

**FAST PROGRESS
IN HAINS CASE**

State Finishes Its Testimony and the
Attorney for Defense Makes
Opening Statement.

DELIBERATE MURDER IS CHARGED

Several Witnesses Describe
of Annis by Hains.

DEFENSE WILL BE IN

Captain's Parents Will Testify
Early Mental Eccentricities.

WIFE'S ALLEGED MISCONDUCT

Attempt Will Be Made to Show that
He Became Raving Mad When
He Heard of Her
Wedding.

FLUSHING, N. Y., April 28.—General
Peter C. Hains, the defendant's father,
will be the first witness called tomorrow
when the defense for Captain Peter C.
Hains, Jr., begins its attempt to establish
the insanity of the young officer, who shot
and killed William E. Annis at the Bay-
side Yacht club last August. When court ad-
journed today former District Attorney
Young had completed his opening declara-
tion, which previously the prosecution put in
its case to establish proof of the crime.

The opening address of the prosecution
in the trial of Captain Peter C. Hains,
Jr., charged with the murder of William E.
Annis, was made today by George A.
Gregg, formerly district attorney of
Queen's county, N. Y. It is now as-
sociate counsel with District Attorney Ed-
ward W. Quinn.

Before Mr. Gregg began his presentation
of the state's case, Justice Garretson ruled
that witnesses of state and defense should
be excluded from the court room except
when testifying. District Attorney Ed-
ward W. Quinn, who is representing the
state, requested that General P. C. Hains, father
of the accused, be also excluded, but the
defense objected, and the court permitted
the general to remain. General Hains
greeted his son with affection today, but
the captain made no response.

Mr. Gregg began his opening address to
the jury by referring to the shooting of
Annis as a deliberate and brutal murder,
in the first degree, committed with cold
design.

First Witness Called.
George Y. Skinner, a civil engineer of
Flushing, called as the first witness, iden-
tified some plans of the scene at the shoot-
ing which he had prepared.

Charles H. Birchfield testified he was
nearby when the shooting occurred, and
turned in time to see Annis fall from his
boat into the water. He saw Captain
Hains after the shooting, standing on the
float beside his brother.

Herbert Funke, who knew Annis well,
testified he saw Captain Hains standing on
the float with his arm raised, and when
Annis' boat came up the captain exclaimed:
"Annis, Annis," drew a revolver and shot
Annis as he was stepping around the boat
mast to the float. Funke was in his boat
alongside the float, he said, and when he
attempted to step ashore, a revolver was
pointed at him.

After Annis was taken out of the water
and lay on the float mortally wounded,
Funke testified, he heard Annis say:
"Oh, Captain, you have made an awful
mistake," and that Captain Hains replied:
"Maybe I have, but I don't think so."

The witness said Mr. Downs, another
member of the yacht club, approached
Captain Hains after the shooting and asked
him who he had shot. Captain Hains promptly
handed a card to Mr. Downs, saying:
"Here is my card," the witness testified.

On cross-examination Mr. McIntyre asked
Funke if he noticed Captain Hains' ap-
pearance just after the shooting.

"Did you notice the captain's face
was pale, his eyes bulging and his mouth
twitching," asked Mr. McIntyre.

"No, I did not,"

Edwin Andrews, Jr., a member of the
Bay-side Yacht club, who was in a boat
near the landing when the shooting oc-
curred, described the tragedy.

The prosecution then rested.

Opening Statement of Defense.
Elisha M. Young, counsel for Captain
Hains, in opening the case for the defense,
told the jury that evidence would be pre-
sented to show that Captain Hains had
been insane as early as May 21, 1908, and
was insane at the time he shot and killed
Annis.

"His father, General Hains, will tell you
how, as a child, this defendant would wake
in the night trembling and screaming with
terror. His mother will tell you how he
stammered in his speech and had to be
tenderly watched and guarded during his
childhood.

"We will show that Captain Hains fell
down a hatchway when 12 years old and
was rendered unconscious from the blow
on his head, from which he did not recover
for a long time."

