

WEATHER

Fair and decidedly cooler today and Friday; preceded by rain in east Thursday; cold wave in west.

Daily News.

The News—A paper for all the people and for the people all the time.—Read it and keep posted.

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GREENSBORO, N. C., THURSDAY, DECEMBER 31, 1908

STATE EDITION.

PRICE FIVE CENTS

POLITICAL SCIENCE CONGRESS HEARS JUDGE C. A. MOORE

Asheville Lawyer Addresses the Meeting of Association at Richmond, Va.

DISCUSSES INCREASE IN FEDERAL POWERS

Growth of Government Control of State Activities, Especially by the Federal Courts, Exhaustively and Ably Discussed by Well-Known Attorney.

Richmond, Va., Dec. 30.—Judge Charles A. Moore, of Asheville, was one of the speakers here tonight before the American Political Science Association. Judge Moore's topic was "The Increased Control of State Activities by the Federal Authorities, Especially by the Federal Courts." He said: "The increased control, since the adoption of the first twelve amendments of the constitution of the United States, of state activities by the federal authorities is not because of any recent increase of federal power. There has been no increase of federal power since the adoption of the thirteenth, fourteenth and fifteenth amendments to the constitution of the United States. All the powers given to the federal government permitting control by it of state action are found in the constitution. If power is not delegated by the constitution to the national government it does not possess it; but all the powers are reserved to the states or to the people thereof which have not been delegated to the government of the United States by that instrument. The acts of Congress passed to enforce the powers to the United States by the constitution cannot create or confer powers not delegated by the constitution." (Continued on Page Four.)

ILLNESS OF HAINS COUNSEL HALTS MURDER TRIAL

Overwork, Declares Physician, Who Says Slight Rest Is All That Is Needed.

CAPTAIN'S BROTHER GOES ON THE STAND

Testifies as to the Evidences of Mental Weakness Shown by His Brother. More Evidence Given by Servants as to Mrs. Hains' Actions.

Flushing, L. I., Dec. 30.—A sudden indisposition of John F. McIntyre, chief of counsel for Thornton J. Hains, charged with the killing of William E. Annis, caused an adjournment of the trial this afternoon until tomorrow. Mr. McIntyre complained of illness during the morning session and an early recess was taken at his request. Mr. McIntyre found himself unable to go on with the case this afternoon and Justice Crane ordered an adjournment to Thursday. Dr. Austin Flint, the alienist for the prosecution, informed Justice Crane that Mr. McIntyre was suffering from overwork, and that a short rest would probably prevent a breakdown later, which would cause a longer adjournment. Mr. McIntyre was seized with dizziness while examining Maj. John Hains, U. S. A., brother of Thornton J. Hains, who had been called and was testifying to his brother's mental condition, which is said to have been brought on by marital troubles. Major Hains was the principal witness for the defense today. In a voice that trembled from emotion, Major Hains told the jury of the changes that he had noted in Captain Hains' mental condition from a year ago to the time when the captain told of those happenings that led to the separation from his wife. All through his testimony the tears fell from Major Hains' eyes. Major Hains said Captain Hains displayed evidences of being irrational, and that his mind constantly reverted to the things that had been told him concerning his wife's alleged conduct with Annis. Mrs. Gen. Peter C. Hains, mother of the defendant, is reported here to be quite ill in New York, and it is said that she may not be called as a witness. Minnie Rhone, the cook of Captain Hains' household, was recalled to the stand today. She said she made a mistake last night when she said she told Captain Hains the night of his return from the west of the happenings in the household, that it was two days later. The witness said that she overheard at two o'clock Sunday, two days following Captain Hains' return from the west, a conversation of Mrs. Hains to her husband. The witness further declared that Mrs. Hains told her of a trip to New York last spring. Captain Hains, the witness said, broke down when told of the New York trip to see a physician. He wrung his hands and cried. (Continued on Page Two.)

Murder Trial Pauses Recent Pennsylvania Tragedy

CAPT. J. CLAYTON ERB, MRS. J. CLAYTON ERB.



"RED GABLES," THEIR COUNTRY HOME, WHERE MURDER OCCURRED.

Details Only Add to the Horror of Awful Disaster

More Than One Hundred Thousand People Dead; Score of Cities and Towns Wrecked, and Southern Italy Devastated by Earthquake, Tidal Wave and Flames.

