

Weather.

Washington, Dec. 28—For tonight and Tuesday: Probably rain tonight and Tuesday; moderate temperature; moderate variable winds.

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MR. DARRIN WILL QUIT HAINS CASE

Announces That With Close of Year His Connection With the Case Ceases

EVIDENCE FOR DEFENCE

Defense in the Case of T. Jenkins Hains Began Putting on Witnesses Today—Lawyer Shay and Lawyer McIntyre Called to Refute Testimony of Martin Skura, the Hackman—Hains Says He is Glad This Stage of Trial Has Been Reached, as He Will Now Have Chance to Prove His Innocence.

(By Leased Wire to The Times) Flushing, N. Y., Dec. 28—District Attorney Darrin announced definitely before the trial of T. Jenkins Hains for murder as an accessory to his brother, Captain P. C. Hains, opened today that he would abandon the prosecution when his term expires on December 31.

"I am dissatisfied with the way the case has been conducted by the prosecution," was the startling declaration of the district attorney. "My term expires on Thursday night and no arrangements have been made to have me continue as special prosecutor. In fact I do not wish to continue in the case after my term expires, therefore I am willing and intend to quit."

"What steps will be taken by the court I cannot say."

Attorneys employed by the state to combat the evidence of Captain Hains being insane, were on hand today. Dr. Austin Flint, who acted as District Attorney Jerome's chief aid in the fight against Harry Thaw, led the battery of experts. The defendant was brought into the trial chamber shortly before the hour set for the opening.

"I'm glad the case has reached this point, because I want an opportunity to establish my innocence," he said.

Lawyer Shay, who was called as the first witness, testified how Martin Skura, the hackman, recited to him the details of how he drove the Hains brothers from the station to the Bayside Yacht Club the day of the tragedy.

According to Shay, the boy stated that neither of the Hains brothers mentioned the name of William E. Annis nor did he or anyone in the cab say, "We have got him now," as the hack passed the one in which Mrs. Annis was riding.

Lawyer White cross-examined Shay but failed to change the testimony. John F. McIntyre, chief counsel for the defense, was then called and gave testimony along the same line.

Leo Bugg, the real estate man by whom the defense hopes to show the reasons for the Hains brothers visit to the Bayside the day of the shooting, was then called.

Bugg said he was a member of the Bayside Yacht Club, was engaged in the real estate business and knew Jesperson. He had charge of the Teller property, south of the yacht club, and first met Thornton Hains last April, when the defendant went to his office to talk with him about Bayside property. Hains was interested, he said, in property told him of, located south of the club and said he would look at it on Saturday of that week. He went around the first of May. He, Bugg, went there to meet Hains, but the latter did not appear, he declared on cross-examination. He had not heard from the defendant directly since.

A statement of Bugg's, made during the cross-examination, which apparently highly pleased the prisoner and counsel, was to the effect that he had told Hains that is he, Bugg, should be unable to get to the yacht club the defendant would find Jesperson there.

Walter Stafford, of 448 West 15th street, was then called to the stand. He testified to having gone to Bayside on December 15 and there having a talk with Martin Skura, the hack driver, who took the Hains brothers to the yacht club on August 15 last. Stafford declared that Skura had admitted to him that the special prosecutor, Elmer S. White and Policeman Fallon, had asked him to say that the Hains brothers had asked for Annis, and to testify that the defendant had said to the captain: "We've got him now," but that he, Skura, refused to do so.

The force of Stafford's testimony was weakened when Stafford was made to declare that he had "torn up" a paper upon which he had set down

(Continued on Second Page.)

TOWN DESTROYED BY EARTHQUAKE

Violent Quakes in Calabria Early Today With Immense Loss of Life

NEWS IS FRAGMENTARY

Two Towns Are Destroyed and Others Reported to Have Suffered Great Disaster—Exact Estimate of the Disaster Cannot Be Made as Telegraph Wires Are Down, But is Believed Loss of Life and Property is Great—Government Sends Troops to Scene.

(By Cable to The Times) Rome, Dec. 28—There was a violent earthquake in Calabria early this morning. The loss, both of life and property, is believed to be large and it is feared that at least two towns are destroyed.

