

Weather.

Washington, D. C., Jan. 4.—Forecast for North Carolina for tonight and Tuesday: Probably rain tonight and Tuesday; warmer in the west.

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PRESIDENT SAYS CONGRESS WOULD NOT UNDERSTAND

Did Not Accuse Members of Congress of Being Afraid of Investigation

CITES THE RECORD

The President Sent a Special Message to Congress Today in Answer to The Resolution in Regard to The Secret Service—Says Congress Misunderstood Him—Has Never Charged The Congress or Any Member of The Body With Corruption—Cites Record in Support of Law—Urges Enlargement of Law.

(By Leased Wire to The Times) Washington, D. C., Jan. 4.—The president today sent a special message to the congress on the secret service matter:

The message incorporates the resolution of congress calling upon the president for information as to what evidence he based the statements, in his regular message as to the secret service, on and as to that part of the resolution asking him if he has instituted proceedings against any congressman, says that he is wholly unable to understand it. In part the message says:

I have made no charges of corruption against congress nor against any member of the present house. If I had proof of such corruption affecting any member of the house in any matter as to which the federal government has jurisdiction, action would at once be brought, as was done in the cases of Senators Mitchell and Burton, and Representatives Williamson, Herrman, and Driggs, at different times since I have been president. This would simply be doing my duty in the execution and enforcement of the laws without respect to persons. But I do not regard it as within the province or the duties of the president to report to the house "alleged delinquencies" of members, or the supposed "corrupt action" of a member "in his official capacity". The membership of the house is by the constitution placed within the power of the house alone. In the prosecution of criminals and the enforcement of the laws the president must resort to the courts of the United States.

In the third and fourth clauses of the preamble it is stated that "the majority of the congressmen are in fear of being investigated by secret service men" and that "congress as a whole was actuated by that motive in enacting the provision in question," and that this is an impeachment of the honor and integrity of the congress. These statements are not, I think, in accordance with the facts.

A careful reading of the message will show that I said nothing to warrant the statement that "the majority of the congressmen were in fear of being investigated by the secret service men," or "that congress as a whole was actuated by that motive." I did not make any such statement in this message. Moreover I have never made any such statement about congress as a whole, nor, with a few inevitable exceptions, about the members of congress, in any message or article of speech. On the contrary, I have always not only deprecated but vigorously resented the practice of indiscriminate attack upon congress, and indiscriminate condemnation of all congressmen, wise and unwise, fit and unfit, good and bad alike. No one realizes more than I the importance of co-operation between the executive and congress, and no one holds the authority and dignity of congress of the United States in higher respect than I do.

This allegation in the resolution, therefore, must certainly be due to an entire failure to understand my message.

The resolution continues: "That the president be requested to transmit to the house any evidence upon which he based his statements that the chief argument in favor of the provision was that the congressmen did not themselves wish to be investigated by secret service men." This statement, which was an attack upon no one, still less upon the congress, is sustained by the facts.

If you will turn to the Congress (Continued on Page Eight.)

WOULD BURY CITY OF MESSINA IN ASHES AND RUINS

Sentiment Favors Making Destroyed City a Monument of Destruction

GREAT TASK OF CITY

Government Takes Decisive Steps to End the Unpatriotic Sentiment in Favor of Forsaking the Destroyed City and Leaving it as a Cemetery to the Dead—Some of the Arguments For Deserting the Site of Messina—Health Authorities Say There is No Danger of Plague.

(By Cable to The Times) Rome, Jan. 4.—The government took decisive steps today to end the unpatriotic sentiment in favor of burying Messina in its own ashes and allowing the ruins to go down to posterity as a monument of destruction. The task of clearing away the shattered buildings, removing the rotting remains of the dead and rebuilding the city into some semblance of its once proud self seems so herculean that the living among the former residents seem unable to face a beginning of the task of reconstruction.

There are many arguments advanced, some even by unaffected members of the nation, why the city should remain a monument to the dead. The foremost are that it would burden the people with taxes to reconstruct the buildings; others are that the great number of dead makes it a more fitting cemetery than foundation for a new town. The individual expense upon land-owners would be great, and it is feared that when the ruins are partially cleared away and the dead are exposed to the sunlight that pestilence will result.

The step taken by the government grows out of investigation and an interview given out by Director-General of Health Senor Liquido, who declares that there is no danger of a plague resulting from the exposure of the dead bodies.

The director-general declares that the bodies will be buried at sea and he further states that cemetery ground is the richest in the world. He says that only sentiment causes burying grounds to be constructed at a distance from cities.

