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## Leads all North Carolina Dailles in News and Circulation

# AGAINST COOPERS

Attorney for State Makes Fight will **Masterly Argument** 

After Five Hours of Speech Captain Fitzhigh is Utterly Worn Out-His Address a Masterpiece of Logical Argument and Bitter Invective-Strong Effect on Jury.

(By the Associated Press.) Nashville, Tenn., March 8.—After Capuan ruzhugn had completed the opening argument for the State this atternoon in the case against Co! Duncan B. and Robin J. Cooper and John D. Sharp charged with the murner of former U. S. Senator E. W. Car-mack, Judge Wm. Hart ordered the jury withdrawn and thanked the spectators for their good order. Captain Fitzhugh made a strong

and striking argument. It lasted over ave hours and when he concluded he was exhausted.

the court room was packed to suffocation, the ventilation was poor and even the spectators felt the effects of the vitlated atmosphere. Fitzhiigh is a dramatic orator and his exertions eft him nearly a physical wreck. The young Memphis attorney's speech is States. considered a masterpiece of logical argument and bitter invective, and it had a noticeable effect on the jurors, who leaned forward and listened breathlessly to every word spoken.
Fitzhugh was a close friend of Senator Carmack and he is in the case at
the special request of Mrs. Carmack.

His peoration was especially dramatic.

There will be many arguments made to you," he said, "to touch your heart. You will be asked to be gentrous and sympathetic. They will talk to you of this boy.' Why, gentlemen, he is 27 years old and some of the greatest achievements of men have been accomplished before a man is thirty. And they will point to Col. Cooper as a rentieman of the old school; as the 'last flower of the old Southern chivalry. Do you believe Was he a gentleman when he ence of Miss Lee? And when they talk to you of sympathy just look over there. You see in sable garments the widow of E. W. Carmack. You see You see the pride of E. W. Carmack's Did Duncan Cooper or Robin Cooper think of this widow or this when they shot down the hoshand or the tather? Would it not have been better if Robin Cooper, instead of shooting the Senator, had said to his father, Father, do not kill the father of this little boy: do not slay the husband of this fond wife, but he did not. The question to be decided is whether or not the law is to be enforced. That question is to be decided by you. If murder is to be committed in the streets of our cities without fear of punishment, can you tell who will be the next vetim? The very liberty of the press is at take; the security of the common eople. It all rests with you and into our hands I place it unreservedly. Gentlemen, 1 thank you.

Murder He Declares. After the necessary preliminaries in presenting the State's case Captain

Fitzhugh said: "I have shown you that it is mur der when a man takes a life upon sudden impulse. How much more is it murder when a man's heart is so full of malice that he spends all day Sunday and most of Monday devising ways to take the life of the man he despises so bitterly?"

Captain Fitzhugh then took up the threats of Colonel Cooper against Senatr Carmack. With dramatic force he repeated Cooper's words to Craig. 'If my name appears in the nessean again, Carmack or I must

Think of it, gentlemen. This man who is a self-confessed lobbyist for a railroad, this man who is charged by reputable men with having embezzled money intrusted to his care: this man whose name has been bandled about the State; this man whose dark and devious ways have now been uncovered, dared to send to an honest and upright journalist the threat that if his name appeared in the Tennessean ain, one of them must die. Think

And when the tragedy was over the defendants began to look for a And what did they find? That Senator Carmack had referred to 'that little tald-headed angel, Dunc. Cooper'; had asked, did the angel' from above or from below, and was there the smell of sulphur on his

The speaker said Cooper never fected to the alleged remarks of Car mack until after the murder.

A Stinging Arraingnment "He told his son that 'day after day

his name was used in the Tennessean and that Carmack was shooting poisoned arrows at him, and that it was becoming unendurable.' They brought only three editoriols here and one of them was written October 21, entitled Awful Threat. He objects to this because his name

Pan Murray and two others. One of there, he swore, had been indicted and ecnvicted and the other he said was a gambler. He had to admit the day that the man he swore indicted had not been. And as for the gambler, the Colonel had been a gambler himself. But it is not on record that he ever paid a debt out of

his large winnings.
"Now the second editorial appeared the same day and it never mentioned er's name—it simply attacked the ck said: 'I am a private citizen.'
as econ as the machine is men-ned this private citizen roars out

The third editorial produced by the (Continued on Page Pive.)