The earthquake occurred at 5 o'clock in the morning, the shock lasting for 32 seconds, according to the record on instruments here.

The news thus far received is fragmentary and contradictory and it is impossible for the authorities to obtain anything exact on which to make an estimate of the disaster. The telegraph lines over a portion of the district where the damage was most serious are down. The government has dispatched troops to the scene. The Calabria provinces affected are those of Catanzaro, Reggio de Calabria and Corozza. The most serious damage is in Calanzaro. The villages which are the most heavy sufferers are in general the same ones which received the brunt of the severe quakes of September, 1905.

It is feared that the villages of Stefanconi and Santonofrio are totally destroyed. Heavy damage is reported from Mileto, in Reggio de Calabria, a town of about 4,000 population, from Borgia, which was totally destroyed by earthquakes in 1893 from Sanvito and from Nicotera, an important market village near the Gulf of Gioja.

Telegraphic communication is completely shut off with Pizzo, on the Gulf of Santa Eufemia, a town of nearly 20,000, which was wrecked by the earthquake of 1905 and it is feared that the damage here is very large. Reports from villages not far from Pizzo are to the effect that there was considerable loss of life there and that Pizzo Castle, a spot of historic interest as the scene of the execution of the Marat, was destroyed. The castle has for a long time been little more than a ruin, however. It is reported that the town of Tropea, in the province of Catanzaro, is badly damaged.

Through Calabria the quake seems to have caused large damage to property. The inhabitants, panic-stricken, crowded into the streets of the villages despite the heavy rain which flooded the streets.

The shock was most intense, it appears, in the smaller villages. Although it is certain that several persons were killed and a number injured, the authorities do not believe that the loss of life will be as great as some of the rumors reach them indicate. According to the reports, those killed and injured were for the most part persons who were asleep in their homes when the shock came. Their houses collapsed, burying them in the ruins.

In several of the towns where troops were stationed guarding convicts, the latter mutinied and a number of them escaped.

Along the coast extensive areas of low-lying land sank into the sea. The earthquake was accompanied by a heavy rain which continued the greater part of the day throughout southern Italy.

Calabria has suffered very frequently from earthquakes of greater or lesser severity. The most severe shock of recent years was that of September, 1905, which appears to have affected an area almost identical with the districts affected today. At that time more than 1,500 persons were killed and many injured. The property damage was never estimated but unofficial estimates gave it all the way from \$75,000,000 to \$150,000,000. Most of the cities mentioned in today's dispatch were wrecked while many of the smaller villages were completely destroyed.

Strang phenomena accompanied the earthquake. Showers of ashes fell at Marmella and a huge tidal wave swept the shore near Meda. Springs dried up and the waters of the rivers rose and flooded the banks.

On September 12, seven days later, another earthquake was felt, causing further damage and increasing the general confusion.

The reconstruction of the destroyed villages cost the government \$30,000,000.

Game Wardens. Governor Glenn today, on the recommendation of the Audubon Society, issued commissions as bird and game wardens to the following gentlemen: H. M. Ballance, of Currituck county; J. C. Stroup, of Henderson county;

Three Labor Leaders Who Defied Court's Injunction.



JOHN MITCHELL.

This picture is from a recent photograph of John Mitchell, former president of the Mine-workers of America, who has been sentenced to nine months' imprisonment for violation of an anti-boycott injunction.



SAMUEL GOMPERS.

Samuel Gompers, President of the American Federation of Labor, who has just been sentenced to one year's imprisonment for violation of an anti-boycott injunction, issued by the Federal Court in Washington.



FRANK MORRISON.

Frank Morrison, Secretary of the American Federation of Labor, who with President Gompers and John Mitchell, was sentenced to jail for a violation of an anti-boycott injunction.

HENEY WILL GO TO PITTSBURG

(By Leased Wire to The Times) Pittsburgh, Pa., Dec. 28—There is a well founded rumor that Francis J. Heney, who uncovered the Oregon land frauds and was conspicuous in the San Francisco graft prosecutions, is coming here shortly at the request of President Roosevelt to investigate the alleged bribery, so far as it is connected with federal institutions. Mr. Heney was in consultation with the president Saturday on the Pittsburgh situation.

