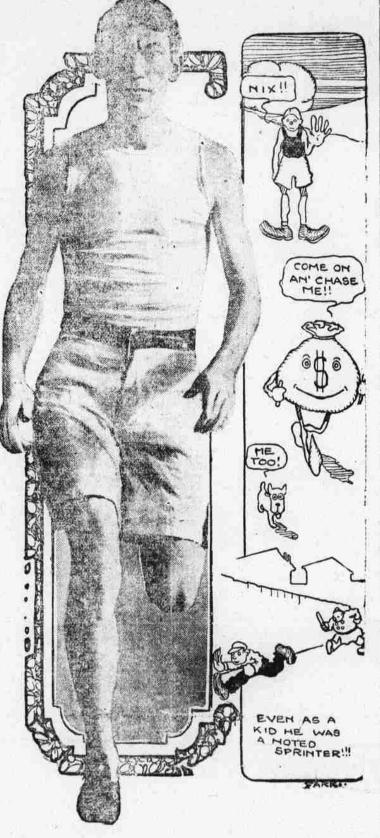
> am, Arthur, and Dan King, all of whom were at her bedside.

WILL DISCUSS MATTERS FIGHT DEADLY BATTLE OF GENERAL INTEREST

(By Leased Wire to The Times) gress which met in this city last fall

Several unknown miners and dep- gram of questions for the congress

United States district attorney for the the refusal of the strike-promoters to The co-operation of the European navy, is 71 years old today. The ac- of the secret political police, was again and in every round his face Thornton Hains would not be at this district of eastern North Carolina, who obey a temporary restraining order governments has been assured Secre- miral is not well. For some days he killed and Colonel Muraki wounded, and body were at the mercy of the would like to be made judge of that issued by Federal Judge Cochran, at tary Root, who is now seeking to se- has been suffering from a severe cold Several policemen also were killed merciless negro. But he did not district to succeed the late Thomas R. Covington, several days ago. The cure the co-operation of the Central and sciatica. There will be some and many on both sides injured. miners were barricaded in the Mc- and South American republics. It is visitors to the admiral's home today, Ferrat Hotel whon the deputies ar- the purpose of the association to give all of whom will ask to see a little rived and a revolver battle com- to the European representatives some covered book. This dlary was begun



George Roubag, the lamous amateur sprinter, who has just refused to

FOUND DEAD

(By Leased Wire to The Times)

his family at 513 West Porty-Efgirth of Constitues, N. C. yesterday. Nine ten that he was invincible that he had come to believe it himself. He home and the police believe he was American steamship Columbia, bound Sanford, Dec. 26-Mrs, J. B. King, home and the ponce terms of the which reported the wreck and killed by his wife who has been under south, which reported the wreck and

away from home since andy in the been wreched by the hurricane of Tues- tack a challenger. Then something She leaves a bushand and five child- afternoon attending a church in the day algebra and Wednesday morning, happened so swiftly and unexpectedren: Miss Mamie, Messrs, T. E., 187- neighborhood. Willie, a tensyenr-old The Columbia reported the schooner by that the crowd could not realize boy, started up states about 9.25 still about and a menace to naviga- it until the referee was half way o'clock and one of the landings is not that his mother, she stopped that a d. Another dense fog, extending far out

the wall.

Washington, Dec. 26-Secretary he met is sister, Jesuie, who is a The three-masted schooner Zaccheus the shock, dropped to his hands and the stairs. At the foot of the stairs charles in a fog bank,

DEWEY IS 71.

The association is preparing a pro- Hero of Battle of Manilla Celebrating Birthday.

(By Lessed Wire to The Times) Ryan, of Somerset, were seriously world-wide interest, and which will Washington. Dec. 26-George villa in the suburbs and police rein- der a smash to be heart. In the wounded. The trouble arose over be especially attractive to Americans. Dewey, admiral of the United States forced by troops, Baron Cotte, chief fourteenth he was knocked down account of the battle of Manila. Christmas festival disturbance.