# RATE NULLIFIED ON TAFT'S POLICY

State Officials

Attorney Declares That Action of Court Means Death Knell of All Similar Legislation in All Parts of the Country-Freight Rates Are Also Affected by Decision

(By the Associated Press.) Kansas City, Mo., March 8.—Missouri's two-cent passenger and maximum freight laws were nationed by a decision handed down today in the United States district court by Judge Smith McPherson, of Red Oas, lowa. As a result, it is believed, there will be a cuick return in Missouri to 2cent fares. Frank Hagerman, for the eighteen companies involved, asserted today that the decision sounded the death-knell of the two-cent rate in very State in the Union. Judge McPherson held that both the commodity and passenger laws

were confiscatory and unconstitution-al, and Mr. Hagerman declared that it is not conceivable that if the two-cent rate is confiscatory in Missouri it can be compensatory in other

The State, on the other hand, de-clares emphatically that Missouri's fight for lower rates will be contin-(Continued on Page Five.)

Move on White house

Intimation That New President Will After Two Ties the Senate Adopts the Consider Wishes of Better Element of the People Carries No Balm to the Republican Bosses — Judgeship Candidates and Sponsors Still Busy By THOMAS J. PENCE.

Washington, N. C., March 8 .- With in the next few weeks President Taft will make a number of appointments in the South that will largely determine his policy in that section. With this knowledge in view a number of old line Republicans have remained Washington since the inauguration in order to get in a word with the chief executive. The first opportunity came today and they moved on the White House under the chaperonage of Postmaster General Hitchcock, who, it is stated, will have general charge of Southern appointments for the administration

They hardly had time for than a hand shake by reason of the rush. There were among ahe There were among the callers Cevil Lyon, the Republican Nationa Clay Evans, of Tennessee: General (Continued on Page Two.)

(Special to News and Observer.)

from Washington this morning and was heartly congratulated by his le-

gion of friends upon the great honor

Speaking of his appointment as a

member of the National Waterways

Commission, the Senator said it was

very gratifying because it would give

him opportunity, while serving the country, to do something for his State

had yet been settled upon it was prob

able the commission would begin its

studies of the great question commit-

He said Chairman Burton, the great-

To your reporter's inquiry about the

rumor connecting him with the ap-pointment to the Eastern Federal

udgeship, Senator Simmons said that

it was a most attractive place, re-

plete with dignity, case and salary, and that there were few places more

to be desired than it, but he said that

even could he get it, he could not

take it. He said he had reached a position in the Senate after eight

he could do for the country and his

State something worth the doing and

had been, he said, too considerate of him to let his selfish interest and de-

dre control him in a matter in which

The Senator will leave tomorrow for

his farm in Jones county, returning

Celebrated Evangelist at Winston.

(Special to News and Observer.)

Winston-Salem. N. C., March 8.Ministerial Association has invited Dr.

R. A. Torry, an evangelist of world-wide reputation to hold four weeks meeting in a tobacco warehouse here beginning June 20. Dr. Torry will bring his co-workers, including a noted soloist.

SHOWS SOME IMPROVEMENT BUT

PHYSICIANS ARE NOT HOPE-

(Special to News and Observer.)

Winston-Salem, N. C., March 8 .-

Hon. C. B. Watson, who is critically

ill with diabetes and Bright's disease,

has shown slight improvement today.

His heart action is weak, however, and

they were concerned as well as him

The State and the Democratic party

years of patient work when he thought

of the last Congress.

ted to it in Europe.

his duty was there.

to Washington Saturday.

methods

New Bern, N. C., March 8 -Senator

Simmons arrived in the city

He said while nothing

## Young Greensboro Law- Senator Simmons Says Eagles Hold Memorial Ser- Double Killings-Shot Guns New Tariff Law will Also didn't "fill," of course, but there sat Duty is in Senate

(Special to News and Observer.) Greensboro, N. C., March 8.—There are already four avowed candidates court created by an act of the Legislature last week. They are Messrs, N. L. Eure, S. Glenn Brown, Junius I. Scales and Charles A. Hines. four well-known and popular mem bers of the local bar. Friends other younger members of the have been urging them to enter the race, but the above-pamed are the themselves.

