

Weather.

Washington, May 8—Forecast for North Carolina for tonight and Sunday: Showers tonight or Sunday; variable winds shifting easterly.

The Evening Times

SECOND EDITION

ESTABLISHED 1876.

TWELVE PAGES TODAY

RALEIGH, N. C., SATURDAY, MAY 8, 1909.

TWELVE PAGES TODAY

PRICE 5 CENTS

MRS. BOYLE IS FOUND GUILTY OF KIDNAPPING

Jury Returns Verdict Against Woman in Willie Whitle Case

END OF THE NOTED CASE

William McDermott of Chicago, a brother of Mrs. Boyle, in Court Room Today—Mrs. Boyle Says She Will Commit Suicide Before She Will Go to the Penitentiary—Address of Judge Miller, One of Ablest Ever Heard in Mercer County—Says State Might Just as Well Have Left Case to Mob.

(By Leased Wire to The Times) Mercer, Pa., May 8—The jury in the case of Mrs. Helen Boyle returned a verdict this afternoon finding her guilty of aiding, abetting and assisting in the kidnaping of Willie Whitle, of Sharon. She was convicted on the second count in the indictment. The jury retired shortly before noon and reached a verdict after taking but a single ballot. Without revealing the result to the court, they were taken to the Hotel Humes for luncheon and upon their return to court announced their verdict.

Mercer, Pa., May 8—Sitting beside her brother, William McDermott, of Chicago, Helen Boyle listened to the arguments of counsel today in her battle for freedom on the charges of kidnaping and aiding and abetting in the kidnaping of Willie Whitle. There was an affecting meeting in the jail when the brother visited his sister.

At 8:50 o'clock the Whitle party arrived from Sharon and when court opened at 9 o'clock the room was completely filled. Mrs. Boyle held numerous conversations with her brother, who remained seated at the counsel table with her. "Both Jimmie and myself have tried to tell the whole story in connection with this case," said Mrs. Boyle. "We have not been permitted to do so. It is injustice. Everything should be heard and thrashed out. As for myself, I will commit suicide before I go to the penitentiary."

At 9 o'clock court opened and Attorney Miller, for the defense, Q. A. Gordon, for the commonwealth, and Judge Williams had a short conference. Then Judge Miller presented eight points of law in the case. Immediately after presenting his points on which he wished the jury to be charged, he began his address to the jury.

The address of former Judge Miller was one of the ablest and most eloquent ever heard in Mercer county. In effect he said that Mrs. Boyle had never been proved to have been mixed up in the kidnaping of Billy Whitle. It was for that reason, he said, that the second charge of "aiding and abetting" was added.

Judge Miller said the prosecution were "trying James Boyle over again" instead of proving Mrs. Boyle's connection with the case.

"I have been associated in this court in various capacities since 1872," he continued, "and never before did I see so much influence and so much wealth used to corrupt and prejudice your minds as in this case." Judge Miller said a scintilla of evidence had been presented against the woman and pointed out that the commonwealth had produced no evidence to contradict Mrs. Boyle's statement that she had expected to get money from her father. "Why," he exclaimed, "they might as well have left it to the mob which tried to attack Mrs. Boyle Thursday afternoon as to ask the jurors to guess at their viewpoint and find accordingly."

"That mob was a disgrace to the town when their passions were aroused and they wanted to show what they could do with a frail woman under indictment. The commonwealth wants you as members of this jury to guess at the guilt of Mrs. Boyle. No evidence has been produced to connect her with any crime in this state and this court has no jurisdiction against her."

The address to the jury for the commonwealth was made by Attorney Q. A. Gordon, who pointed out the heinous character of the offense and said that James Boyle was not smart enough to convict the plot, but that it was planned by the defendant.

COLONEL R. E. LEE WILL BE ORATOR MEMORIAL DAY

Will Make the Annual Address Before the Memorial Association Monday

RECEPTION AT CLUB

Memorial Association Has Been Peculiarly Fortunate in Getting Colonel Robert E. Lee, of Fairfax County, Va., Grandson of the Great General, to Make the Memorial Address—Dinner Will Be Served to Veterans in Capitol Square, Colonel Lee Being the Guest of Honor. Memorial Exercises at Confederate Cemetery at Four O'clock.