If he comes here it will be in the capacity of a special examiner. It is said, to investigate the alleged use of money by officers of national banks to have their institutions made depositories of the city's funds.

HENEY GOES BACK TO SAN FRANCISCO

(By Leased Wire to The Times) Washington, Dec. 28—Francis J. Heney will leave here tomorrow for New York City and will be in San Francisco January 5 to begin the prosecution of Patrick J. Calhoun, charged with bribing 18 supervisors with \$200,000 to secure trolley franchises over certain streets in that city.

Mr. Heney said today: "There is no truth in the report that the president asked me to assist in the prosecution of the Pittsburgh grafters. I have my hands full in Frisco. I do not know whether Calhoun will be convicted or not. He has powerful friends and influences. I will do my best, however, to send him to the penitentiary."

POWDER COMPANY FILES COMPLAINT

(By Leased Wire to The Times) Washington, Dec. 28—The E. I. DuPont De Nemours Powder Company, of Wilmington, Del., has filed a complaint with the interstate commerce commission against the New York & Hartford Railroad Company; the Old Dominion Steamship Company; the Norfolk & Western Railway Company; the Louisville & Nashville Railroad Company; the Pittsburgh, Cincinnati, Chicago & St. Louis Railway Company; the Chicago & Northwestern Railroad Company, charging that on a shipment to the Esnig-Bickford Company, of Avon, Conn., it paid freight charges of 65 cents per hundredweight which is 25 cents in excess of the proper rate. The amount involved is \$40.

FERTILIZING PLANT BURNED.

Morris Packing Company Suffers Loss of \$125,000. (By Leased Wire to The Times) St. Joseph, Mo., Dec. 28—For eight hours yesterday a fire which started in the fertilizing department of the Nelson-Morris Packing Company's plant burned fiercely and was not subdued until an estimated loss of \$125,000 had been done.

From the fertilizing building the flames spread to the oil tank warehouse. Both buildings and contents were entirely consumed.

PRESIDENT CAN NOT INTERFERE

(By Leased Wire to The Times) Washington, Dec. 28—The power of the president to mitigate in any way whatsoever the sentence imposed last week by Judge Daniel T. Wright on Samuel Gompers, John Mitchell, and Frank Morrison, officers of the American Federation of Labor, for violation of an injunction obtained by the Bucks Stove & Range Company, of St. Louis, is seriously questioned by many lawyers. Among these, naturally, is Daniel Davenport, one of the counsel for the company.

Mr. Davenport contends that the president has absolutely no jurisdiction in the premises and that he not only could not pardon the labor leaders, but could not even commute their sentences.

ERB MURDER CASE IS BIG SENSATION

(By Leased Wire to The Times) Philadelphia, Dec. 28—No murder case tried in the Delaware county courts for many years has promised the sensation or aroused the interest which will attend the trial on Tuesday of Mrs. Florence Erb and her sister, Mrs. Catharine Beisel, for the murder of Captain Clayton Erb, Mrs. Erb's husband, in his home at Red Gables, near Village Green, last October. Captain Erb's wide acquaintance among Philadelphians, the circumstances of his marriage, his marital troubles, and the culminating tragedy combine to give an unusual interest to the case, particularly as the incidents which preceded the murder were known to the public long before the actual occurrence of the tragedy.

The trial will be begun Tuesday at the Media court house, with Judge Isaac Johnson presiding. Assistant District-Attorney J. Roherman will assist District-Attorney Albert D. McDade in representing the commonwealth.

"DON'T PATRONIZE" LIST DISCONTINUED

(By Leased Wire to The Times) New York, Dec. 28—The Central Federated Union has received from President Gompers, of the American Federation of Labor, a letter in which he gives notice that on account of the application of the Sherman anti-trust law to the unions in the Loew Hatters suit and the imposition of three times the amount of damages done, he has decided, by advice of counsel, to discontinue the "We Don't Patronize" list in the Federationist until an effort could be made to get congress to amend the Sherman law in such a way as would eliminate labor unions from its anti-trust provisions.