It is far from settled, however, as to the fate of the stricken city. It remains for the chamber to decide definitely what shall be done. A call will be issued as soon as practicable for the assembling of the chamber that necessary steps may be taken King Victor Emmanuel and the queen will arrive in Rome some time today. They are greatly affected by the gruesome experiences through which they have just passed and added to this is the fatigue of constant traveling with ill accommodations. There is a feeling akin to relief that their majesties are coming home and the feeling shown by the king and queen have cemented even closer the feeling of love in the hearts of the people.

Several distinct earthquake shocks were felt yesterday throughout southern Italy, but they were not of sufficient violence as to excite alarm. Reports came from Reggio and Messina all day yesterday and this morning concerning conflicts with looters and vandals. Several Russian sailors landed from a battleship for relief work, gave way to the temptation to carry off some sacred relics from the ruined cathedral at Messina and were shot by armed guards. The greatest danger comes from the convicts who were released from the Messinian prison by the earthquake. They are all reckless fellows, possessing fear of neither God nor man in their hearts. A score of them have been shot while pillaging and others have perished in conflicts among themselves over division of spoils, but still their work continues unabated.

The strong practical hand of America is now felt above all others in the relief work. Ambassador Griecom is the most active spirit in the relief movement. Today he reported that his special committee is closing the negotiations for a two weeks' contract for use of an Austria-Lloyd steamer of 8,000 tons capacity, which will be used to convey food, clothing and medicines south and bring refugees from stricken towns and hamlets yet unapproached. While this project will cost \$50,000, the ambassador (Continued on Second Page.)

Famous Pro-Cathedral, Messina, Italy, Total Wreck.



JENKINS HAINS CALLED TO STAND

Defendant in the Hains Case This Afternoon Told Story of Murder

HIS EARLY LIFE

Fourth Week of the Hains Trial Begins With General Hains, Father of the Defendant, on the Stand—Was Made to Reiterate That "Connie" Was Irrational When He Told Him His Story of Marital Troubles, Was Followed on the Stand by His Son, the Defendant.

(By Leased Wire to The Times) Flushing, L. I., Jan. 4.—That the defense in the trial of T. Jenkins Hains for the murder of William E. Annis, which began its fourth week in the old Queens county court house this morning will not lay particular stress upon the testimony of insanity experts was the positive statement made before the convening of court by Joseph A. Shay, of counsel for the prisoner.

General Peter C. Hains, father of the defendant, and his brother, Captain Peter C. Hains, Jr., was called to the stand when court convened for the continuation of his cross-examination.

The new prosecutor, Frederick De Witt, took a seat beside Ira G. Darin, his predecessor in the case, who was commanded by Justice Crane to continue as the state's representative in the case.

General Hains was made to repeat that he believed his son, "Connie" irrational when the latter was telling him of his marital troubles early last summer.

Thornton was called to the stand at 12:15 o'clock. Quickly he rose from his chair when McIntyre called his name and marched back of the jury box and to the chair.

"I am forty-two years old," he began. "I was born in Washington, D. C. In the home of my grandfather, Admiral Jenkins. I was married to Mary Jones, of Bensonhurst, who died two years ago. I have one child, a little girl named Mary, who is now two years old."

Directed by the lawyer, Hains said that he had been apprenticed on board a sailing ship in 1872 and since followed the sea and literature.

"I have been a sailor man all my life, having been captain of nine ships and mate of as many more," the witness testified, and am known as Captain T. Jenkins Hains along the coast of this country and in foreign countries.

President Urges Congress to Aid Earthquake Sufferers

(By Leased Wire to The Times) Washington, D. C., Jan. 4.—The president sent the following special message to congress today:

To the senate and house of representatives: The appalling calamity which has befallen the people of Italy is followed by distress and suffering throughout a wide region among many thousands who have escaped with life, but whose shelter and food and means of living are destroyed. The ordinary machinery for supplying the wants of civilized communities is paralyzed; and an exceptional emergency exists which demands that the obligations of humanity shall regard no limit of nationalities.

The humane debt of civilization to Italy; the warm and steadfast friendship between that country and our own; the affection for their native land felt by great numbers of good American citizens who are immigrants from Italy; the abundance with which God has blessed us in our safety; all these should prompt us to immediate and effective relief.

Private generosity is responding nobly to the demands by contributions through the safe and efficient channel of the American Red Cross Society. Confident of your approval, I have ordered the government supply ships "Celtic" and "Culgoon" to the scene of disaster, where upon receiving the authority which I now ask from you, they will be able to dispense food, clothing and other supplies with which they are laden to the value of about \$300,000. The "Celtic" is already sailed and the "Culgoon" is at Port Said. Eight vessels of the returning battleship fleet are already under orders for Italian waters, and that government has been asked if their services can be made useful.