ROME, Dec. 29.—One hundred thousand dead; Messina, in Sicily, and Reggio and a score of other towns in Southern Italy overwhelmed; the entire Calabria region laid waste—this is the catastrophe's record so far as is at present known from the reports that are coming slowly into Rome on account of the almost complete destruction of lines of communication to the stricken places. The death list in Messina ranges from 12,000 to 50,000; that of Reggio, which with its adjacent villages numbered 45,000 people, includes almost the entire population. At Palmi, 1,000 are reported dead; at Cassano, 1,000; at Cosenza, 500, and half of the population of Baglioni, about 4,000. The Monteleone region has been devastated, and Tropea, Scandiano, San Giovanni, Sella, Lazzaro and Camitello and all other communities and villages bordering on the straits are in ruins. The King and Queen of Italy are now on their way to Messina, having left tonight from Naples aboard the battleship Vittorio Emanuele. The Pope has shown the greatest distress at the calamity and he himself was the first to contribute a sum amounting to \$200,000 to the relief of the victims. British, French and Russian warships, and steaming toward the southward already several of the ships of Great Britain and Russia have reached Sicily. Officers and men of these ships have performed heroic service in the work of rescue. It is feared that many foreigners have been killed as a number of the hotels at Messina, and doubtless at other places, were crowded with tourists. Little is known of the fate of the diplomatic representatives of the foreign powers stationed at these ports, although the Italian government is using every effort to relieve the anxiety felt on their account. There is the gravest danger that a pestilence will follow the destruction of the towns, where, on account of the vast havoc wrought, bodies will be unburied for days and weeks. Those who escaped death, many of whom are badly injured, are making their way by the thousands to the nearest place of refuge. Their sufferings even now must be intense as they are without food or clothing. King Victor Emmanuel and the Queen, who left for the scene of the calamity, reached Naples tonight and proceeded at once to Sicily. A large number of people saw their majesties depart from Rome and among a number of deputies at the station observed to the King: "The presence of your majesty will suffice to console the stricken population." The King turned sharply upon the speaker and said abruptly: "Don't talk nonsense."

Reports indicate that the geography of the Straits of Messina has been so changed as to cause apprehension of serious commercial and strategic difficulties. It is believed that navigation has become exceedingly dangerous, in which case the fortifications on which the government in recent years spent large sums will be useless. The famous whirlpool of Charybdis, it is said, has shifted its position. Desperate calls have been made from Forte to Messina, but these remain unanswered and fears are entertained that Fort Spina, near Messina, has been destroyed as the wireless station installed there is one of the most powerful in Italy and is evidently not working. The catastrophe has excited the superstitions of the entire populace who are raving about the country calling upon all the saints and imploring the mercy of heaven. Their superstitions has been increased by the rumor that in the general destruction of Messina the statue of St. Rose remained unharmed. The work of rescue at Messina, according to meager details, received here tonight, presented heartbreaking scenes. Hundreds of people were pinned under walls and rafters, some of them terribly injured, for thirty hours. One of the rescuers found under the ruins of a house five children alive, but unable to speak, clinging around the corpse of their mother. In some cases heroic rescuers met death in the falling debris. In one house twenty persons, suspended on the fifth floor and unable to reach the street because the lower floors had been torn away, were rescued with a rope by a sailor. Six criminals were killed while attempting to loot the bank of Sicily, where each amounted to half a million dollars in plain view. Refugees from Reggio, who reached Catania this afternoon, said that they could see huge columns of smoke rising from the ruins of Messina. They affirmed that Reggio, Camitello and Lazzaro were destroyed. A tidal wave demolished the railroad between Lazzaro and Reggio and a small army of men are working desperately to reestablish communication with the latter place, for which a train with troops and telegraphers has started.

ITALIAN KING TAKES ACTIVE PART IN THE WORK OF RESCUE

Catania, Dec. 30.—King Victor Emmanuel and the Queen, who had come to Messina today on board the battleship Vittorio Emanuele, they at once disembarked and made their way into the stricken city. (Continued on Page Two.)

ROANOKE GOES DRY BY MAJORITY OF 86 WETS TALK OF CONTEST

Liquor People Carry Three of City's Four Wards and Then Lose.

