

Weather.

Washington, D. C., Jan. 5—Forecast for North Carolina for tonight and Wednesday: Threatening with rain tonight; much colder.

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GIRL WHO SHOT CAP. ERB TELLS STORY IN COURT

Mrs. Beisel Tells in Dramatic Manner How She Shot Erb

STRUGGLE FOR PISTOL AGAIN ON STAND

Mrs. Beisel Springs From Her Seat and Leaped to Aid Erb to Front of the Bar as She Told of the Shooting—Struggled With Captain Erb—Erb Fell and She Secured Pistol and Shot Him—Did It to Save Her Sister—Erb Would Have Shot Her if She Had Not Been So Quick.

Media, Pa., Jan. 5—Springing from the witness chair to which she took her seat this morning to resume her account of the tragedy, at Red Gables, Mrs. Catherine Beisel reproduced in a remarkable manner the struggle outside of Captain Erb's bedroom, which ended in his death from the revolver which she turned on him on the night of October 6.

Her hands clenched and her eyes flashed, the woman who is accused of murder, leaped to and fro on the lit raised platform before the bar of the court, going through an imaginary battle for life with the enraged owner of Red Gables.

"I grabbed him like this," she cried while the court-room audience watched her spellbound.

"I seized the pistol like this and pulled. I tore it from his grasp. He slipped and fell against his door. Then there was a roar of shots. I don't know how many shots I fired. I don't know whether I emptied the revolver or not. Everything got dark. I knew nothing until a crowd of people were around me. I did it to save my poor sister.

"Oh, my God, how horribly she was treated by that man. He would have shot her and he would have shot me if I had not been too quick for him."

Mrs. Beisel stood with face upturned as she said the final words. Her hands were stretched appealingly toward the jury. "Then, placing them over her face, she burst into a flood of tears and sank limply into the witness chair.

Judge Johnson had half risen from his seat during this remarkable scene, the attorneys, both for and against the woman, had as one man stepped toward her, fascinated. Half of the six hundred persons in the court room were standing. A great sigh ran through the court room after it was over and there was not a sound for several minutes as Mrs. Beisel sat weeping, her shoulders shaking with uncontrollable emotions.

"I was at the Village Green Hotel when my sister called me up," said Mrs. Beisel, at the outset. "You'll have to come over at once," she said, "the captain is in a frightful humor. He has beaten me terribly. I never saw him so savage." I hung up the receiver and got my coat. I told the proprietor I was going to Red Gables and might be back later in the night.

"I threw my coat over my shoulders and hurried up the road to Red Gables. I found my sister pacing the porch. She said: 'Oh, Catherine, I don't know what I shall do; the captain has treated me dreadfully.' We went upstairs and she went to her bathroom. I went into her room. Presently I heard her scream. I stepped to the door and saw a sight that paralyzed me. Captain Erb was at the door of his room in his pajamas. In his right hand he held a revolver. He was pointing it at Florence and he said: 'Now, I'll get you. This time I'll get rid of you.'

"Then he saw me. 'What! You here, you b. . . .', he called. 'By God I'll get rid of you, too.' "I ran at him. He threw his arms up in the air. I think the first shot went into the air. We tussled all over the hall. He pushed me around. He tried to hold me. I tried to hold him. He pushed me up against the wall between the bathroom door and the door of the guests' room. He shoved his face against mine and spit in my face. I hit him a blow and jerked away. Somehow I got the gun and pushed and pulled until I wrenched it away. I started to run. He grabbed me. I struck at him with all my might. Once again I got away and again he started after me, then I turned and fired."

HAINS SMILING AND CHEERFUL UNDER STRAIN

While Facing Most Severe Ordeal of Trial He Was in Good Spirits

ON STAND

Stood Cross-Examination Well, Sticking to His Story of Yesterday—Described His Brother's Appearance As That of an Entirely Overwrought Man—Told of Brother's Trip to Fort Wadsworth to See the General and the Conversations Held There—Went to House of Captain Hains and Saw Claudia Drunk.

(By Leased Wire to The Times)

Flushing, L. I., Jan. 5—Facing the most severe ordeal of his long trial, T. Jenkins Hains, accused with his brother, Captain Peter C. Hains, of the murder of William E. Annis at the Bayside Yacht Club on August 15, last, came into the old Queens county court this morning with a cheerful smile on his face, and resumed the seat he had occupied yesterday in giving his version of the death of Annis and the events leading up to it.

Mr. McIntyre completed the direct examination within a half hour and the witness was turned over to the state for cross-examination.

Darrin questioned him about the captain's visit to his house on May 31, when he broke in the door, crying, he had discovered his wife's misconduct with Annis. The witness held closely to the version he gave yesterday and described his brother's appearance as that of an entirely overwrought man.