I recommend that the congress approve the application of supplies above indicated and further appropriate the sum of \$500,000 to be applied to the work of the relief of the disaster of the Italian government.

I suggest that the law follow the form of that passed after the Mount Pelee disaster in 1902.

THEODORE ROOSEVELT, The White House, January 4, 1909.

House Appropriates \$800,000. (By Leased Wire to The Times) Washington, Jan. 4.—In answer to the message from the president this morning, the house of representatives appropriated \$800,000 for the relief of the earthquake sufferers in southern Italy and Sicily.

The bill gives the supplies on board the Celtic and the Culgoon, valued at about \$200,000, which have been ordered dispatched to the scene of the disaster. The house also appropriated \$500,000 to be expended by the president for the sufferers as he may see fit. The bill was introduced by General Bingham, of Pennsylvania, who made a special order of business and immediately passed.

Senate Will Act Today. Washington, Jan. 4.—After President Roosevelt's message on the Italian earthquake situation had been read in the senate today it was referred, on motion of Senator Hale, to the committee on appropriations. The senator explained in making this motion that he did not wish to delay the relief of the sufferers which the message would afford, but thought that the message should be framed in the regular manner through the committee. The motion was carried and the resolution will be considered by the committee today and probably passed before adjournment.

Standard Oil Wins Big Case. Washington, Jan. 4.—The United States supreme court today denied the petition of attorneys representing the government for a review of the \$29,000,000 fine imposed upon the Standard Oil Company of Indiana, which was set aside by the United States circuit court of appeals. In declining to review the case the justices of the supreme court upheld practically every point raised by the circuit court of appeals.

The final ruling given today means that the Standard Oil will not have to pay the fine. Judge Kenesaw M. Landis, sitting in Chicago, found the Standard Oil Company of Indiana guilty of accepting rebates from the Chicago & Alton Railroad and on April 15, 1907, imposed the big fine. The case then went before the circuit court of appeals, which held that the fine was not in accordance with the law.

MR. TURNER HERE. Ex-Newspaper Man is Visiting His Old Haunts. Mr. Wiley P. Mangum Turner, attorney-at-law, and a citizen of Lexington, was in the city today, shaking hands with his many friends. Mr. Turner is a very promising young lawyer, but it is as newspaper man that he is known and loved here. He has the reputation of being one of the best this city has ever known. He will always receive a warm welcome here.

HABEAS CORPUS PROCEEDING IN THE THAW CASE

New Efforts to Free the Murderer of Stanford White Instituted

WRIT WAS GRANTED

Thaw Must be Produced in Supreme Court Chambers at Nyack Next Saturday—Writ Issued Against the Authorities of Matteawan Asylum. Writ Was Signed by Mrs. Mary C. Thaw, Mother of the Defendant—Alleges That Son Was Not Committed by Court Mandate.

(By Leased Wire to The Times) White Plains, N. Y., Jan. 4.—New proceedings were brought today with a view to trying to secure the discharge of Harry K. Thaw, slayer of Stanford White, from the Matteawan state asylum for criminal insane, when application was made to Supreme Court Justice Arthur C. Tompkins, presiding over special term at White Plains, for a writ of habeas corpus against the asylum authorities for the production of Thaw in court. Justice Tompkins granted the writ which makes it imperative on the part of Superintendent Lamb, of Matteawan to produce Thaw before Justice Tompkins in his supreme court chambers at Nyack on next Saturday.

The petition for the writ is signed by Thaw's mother, Mrs. Mary C. Thaw, of Pittsburg.

In the petition Mrs. Thaw sets forth the proceedings connecting with the committing of her son to Matteawan and she alleges "that her son has not been committed and is not detained in the asylum by virtue of any mandate issued by the court or a judge of the United States or by virtue of a final judgment of the court."

NEW ARIZONA ROAD.

Vice-President Fairbanks and His Three Brothers Interested. (By Leased Wire to The Times) Mobile, Ala., Jan. 4.—Accompanied by a corps of engineers, L. T. Westrich, of St. Louis, former manager of the Honduras National Railroad Company, recently organized under the laws of Arizona by ice-President Charles W. Fairbanks and his three brothers, to build a railroad from Truxillo to Tegucigalpa, with a branch line to Juticalpa and to develop 1,000,000 acres which it has secured for building the road, will sail for Truxillo to break ground on the big enterprise.

TWO MEN DEAD IN PISTOL DUEL

Wyoming, W. Va., Jan. 4.—Deputy Sheriff Floyd Lusk and Ira Boyd are dead and Luke Milan is under arrest following a revolver battle over a woman, for whose favor they were rivals. Boyd and Milan came to blows and Milan, who was worsted in the encounter, swore out a warrant for Boyd's arrest. It was given to Deputy Lusk to serve. Milan accompanied Deputy Lusk to the home of Boyd, who opened fire on the officer. Two bullets struck Lusk, killing him instantly.