Mr. Young traced alleged eccentric ac-
tions of Hains down to the time he met
Annis and spoke of Captain Hains' trip to
the Philippines, where he heard of his
wife's alleged misconduct and hastened
home.

"Those who brought him across the con-
tinent from San Francisco will tell you of
his mad actions. He never slept at all dur-
ing the trip and paced the sleeping car,
annoying the other passengers night after
night."

Mr. Young described the effect of the
news of his wife's alleged conduct as told
by Hains' father and brother, who said
Claudia had confessed to them that she
loved "Billy" Annis.

"He raved, alternately laughing and cry-
ing, during the time," said Mr. Young,
"and went about singing 'How Happy it is
to be married.' The thread had broken and
his mind gave way."

Mr. Young said he would put in evidence
the signed confession of Claudia Hains, the
captain's wife, of her relations with Annis,
and a letter written to Annis by her after
the captain's return telling Annis that her
husband knew everything and warning
Annis not to come to her house.

"Captain Hains was told that Annis kept
his collar and cuffs in Mrs. Hains' dresser
while the captain was away and was called
"Bill" by the captain's own children," said
Mr. Young.

"We will show by officers of the United
States army that the defendant's conduct
during several months was decidedly er-
ratic and irrational," said Mr. Young.
"This man was made insane by grief, shame
and mental shock."

**Half of Elgin
Destroyed by
Restaurant Fire**

Eight Stores Totally Destroyed, Loss
Reaching Hundred and
Twenty Thousand.

ELGIN, Neb., April 28.—Fire destroyed
half the business portion of Elgin today.
The loss reached \$120,000.

The following firms, stocks and buildings
were totally destroyed: Hofer & Mosey,
general store; Elgin Brown, restaurant;
W. H. Knott, lumber yard; W. E. Brooks,
hardware; Frisbie & Fye, implements; B. F.
Payne, general merchandise; John Lamp-
man, pool hall; Gray & Tenny, general
merchandise.

A Northwestern depot caught fire, but
was saved.
There are no water works in the town.
The fire started at 6:45 this morning from
a defective flue in the restaurant and
spread rapidly to the other buildings. The
lack of water facilities prevented a very
effective fight being made against the
flames.

Elgin recently voted \$15,000 for the pur-
pose of installing a water system and work
will be started on it in about three weeks.

**Farmer Relents
of Election Bet**

Tires of Waiting for Bryan's Elec-
tion and Has Flowing Locks
Shorn.

CENTRAL CITY, April 28.—(Special.)
Declaring that he would never cut his hair
until Bryan was elected president, H. M.
Foster, a farmer living across the river in
Iowa, has permitted it to grow for over
two years, but Monday he relented of
his resolution and came to town and had
the peevish locks shorn at a local barber
shop.

In the campaign of 1896 Foster, who was
an ardent Bryanite, expressed so great con-
fidence in the election of the Peerless
leader that he declared that he would not
cut his hair until Bryan would occupy the
president's chair. For twelve years he per-
sisted in his belief that the sage of Fair-
view would some time attain the zenith of
his ambition, through three campaigns he
followed him enthusiastically, and three
times he saw him go down to defeat.

Without giving any of his friends warn-
ing he came to town Monday, and when he
emerged from the barber shop the long
curls which had hung down on his shoulders
and had excited the admiration of the
neighborhood had disappeared. He refuses
to explain why he parted with his locks in
defiance of his resolution, merely saying
that he just decided to have them off. He
denies that he has changed his political
faith, but says he finds much consolation
in the victory of the democrats in the state
last fall.

**Will Signal Mars
from West Texas**

Johns Hopkins Professor Agrees to
Establish Observatory at
Stamford.

FORT WORTH, Tex., April 28.—A mes-
sage today from Robert W. Wood, pro-
fessor of astronomy of Johns Hopkins uni-
versity practically agrees to the establish-
ment of an observatory at Stamford, west
Texas, to be used in an effort to com-
municate with Mars. The citizens agreed
to furnish \$50,000.

INSURING AGAINST TAX RAISE

London Merchants Take Out Policies
Against Threatened Action
of Government.