The office is an attractive one, paying \$1,000 or \$1,200 a year, if the board of aldermen so desire. The act creating the court stipulates that the udge shall be a licensed attorney, therefore this eliminates several laywho had contemplated making

His physicians are very much en-couraged today over the condition of Engineer R. H. Smith, who was so frightly burned when his engine turned over on him in the wreck of a local freight train at Walnut Cove Saturday morning. Mr. Smith was not extricated for several hours and a special train brought him here Saturlay evening. He was taken to his ome, 805 Dillard street, and the physicians worked herofcally to save his life, which was despaired of times during Saturday night. The natient railled, however, and today is ported to be resting fairly well. received a number of serious burns about his right shoulder and arm and

While the Legislature made changes in the State Audubon Society law in taking fifty-five counties from under the control of the Audubon ciety and placing them in the con-trol of the different boards of county commissioners, the work of Audubon Society will be continued he remaining forty-three counties and the society will not let up in its

light for game protection. Maj. Chas. M. Stedman has accepted he office of chairman of the visiting committee of the State University. At an enthusiastic meeting of reenshoro Council No. 236 United commercial Travelers held Saturday officers for the ensuing year were elected as follows: H. C. Marley, P. (Continued on Page Six.)

STRICKEN WITHE IN HIS OFFICE IN CHARLOTTE OBSERVER -SOON WILL BE OUT.

Charlotte, N. C., March & .- J. P. Caldwell, editor of the Observer, suffered a slight stroke of paralysis yestreday afternoon a little after 4 o'clock while at work in his office in the Observer building.

Mr. Caldwell had just returned from lunch and was about to begin his accustomed labors of the day when he experienced a peculiar sensation in his right hand and right side. He ought to investigate, aware that something was wrong, and fell. Dr E. C. Register, who was close at hand, was called in and he pronounced the was called in and he pronounced the attack a slight stroke of paralysis, the sensory nerves only of the right side being affected. The motor centres were not involved.

The condition of Mr. Caldwell is encouraging today.

He will probably be able to return to his desk within a few days.

physicians hold out little encouragement for his recovery. Kills Wife and Self, (By the Associated Press.)

Boston, Mass., March 8,—Daniel C.

Spillane, a policeman, was found dying early today in his home in East
Baston, from the effects of a builet wound, believed to have been self-inflicted, white the body of his wife lay on the floor beade him. Spillane died later at the hospital. It is said that Spillane, who had been a policeman 22 years, was deranged from two

Say The Southern Republicans Resolution by Morton Laid And yet Roosevelt Kept on The Table

Kluttz Resoltuion to Encourage the Building of New Roads in the State, Carrying an Appropriation of \$10,-000 Annually-Presentation of Silver Service to Lientellat-Governor Newland.

Yesterday was a day of felicitations in both the Senate and house. While important general and local laws were passed by both bodies the day was a happy one, with expressions of comradeship and good will. The Senate was up with its calendar and awaited only actions by the House. only actions by the House. One of the most exciting contests of the session occurred on the Kluttz resolution for the encouragement of the building of good roads, carrying an annucl ap-perpriation of \$10,008, which passed the Schale after every move had been made to defeat. There were two ties on the resolution, the thair, Pres-ident Newland, breaking them both in favor of the resolution. The resolution finally passed its third reading and was sent to the House.

A roll call in the House showed that seventy-nine members had remained

(Continued on Page Four.)

## vices-Other News

(Special to News and Observer.) Asheville, N. C., March 8 .- President Eliot, of Harvard University, who is making a tour through the South. will be the guest of Asheville March that came to him in the closing hours 22nd. President Eliot will come here as the especial guest of the Pen and Plate Club of this city and Monday evening, March 22, will deliver address at the Auditorium under the auspices of the Pen and Plate Club. While here President Fliot will also visit the educational institutions of the city, including the Normal and Collegiate Institute, the High School, the Asheville School and the Biltmore School of Forestry.

