

Weather.

Washington, April 29—Forecast for North Carolina for tonight and Friday: Partly cloudy, probably local showers tonight or Friday.

The Evening Times

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WHITAKER IS RE-COMMITTED WITHOUT BAIL

Justice Upchurch Held That There Was Strong "Probable Cause" of Negro's Guilt

STRONG AGAINST NEGRO

Hearing Began Yesterday Afternoon at Four O'clock—Defense Attempts to Prove an Alibi—Mrs. Collins Absolutely Certain in Her Identification—Not Shaken by Examination—Negro is Re-committed to Jail Without Bail—Will be Tried in July—Warrant Changed So As to Charge Negro With Burglary.

The preliminary hearing of the case against Washington Whitaker was continued this morning at 11:30 before Justice Upchurch. Attorney W. B. Jones, prosecuting, moved to amend the warrant which charged Whitaker with an assault with intent to kill by adding a clause charging him with burglary. Attorney Albert L. Cox objected on the ground that the facts brought out did not constitute the offence. The motion was allowed.

Mr. Lawrence Jackson was the first witness examined. He said that he had just got in the bed when he heard the shot. He went to the front door and saw two men in front of Collins' house. He saw one shot fired and heard the negro curse. He got his gun and shot at the man twice. He could not identify the negro as he did not see him plainly. There were at least three men. They went on down Morgan street to the turn of the road.

With the evidence of Mr. Jackson the state rested.

Mr. A. L. Cox, attorney for Whitaker, made a short speech, arguing that Mrs. Collins was too nervous to recognize her assailant with any certainty and reviewed the evidence, attempting to establish an alibi for his client.

Mr. W. B. Jones, prosecuting, briefly summed up the evidence against Whitaker, showing that Whitaker must be held if the court believed the evidence of Mrs. Collins. On the conclusion of Mr. Jones' argument Justice Upchurch ruled that there was strong "probable cause" and Whitaker was remanded to jail without bail to await the action of the grand jury at the July term of the superior court.

Yesterday Afternoon.

Yesterday afternoon at 4 o'clock the trial of Washington Whitaker, the negro charged with entering the home of W. R. Collins and shooting Mrs. Collins, on the night of April 9th, was begun, before Judge J. R. Upchurch. The negro was arrested at Wilson about 10 days ago on a warrant issued by H. H. Roberts. Because of the fact that Eugene Roberts, his son, was one of the witnesses, Judge Roberts asked, Justice Upchurch to conduct the hearing.

Mrs. W. R. Collins was the first witness examined. She recounted the happenings of the terrible night, when she awoke to find the negro's pistol leveled on her and in her ears his threat of death if she did not give up her money.

When asked if she was sure that Whitaker was her assailant she declared unhesitatingly that he was the man. She was absolutely certain that she had made no mistake about it. Mr. Cox, attorney for Whitaker, reminded Mrs. Collins that she was under oath and that her testimony might bring Whitaker to the electric chair. She did not waver in the slightest, saying emphatically she was not mistaken and knew beyond any doubt that the prisoner was her assailant.

Mr. W. R. Collins was the next witness. He was away from the house when the shooting occurred and could testify only to the pursuit of the burglar and the finding of the footprints at the window of his wife's room.

Mr. R. C. Fowler, who lived near the Collins residence, and who went to the rescue when he heard the shooting, testified that he and his brother tracked the man who did the shooting out Morgan street, into Penitentiary avenue, and across Hillsboro street to the edge of Cameron field. He returned to the scene of the shooting and found a policeman there. He tried to get this policeman to go with him to the carnival grounds, but he would not go.

He described the tracks of the man as those made by a No. 8 or 9 shoe, with heel taps on the sides of the heels.

Deputy Sheriff Stell was a witness to Mrs. Collins' identification of the man in jail—picking him out from a group of five.

Other witnesses for the state being absent the state rested here and witnesses for the defense were put on. Washington Whitaker was the first examined. He was followed by Mr. Eugene Roberts, and Sandy Dancy and Albert Wesley, the testimony of all the witnesses going to prove an alibi for Whitaker.

Mr. M. W. Haynes, of Tarboro, testified as to Whitaker's character. The case was then continued until this morning at 10 o'clock.

STATEMENT IN HASKELL CASE

(By Leased Wire to The Times)

Washington, April 29—The department of justice this morning issued the following statement:

"After considering the reasons given by the court in quashing the indictment against Governor Haskell and others in Oklahoma, the attorney-general wired instructions to the district attorney at Tulsa to apply to the court for a new grand jury drawn in conformity with Judge Marshall's decision, and to present the cases to that grand jury. The department has instructed the district-attorney to proceed with a vigorous prosecution of these cases."