LONDON, April 28.—The trend of public
opinion regarding the sources that Chan-
celor of the Exchequer Lloyd George is likely
to tap to secure the increased revenue
necessary to balance the budget is evi-
denced in the business being done today
at Lloyd's. Enormous amounts of insurance
are being taken against increasing the tax-
ation on sugar and tea, at premiums re-
spectively of 25 and 40 guineas. Insurance
against increasing the taxation on tobacco,
cigars and coal is being done on a lesser
scale at premiums ranging from 20 to 25
guineas.

The budget will be presented in the house
of commons tomorrow.

**Armenian Says New Sultan
Won't Last Six Months**

"The deposing of the sultan means the
assurance of the new constitution and the
general betterment of the country," said
Dr. Hovhanness Mughurdjeh Cheen-
gozayan (John Baptist), an Armenian, who
was formerly photographer to the deposed
sultan and who is now in Omaha. Mr.
Baptist was forced to leave Constantinople
because of the persecutions of his country-
men and came to America to study for the
ministry and return as a missionary to aid
his people. Mr. Baptist has become an
American citizen and will return with the
protection of the United States government.

"All Turkey rejoices wherever the news
has reached them of the deposing of the
sultan, for the people have prayed and
waited for this turn of affairs for many
years. There is no doubt many parts of
the sultan's domain have not heard the
news as yet and will not for several weeks,
as the news travels slowly there.

"Whatever we sow, we shall reap also.
Thirty-three years ago he put his brother
in prison and now his brother is out and
and now that right is freely given. His
brother has been placed on the throne.

"The change means to the Armenians
freedom of religion, freedom of the press
and free travels without any passports.
Before the change permits could not be
had for building school houses or churches,
and now that right is freely given. Chris-
tian institutions were frowned upon and
given no rights.

"For thirty-three years, during the reign
of the deposed sultan, no Christian churches
were built in Constantinople. There was one
exception. When the emperor of Germany
visited the sultan the sultan asked the em-
peror if there was anything he could do

**BROWN DEFENDS
TAX ON WEALTH**

Junior Senator from Nebraska Makes
Extended Speech in Favor of
Constitutional Amendment.

COURTS CHANGE, LAW MUST STAND

Necessity Exists for Provision that
Will Always Be Plain.

POLLOCK CASE PIVOTAL POINT

Senators Poynter and Rayner Engage
in Running Debate.

BURKETT AND MINORITY DICTUM

He Shows in Remarks on Lumber
Tariff Where Democratic Plat-
form Was Written and
by Whom.

(From a Staff Correspondent.)
WASHINGTON, April 28.—(Special Tele-
gram.)—Senator Norris Brown today, in
support of his proposed amendment to the
constitution, authorized congress to levy a
tax on incomes and inheritances, brought
the senate very close to a realization that
new conditions are abroad in the land. The
junior senator from Nebraska was given
close attention throughout his remarks and
was interrupted but twice, once by Sen-
ator Rayner of Maryland, and again by
Senator Poynter of Kentucky, with a volley
of questions, all of them being quickly and
easily answered without the slightest ap-
parent embarrassment by the Nebraskaan.

Senator Brown was in good voice. His
proposition to amend the constitution, in-
stead of the proposed amendment to the
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ator Rayner of Maryland, and again by
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of questions, all of them being quickly and
easily answered without the slightest ap-
parent embarrassment by the Nebraskaan.

RATE DECREE WILL STAND

Judge McPherson Refuses to Change
Original Opinion.

PENALTIES CLAUSE HELD VOID

Court Declines to Alter Remark
that Two and Half Cents Is
Proper Fare for the
Strong Roads.

KANSAS CITY, Mo., April 28.—A supple-
mentary decision in the rate cases, involv-
ing the eighteen Missouri railroad com-
panies operating in Missouri, was filed in
the federal court here today by Judge
Smith McPherson of Red Oak, Ia.