Eagles' Memorial Exercises st authority on rivers and harbors in this country, had made two trips to Europe to study their systems and ternal Order of Eagles, held in the Grand Opera house yesterday afternoon at 3:30 o'clock, were largely attended and impressive. Alderman P. C. Cocke was orator of the occasion and delivered the memorial address in finished manner.
An interesting musical program was

rendered, including selections by Connell's orchestra and vocal solos by Mrs. O. C. Hamilton. The services were held in memory of Fred Ward. P. A. Marguards, F. H. Haskell, P. A. Marcuards, F. H. Haskell Robert J. Banse, P. F. Walsh, Thomas R. Harrison, J. H. Loughran, Lee London, J. H. Miller, J. W. Boling and M. Doogan. Arrangements for the service was in charge of a com mittee composed of Judge Reynolds

J. H. Lange and J. E. Sugg. 1 Bingham's Basehall Season. The baseball season of the Bingham School, of Asheville, will open next Monday when the eadets will go up against the Christ School here The outlook for baseballwinning ball-at Bingham this year s brighter than for many seaso past, and the boys are looking forward with keen interest to the opening of the season. The athletic association believes that it has a winning team this year, and that it will du-plicate the result of the football seaon when the Bingham team went through without losing a game. calls for 19 games to be played here,

The baseball schedule at Bingham and nine away from home. The three nost important games are those sche duled with Davidson College, Wake Forest and Sewanee, T. E. Speas, who will play behind the bat, it captain of the team this year, with Lisle as manager and Cleveland Nor-

ton, coach. Superior Court Convene Superior court, for the trial of civil cases alone, convened here this morning with Judge Garland S. Ferguson presiding. The term of court is for presiding. The term of court is for four weeks and during the term it is expected that much court business will be attended and many causes now pending either tried or otherwise disposed of. There are a number of important cases on the trial docket at this term of court, several of which are against the Southern Railway having to do with personal injury and other damage suits. In fact the Southern is right well represented as a defendant at this term of court, practically all the cases set down for trial during one week having to do with suits of first one kind and another against the railroad corporation.

Shot by Bullet From Fire.

Asking for More

Government Expenses Have Amount ed With Alarming Rapid During the Roosevelt Regime. To Con gress, Not Executive, Belongs Credit For Cailment, says Tawney.

Washington, March 7 .- "In no period except in time of war, have the expenditures of the Federal Governnent increased so rapidly, both in the aggregate and per capita, as these expenditures have increased during the past eight years." .

This is the comment which Representative James A. Tawney, chairman of the House Committee on Appropriations, makes upon national rexenditures during the administration of Roosevelt. A large proportion of the excess is due to the rapid growth of the military and naval establishments. Mr. Tawney is of the opinion that the great increase in expendi-tures "is attributable chiefly to insistent executive recommendations and a misguided public demand for the inauguration and execution of new proects without a due realization of the onsequent dangers.

Appropriations for public expendi-(Continued on Page Five.)

## Used in Both Cases

(Special to News and Observer.) Asheville, N. C., March 8.—News has been received here by telephone Marshall, Madison county, homicides occurring county last week. One of the killings occurred Saturday night about 7:30 o'clock on Bailey's branch, when Hartly Bryan shot and killed Zeb Brooks, the slayer of Brooks using a shot gun.

The other homicide on the Tennes see line, Wednesday, whn W. M. Andrews was shot and killed from ambush by Elias Pate. The story teleirews, who had made a presentment before the grand jury against Pate went over into Tennessee to buy a ow, and that Pate, learning of this, followed Andrews.

It is alleged that Pate met Andrews coming back and, hiding behind a ree, suddenly stepped out as Andrews came in range and, using an ugly word, shot down Andrews with a sho

Andrews lived until Thursday morn ing when he died. He made a death statement to the effect that Pate had waylaid him and killed him. Andrews, in his statement, said that Pate declared before shooting that Andrews had "lawed him" and called Andrews an ugly name.
In connection with the killing of Brooks on Bailey's ranch, it was stated tht all parties had been drinking and that Bryan and his wife had

got into a quarrel when Brooks interferred, using a anbjo on Bryan's head. Bryan then took his wife and went to Jack Caldwell's house. alleged that Brooks followed him to Caldwell's house when Bryan met Prooks with a shot gun and killed Brooks was Bryan's uncle by marriage. Bryan has surrendered