NEWS FROM DURHAM

Trinity and Mercer Games Called Off

Mercer Team Cannot Come to Durham—Tickets Put Out by Ward Mass-meeting—Miss Mershon and Mr. Clement Married.

(Special to The Times.)

Durham, N. C., April 29—Games to be played by Mercer University with Trinity will not materialize. Prof. Flowers states that the manager of Trinity College baseball team has received telegram from the Mercer team that they cannot be here to play the games scheduled for Wednesday and Thursday of this week. It was a great disappointment that the team has failed to live up to the contract. The manager of the Trinity team has arranged with the Raleigh team of the Eastern Carolina Association to play here tomorrow and Saturday. The arrangement was made with Mr. C. H. Gattis as soon as the news came that the Mercer team would not be here.

The ward mass-meeting Tuesday night endorsed the following municipal ticket: First Ward: J. B. Warren and J. B. Mason; Second Ward: J. S. Perry and R. L. Lindsey; Third Ward: J. E. Carpenter and T. M. Gorman; Fourth Ward: J. J. Lawson and Jno. Sprunt Hill. Messrs. N. Underwood, Calborne Carr, and W. M. Yearby were nominated for the five police commissioners. No nomination was made for mayor, and this is considered wise. The meeting was harmonious and lasted but a short time. It seems to be generally understood that the above ticket will carry. Mr. Yearby had withdrawn from the other ticket and did not want the place, but so much pressure was brought on him he yielded for the good of his country.

At "Sunny Side," the home of Col. J. Harper Erwin, yesterday afternoon at 3:30 o'clock, Miss Madge Mershon, niece of Mrs. Erwin, was married to Mr. Felton LeRoy Clements, of Buena Vista, Ga. The home was beautiful in floral decorations. Mrs. J. E. Cheek sang a beautiful solo previous to the ceremony and Mrs. J. M. Manning presided at the organ. The ceremony was performed by Dr. Tyree, of Raleigh. Mrs. Clements is a lovely and accomplished young woman and has thousands of friends. Mr. and Mrs. Clements left on the 5:23 p. m. train for their home in Buena Vista, Ga. Mr. Clements was attended by his brother, Mr. Geo. Clements as best man. The bridesmaids were Misses Lynn Mathis, Americus, Ga.; Vivian Norton, Eleanor Green, and Rosa Green. The maid of honor, Miss Annie Louise Vaughn, Mr. H. D. O'Brian and Miss Dora Yarborough were married yesterday morning at the residence of the bride, Rev. Dr. J. W. Lynch officiating. The bride and groom, accompanied by a sister of the bride, went north on a tour.

The Evans Brothers, colored, have opened up a steam laundry. They are experienced men and no doubt will make it pay.

SENATOR RAYNOR MAKES STRONG SPEECH ON BILL

Says Uncertainty Now Existing is Worse Than Panic in Business

CRITICIZES THE BILL

Maryland Senator Was One of the Principal Speakers on the Tariff Measure Today—Characterized the Pending Bill as One for Protection and No Other Purpose—Said the Raising of Revenue Was Merely Incidental—Says Bill Will in No Substantial Way Lower the Price of Goods or Affect Protected Industries.

(By Leased Wire to The Times)

Washington, April 29—The senate convened at noon. Senator Smith, of Michigan, had read a telegram from the American Newspaper Publishers, in session in New York City, urging the senate to sustain the action of the house in placing wood pulp and white paper on the free list. A resolution to this effect was carried by a rising vote at the meeting of the association whereby only three dissenting votes, 290 delegates being present.

Senator Bristow offered a resolution, which was agreed to, requesting the secretary of the treasury to inform the senate as to the amount of raw sugar imported in 1908 by sugar refineries, the country from which imported, amount from each country and the price at American ports.

Consideration of the tariff bill was then resumed. Senator Raynor said that the uncertainty which exists over the tariff matter has produced a condition that is now worse than panic, and a suspense which is detrimental to prosperity. He was not a free trader, he said; he believed in custom house taxation, but in a tariff levied for revenue purposes. Upon that issue the democrats had won two great national victories.

The pending bill he characterized as one for protection and no other purpose. The raising of revenue was incidental. He did not think it would raise sufficient revenue. The republican party had promised the country revision, and he did not blame it for attempting to fulfill the obligation, but he declared their effort would result in a worse condition than that existing under the present law. He would frame a tariff measure directly opposite to the pending bill and would draft it to raise revenue primarily, by separating the schedules into four divisions, first, necessities, second luxuries, then he would consider the lawful industries, and lastly the monopolies. He would levy the lowest tax upon necessities, and the biggest on luxuries and protect the American workmen so as to maintain the standard of American wages.