Monday, May 10th, will be a proud day for Raleigh, when she entertains Col. Robert E. Lee, of Ravenworth, Fairfax county, Virginia, the oldest grandson of the south's beloved leader, General Robert E. Lee.

Colonel Lee will make the annual memorial address Monday afternoon. The Memorial Association has been very fortunate in securing Colonel Lee, for as a grandson of General Lee it is most fitting that he should make the address in memory of the men who fought for the south. There is no name more honored nor loved throughout the whole south than that of General Robert E. Lee, and nowhere is it honored and loved more than in North Carolina. It was from him that the people of the state won the proud name of "Tar Heels", for the soldiers from North Carolina stood by him in every struggle as if indeed they had tar on their heels. In the name of his beloved grandfather and for himself Raleigh will extend a royal welcome to Colonel Lee for there could be no more welcome visitor in our city.

He will arrive in Raleigh tomorrow morning and will be met at the station by a special committee appointed by the Memorial Association. He will be driven to the home of Col. Thos. S. Kenan, whose guest he will be during his stay in the city. From 12 to 1 o'clock on Monday the annual dinner to the Confederate Veterans will be served at the Capital Square. All contributions toward this dinner must be at the Capital grounds not later than 10:00 o'clock.

Colonel Lee will be the guest of honor at this dinner.

The regular memorial exercises will take place in the pavilion at the Confederate cemetery at 4 o'clock Monday afternoon, at which time Colonel Lee will deliver the annual address. There will be no exercises in the city.

Dr. B. F. Dixon will act as chief marshal. He will be assisted by 15 mounted marshals, who will escort Colonel Lee to the cemetery. The band from the State School for the Blind, composed of 21 pieces, will furnish the orchestra music. The choir will be composed of the members of the different city choirs and they will render the sacred music.

The L. O. B. Branch famous Confederate Drum Corps will be present and will give some of their stirring old war tunes.

The following is the full program of the exercises: Music—L. O. B. Branch Drum Corps. Music—By the band. Prayer—Rev. Milton A. Barber. "How Firm a Foundation"—By the choir. Introduction of Orator—By Dr. B. F. Dixon. Address—By Col. Robert E. Lee. Music—By the band. "Soldier's Farewell"—Mrs. Horace Dowell. Music—By the band. "Fencing Tonight"—By the choir. Benediction—By Rev. Milton A. Barber. Music—By the band. Decoration of the graves.

Reception at Capital Club. In honor of Col. Robert E. Lee the Capital Club will throw open its doors Monday evening from 9:00 to 10:30 to the whole city. This is the first time in the history of the club that a reception has been given to all the citizens of Raleigh, non-members of the club, and it is only another expression of the esteem the city feels for Colonel Lee. It is indeed a high honor and will be a beautiful tribute from the city through the club.

Mr. Litchford, president of the club, cordially extends an invitation (Continued on Page Two.)

Every Butcher Indictable Under the Pure Food Law.

The butchers of this city, the sanitary officers, and the numerous dignitaries that guard the health and peace of this municipality, may not know it, but there is a very stringent pure food law in force in this state. It may be found by those interested (and several persons in this city should be interested) in Chapter 368 of the Laws of 1907, and will prove especially instructive to the butchers and officers aforesaid. It will be seen that under the law every butcher in the city is liable to indictment. Not one could escape conviction. The health and peace officers of the city of Raleigh are hereby notified that failure to comply with the plain provisions of the law from this day henceforth will not be charitably attributed to ignorance of the law, but to wilful neglect of duty.

Section 8 of the pure food law reads as follows: Sec. 8. That it shall be unlawful for any person or persons, firm or corporation, to sell, or to have in his or their possession to sell for human food, the carcass or parts of any animal which has been slaughtered, prepared or kept under unsanitary conditions; and unsanitary conditions shall legally exist wherever and whenever any one or more of the following conditions appear or are found, to-wit: If the slaughter-house is dilapidated and in a state of decay; if the drainage of the slaughter-house or slaughter-yard is not efficient; if maggots or filthy pools or hog-wallows exist in the slaughter-house yard or under the slaughter-house; if the water supply is not pure and unpolluted; if hogs are kept in the slaughter-house yard, or fed therein on animal offal, or if the odors of putrefaction plainly exist therein, or if kept in unclean, bad-smelling refrigerators, or if kept in unclean or bad-smelling storage-rooms.