Bucket Shops at Philadelphia

(By the Associated Press,

Philadelphia, Pa., March 8 .- The attleship Georgia, one of the big ships that went around the world, arrived a the Philadelphia navy yard this at-ternoon from Hampton Roads and will be placed in reserve during which time some repairs will be made to the vessel. The Kansas and Kearsage of the battleship fleet, are also at the

CLAUSORNE CARR, OF DURHAM. OWNER OF MACHINE-BLIND TIGERS RAIDED.

(Special to News and Observer.) Durham, N. C., March 8.—This af-eracon about 3:30 o'clock the eightear- old child of L. B. Dixon, lives in the Edgement section, was badly injured by an automobile being driven by Clairborne Carr, son of General Julian S. Carr. The child, from all reports, darted out into the street to catch a wagon, not noticing the ap-proaching automobile. He ran into the of the machine that the child was

the curb stone and his head hurt by the contact. When the physicians arrived he was bleeding from the ears and was suffering from other bruises. It is not thought at this time that the hurt will be of a fatal nature. Several doctors were summoned and attended the little one.

If They Can Bluff Opponents Into Withdrawing From News and Observer's Great \$10,000 Voting Contest They Consider it a Keen Piece of Business by Which They will Profit Largely

the accident that he could not pre-

This morning the police reneral raid on the blind tiger men of the town and landed five of them in the lock-up. They were arrested on information given by one man who was hauled up for examination last evening. The cases will be tried tomorrow morning. This was the only feature of the recorder's court this morning that was of more than passing interest. The cases will be fought out tomorrow.

## To Be Tried for Slaying Friend.

Laurens, S. C., March 8.-Acting irtually under Judge Prince's instructhe grand jury today indicted Cothran Pinson, charging him with the murder of his friend, Thornwell Boyce. Miss Mary Brown, the only eye-witness of the killing, which the defense admits was done by young Pinson, will be the principal witness for the State. The case will come up for trial probably Thursday.

## Make Hides Free

(By the Associated Press.) Washington, D. C., March 8 .- A ut of one-half in the duties on lumber and manufacturies of lumber, is real cards in the deck. understood to be one of the changes had seen some life himself, so he just provided by the new tariff bill which gently called you for the size of his is being printed, preparatory to its pile and you then wished you had purfinal revision by the Republican mem, sued different tactics. bers of the House Ways and Means Committee. Another change that has een made, according to information have been placed on the free list.

There has been much contention

ver the duties of these two articles,

and while none of the members of the committee will verify the correctness of the report, they are generally accepted by those who have been ollowing the work of the committee. During the hearings on the lumber character as to lead to the impression that lumber would be put on the Such action was known to have much support, it being claimed that the forests of the country could only be conserved by admitting foreign lumber to this country free of duty. Lumbermen have been working energetically to prevent the placing of lumber on the free list. They contend that the rates of duty should be inreased in order that the American industry may compete with the cheaper labor employed in Canada. The effort to obtain free hides

made as often as there is revision of the tariffs. It is principally advocated by the New England shoe and leather nanufacturers and is strongly posed by the cattle men of the West While nothing can be learned regarding the action of the tariff framers in regard to the duties on leather manufactures, it is said they have been materially reduced.

An impression prevails that plan is to have the hide and leather schedule fixed in conference after the questions have been thoroughly threshed out on the floor of House, in the Senate finance committee and on the floor of the Senate. Champ Clark, the minority leader of the House, and the ranking Democrat on the Ways and Means Commitspent considerable time today Representative Underwood, (Continued on Page Five.)

GOVERNMENT LAWYERS WARN-ED BY COURT TO MAKE OUT A STRONGER CASE.

Chicago, Ills., March 8 .- Government attorneys in re-trial of the Standard Oil Co. of Indiana for al-leged acceptance of rebates from the Chicago and Alton Raffroad on ship-ments of oil from Whiting, Ind., to East St. Louis, Ills., were told today Judge Anderson that unless they in-troduced further proof sustaining their contention that the oil company contention that the oil company and Alton Rallroad, they might as well

and Alton Railroad, they might as well cease their efforts to convict.