Senator Raynor predicted the bill would in no substantial degree lower the price of goods to the consumer and further that it would not affect the inordinate profits of protected industries. He did not find in it a line which would lessen the grasp of monopolies and trusts.

ONE INJURED IN ELEVATOR FIRE

(By Leased Wire to The Times)

Chicago, April 29—One man was killed, three are missing, and a score were injured and property valued at \$1,000,000 destroyed in a fire which broke out early today in elevator B, of the Illinois Central Railroad, at the foot of South Water street.

The dead man is Fire Lieutenant M. C. Elliott, who was killed by falling walls. It is thought that the missing firemen are buried in the ruins.

The building was filled with wheat, corn and rye. The fire originated in the basement, presumably in the boiler-room.

Granite Company Chartered. The Eason Granite Company, of Salisbury, was granted a charter today. The total authorized capital stock is \$1,250,000, of which one million dollars is common stock. The paid in capital is \$700. W. H. Ragland, et al, are the incorporators.

SELL THE MARKET HOUSE

Is the Advice of Mr. John W. Hinsdale, Jr.

Wake County's Popular Young Representative Champions the Cause of Cleanliness and Progress—Five Reasons For Selling That Are Clear, Cogent, and Convincing.

Mr. John W. Hinsdale, one of Wake county's able representatives in the legislature of 1909, has issued the following letter containing argument in favor of selling the present city market house that are absolutely sound and irrefutable. He says:

"The legislature passed two bills that are of especial interest to Raleigh. The bill authorizing the issuing of \$125,000 of bonds for a municipal building and auditorium, and a bill authorizing the sale of the old market house and the erection of a modern market on another site."

"The two bills are more or less interdependent, and for that reason I have mentioned them both, though I shall confine myself to the market house proposition."

"The present market is entirely too small to fill the requirements of the city. This is shown by the fact that all the stalls are now occupied and by the further fact that there are many stalls scattered over the city. Anyone who is in doubt about the market being of insufficient size needs only to look at the Saturday-night crowd to be convinced. All of these conditions must grow worse as the city increases in population."

"Metropolitan Hall, now used for the municipal building and market, is worth \$75,000 or more, therefore, when the new municipal building is finished, Raleigh will have this amount invested in a building used solely as a market and for a market that is not large enough for our needs. However, if the market be sold, a suitable site can be bought and a modern one built for a good deal less than \$75,000."

"It will be a good business proposition to sell the present market and build a new one, for two reasons: First the new market having more space will bring in a larger revenue, and second the city will put on its tax books from \$125,000 to \$250,000 of taxable property, besides beautifying Fayetteville street, for the man who buys the market will be obliged to put up valuable improvements. The cost of the land will guarantee this."

"The only thing that remains for consideration then is: are the rights of the citizens of Raleigh properly safeguarded? Will they get their money's worth? An examination of the bill shows that they will, the bill having the following provisions:

"1. The building cannot be sold for less than \$60,000, and it is to be sold at public auction, at the court house door, where everyone will have the same chance to buy."

"2. It cannot be sold until the construction of the municipal building is actually under way."

"3. Possession of the present market cannot be given to the purchaser until the new market is ready for occupancy, so we will never be without a market."

"4. The surplus from sale of market, after buying sight and erecting the new market is to be used in helping to erect the municipal building, thus cutting down the amount of the bond issue, thereby lessening the burden on tax payers."

"5. The personnel of the commission, which will have the purchasing of the site and the building of the new market thereon in charge absolutely assures a square deal. They are Hon. Thos. B. Womack, Mr. John Cross, Mr. M. Rosenthal, the mayor, and city attorney. Men picked because of their high character and fine business sense. We can trust them to spend our money wisely and economically."

"In conclusion Raleigh cannot afford to keep the present market. It is old-fashioned, unsanitary, and too small, besides being an eye-sore. Raleigh is now on the up-grade and the thing to do is to keep her from slipping back. One way to do this is to vote to sell the market next Monday. This is a day of progress, and if we do not want to be left hopelessly behind we must get out of the bad habit of doing nothing."

"The quotation, 'There is a tide in the affairs of men, which, when taken at its flood leads on to fortune,' etc., applies to communities as well as to individuals."

"It remains to be seen whether Raleigh will let slip this opportunity."

"J. W. HINSDALE, Jr."

