

Weather.

Washington, May 3—Forecast for North Carolina for tonight and Tuesday: Fair tonight and Tuesday; warmer tonight.

The Evening Times

SECOND EDITION

ESTABLISHED 1876.

RALEIGH, N. C., MONDAY, MAY 3, 1909.

PRICE 5 CENTS

PROGRESS OF THE MURDER TRIAL OF CAPTAIN HAINS

Mrs. Annis, Widow of Murdered Man in Court for First Time.

MAY GO ON STAND

Considerable Mystery About Mrs. Annis Going to Flushing—District Attorney Refuses to Say Whether He Will Put Her on Stand or Not—Defense Will Object to Her Giving Any Direct Testimony—Defense Still Has About Forty Witnesses to Put on Stand and Will Probably Take Up Entire Week With Their Side of the Case.

(By Leased Wire to The Times) Flushing, L. I., May 3—Mrs. William E. Annis, beautiful widow of the man for whose murder Captain Peter C. Hains, Jr., U. S. A., is now on trial, came to Flushing today for the first time since the trial began.

There was considerable mystery thrown about her coming here at this time.

Prosecutor Dewitt would say nothing about her visit and even refused to say positively whether he intends to call Mrs. Annis as a witness at this trial.

Mr. McIntyre, chief counsel for the Hains family, said he expected to call no less than forty witnesses on his side at the trial. This is certain to take at least another week, if not longer.

Mrs. Annis, not having been put on the stand in the direct presentation of the state's case, cannot now, according to Mr. McIntyre, be questioned about her part in the actual shooting of Annis and can only give testimony in rebuttal.

Major D. J. Kellher arrived here today from Chicago to testify. Major Kellher was in the paymasters department in the army building in Whitehall street, New York, when Captain Hains called there for his money on the two occasions about which Thornton Hains testified. Major Kellher will testify as to the eccentric actions and incoherent utterances of the defendant.

Captain Hains, looking as pale and absorbed as ever, was brought into court early. Dr. L. S. Manson, chief alienist for the defense, sat beside him. The prisoner persisted in keeping on his overcoat. John F. McIntyre finished his direct examination of Major Hains by having the witness identify the return sections of the Bayside excursion tickets which Thornton Hains testified he had purchased on the day of the shooting.

Prosecutor Dewitt then cross-examined the witness.

In answer to Mr. Dewitt's first question, Major Hains declared that Captain Hains had taken little or no part in the various conversations between him and Thornton about the captain's affairs. Then he was questioned about his brother wearing glasses.

"Some times he has worn them," the witness said, "and at other times he has gone without them."

"Do you know when he stopped wearing them?" asked Mr. Dewitt.

"I don't know that he has ever stopped using them," was the answer. Mr. Dewitt smiled and sat down.

He will claim that the absence of glasses gives to the prisoner's eyes the peculiar staring look so much commented upon.

Emma Lavelle, the colored nurse who worked in Captain Hains' house at Fort Hamilton, was called and asked several questions about William E. Annis—as to whether she had ever seen Annis in the captain's home when the latter was not there.

The court ruled that nothing concerning Annis was admissible unless it could be shown that it affected the defendant's mind or he was present when the incident testified about happened.

Emma was allowed to tell of the intimacy between Claudia Hains and Annis when it was made plain that she had told the same story to the captain himself.

"Mrs. Hains introduced Mr. Annis to me," declared the witness: "I told the captain, as her 'affinity.'"

She said that when she finished the captain's face was "set and staring, with his face pale and drawn."

He kept repeating, "My God, this is awful, this is awful," and his eyes seemed to be "about to pop out of his head."

The Two Children of Capt. Hains.



These are the two little sons of Capt. Peter C. Hains, now on trial for the killing of William E. Annis. At the left is Peter C. Hains III and at the right is John Hains.

WRIGHTS COMING HOME

With Many Medals and Prizes

Wilbur and Orville Wright and Their Sister on Their Way Home—Will be Presented With Medal in London Tonight.

(By Cable to The Times) London, May 3—Wilbur and Orville Wright, with their sister, arrived in London last night and were met at the station by several British aeronauts. Wilbur Wright said his European tour had been very satisfactory.

"In the past year," he added, "I must have flown between 2,500 and 3,000 miles, and I take back to America about a score of prizes won for height, length, and distance of flight in an aeroplane."