Judge McPherson declines to recede from
his first opinion, rendered on March 8 last,
either in the matter of the division of the
costs of the proceedings or to change his
original holding that the court cannot fix
rates. In effect the decision means that
the railroads and the state must each pay
one-half of the costs, which aggregated
\$18,000, and that the court refuses the rail-
road's petition, which asked to specifically
state what passenger rates they should
charge.

As to the contention that the court was
in error in its original opinion in that the
penalties of the statutes render them void,
Judge McPherson now holds that this sec-
tion of the state statutes imposing penalties
is void.

On the point of fixing the rates Judge
McPherson says in part:
"Complain is made because of the re-
gulation in my opinion that it being a legis-
lative act, and not a judicial one, this court
cannot fix rates." If it could, 2 1/2-cent
passenger rates would be fixed for the strong
roads and 3 for the others. But that is for
the legislature, acting itself with ex-
perts, such as the state employed in these
cases, or through a commission with like
assistance.

"My statement that it being a legisla-
tive act and not a judicial one, this court
cannot fix rates," is not controverted by
anyone. This being so, as of course, what
I said as above is obiter dictum. But de-
cause it is dictum is no reason whatever
for not saying it, and still less a reason
for now eliminating it from my opinion.
I believed it proper to say that the strong
roads should have 2 1/2 cents per passenger
per mile and the weaker roads 3 cents. I
could have fairly stated that the St. Louis
& Hannibal and the Kansas City, Clinton
& Springfield railroads should have 4 cents
or more per passenger per mile.

**O'Hara Clan Rites
for Young Girl**

Two Hundred Members of Irish Fam-
ily Organization at Atlanta
for Funeral Services.

ATLANTA, Ga., April 28.—The O'Haras,
Irish horse traders, about 200 in number,
gathered here today from all parts of the
United States to attend the funeral of a
17-year-old girl, Anna O'Hara. The funeral
services are a part of the annual burial
customs of the O'Hara clan. Anna O'Hara
was the only member who died in the past
year.

The O'Haras have two burying grounds,
one here and the other at Louisville, where
once a year they gather for the obsequies
which their traveling business prevents
them from holding except annually. From
here they will go to Louisville for burial
services.

"I don't think the new sultan will re-
main on the throne for more than six
months. He has been in prison for nearly
thirty-three years and was not of very
strong mind before that time, and there is
no doubt his mind is weak. He can be de-
throned for insanity. If they don't depose
him within six months it will be because
he is simply a figurehead under the new
constitution and Parliament has all the
power. Many people would like to have
Yussuf Eszeddin Bey, son of the assassi-
nated sultan, Aziz, who is very popular.

"The young men of Turkey were not
housed in the European legations for noth-
ing. They had an ulterior motive, and it
is now known that the gaining of control
by the young Turkish party was all that
saved the lives of the members of the legation.
They intended to slay the representa-
tives of the European countries and of
the United States if they lost the fight,
and that was why they were in the lega-
tions and not for the purpose of protecting
them."

Mr. Baptist will make an address Sun-
day at 4 p. m. at the Young Men's Chris-
tian association on the subject of the old
sultan, Abdul Hamid, and the affairs of
his court and reign. Having been an at-
tache of the court and having derived
knowledge through his parents of his entire
reign of thirty-three years, he is regarded
as highly qualified to speak on this sub-
ject.



IT WAS ALWAYS THUS AT THE CIRCUS.

**Thugs Hold Up
Circus Crowd**

Policeman and Pickpocket Killed in
Duel Following Daring High-
way Robbery.

LOGANSPORT, Ind., April 28.—A patrol-
man, Joseph Kroeger, and a pickpocket,
whose name is unknown, were killed in a
duel with revolvers late last night. A second
alleged pickpocket, Charles Pierce of
Scranton, Pa., was captured this morning
by policemen chasing him on a handcar,
six miles north of this city, and is charged
with having fired the shot that killed the
policeman.

After the night performance of a circus,
the thugs raided the crowd with revolvers
in their hands. Two of the crooks estab-
lished a station on the Third street bridge.
They not only held up and robbed the pas-
sengers, but they forced their victims to
line up against the rail to see their suc-
cessors despoiled.