Judge Anderson, after considerable argument from both sides, admitted tentatively tariff No. 1203 of the Chicago and Ation and the Wiggins Ferry Co. tariff sheet. Before admitting the documents in this way, the court spoke of the "fatal discrepancy" in parts of the indictment against the Standard Oil Co.

"If the government can furnish no further proof," said he, "in support of its contentions than the tariff sheets already introduced, it may an well stop."

## **WORK CAMPAIGN**

North Carolinians Are Just Beginning to Realize What an Enormous Affair This Contest is and the Splendid Opportunities It Affords to Win a Useful, Desirable and Valuable Prize For Just a Little Expenditure of Effort and Energy."

The contest man knows, of course hat you never did this yourself, but isn't it a fact that you do know some riend who has tried at various times In his life to put a kink in the tail of the great American tiger? Sh-h! no. the blind variety as it flourishith in the Tar Heel State, but the real good, old American type that is commonly known as draw poker. Bless your heart, no, the contest man isn't implying that you ever dallied with the calico-backed cardboards, not for the world would he harbor such a sus-plcion, but he's just sort of trying to get your mind on the game for an in-stant for purposes of illustration.

Now then, if you ever tried to fill a straight, open in the middle, while the other fellow stood pat, you'er going to understand what the you to transfer the ownership of that out so boldly in front of him. What did you do? Why you "bluffed" didn't you? Certainly! It was the only did you do? chance you had and it was your play to make Bill believe you had all the But old Bill

Lots of Binffers. All of which hasn't a great deal to do with a contest like this \$10,000 votfrom reliable sources, is that hides ing proposition of the News and Observer's, but it will illustrate a point very nicely. For instance, the contest man is willing to wager a box of candy or a pair of gloves that you have heard abot some particular contestant in your particular district who has a "cinch," no chance for anybody else, all the prizes simply sewed un in a sack. That particular candidate is either circulating, or permitting to be circulated, reports to the effect that he or she has several hundred thousand votes to be turned loose when-

ver it is considered policy to do so. That is just pure bluffing. I ontest department doesn't feel that has a right to interfere in the game. If a candidate can have a message ent to another that he has everything in sight in the war of votes, and that other candidate is weak enough to give up, that is strictly a matter for the candidates themselves. stances have been known where some of the most successful candidates have been driven out of a race simply by a story to the effect that some other contestant had a large number votes in store and was simply trifling along, waiting for the finish, to claim the first prize, when as a matter of fact the "bluffing" candidate hain": enough votes to pad a crutch for a fact the

disabled partridge Don't Believe All You Hear. More and more every year the greater percentage of the business transacted in this country to be done on pure, plain "bluff." The manufacturer bluffs the producer and then bluffs the salesmen into believing they must sell a certain amount of his product. The salesmen blu ? the merchant and the merchant bluffs of his product. the customer. It's posi-ing, this bluff business. It's positively terriff-So if |vou hear that Mr. Surething has a million or more votes tucked away in of the old bine sock, don't let it disturb you for a moment because quite likely that Mr. Surething is simply trying to play a pair of deuces as hard as if he had a royal flush. And if it should come to you "from a reliable source" that Miss So and So has bundle of votes big enough to choke a rhinoceres, sticking away up in her kimona sleeve, just sale the story well and let it alone for a day or two. At the end of that time it will occur to you that the chances are about as nine to one that Mr. Surething and Miss So and So are simply adapting themselves to present day conditions they are bluffing. They are trying to scare you out of the race. The elimination of competition is a fine thing in the contest business but if you'll consider for a moment, it is just as hard for your competitor to subscriptions as it is for yourself, you are all confronted by the same con-dition. Just another case of the rain falling on the just and the unjust

alike. Eight Contests in One. For instance in each of the districts, there must go five prizes. The first of these is a magnificent \$400 first of these is a magnificent \$400 plano, an instrument that would grace any home and worth every cent of its advertised value. The merchant from whom it was purchased will guarantee that, and it is on exhibition at his place of business. If you have been giving this contest matter any attention you will know where these prises (Continued on Page Six.)