SHIP WRECKED

(By Leased Wire to The Times)

New York, Dec. 23-Samuel Me- Norrolk, Va., Dec. 26-A wireless worked him up to a pitch of confi-Reside, a decorator, who lived with the same tells of the wrecking of the tence that made him almost eager for

"Willie, would you like to see a nice" for seek and greatly impeding the proggas stove," he such he would. "You days and last might, Several vessels As Burns launched a fearful right on't be attaid?" asked the mother, many hours by the fog. When last swing for the jaw, the negros' body He thought be would not be, so she led four to the local wireless station. The swayed forward, his curved right arm him into her appriment and there the cold Dominion steamer Princess Anne licked up inside with the speed of a boy saw the body of his father lying from New York to Norfolk, due here striking snake and the fist struck in a pool of blood and bloodstains on at he o'clock yesterday, was delayed squarely on the chin. Burns' head many hours b ythe for. When last snapped back as if released from a He ran out of the room and ran down heard from she was beyond Cape spring. He spun halfway around and

States Marshal John Mullins, of Root has asked congress for an ap- year younger than himself, and told Sherman, wrecked in the recent storm Richmond county, and Richard Ross, propriation of \$50,000 for the use her his mother had killed his father and abandoned by her crew, was towminer, were shot to death in a of the international congress which police held the woman and children for the arreking steamer I. J. Merrit. The I schooner Is lumber-laden and waterlogged.

Police Battle With Revolutionists.

(By Cable to The Times) Moscow, Dec. 26-In a battle between revolutionists entrenched in a round. In the fifth he crumpled un-

A Christmas Murder.

BURNS TO LIMIT

Giant Black Wins the Championship of the World in One-Sided Fight

FIGHT

No Fighting Like Johnson's Was Ever Seen in Australia-Took Fearful Vengeance on Man From Whom He Had Suffered Slights and Rebuffs For Three Years and Chased Across Three Continents For a Fight-Fight Lasted For Fourteen Rounds.

(By Leased Wire to The Times)

Sydney, Australia, Dec. 26-Jack ohnson, the giant black, hammered l'ommy Burns out of the world's heavyweight championship in fourteen rounds of one-sided fighting in the big arena at Rushcutters Bay and today for the first time in the annals of the prize ring a negro is the undisputed champion of the world.

The victor received \$5,000 and the vanquished \$30,000, but he paid a terrible price for it. Johnson might have won in the first minute of the fight when he hit Burns to the canvas with a terrible right uppercut, and showed the dazed throng of 30,000 how far he outclassed the man they had come to look upon as invincible. But he seemed almost to stay his hand.

Then he took the fearful vengeance for the slights, rebuffs and insults he has suffered for three years at the hands of this man whom he had chased across three continents and finally forced to turn on bay on the rim of the world. For fourteen rounds he pounded him with savage cruelty. Burns was blinded and bleeding and reeling weakly away from the black man's tireless fists when the police, in pity, stopped the butchery. Burns took the count of eight four times in the battle.

It was a biter fight, and for Burns and bitter ending of his career of easily bought triumphs and easily earned money and, praise. He had been beaten before, but this was not defeat, it was annihilation. Had he met Johnson toe to toe and fought blow for blow, through round after round, to go down at last from a knockout punch in the whirl of a savage rally, with the cheers of the crowd in his ears-this would have been bad enough. But to be handled like a novice, punched at will ,taunted and tortured by the man he told all Australia he despised. Burns sat in his corner when it was all over and sobbed like a boy.

Burns proved that he possesses one great element of a champion-courage. His long string of easy victories, the adulation of the Australian public, the pride of race, had at last had come to believe it himself. He had said that the negro was "yellow," that he would quit before a daring

When the gong rang he leaped at through with the count. Johnson. poised almost carelessly, with his knees. It was done so quickly that the blow seemed to paralyze the

From that moment there was no doubt about the result. Burns recovered from that blow at the count of eight and it took him eight reconds to regain his feet after he had taken another of the same kind in the next flinch. He must have known in the first round that he could not win but he gave no signs. His eyes began to Pryor Creek, Okla., Dec. 26-Dep- swell and close, a crimson stain (Continued on Second Page.)