THE NEW SULTAN BEGINS RULE BY CUTTING FORCE

Many Attaches Cut Off and Expense Account Greatly Shortened

THE PEOPLE APPROVE

First Evidence of Real Reform Given by the New Sultan in Reorganization of His Court—Will be Modified on Western European Plan and Without Extravagant Luxury That Has Heretofore Marked Turkish Court—Thousands of Persons Have Been Cut Off and Millions of Dollars Saved to the Public—Sultan May be Court-martialed.

(By Cable to The Times)

Constantinople, April 29—The first evidence of real reform in Turkey came today with the announcement from the new sultan, Mehmed V, that he intends reorganizing the Turkish court. It will be remodeled on the western European style, to be economical and without the extravagant luxury which has heretofore marked the Oriental government.

Scores of attaches of the Yildiz Kiosk were removed from the civil list today by the new sultan. This was one of his first acts in the way of financial curtailment. Hundreds of supernumeraries followed from other government departments. The force which will occupy the imperial palace under the new regime is said to be about the size of that at the white house in Washington. In all several thousand persons were summarily dismissed. The saving to the government will reach millions of dollars. When news of this innovation was made public it was universally approved. It is reported that Abdul Hamid, the deposed sultan may be court-martialed by the Young Turks.

WAKE FOREST NEWS.

Juniors Defeat Seniors—Banquet to Seniors by Faculty—Other News.

(Special to The Times)

Wake Forest, April 29—The hope of the seniors for the class championship were shattered yesterday when they went down before the juniors, by the score of 10 to 5. The championship will be the game between the juniors and freshmen tomorrow.

The faculty will give the senior class a banquet on the evening of May 7th, in the library building. The occasion of the banquet last year was the most charming of the season, and its recollections awakened happy anticipations for the coming year.

Dr. E. W. Sikes made an address at the commencement of the Youngsville graded school yesterday. Dr. C. E. Brewer made an address at the exercises Tuesday night.

Prof. J. B. Carlyle left today for Nashville, N. C., where he will make an address tonight. He will speak tomorrow in favor of a special school tax.

TEN INJURED IN TROLLEY CRASH

(By Leased Wire to The Times)

Pittsburg, Pa., April 29—Ten persons were injured, one perhaps fatally at 1 o'clock this morning when the Homestead trolley car got beyond control while ascending a steep grade on Forbes street, left the rails and crashed into an iron trolley pole.

E. B. McMaisters, the motorman, had his skull fractured. He may die. The others injured were: Conductor Ehnat, Mrs. Henry Dodds, Mrs. John Golf, E. W. Thompson, Thomas O'Neil, Benjamin Myers, Miss Helen Burns, G. N. Hartz and W. C. Hagen.

FELL FROM THIRD STORY.

Not Only Not Hurt But Cured of a Limp.

(By Leased Wire to The Times) New York, April 29—A tumble of 40 feet from a third story fire-escape to a stone-paved yard, that would have killed most adults, not only did

not seriously hurt 7-year-old Katie Goliskie, of Brooklyn, but cured her of a limp she had had from babyhood. Besides, it gave her a vocabulary of big words that astonished her parents.

"Are you hurt, dear?" asked the mother, when she rushed down stairs to her child.

"Well, not materially, I think," was the astonishing reply. "My head is a little cut, but I guess it is not serious." She spoke without the slightest trace of the limp that had always marked her speech.

TRAGEDY ON SMITH COLLEGE CAMPUS

(By Leased Wire to The Times)

Northampton, Mass., April 29—Miss Helen Ayer Marden, daughter of Frank W. Marden, a wealthy Boston oil importer, was shot and probably fatally wounded today on Smith College campus, where she is a student, by Porter MasDougal Smith, a Dartmouth graduate. Smith then killed himself. The girl had been engaged to marry Smith, who is a broker in Chicago. She broke off the engagement, however, and it was because she refused to renew it that he shot her. She is not expected to live.

MISS WHITE MARRIED

Daughter of Ambassador to France

Final Ceremony Held Today—Miss White is Daughter of Henry D. White, Ambassador to France—Her Husband is a German Nobleman.

(By Cable to The Times)

Paris, April 29—The final ceremony in the union of Miss Marie White, daughter of Henry White, the American ambassador to France, and Count Scherr-Thess, of Debrau, Prussian Silesia, took place today in St. Joseph's church, Avenue Heche, when the Roman Catholic Church with its full pageantry gave its sanction to the civil ceremony before the mayor of the eighth Arrondissement yesterday which made Miss White legally a countess of the German empire.

A notable feature of the ceremony was the absence of the ambassador, who stayed away as a protest against the attitude of the ecclesiastical authorities in refusing to concede the service of the Episcopal church, of which he and his family are members.