Next came a repetition of the recital of the brother's trip to Fort Wadsworth to see the general and the conversations held there. While the witness was telling this Mrs. Annis entered the court-room and took her customary seat near the rail. Another description of the scene at the captain's house on the day Mrs. Hains confessed followed, with the witness adhering closely to his account given during the direct examination.

"The day after the confession," the witness said, "Peter and I walked to the fort with the general. We went to the house of Captain Hains and saw Mrs. Claudia Hains drunk and naked, lying in a room off the porch. I didn't go into the house, but looked in through a window and saw her lying in this condition. I turned to the general and told him to take Captain Hains away, so he could not see her condition."

"Had you ever seen her drunk before?"

"About five years before."

Reluctantly the witness said he had seen his sister-in-law under the influence of liquor at her house in Massachusetts.

Darrin pressed him for a repetition of the condition of Mrs. Claudia Hains and when ordered by the court he went on as follows: "I went into the house and saw Mrs. Hains stretched out on a divan in the parlor. She was naked save for a kimono that hung only on her right arm. "It was about 11 o'clock in the morning. She moaned and talked incoherently, raving like. She said in a low, moaning tone, 'Oh, somebody kill me; somebody kill me; I have ruined my home and disgraced my children. Oh, kill me. Oh, Peter, Peter, Peter!'"

The witness said he covered her with a floor rug and "told my father to keep Peter away; not to let him see his wife. Then I went up-stairs and put the children in charge of the maids so they wouldn't see their mother's condition."

After she had been cared for by a physician, the witness said, the general said he thought it was best to bring her mother to take charge of her, and he sent a wire for Mrs. Libbey. Darrin forced the admission that the brothers went to see Lawyer Bennett about bringing a divorce action. "The lawyer served the papers in the divorce the night of the day you first went to Mr. Bennett's office?" "He did."

A Group of Tennessee Night-Riders Going to Court.



ORVILLE WRIGHT U. S. WARSHIP GOES TO FRANCE

(By Leased Wire to The Times)

New York, Jan. 5—Orville Wright, the aeronaut, arrived here last night on his way to France to join his brother, Wilbur. He will sail on the steamship Kaiser Wilhelm der Grosse today.

"I positively shall not fly in France during my visit," he said. "That is not my object in going abroad, and, anyway, my physician forbids work in any aeroplane under one year."

"Business matters," added Mr. Wright, "require the combined attention of my brother and myself. I rather expect that we shall both return to this country in April. We hope at that time to fulfill the specifications of our contract with the government."

STANDARD OIL CO. FAIRLY CONFIDENT

(By Leased Wire to The Times)

New York, Jan. 5—At the Standard Oil Company's offices one of the officials, in commenting upon the decision of the United States supreme court yesterday, said:

"We shall be fairly confident if we have to come to court again, but of course, no one can tell what a jury will do. We are certain, however, that our position is secure as far as the law is concerned."

"We contend that we acted in good faith and if we broke the law technically it was through accepting honestly a rate which the railroad was imposing by mistake. "At any rate, it has been authoritatively declared that the selection of the carload as the unit is absurd. But even if a more reasonable unit is adopted we might be condemned to a fine of about \$1,000,000 if the case went against us again."

VANDERBILT TAXES OVERDUE.

Because \$24,000 is Unpaid Buncombe County Teachers Can't Be Paid.

Asheville, N. C., Jan. 5—Because \$24,000 in county taxes due from the Biltmore estate have not been paid, the county authorities are unable to pay teachers' salaries for the half month and have cabled an appeal to George W. Vanderbilt, at Paris, to direct immediate payment of at least half the taxes. The tax could be collected by process of selling the property, as the taxes became due October 1, but there is no thought of doing this, as Mr. Vanderbilt is expected to take prompt steps to relieve the situation. Mr. Vanderbilt's property in this county is assessed at \$2,500,000. He pays no personal tax here.

Ambassador Reid to be Retained.

(By Leased Wire to The Times) New York, Jan. 5—The Edinburgh Scotsman says its London correspondent has been informed by Ambassador Reid that he will retain the ambassadorship under President Taft's administration. He is also quoted as saying that there is no visible prospect of a change in the situation.

U. S. WARSHIP NOW IN NAPLES

(By Leased Wire to The Times)

Washington, Jan. 5—The navy department today received a cablegram from Naples announcing the arrival of the Scorpion at that port from Messina today. The ship sailed almost immediately on her return trip to Messina.

The department was also notified of the departure of the Louisiana, Virginia, Ohio and Missouri from Suez and the arrival of the Connecticut, Kansas, Minnesota and Vermont at the latter port.