On the suggestion of the chairman, the Central Federated Union decided to suspend its unfair list for a time.

STATE TROOPS PATROL MINES

(By Leased Wire to The Times) Stearns, Ky., Dec. 28—State troops are patrolling this place and Worley to prevent an attack of miners' sympathizers, who threaten to burn the property of the Stearns Lumber & Coal Company. United States Marshal S. G. Sharpe returned to Covington, leaving Captain Geo. Waddell, of the Somerset militia in charge of the posse of deputy marshals and state troops. Berry Simpson and others, for whom warrants are out, are hiding in the hills some 20 miles away in Whiskey county. Captain Waddell received information of their whereabouts and will lead a party of 15 men to attempt their capture today.

KNOX TO VISIT GEORGIA CITY

(By Leased Wire to The Times) Washington, Dec. 28—In accordance with an invitation received at the time he was asked to become secretary of state in the new cabinet, Senator Knox will go to Augusta, Ga., next week for a conference of several days with President-elect Taft. Mr. Knox expects to leave here on January 1 or 2 and on his arrival in Augusta the task of building a cabinet will begin in earnest.

There have been no other important cabinet developments within the last few days and it is believed there will be none until after Senator Knox visits Augusta.

SPRECKELS FUNERAL THIS AFTERNOON

(By Leased Wire to The Times) San Francisco, Cal., Dec. 28—The funeral of Claus Spreckels, who died Friday, will be held at 1:30 this afternoon at the old home of the Spreckels family, No. 2027 Howard street. The burial at Cypress Lawn Cemetery is to be private.

Claus Spreckels, Jr., who was in New York when his father died, has been notified of the family's bereavement but will be unable to arrive in time for the funeral. It is believed that the will of Mr. Spreckels will be filed for probate early this week. The estate has been estimated at from \$35,000,000 to \$100,000,000.

COOPERS ARE DENIED BAIL

Judge Hart Holds That Murder of Carmack is Not Bailable

BLOW TO DEFENCE

The Coopers and Shark Not Allowed Bail—Judge Said He Had Given Careful Consideration and Had Refused Application For Bail. Had Been Confident of Bail and Decision Dazed and Stunned the Defendants—Case Comes Up For Trial January 20.

(By Leased Wire to The Times) Nashville, Tenn., Dec. 28—"Gentlemen, I desire to say that I have given this case careful consideration from every standpoint and after having done so, I am of the opinion that it is not a bailable case, therefore I decline to allow bail as to any of the defendants and deny the application. This is all before court this morning."

The above is the opinion of Judge William Hart, delivered this morning in the criminal court, disallowing the men bail who are charged with the murder of ex-United States Senator E. W. Carmack.

The decision seemed to come like a stroke of lightning out of a clear sky to the defense, which side had seemed most confident of receiving a favorable decision.

The attorney for the defense seemed dazed and stunned. The defendants themselves bore up well and held a sort of reception in court and received re-assuring words from friends about them.

Some of the friends of the Coopers about the city are stating that they really did not want bail at all but that the defense simply made the move to ascertain some of the most important evidence against them in the hands of the state. However this may be, the decision of Judge Hart that the case is not a bailable one, it is thought will prove quite a blow to the defense, from the standpoint of public sentiment. The trial comes up on January 20, next, on the merits and at the same time legislature will be in session and a statewide prohibition fight will be on.

WORLD WOULDN'T END.

Women and Little Children Gathered to Await End But Prophet Disappeared.

(By Leased Wire to The Times) New York, Dec. 28—The end of the world, which was to have occurred yesterday, just on the dot of high noon, and with the resultant disturbance centered just above and below Nyack, was indefinitely postponed at 12:05, because of the unexpected translation to another sphere of the prophet who had projected this day of doom—Lee J. Spangler, of York, Pa. There happened to be a warrant out for the arrest of Prophet Spangler as a public nuisance, contemporaneously with his announced migration to a higher plane than that upon which Nyack stands. The warrant has not yet been served in Nyack at least.