HAS BEEN A BITTER FIGHT

Roanoke, Va., Dec. 30.—In a local option election here today the "drys" were victorious by a majority of eighty-six votes. The "wets" carried three of the four wards, their total majority in the three wards being 107. The "drys" carried one ward by a majority of 193. The effect of the election will be the closing, within ninety days, of forty-two saloons and a half dozen mail order liquor houses. Besides there, there are four clubs holding retail licenses. The town also has a large whisky distillery and a big beer brewery. The anti-liquor league has pledged itself to give \$10,000 to aid in enforcing the law after the saloons are closed. The fight has been one of the bitterest ever waged in Virginia. It is said the "wets" will contest the election. DERELICT SCHOONER TOWED IN BY CUTTER Norfolk, Va., Dec. 30.—The derelict schooner William J. Lermund from Fernandina to Philadelphia, which was wrecked and abandoned in the recent coast storm, was today towed into this port by the United States revenue cutter Onondaga. The Lermund is a big wreck. The schooner's crew were taken aboard the Austrian steamer Columbia and are supposed to be still aboard that vessel.

TAFT PUTS QUIET US ON ORGANIZATION OF TAFT CLUBS THROUGH SOUTH

Doubts Wisdom of Encouraging Political Activity at This Time.

HITCHCOCK IS WITH HIM

Augusta, Ga., Dec. 30.—President-elect Taft has effectively put a quietus on the desire, which was beginning to develop into activity, to organize "Taft Clubs" throughout the south. Mr. Taft doubts the wisdom of encouraging, at this time, political activity in any form. In this view he is heartily seconded by Mr. Hitchcock, Republican national chairman. This subject was under direct consideration today at the initiative of John Hays Hammond, who was willing at this time to undertake to extend the influence and organization of the national league of Republican clubs throughout the southern states, preferably under the style of "Taft Clubs." Mr. Taft declared firmly against the "Taft Club" proposition. Should it become expedient at some future time to encourage the organization of the "independent" Democratic element of the south, he believes such organizations should be called exactly what they are, "independent." The subject was discussed by Mr. Taft, Mr. Hitchcock, Mr. (Continued on Page Two.)

WIVES DENIED RIGHT TO TESTIFY IN BEHALF OF THE NIGHT RIDERS

Half Reelfoot Lake Spent Night of Murder With Other Half Evidence Shows.

DIFFERENT THEORIES OF WHY

Union City, Tenn., Dec. 30.—The question of whether a wife can testify for her husband was raised today in the trials of the eight alleged night riders for the murder of Capt. Quentin Rankin, and the court ruled that under the laws of Tennessee a wife could not testify for or against her husband. When the defense offered to examine Mrs. Bud Morris, wife of one of the eight indicted men, the state objected and was sustained because the only all she could testify to would be in behalf of her husband. The defense then put Mrs. Bob Hoffman and Mrs. Sam Applewhite on the stand, and Mrs. Hoffman testified to an alibi for Sam Applewhite and Mrs. Applewhite for Bob Hoffman, both women alleging that the Hoffmans were the guests of the Applewhites the night of the murder, October 18. Evidence introduced today made it evident that half the Reelfoot Lake population spent the night of the murder with the other half. The state not only admits this, but will offer additional proof to substantiate it. But the state's theory varies from that of the defense. The state contends that the various heads of families, knowing that they were going out to kill Rankin and Taylor that night, took their wives to the houses of friends in order that the women might not be left alone in the lonely lake homes. Almost every witness introduced by the defense is a relative of one of the indicted men. The defense explains this by saying that the residents of the lake region have intermarried for years until only all families there are connected by marriage ties. The first witness today was sixteen-year-old Della Frog, a bride of three weeks, who has been a resident of the Reelfoot Lake district all her life. The girl married a soldier named Frog who came here from Nashville under the governor's orders. Mrs. Frog was picking cotton with Hershell Hogg the day of the Rankin murder. She denied that Ted Burton came to Hogg that day as Hogg swore he did, to tell the latter of the plans to kill Colonel Taylor and Captain Rankin that night.

RAPID PROGRESS BEING MADE IN THE TRIAL FOR MURDER OF CAPT. ERB

Witnesses Agree That Dead Man's Sister-in-Law Fired the Fatal Shot.

SELF-DEFENSE THE PLEA

Meigs, Pa., Dec. 30.—The trial of Mrs. M. Florney Erb and her sister, Mrs. Catherine Beisel, for the murder of Capt. J. Clayton Erb, progressed rapidly here today. Adjournment was announced until tomorrow morning. About an witnesses were examined, among them the servants in the employ of the Erb household at the time of the tragedy and some officials, who investigated the crime. The testimony of the defense lawyers said, tended to sustain the contention that Mrs. Beisel, as she has maintained from the first, fired the fatal shot. Each witness who described the scene at the house after the shooting, testified that she admitted having taken the revolver from Erb and turned it on him. There was direct testimony, however, to uphold her contention that she acted in self-defense. The testimony in no manner associated Mrs. Erb with having done the shooting. Quarrels and fights at "Red Gables" long preceding the tragedy were described by the servants, and one witness testified that Mrs. Erb had admitted that her husband once threw her down stairs, breaking several ribs. That she feared her husband and always slept with a revolver under her pillow, once with a servant in the room to protect her, was also admitted in evidence.