All peace and health officers shall have the power and are commanded to seize any animal carcass or parts of carcasses which are intended for sale or offered for sale for human food, which have been slaughtered and prepared, handled or kept under unsanitary conditions as herein defined, and shall deliver the same forthwith to and before the nearest police judge or justice of the peace, together with all information obtained, and said police judge or said justice of the peace shall, upon sworn complaint being filed, issue warrants of arrest for all persons who have violated the provisions of this section, and proceed to try the case. Any person, persons, firm or corporation found guilty of violating the provisions of this section shall be fined not less than ten nor more than one hundred dollars, and the meat in question shall be destroyed.

BAD DAIRY CONDITIONS

Expert Gives Statement of Actual Conditions

Mr. J. A. Conover, of the United States Department of Agriculture, in Charge of Co-operative Demonstration Work Here Gives Statement of Dairy Conditions Here.

To the Editor of The Times: To read the ordinance and the rules and regulations concerning the sale of milk in Raleigh would lead one to think that this city was well provided for so far as its milk supply was concerned, but if one will take the trouble to look a little deeper than the ordinance, into the real working of the milk supply he will see much room for improvement.

A comparison of the ordinance and the actual conditions as they exist as observed in a personal visit by the writer may help to throw some light on this subject.

In the rules and regulations governing the sale of milk adopted by the Board of Milk Commission March 7, 1906 is the following: Rule 3 article 2. "It shall be the duty of the milk inspector to thoroughly inspect the premises of each dairy at least once a month and report conditions."

When the dairymen were asked how often the inspector came out to see them the answer in every case was, "he never has been out." How then can he be expected to know the conditions.

Further on in the same article appears: "He shall regard as unclean * * * the filling of bottles in any barn where there is hay or stock or in the street." We did not see bottles filled in the barn, but we have seen bottles filled time and again on the street and any inspector who hasn't seen this must have indeed been a blind one. Not only this, but we have seen the driver a leave a full bottle at a house, collect an empty bottle take it to his wagon and fill it for the next customer. Can anything be worse. We doubt it. Parties in the first house might have some contagious disease which could easily be spread in this manner. Then again there is no telling whether that bottle was properly washed or not. All milk should be sold in bottles and these should be filled and sealed at the farm. Bottles should be washed by the customer and again washed and sterilized at the farm.

Some of the dairies have ample provision for doing this, but there are others that have none, or but very crude appliances for the proper handling of the dairy utensils. Reading on further we find that "the presence of manure or filth on the udder or belly of the cow, dust in the place of milking, unclean habits of milking or milkers, filthy or unventilated stables," all these conditions shall be regarded as unclean. Yet there was not a dairy visited that did not disobey one or all of these conditions.

We saw cows being milked that had from one half to one inch of manure caked to the flank and in a few cases on the udder; we saw men milking who had but just finished cleaning the stables or doing the feeding, whose clothes were covered with dirt and dust from the feed; we were in stables which had little or no light and in which no provision was made toward ventilation. We saw in these same stables the milk being strained into cans placed directly back of the cows. Milk so treated is certain to absorb unpleasant odors even though nothing worse gets into it. Where is the inspector?

In section 22 chapter XXII of the ordinance of the city we find: "It shall be unlawful to sell or offer for sale the milk from any cow that may be sick, diseased or suffering from any condition or disorder liable to render her milk unfit or unsafe to be used as food." So far as we could learn none of the herds were ever inspected by a qualified veterinarian and only one or two herds had been subjected to the tuberculosis test. Yet there is abundant evidence tuberculosis can be transmitted from the cow to man through the milk. Then why should not all the herds be subjected to the test? There

PROGRESS HAINS CASE

Courts Charge Probably on Tuesday

McIntyre Made His Boldest Move by Closing Defense Immediately After Prosecution Had Closed Its Side of Case.

(By Leased Wire to The Times) New York, May 8—John F. McIntyre, chief counsel of Captain Peter C. Hains, on trial at Flushing for the killing of William E. Annis at the Bayside Yacht Club, made the positive assertion today that he felt that 9 of the jurors would vote for the acquittal of the army officer on the first ballot.