The American aeronauts have come to England to receive the gold medal of the British aeronautical society, which will be presented to them this evening and invited to sail for New York on the Kron Prinzessin Cecilie next Wednesday. Orville Wright said that he and his brother expected to meet a representative of the British government during their brief stay in England, but he was not prepared to say whether the war office would or would not order one or more of their aeroplanes.

A party of Englishmen, each member of which has taken a flight with Wilbur Wright, will give the brothers a luncheon today. The dinner of the aeronautical society in their honor, at which they will receive the medal, occurs in the evening, and will provide an opportunity for a meeting between the Wrights and some of the advisers of the war office. The brothers are scheduled to return to Germany in September to fill a contract for the kaiser's government.

DR. JACKSON DEAD.

Prominent Missionary and Philanthropist Died in Asheville.

(By Leased Wire to The Times) Asheville, N. C., April 3—Dr. Sheldon Jackson, United States general agent of education in Alaska, manager of the government reindeer herds there and a missionary of the Presbyterian church, died here yesterday following two operations performed last Monday. The body will be taken to Washington, D. C., for burial.

Dr. Jackson was a member of many scientific, religious and philanthropic societies and had written a large number of books and essays on subjects dealing with Alaska.

THE GOVERNMENT WINS

Decision in the Commodities Clause Case.

Supreme Court Renders Decision in Case of Coal Roads—Roads Cannot Haul Their Own Coal in Preference to Products of Shippers.

(By Leased Wire to The Times) Washington, May 3—The supreme court today rendered its long-expected decision in the case involving the constitutionality of the commodities clause of the Hepburn rate law of 1906, in the cases against the anthracite coal roads. The finding was that the clause is constitutional.

Profound interest attaches to the long-delayed decision. The clause in question prohibited railroad companies from transporting their own commodities from one state to another. The decision has been expected for more than two months. The clause in question applied more particularly in the cases decided today to those roads who own interests in local mines along their routes. The court below in a decision rendered months ago by Judge George Gray, of Delaware, held the clause to be unconstitutional on several grounds. The government contended that the clause was constitutional and enacted under the authority of congress to control interstate commerce. The lower court laid great stress on the "unreasonableness" of the clause.

It was claimed that the enforcement of the clause would revolutionize the finances and control of the coal-carrying roads, and that great damage would be inflicted upon the government, however, held that the letter of the law must be observed, regardless of what damage was inflicted.

CASHIER'S DOWNFALL.

Women, Horses and the Stock Market the Cause.

(By Leased Wire to The Times) Minneapolis, Minn., May 3—Women, horses and the stock market are said to have brought about the downfall of Ellis W. Niles, receiving teller in the First National Bank, who is detained on the charge of embezzling \$37,867 of the funds of the bank.

Caught as he was entering the bank Friday, it is said, he made a desperate effort to draw a revolver, presumably to shoot himself, but was overpowered. He has been kept under guard ever since, and it is said has made a confession and is trying to refund the money. Up to date, it is said, he has returned \$9,000 to the bank officials.

SENATE EXPECTS BUSY WEEK WITH THE TARIFF BILL

Several Set Speeches on the Aldrich Bill Will be Made This Week.

FIGHT FOR REDUCTION

Senator Dooliver of Iowa Will Speak and is Expected to Lead the Fight for Revision Downward—Will Attack Schedules Upon Which He Believes the Duty is Too High—Opposition to Senator Aldrich's Maximum and Minimum Plan—The Grounds of Objection—Southern Democrats Charged With Responsibility for Revision Upward.

(By Leased Wire to The Times) Washington, May 3—The senate is looking forward to a busy week in the consideration of the tariff bill. There are several set speeches scheduled for delivery, including that of Senator Dooliver, which is awaited with much interest. The Iowa senator has already intimated that he will attack some of the rates in the pending bill, especially the cotton and woolen schedules, pottery and glassware, and certain other manufactured products upon which he believes the duties are too high. Thus far these subjects have not been touched upon except in a very general way in debate.

The revision downward, republicans expect Senator Dooliver to lead the fight for reduction. Senator Piles and Senator Jones are expected to discuss the lumber schedules, upon which more has been said than upon all the other schedules together. Several speeches on the income tax are also to be delivered.