The bride made a striking appearance in the march to the altar. She has been notable for her beauty in many of the capitals of Europe for the past ten years, but never did the blonde fairness show to better advantage than today, set off as it was by her rich, white, though almost severely plain, wedding gown. The count wore the gorgeous uniform of the German cuirassier regiment, of which he is an officer.

The bride was attended by her nieces, Miss Margaret Rutherford, daughter of Mrs. W. W. Vanderbilt, and Miss Lucy Buckler, daughter of William H. Buckler, secretary to the American legation at Madrid and Ambassador White's step-brother, as bridesmaids. The bridesmaids were simply gowned in white, and like the bride, carried white bouquets.

The bride was given away by her brother, "Jack" White.

Immediately after the ceremony the bridal party was driven to the American embassy on the Rue Francois Premier, where a small reception was attended by those invited to the church service and several members of the diplomatic corps. The itinerary of the wedding trip was not announced but upon its conclusion the count and countess will go to Breslau where the count is stationed.

The bride's trousseau comprises eighteen gowns by Worth and Doucet, the former of whom designed the wedding gown.

INSTALLING ELEVATOR.

Much Needed Convenience for the Postoffice Building.

Materials are being received daily at the federal building for the building of the elevator which has been ordered installed there. This improvement has been much needed and will be of great benefit, adding much to the convenience of that already well equipped building.

Congress at the last session appropriated \$10,000 for the installation of the elevator and it will be one of the most modern and up-to-date elevators in the city.

GENERAL HAINS ON THE STAND IN BEHALF OF SON

Testifies as to Captain Hains' Early Life, Temperament and Peculiarities

ATTORNEYS EXCITED

Report That One of Jurors Had Said He Believed Hains Guilty and Would Convict Him if Left to Him to Decide—General Hains, Father of the Defendant, the First Witness—Tells of His Son's Strange Actions on the Field of Battle—As a Boy He Was Nervous, Irritable, and Subject to Fits of Passion.

(By Leased Wire to The Times)

Flushing, L. I., April 29—The attorneys for Captain Peter C. Hains, on trial for the murder of William E. Annis, were excited just as court opened today when David N. Hirsch, law partner of John F. McIntyre, reported to the chief counsel that a man who refused to give his name had called Mr. McIntyre's New York office on the telephone and said that he knew that Henry H. Nelson, juror No. 8, had, prior to the beginning of the trial, expressed his strong belief in the guilt of Captain Hains, and had declared he would convict him if it were left to him to decide. Mr. McIntyre himself came to the press table to tell the reporters of this incident.

No official steps were taken regarding the incident.

Immediately after Justice Garretson had taken his seat, Mr. McIntyre called General Hains to the stand.

The father of the Hains boys began his testimony by saying that he married in November, 1864, to Virginia Jenkins, the daughter of Admiral Jenkins, of the United States navy. His wife, he testified, had often during their married life been subject to fits of nervous depression. General Hains started to tell that Captain Hains did not enter the navy because of his near-sightedness, but Prosecutor Dewitt objected and was sustained—although not before the jury had heard the testimony upon this important point, which has a strong bearing upon the insanity contention. The witness told of his son's marriage to Claudia Libby.

General Hains, in spite of Dewitt's objection, was permitted to tell of his son's strange action on the field of battle during the fight at Guayama, in the Spanish-American war.

"He was always getting in my way," declared the old soldier. "I told him to retire and he laughed and told me I was not to wear the white helmet I had on at the time."

"He was so insistent that I had to tell him if he did not correct his actions, I would have to order him placed under arrest."

Mr. McIntyre had the general tell that Captain Hains as a boy was nervous, irritable, and susceptible to fits of passion.

"He often had nightmares," said the witness, "and cried out in his sleep. In such fits, he would strike out with his hands and cry out: 'Oh! Oh!'"

The father then told how Peter, in 1881, fell through a hatchway and was wounded in the head.

"He was stiff as though dead, and he remained so for several hours," the father declared.

The witness said that following this accident the boy for a long period was subject to severe headaches. Slight noises, he said, would irritate him very much. The color of his face would change at times intermittently from a vivid flush to a pale white. Peter, as a little boy, the father swore, stuttered and stammered in his speech. This lasted, he said, for about 10 years.

The remainder of the morning session was consumed in the attempt of the defense to get before the jury the confession of Claudia Hains. The court ruled against this because not enough evidence had been given to prove Captain Hains insane.

Dr. L. S. Manson, alienist for the defense, swore that Captain Hains was insane last September, but even his testimony did not result in the admission of the confession.

A charter has been granted to The Producers Warehouse Company, of Apex. Percy J. Olive and others are the incorporators.