"I feel that a good majority of those twelve men have made up their minds that Captain Hains should be acquitted. They have heard the terrible story of the wrongs done him. I am not at all worried about the testimony aimed against him by his brother officers and the evidence of the alienists, for the prosecution helped us instead of hurting us."

By suddenly closing the side of the defense after the prosecution had finished with its witnesses in rebuttal, Mr. McIntyre made his boldest move. By bringing forth army officers and alienists in rebuttal the prosecution practically wiped out the insanity defense built up for Hains. Mr. McIntyre, however, instead of trying to discredit these witnesses, let matters stand as they did and announced that he, too, had closed his side of the case.

Both sides have filed briefs with Judge Garretson containing suggestions and requests for the courts charge, which will probably be made on Tuesday. On Monday the prosecution and defense will sum up, the defense taking three hours for its address. The judge's charge is expected to be over by noon Tuesday and the case will then go to the jury. Before that night he may know his fate. Mr. McIntyre said that he would not use more than three hours to sum up on Monday.

"I can tell the whole story in that time," he said, "and what would be the use of prolonging it?"

EXTRA GUARD HOLDS PRISONERS

In Fight With Moonshiners Officer Loses Life.

(By Leased Wire to The Times) Huko, Okla., May 8—In a fight between a posse and moonshiners near Turkey Creek today United States Deputy Marshal Lou Holden was killed.

The band was routed after many shots had been fired. Three of the moonshiners were captured. The still was destroyed and a quantity of whiskey confiscated.

Mrs. Gladden Dead. (By Leased Wire to The Times) Columbus, O., May 8—Mrs. Gladden, wife of Dr. V. Washington Gladden, pastor of the First Congregational church, died today of arterial sclerosis. She had been an invalid for four years. Dr. and Mrs. Gladden have made Columbus their home since 1882.

Count Tolstoi Ill. (By Cable to The Times) St. Petersburg, May 8—Count Tolstoi, the writer, is again reported to be very ill at his home.

OTTOMAN SWORD GIRDED TO NEW RULER OF TURKEY

Ceremony Consummated With Great Splendor and Magnificence in Turkish Capital

A GLITTERING PAGEANT

Ceremony Which Answers to the Rites of Crowning in Monarchies Took Place Today in Constantinople in the Girding of the Sword of Othman to the New Sultan—Sultan Rides White Horse—Harness Glitter With Precious Stones—First Function of Magnificence That the New Democratic Sovereign Has Participated in.

(By Cable to The Times) Constantinople, May 8—The girding of the sword of Othman upon Mehmed V. took place today. This ceremony, which answers to the rites of crowning in monarchies was consummated amid great splendor and magnificence.

The grand sheik of Novells Dede, Abdul Malin Effendi, next to the new sultan, was the principal figure at the investiture. It was the Grand Sheik who fastened the sword upon the belt of the new ruler, while high functionaries of the court and state, garbed in costumes of regal splendor glittering with jewels stood about.

Mehmed V. left the palace at 11 o'clock this morning, riding upon a white horse, the harness of which glittered with precious stones. Two hundred eunuchs, attired in scarlet livery embroidered in gold, wearing monumental headdresses, from which swept long, costly plumes, and carrying bunches of ostrich feathers, preceded the sovereign.

The girding of the sword was the first function of magnificence in which the democratic new sovereign has indulged.

The pageant which swept through the streets of the capital was one which the people of Constantinople do not often see. Vehicles bearing ladies of the court all richly decorated, followed the new monarch. From the palace the procession moved to the famous Enyob mosque, where the ceremony was performed. The entire route was lined by troops of young Turks, who stood at attention and saluted the sultan. The housetops were crowded with great throngs, who looked with keen interest upon the scenes below. Many tourists who were in and near Constantinople witnessed the parade.

SHEPHERD OR CANNON.

President Will Send in Appointment Monday or Tuesday.

(By Leased Wire to The Times) Washington, May 8—President Taft is giving special consideration to the vacant judgeship in North Carolina, which has caused such widespread interest throughout the country, because of his inclination to appoint a democrat. It was learned that the president will send in a nomination for the eastern North Carolina district probably Monday or Tuesday. Should the president stick to his intention of appointing a democrat the appointment may go to either Judge Shepherd or Judge Connor.