Patrolman Kroeger came running, and
one of the thugs shot. The policeman fell
but was able to draw his revolver and
answer. One of the men went down. The
other fled. The policeman, carried into a
restaurant, moaned "I'm dying. Call my
wife and baby," and lived only a few min-
utes.

The pickpocket died this morning in St.
Joseph's hospital. Friends and nurses tried
in vain to get a statement of his identity
from him. As he was dying, a priest bent
over him with a last appeal. Summoning
all his strength, the man shouted, "you go
to hell." He fell back and was dead.

**Taft and Party
Reach Washington**

President at Capital Again After At-
tending Club Dinner at
Philadelphia.

WASHINGTON, April 28.—President
Taft, accompanied by his military aide,
Captain Butt, and Assistant Secretary
Mischler, reached Washington from Phila-
delphia shortly before 4 o'clock this morn-
ing. The party remained in the car "in-
dependence" until 7 o'clock, when they
were driven to the White House.

**Snow Covers
Parts of Iowa**

Several Towns in Central and North-
ern Part of State Report an
Inch of Fall.

DEW MOINES, April 28.—Snow fell in
Iowa today in the north and central parts.
Mason City reports an inch. Webster City
the same, while Sibley wired that snow is
still falling.

**Wets and Drys Have High
Time at Chillicothe Election**

CHILICOTHE, O., April 28.—The "wet"
and "dry" election on this town at 5:30
o'clock this morning and excitement is
intense, as today is the culmination of a
hot campaign of four months. Women
patrol in front of each polling place in the
town and an army of detectives is working
them "dry" to prevent any fraud. Dry
policemen of the city is in citizens' clo-
thes and is working for the "wets."

Rev. C. W. Eldredge, superintendent of
the Cincinnati division of the Anti-Saloon
league, who has been active in the cam-
paign, and who was recently rotten-camp-
ed by "wets" while he was speaking at Adel-
phi, was arrested this morning, charged
with violating the 100 feet limit at a polling
place and is now in jail.

The police have arrested several "dry"
workers on the same charge.
When J. D. Willgott, secretary of the
local option committee, called at the city
jail to see the Rev. Mr. Eldredge, it is
claimed by the "drys" he was assaulted
by Chief of Police Pendergast. Municipal
officers refuse the "drys" admission to the
jail to see the "dry" workers, who have
been arrested on one pretext and another.
The "dry" prisoners will resort to habeas
corpus proceedings. Rev. Mr. Eldredge
has been released on bond.

Sheriff J. Henry Swope and Judge John
W. Goldsberry have sworn in 100 deputies
to control the situation. The county of-
ficers declare they will see that the "drys"
get a square deal. Mayor Yaple and the
city officers compose the "wet" organiza-
tion in this city.

"Dry" detectives swore out warrants for
the arrest of "wet" workers, charging
them with attempting to bribe voters.
The "wets" pleaded not guilty in city
court and each was held for grand jury
order \$500 bond.

Rev. George L. Lake of Portsmouth, O.,
who was assaulted by a "wet" last night
on the street, was injured worse than he
was at first thought to be. His left tem-
ple was laid bare by a blow with steel
knuckles. Women are patrolling the front
and rear doors of all saloons, and are
using cameras. Miss Myra Powell was ar-
rested by a city policeman and her camera
taken from her.

Big Hailstones Come Down

Fall Heavy, but Little Damage
Reported.

DUNDEE CLAIMS BIGGEST STONE

Hurricane Visits Brule, in Keith
County, Blowing Down Wires and
Playing Havoc with Loose
Piles of Lumber.

At first the hailstones were not large,
some the size of hazelnuts, others the size
of a bird's egg, but as the storm pro-
gressed the stones increased both in size
and number. They fell in such quantities
that the ground was white and they pat-
tered on the roofs like a miniature bom-
bardment.

City Marshal Trablcock of Dundee wins
first money with his story as to the size
of a bird's egg, but as the storm pro-
gressed the stones increased both in size
and number. They fell in such quantities
that the ground was white and they pat-
tered on the roofs like a miniature bom-
bardment.