Opposition to Senator Aldrich's maximum and minimum tariff plan is rapidly developing in the senate, as members have had an opportunity to examine his proposed amendment. Argument against it is based upon the fact that the maximum of 25 per cent ad valorem is a large increase over the 20 per cent provision of the house bill. The difference is not merely five per cent. In the house bill the advance when the maximum tariff is enforced is 20 per cent of the regular duties, while in the senate bill, the advance is 25 per cent of the value of the goods imported. In many instances this would make the duty prohibitive. Another ground put forth for objection is that the provision places too great power in the hands of the president. The adjustment of the matter will doubtless be left to conference.

An administration senator said today that if it were not for the fact that the democrats in the senate had changed front on the tariff question the Payne-Aldrich bill, as it now stands, could never pass that body. The change that has come over the southern senators, he said, on the tariff question, is largely responsible for the upward rather than the downward revision of the tariff, and it will be the democratic vote in the senate that will keep intact the schedules prepared by Senator Aldrich, just as it was that prevented lumber from going on the free list.

The senate began its session at 11 a. m. today, an hour earlier than usual. Senator Crawford offered a resolution calling on the secretary of the treasury for information concerning the tariff of various countries which discriminate against the United States and which would be affected by the maximum and minimum amendment to the pending bill. Senator Aldrich said it would require nine months to compile all the information asked for, and at his suggestion the resolution was referred to the senate finance committee.

Senator Warner sought to have a resolution adopted providing for an investigation of the railroad rate in Missouri by the interstate commerce commission. Senators Stone and Hale objected. Consideration of the tariff bill was then resumed and Senator Piles made an argument in favor of a \$2 duty on lumber. He was interrogated by Senator Stone as to the effect of a reduction in duty in the cost of lumber to the consumer.

Farmer Guilty of Murder.

Philadelphia, Pa., May 3—After being out 85 hours, the jury in the case of Harry James, a wealthy farmer, accused of murdering his wife near Westchester, brought in a verdict of murder in the first degree today.

DEMOCRATS WILL SWEEP THE CITY

At 2:30 o'clock this afternoon reports from every precinct indicated a sweeping victory for the democratic ticket. At no point had a republican gain been made. Instead of making gains, the republicans were not polling their full strength at any voting place.

In the first division of the Fourth Ward, Charles D. Wildes, republican candidate for police justice, hung on like grim death, chewing persistently the end of an unlit stogie. When asked by The Times man how his people (the republicans) were voting, he said that they were hardly voting at all—not even coming to the polls. He said they were either taking but little interest in the election or they were out of town.

A life-long republican, who was voting while the reporter was talking to Mr. Wildes, explained things as he was leaving the polling place in company with the reporter in a way that would have interested Mr. Wildes and explained the secrecy of the republican voters at the ballot box. He said that he had been a republican all his life but above his love for his party was his love for his city.

"I voted the straight democratic ticket," he said, "because I felt that I was doing my duty by my town. The reform movement inaugurated by the Good Government forces will make for better things. Hundreds of republicans in this city feel just like I do. We didn't put out a ticket. It was all the work of a few—an organization known as the Young Men's Republican Club. I couldn't vote for that bunch and do my duty by my city."

This explains why the republicans are not voting. They expect great things of the democratic reform ticket and will not jeopardize its chances by appearing at the polls.

Sale of the Market House.
Those favoring the sale of the market house are in the ascendancy. In no ward was there the slightest danger to the measure. In the first division of the Third Ward 210 votes had been cast and only 10 votes had been cast against the sale of the market house. It was the same all over the city—a clean sweep for decency and progress!

The Situation At 4:30.
At 4:30 this afternoon the situation had not changed. The democrats had a heavy lead everywhere and only the republicans were voting against the sale of the market house. The vote stood about as follows:

First Ward, First Division: One hundred and thirty-seven had voted. Of this number less than one-third had voted against the sale of the market house. In the second division 98 democrats had voted and 36 republicans, nearly all of the latter voting against the sale of the market house.

In the Second Ward, First Division, 104 had voted. Five had voted against the sale of the market house and seven republicans had cast their ballots.

In the Second Division of the Second Ward, 130 had voted. The republican vote was light and only a few votes had been registered against the sale of the market.