JUDGE HUNDLEY MAY FAIL OF APPOINTMENT

(By Leased Wire to The Times)

Washington, Jan. 5—Walker Percy, a prominent attorney of Birmingham, Ala., who with a delegation of Alabama lawyers called yesterday on President Roosevelt to ask that the nomination of Judge Oscar R. Hundley to be United States Judge of the northern district of Alabama be withdrawn from the senate, today said that he was sanguine that the president would heed the protest of the Alabama lawyers, the majority of whom were opposed to Judge Hundley's nomination. Mr. Percy said that with few exceptions the whole Alabama bar was opposed to the appointment on the ground that Judge Hundley did not have the necessary qualifications for the post.

The Alabama attorneys here, headed by Percy, have printed a brief addressed to the president and the senate, setting forth their reasons why the nomination should be withdrawn.

SOUTHERNERS LEAD AT NAVAL ACADEMY

(By Leased Wire to The Times)

Annapolis, Md., Jan. 5—Advance copies of the naval academy register for 1908-1909, the sixty-fourth academic year, have been received at the naval academy. The number of midshipmen in the academy at the present time is shown to be 811, which is below the average. They are divided by classes as follows: first, 175; second, 164; third, 216; fourth, 226. As has been the case for a number of years, a marked comparative excellence in scholarship of western midshipmen is indicated. Southern midshipmen apparently are next in general excellence, while those from eastern, northern and middle states do not, as a rule, do as good work in their studies, though there are some marked exceptions. Theodore S. Wilkinson, Jr., of Myrtle Grove, La., stands at the head of the first class and will doubtless be at the head of the next group of graduates. The leader of the second class is Mervyn Bennion, of Union, Utah. Theodore S. King, second, a Californian, is the leading scholar in the third class. No scholastic rank has as yet been assigned to the members of the fourth class.

PEACE SOCIETY TO GIVE DINNER

(By Leased Wire to The Times)

New York, Jan. 5—The Peace Society will give a dinner to Secretary of State Elihu Root on February 23 in recognition of his notable services to the cause of international peace. The speakers will be President-elect Taft, Governor Hughes, Baron Takahira, Joseph H. Choate and Andrew Carnegie.

The society also is planning other fitting celebrations in the future of the progress made during 1908 in the cause of peace and international cooperation.

It has notified its members of plans for the enlargement of the activities of the organization.

STEEL CAR MAKERS FIGHT STEEL TRUST

(By Leased Wire to The Times)

Pittsburg, Pa., Jan. 5—War threatens the steel corporators and the makers of steel cars. The steel car concerns of this district, as well as affiliated concerns in different parts of the country, have demanded of the corporation a renewal of a ten year contract for steel plans, which will expire on February 14, but the corporation refuses to accede to the more important demands.

In the first place, those who have controlled the making of steel cars have, for ten years past, been getting their steel at a reduced rate, on the sliding scale basis, and in addition to this the Carnegie Steel Company with which the contract was first made, agreed not to start the manufacture of steel cars during the tenure of the ten year contract.

London Bar Silver, (By Cable to The Times)

London, Jan. 5—Bar silver steady at 23 5-16d, advance 1-16d.

A BIG BATCH OF PARDONS WERE ISSUED TODAY

Ed Williams, Arthur Daniel, Richard Green, Allen Bailey, and Others Free

THREE ARE REFUSED

Allen Bailey, of Wake County, Convicted of Larceny at the July Term of Court, 1908, is Pardoned—Pardon Recommended by Several Good Citizens—Two Serving Terms for Murder in Second Degree Are Pardoned—These Are Rowan Luckey, of Rowan, and John Gordon, of Forsyth.

Governor Glenn today issued pardons to six convicts. The governor's statement as to those granted is as follows:

State vs. Ed Williams—Defendant was convicted September term 1906, Mecklenburg superior court, of larceny, and sentenced to three years on county roads. The defendant having been a good prisoner, and having served two years, and the trial judge and solicitor having recommended this pardon, on account of his previous and subsequent good character, I grant a pardon, conditioned on his being of good behavior, sober and industrious.

State vs. Arthur Daniel—Defendant was convicted spring term 1905, Dare superior court, of assault with intent to commit rape, and sentenced to two years on county roads. I have read this testimony and do not believe the defendant was guilty, and the judge must have thought it a weak case, else he would have given him a longer term. The prosecutrix is a notoriously bad woman and I cannot let the prisoner stay longer on the roads on her testimony. Pardon granted on condition that defendant remain of good character.

State vs. Richard Green—Defendant was convicted August term 1905, Rockingham superior court, of assault, and sentenced to six months on county roads. The defendant had great provocation, and the jury might well have acquitted. In my judgment he has been sufficiently punished, and as there is no opposition to the pardon, but the very best citizens, including the prosecutrix, having recommended it, I grant same, conditioned on his remaining of good behavior.