Boyd fled. Milan rushed to the officer's side and, snatched a revolver grasped in the dead man's hand, opened fire on Boyd. The two exchanged several shots but Milan proved the better marksman and Boyd fell dead with a bullet in his heart. Milan immediately surrendered to the authorities.

Fine Evangelistic Service. One of the best services yet held in the Evangel church was last night. The court-house was well filled and there were two persons converted and others for prayer. Rev. P. G. Elsom preached on the power of Christ's blood. These Sunday night evangelistic services are increasing weekly in interest.

Mr. W. C. Dow Here. Hon. W. C. Dow, one of Mecklenburg's representatives, arrived today on the Southern train number 14, and is quartered at the Tarborough, where he will push his candidacy for the speakership. This is Mr. Dow's third term as senator or representative.

CRIMINAL COURT OPEN WITH JUDGE LYON PRESIDING

Delivers a Strong Charge to the Grand-Jury at Opening

THE PROHIBITION LAW

Touches on All Principal Crimes and is Especially Strong on Prohibition—Says He Believes in Prohibition—Prohibition Law Will Make Good if it is Given a Chance—Mr. John Evans Foreman of Grand Jury—Law Against Bucket Shops Enforced.

A two-weeks' term of criminal court began here this morning with Judge Lyon, of Bladen county presiding. Judge Lyon's charge to the grand jury was an earnest common-sense appeal for the enforcement of the law. He touched on all of the leading offenses against law and order, among which were murder, burglary, arson, rape, and minor offenses. In the matter of the enforcement of the "bucket shop law" and the statute against gambling, he charged the grand jury to be particularly watchful. He closed his charge with special mention of prohibition. Said the judge:

"We now have a state prohibition law. I believe you have had that law in Wake county, in one form or another, for some time. Some of you may not believe that it is a good law. Many people do not believe it is a good law. But it has been shown that the best way to get rid of a bad law is to enforce it strictly. I am sure, however, that if the law is strictly enforced the people will see that it is a good law. I am one of those who believe that it is a good law. In my county (Bladen) I was instrumental in having an act passed several years ago making it a penitentiary crime to sell whiskey. Two men were convicted while I was solicitor and sent to the penitentiary for selling whiskey. Today there is no whiskey sold in my county. The people believed in prohibition and would hoot at any man who came among them trying to make a political issue out of prohibition. Enforce the prohibition law strictly and it will be that way all over the state. People pass the prohibition act sooner. Give the law a fair chance."

Mr. John Evans, of this city, was named foreman of the grand jury. It was agreed that court should meet at 9:30 each morning and that the midday recess should be from 1 to 2:30. At 11 o'clock the work of selecting a petit jury was taken up and the court got down to business.

The following cases had been disposed of at 3 p. m.:

- State vs. J. W. Bailey, two cases of retailing; defendant pleaded guilty. Judgment suspended on payment of costs.
State vs. Joe Holloway, larceny and receiving; not prosessed with leave.
State vs. Joe Holloway, carrying concealed weapon; not prosessed with leave.
State vs. Lottie Johnson, larceny and receiving; not prosessed with leave.
State vs. June Leach, carrying concealed weapons; not prosessed with leave.
State vs. Ed. Privett, assault with deadly weapon; defendant pleaded guilty. Fined \$25 and costs.
State vs. Billy Chappell, assault with deadly weapon; not guilty.
State vs. C. C. and L. C. Winston, assault; appeal from police court; verdict, not guilty.
State vs. J. J. Wright, two cases of retailing; not prosessed with leave.

NEW YEAR'S SERVICES AT THE CHRISTIAN CHURCH.

Services yesterday at the Hillsboro Street Christian church were fully in keeping with the occasion. In the morning the pastor preached from the subject, "The New Year's Call to Duty." In the evening he spoke from the subject, "The Open Door of Opportunity." One of the most interesting features of the morning service was the raising of funds for the maintenance of the work for the coming year, one thousand and seventy dollars was easily raised in a few minutes time. It is probable that in addition five hundred dollars will be added this week. Rev. Mr. Johnson, the pastor, is very much encouraged with the present outlook and the indications now are that the year 1909 will be far the best in the history of the church.



Beekman Winthrop, of Massachusetts, whose picture is here shown, now Assistant Secretary of the Treasurer, has been offered the First Assistant Secretaryship of State to succeed Robert Bacon, of New York, who is expected to temporarily succeed Secretary Root upon his retirement.