In the Third Ward, First Division, 219 had voted. Nine had voted against the sale of the market house. In the Second Division the republican vote was almost a negligible quantity. The republican candidate for alderman left the polls at noon, entirely disgusted. He had received only three votes at that time. The foes of the sale of the market house were few and far between. At 4:30 a republican vote had barely reached the dozen mark.

In the Fourth Ward, First Division, 140 had voted. Less than one dozen had voted against the sale of the market house and there were only 10 or 15 republican votes in the boxes. In the second division of this ward 86 had voted. Eighty were for the sale of the market and six against. J. Sherwood Upchurch had received 83 votes. Col. J. C. L. Harris, the republican candidate opposing, had three votes.

Monument to Shepherd.

Washington, May 3—A monument to the memory of the late Alexander Robert Shepherd, governor of the District of Columbia, when it was under a territorial form of government, was unveiled in Washington this afternoon.

President Taft, members of his cabinet, and many senators and representatives participated in the exercises.

North Carolina Postmasters.

Washington, May 3—Fourth-class postmasters were appointed today as follows: North Carolina: Carico; Grover H. H. Carico; Okisko; John W. Lane.

MANY HANGED FOR PLOTTING AGAINST TURKS

Thirteen Political Offenders Hanged in the Streets of Constantinople

VICTIMS HAVE COURAGE

The Most Conspicuous Points in the City Were Chosen For the Places of Execution, and Thousands of People Gathered About the Swaying Bodies—Crowd Cheered as the Bodies Swung Off—Men Executed Were Leaders in the Movement Against the Young Turks—Courts-martial Busy.

(By Cable to The Times) Constantinople, May 3—Thirteen political offenders, tried and condemned to death by court-martial, were hanged in the city today. The most conspicuous points were chosen and thousands of people gathered to look upon the bodies swinging from the improvised gibbets.

The sight was a sickening one. The prisoners took their fate coolly and walked to the scaffolds with great courage. The crowd that gathered about the ghastly work of the hangmen cheered as the bodies swung off. All through the day the bodies swayed in the sunlight, their features contorted into ghastly grins by the noose. The men executed today were undoubtedly the leaders of the mutinies against the Young Turks. It is also believed that some of them were the leaders of the latest revolt who were sought yesterday and last night.

The victims include the assassins of Mazim Pasha and those who promoted the uprising of the marines in the Kassim barracks. These barracks are situated immediately behind the American embassy and the marines housed in it belong to the old disaffected garrison.

The bodies of those executed today were allowed to hang in their public positions for many hours. This was designed as a public warning and to show all plotters what punishment would be meted out to them if caught. Courts martial are being held continuously, and executions will go on daily.

The thirteen executions today were the forerunners of 100 public hangings which will take place within the next 48 hours. Many of the suspected ringleaders in the reactionary movement, whose part in the uprisings was of minor importance, will be sentenced to hard labor.

The Tewfik Pasha ministry resigned today. The new grand vizier will be Hilmi Pasha.

One of the reports today is that the Young Turks are contemplating another change of sovereigns. They fear, so it is reported, that Mehemmed V is too much under the influence of members of the old cabinet. If the report is authenticated the new sultan may be removed.

GOVERNOR JOHNSON.

Will Spend Some Time in the South. Likes This Section.

(By Leased Wire to The Times) Richmond, Va., May 3—Governor John A. Johnson, of Minnesota, accompanied by Mrs. Johnson and a party of ten, spent Sunday here. Governor Johnson has abandoned his speech-making itinerary in the west for the purpose of bringing Mrs. Johnson through the south. The trip is being made for recreation.

The party will go to Old Point Comfort today and will probably remain in Virginia for several days.

Governor Johnson refuses to discuss politics. He expresses himself as immensely pleased with the south.

FLAGS RETURNED.

Ohio Troops Will Return Flags to Old Confederate.

(By Leased Wire to The Times) Huntsville, Ala., May 3—The annual meeting of the Alabama division of the United Daughters of the Confederacy to be held in Huntsville, May 11-12, will be made notable by the return of two Confederate flags that were captured by Ohio troops in a raid near Selma in the spring of 1865. They will be brought back to Alabama by John A. Pitts, who was with the north Ohio cavalry, and Captain William W. Shoemaker, of the same command. They will come as the representatives of the state of Ohio, with a squad of old comrades.