TWO FIRMS GO UNDER IN WILSON YESTERDAY

Wilson, N. C., Dec. 30.—W. H. Taylor & Co., retail grocers, closed business today under an execution issued by one of their creditors. W. W. Whitelurst, a dry goods merchant, assigned today, naming Melvain & Knight, of New York, their largest creditors, trustees.

STEAMER DAMAGED IN COLLISION

Hamburg, Dec. 30.—The German steamer Sevilla, which arrived here today from New Orleans via Norfolk, was slightly damaged by collision with the British steamer Dundas, in port from Leith. Damage to the Dundas, if any, not yet known. 3,000 Bales Cotton Damaged. Havre, Dec. 30.—About 3,000 bales of cotton were damaged by the fire before reported on the Spanish steamer Marte for Galveston via Norfolk.

22 BODIES TAKEN FROM LICK BRANCH MINE

FROM THIRTY TO FIFTY MEN STILL IN WORKINGS AND THERE IS NO HOPE FOR THEM.

Roanoke, Va., Dec. 30.—The latest news received at Norfolk and Western Railway Company headquarters here is to the effect that twenty-two dead bodies have been removed. Fifteen others have crawled out unaided and five others have been brought out alive by rescue parties. It is now believed that from thirty-five to fifty men remain in the mine and there is no hope entertained that any of them are alive.

KING FOUND GUILTY ON LARCENY CHARGE

JURY RETURNS VERDICT AGAINST FINANCIER ON TWENTY-SEVEN COUNTS.

Boston, Mass., Dec. 29.—Guilty on twenty-seven counts was the verdict returned by a jury in the Suffolk county Superior Court at midnight against Cardeno F. King, formerly well-known as a financial agent in this city and New York, who has been on trial for two weeks for the alleged larceny of \$25,000 from patrons. E. D. Steele and W. P. Ragan, of High Point, were here yesterday on a legal business trip.

RECEPTION IS GIVEN IN HONOR OF CHOIR SINGERS OF WESTMINSTER PRESBYTERIAN CHURCH GIVEN FUNCTION BY MRS. COURNOW.

A reception was given last night at the home of J. T. Cournow, 700 Douglas street, in honor of the choir of Westminster Presbyterian church. Fruits and cake and cream were served. The house was decorated with ferns and carnations. Those present were the Rev. C. E. Hodgins, George Phillips, Claude Pritchett, Henry Pritchett, E. P. Wharton, Lewis Rawlings, Mr. Thornton, Dr. W. P. Beale, Miss Anna Robinson, Miss Fannie Pearce, Mrs. Nolan, Mrs. W. G. Brown, Miss Clara Wilson, Mrs. C. E. Hodgins, Mrs. M. C. Newell, Mrs. Dawson and Mrs. Phillips.

WILL FINALLY DECIDE ON NEWSPAPER PASSES

SUPREME COURT PROBABLY WILL HAND DOWN DECISION IN SHORT TIME.

Washington, D. C., Dec. 30.—Whether newspaper and magazine publishers may legally accept transportation over the railroads in return for advertising in their columns probably will soon be decided by the Supreme Court of the United States. The Chicago, Indianapolis and Louisville Railway Company, generally known as the Monon Route, has brought to that court a case involving this question, and it is probable that the court will find in it a subject of such general importance as to justify it in advancing the hearing. The suit originally was instituted by the government in the United States Circuit Court for the Northern District of Illinois. That court held that such a transaction would, in all probability, result in discrimination, and therefore decided against the company.

THERE JUMPS FROM SECOND STORY WINDOW, BUT IS CAPTURED BY THE POLICE.

New York, Dec. 30.—While in a fit of insanity, Arthur Trotter, thirty-three years old, late today killed his aged mother, Mrs. Ann Trotter, by beholding her with an axe and a knife in her apartments in West Eighteenth street. Trotter jumped from a second story window as the police broke in the door, but was found outside practically unharmed and then offered no resistance to arrest. He declared that the end of the world was coming, and that he had been divinely inspired to commit the crime. Trotter is said to have quarrelled frequently with his mother, who was a woman of seventy years, and of reputed means, and only yesterday, the police say, she finished a six months' prison term for beating her. He was lodged tonight in the psychiatric ward at Bellevue.