Despite the absence of the prophet, which he had previously accounted for on the Elijah hypothesis, fifteen or twenty women and little girls, dressed in white, awaited the crack of doom in Oak Hill cemetery high upon the snow-covered slopes of South Mountain, back of Nyack, at noon yesterday. There was a dog fight, one of those who had faith and much weight fainted because of the steepness of the grade and that was all. Spangler is said to have disappeared through a back street when he learned that a warrant was out for his arrest.

MISS ETHEL'S BALL.

Will be Given Coming Out Party at White House Tonight.

Washington, Dec. 28—Preparations are completed for the ball at the white house tonight which is to usher Miss Ethel Roosevelt into society. It will be held, as was its predecessor, in the great east room of the white house, and the music will be furnished by the orchestra of the marine band. The initial ball that launches Miss Roosevelt upon a social career will be followed at intervals by others, for the president and Mrs. Roosevelt have decreed that their last winter in the white house shall be given over as largely as possible to entertainments designed for young people. The president and Mrs. Roosevelt are anxious that Miss Ethel shall make the most of the present season among her school friends, for it is planned that at its expiration Miss Ethel shall cross the ocean with her mother to round out her education by extended foreign travel.

19 MILLION IN PUBLIC SCHOOLS

This Number of Pupils Enrolled in All Schools a Year Ago

THE ANNUAL REPORT

Commissioner of Education Elmer Brown Issues Annual Report—Thinks Number For Current Year Will be Much Greater Than For Years Past—Discusses Education in the South—Combined Efforts of Remarkable Group of Educational Leaders Has Brought About Great Change.

(By Leased Wire to The Times) Washington, D. C., Dec. 28—Nineteen millions of pupils of all grades and classes were enrolled in the public and private schools of the United States a year ago, according to statistics in the annual report of the commissioner of education, Elmer Ellsworth Brown.

During the past fiscal year the commissioner predicts that the number of seekers after learning have substantially increased, although figures on their number cannot now be collected.

Discussing the new education idea in the south, the commissioner says: "It has been largely brought about by the combined efforts of a remarkable group of educational leaders, some of whom have now been in active co-operation in behalf of the desired improvements for a goodly term of years."

"The movement has been greatly furthered by voluntary educational organizations, state and local, in which the educated women of the south have taken a leading part. Such are the co-operative educational association of Virginia with more than 300 local leagues scattered throughout the state; the school improvement associations of South Carolina and similar organizations in North Carolina, Georgia and Alabama. It has had, moreover, the powerful impulse of certain large, constructive organizations, the southern education board, the general education board and the more recent negro school fund (the Anna T. James Foundation) which, in a marked degree, have massed public sentiment on the side of this educational propaganda and have made large resources available at particularly difficult points in the undertaking."

Next Social Secretary. Clerk in War Department Gets White House Position. (By Leased Wire to The Times) Washington, Dec. 28—Mrs. Eleanor Reilica, a \$1,000 clerk in the signal office of the war department, will be the next social secretary of the white house, and Miss Isabelle Hagner, who now dictates the social lists of the president's wife, will be given a position in the surgeon-general's office, according to an unofficial announcement.

RANCH CONSOLIDATION.

Sixteen Large Ranches to be Merged Into One. (By Leased Wire to The Times) Kingsville, Tex., Dec. 28—The largest ranch consolidation scheme ever undertaken is being negotiated in this part of Texas. It involves the merging of sixteen of the largest ranches in Texas, embracing 7,000,000 acres of land, valued at upward of \$75,000,000, into one enormous tract.

The names of J. J. Hill and B. F. Youkum, the latter chairman of the Rock Island and San Francisco executive committee, are mentioned as being behind the syndicate which is planning to secure this enormous tract and divide the property into small farms and colonies there.

Exchange of Courts.

Governor Glenn today granted an exchange of courts between Judge Cooke and Judge O. H. Allen. Judge Cooke will hold Franklin court, beginning January 18, two weeks, and Judge Allen will hold Pitt court, beginning January 11, two weeks.