State vs. Rowan Luckey—Defendant was convicted February term 1904, Rowan superior court, of murder in the second degree, and sentenced to ten years in state prison. At the time of the sentence the bar of Rowan and the jury asked his honor to reduce the sentence, and the judge stated that while he would not do so at that time if the defendant demeaned himself well, he would later recommend a pardon. The judge and solicitor both now recommend pardon. The defendant has served three years. He was using a pistol recklessly when the killing took place, but there is doubt in my mind of any criminal intent on his part. On account therefore of his prior and subsequent good character, I grant this pardon, conditioned on good behavior.

State vs. John Gordon—Defendant

(Continued on Fifth Page.)

CANDIDATES FOR SPEAKERS PLACE ARE VERY ACTIVE

The Three-Cornered Fight Grows in Interest as the Time Draws Near

THINGS BEING DONE

The Legislative Body Now Well in The City, and The Preliminary Work of Settling Who Will Hold Down The Many Places of Honor And Good Pay Goes on From Hour to Hour—Review of Some of The Men.

The legislature is here. For two days each train has been bringing in the advance guard, and last evening and today the great rank and file struck the city, and it is theirs for the next sixty days.

The assembling of a legislature is always interesting to the whole state, and while this one has no overshadowing issue to settle it is interesting



A. W. GRAHAM nevertheless, just getting on its feet from the effects of a panic, there is every reason for moderate and careful legislation, and for that reason, if for no other, the citizenship of the state looks to Raleigh for a policy that will encourage the highest progress of the state.

The Speaker Candidates.

While there are more than one hundred men and boys here looking for a place in the organization of the two houses, many of whom must be disappointed, the real interest centers in who will be speaker. The fight for

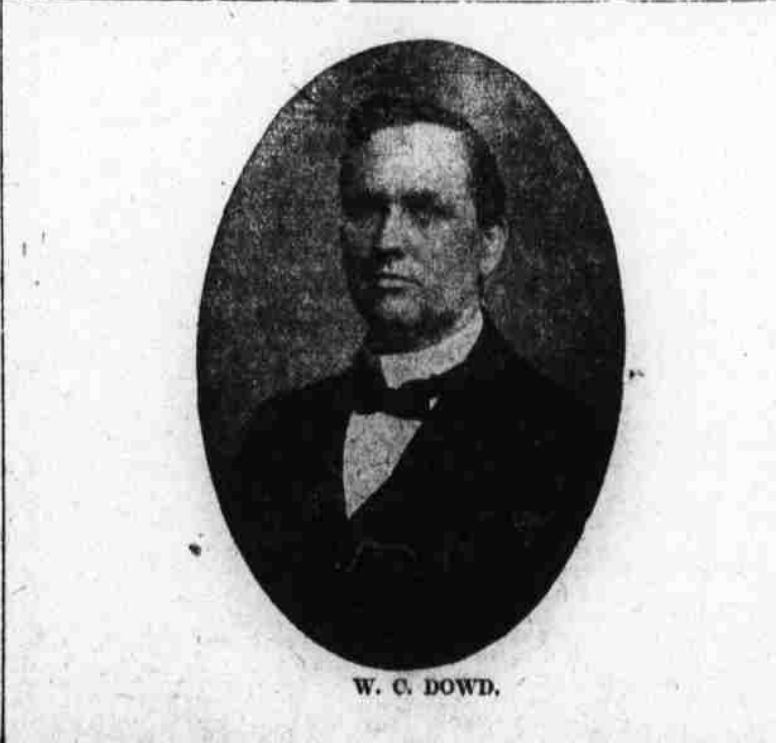


R. H. HAYES.

the speakership being three cornered heightens the interest and makes the result more doubtful, for the winner must first get more votes than both the others before the caucus can declare him the nominee. The candidates are all men of ability, and perhaps either could do the work equally well, yet the friends of each think his is the man for the place. Mr. W. C. Dowd, of Mecklenburg; Judge A. W. Graham, of Granville, and Mr. R. H. Hayes, of Chatham, compose the trio that measure strength and winning ability in the contest now on.

Mr. W. C. Dowd was a member of the last session of this body and a formidable candidate for the place he now seeks, and received 23 votes in the caucus. Prior to this legislative experience he was senator from his district in the fusion days, and was one of the few democrat fighters in the senate that year when fusion threatened to run wild over the institutions of the state. Mr. Dowd has a large following in North Carolina which would rejoice at his winning the prize. Added to this Mr. Dowd has assurances from his friends that are promising to him. He expects to be the next speaker.

Judge Augustus W. Graham, familiarly known as "Gus" Graham, another candidate for the coveted prize of the speakership, and comes before the caucus as no new and untried man. Judge Graham has been more or less in public life for thirty years, as able lawyer, good citizen and judge of the (Continued on Page Eight.)



W. C. DOWD.