At Bellevue college the power house
smokestack, located just back of Fonta-
snele hall, was blown over. It crashed into
the parlor of the hall, which is the girls'
dormitory and frightened the residents,
but hurt none of them. It is stated that
at the fort no damage was done. The hail-
storm was accompanied by a heavy shower
of rain and although this did not last long,
other showers continued from time to time
during the evening.

One by the Clifton Hill school the heav-
iest fall in the city occurred and twelve
windows in the school house were broken.
The Bonde nursery at Forty-fifth and
Military avenue lost a large number of
pines.

High Wind in Keith County.
BRULE, Neb., April 28.—(Special Tele-
gram.)—A high wind more in the nature of
a storm.

(Continued on Second Page.)

**ABDUL HAMID
TO SALONIKI**

Former Sultan and Part of His
Family Quietly Removed from
Constantinople by Night.

REJOICING IN THE CAPITAL

State of Siege Was Suspended Until
Ten O'clock Last Night.

TEXT OF DECREE OF DEPOSITION

None of the Newspapers 'Have Good
Word for Ex-Ruler.

NEW SULTAN IS RECOGNIZED

United States Takes Formal Action
in Cablegram to Ambassador
Lehmann Signed by Pres-
ident Taft.

CONSTANTINOPLE, April 28.—Abdul
Hamid, the deposed sultan of Turkey, left
the capital last night for Saloniki. He is
accompanied by eleven women of his
harem.

He was conveyed quietly under cover of
darkness from the Imperial palace at
Yildiz to the railroad station in Stamboul.
Shortly after he was installed on board
the train pulled out for the west.

The Fetwa, or official declaration of the
Sheikh-ul-Islam, the deposition of Abdul
Hamid has been made public. It em-
braces the questions put by Parliament
to the Sheikh-ul-Islam and his answer
thereof. The text follows:

"What becomes of an Imam (the title of
the sultan of Turkey as head of the ortho-
dox faith) who has destroyed certain holy
writings, who has seized property in con-
tradiction to the shari' laws; who has
committed cruelties in ordering the as-
sassination and imprisonment of exiles
without any justification under the shari'
laws; who has squandered the public
money; who, having sworn to govern ac-
cording to the shari'at, has violated his
oath; who, by gifts of money has provoked
internecine bloodshed and civil war, and
who no longer is recognized in the prov-
inces?"

To this the Sheikh-ul-Islam replied:
"He must abdicate or be deposed."
Not one of the Constantinople newspapers
has a good word for Abdul Hamid, whose
life and reign are being held up to universal
execration. On the other hand the ac-
cession of Mohammed V is regarded as the
dawn of a new era.

In order to enable the public to indulge
in rejoicings there has been ordered a tem-
porary suspension of the state of siege
until 10 o'clock tonight. The city will be
illuminated, but fireworks have been pro-
hibited.

PRISON AND LOSS OF MONEY
Penalties Which Probably Will Be
Imposed on Abdul Hamid.

LONDON, April 28.—Abdul Hamid Bey,
the local representative of the young Turks,
declared today that when Abdul Hamid
reached Saloniki he probably would have
to stand trial on the charges set forth in
the Fetwa deposing him.

"A sentence of execution is not prob-
able," continued Hali Hamid Bey, "but he
probably will be imprisoned. Abdul Hamid
has, however, been voluntarily practically
a prisoner for years, so this will be no
great punishment. His property, acquired
illegally, will be confiscated by the state.
I do not anticipate serious troubles in the
provinces, except possibly in northern Al-
bania, where Abdul Hamid recruited his
personal bodyguard."

NEW SULTAN IS RECOGNIZED
Powers Are Being Notified of Change
in Turkish Regime.

ST. PETERSBURG, April 28.—It is ex-
pected that Russia's recognition of the new
regime in Turkey will be made without
delay, although no official steps in this
direction yet have been taken. The
Turkish embassy has been decorated with
flags since early this morning.