BURIED UNDER SNOWSLIDE.

Liver for Three Weeks and Finally Died of Starvation. Silverton, Col., May 8—A diary found today beside the dead body of Louis Fleitas in his cabin on Lime Creek, fourteen miles east of here, revealed the fact that he had lived for at least three weeks buried under a snow slide.

Fleitas died of starvation, there being no food in the cabin. He had become ill, according to the diary, and had no strength to dig his way out through the snowslide.

Application For Pardon. Walter Clark, Jr., attorney for Frank Burton, convicted of larceny in Buncombe county and sentenced to four years imprisonment, today filed an application for his client's pardon. The negro has served two and a half years.

Bensley-Seawell. Mr. Walter Bensley, of Apex, and Miss Elizabeth Seawell, of Newbern, were united in marriage today at one o'clock in the parlors of the Yarrow House. The marriage came as a surprise to their friends.

BLUFF WILL BE CALLED BY MEN WHO ARE EXPERTS

Evening Times' Exposure of Slaughter Houses Backed By the People

PENS MUST CLEAN UP

Threats of Damage Suits Don't Go and Those Who Are Running Hideous Slaughter Pens Will Have to Clean Up or Stand Continued Exposure—Many Expressions of Appreciation From Citizens of the City—Men Who Know the Facts Say All the Truth Has Not Yet Been Told—Plan That Knoxville Has Adopted for Meat Inspection.

The people of Raleigh are interested in having an abattoir and having inspected meats. Never before in the history of this city has there been such a demand for a general cleaning up. All day yesterday the leading citizens were coming to The Evening Times office and expressing their appreciation of the work The Evening Times is doing for the people of this city. Ladies were calling over the telephone and telling us how they appreciated our efforts for a clean food supply for the people. Dr. Pittinger, one of the leading divines of the city, came to The Evening Times office to say that all we had said regarding the condition of the slaughter houses was true. The doctor had visited these slaughter houses himself and he said we did not tell all that could be told of the terrible condition in which they existed at these pens. Some of the men from the A. & M. College who are experts on the subject of meats and foods came to The Evening Times office to tell us of the condition that has existed out at these pens for months past. They are experts in a thing of this kind and they stated that the conditions were even worse than we had pictured them, and that cows have been killed and sold in this city that were in a terrible condition. Other prominent men from all walks of life in the city have endorsed our statements and say that we are telling the people the plain truth. Two of the most prominent lawyers in the city came to us and stated that we were giving the people the truth and that we could back every word in the courts, if it was necessary, to bring these people to justice.

Yesterday we were threatened with damage suits if we did not stop the exposures. We have secured some of the best experts to give some expert testimony on these things and we are going to turn on the light. The law has been openly and flagrantly violated and The Evening Times is going to tell the people the plain truth as we find it and back our statements with the expert testimony of men who know. Then if the law is not enforced it is up to the officers and the people will know it.

Raleigh wants and must have a slaughter house where the meats can be inspected by a man who knows his business, and as the people are deeply interested in this subject, we give in full below the rules and regulations of the abattoir at Knoxville, Tenn. Knoxville has just cleaned out the old filthy, dirty slaughter pens and put in an up to date abattoir and a man who knows the meat business is there to inspect every animal slaughtered. We can do the same thing here if we will only get busy.

For the consideration and information of the people of Raleigh we give these laws and regulations: The pamphlet contains the following rules and regulations, formulated by the board of health for this department of the work:

"By virtue of the authority conferred upon the board of health of the city of Knoxville, under the provisions of an ordinance passed April 2, 1909, and approved April 6, 1909, entitled 'An ordinance regulating the slaughter of animals, and the sale of fresh meat, the following rules and regulations are hereby prescribed: "1. Slaughter houses, except those specified in the above mentioned ordinance, which are designated as places for ante-mortem and post-mortem inspection, shall be constructed according to the plans and specifications of the board of health. And it is further ordered that all animals slaughtered and all meats tagged and stamped under the supervision of an inspector of the United States department of agriculture, at any packing

(Continued on Page Eight.)