

STATE ATTACKS
BEST EVIDENCE
FOR DEFENSE

Gov. Patterson, Judge Bradford and Others are Contradicted by Woman

ATTORNEYS WILL
HASTEN THE CASE

It is Expected That the State Will Close Its Evidence Today.

(By Associated Press.) NASHVILLE, Tenn., March 5.—This was the state's day in the trial of Col. D. B. and Robin Cooper and John D. Sharp for the murder of former United States Senator E. W. Carmack. Not only did it tear to pieces what was left of the testimony of S. J. Binning, the defense's mysterious red bearded man who claimed to have seen the shooting, but it challenged the right of the Cooper's to be on Seventh avenue at all, the day of the killing. It did this by impeaching the testimony of the governor, and others who claimed that the Cooper's were invited to the mansion, and while on their way there met Carmack. The bombardment of the case of the defense began early today when two witnesses swore that Binning on the night of the tragedy said to them: "If I had been five or ten minutes earlier I would have seen the killing." Attack Prominent Men. Later in the day the state introduced witnesses attacking the reason the defense gave for being on the street which Senator Carmack must traverse to get to his apartments. Adjutant General Brown, Judge Bradford, Colonel Cooper and Robin Cooper had testified that after Colonel Cooper left Bradford's office just before the shooting, General Brown recalled him to talk to the governor over the telephone, and that it was in obedience to the governor's command that the men were on Seventh avenue where stands the executive mansion, when they met Carmack. Two witnesses swore that after Colonel Cooper left Bradford's office he neither returned voluntarily nor was he called to the telephone by any one. One, Miss Daisy Lee, declared that instead of the governor calling the Colonel, the Colonel at Judge Bradford's suggestion, called up the governor at the capitol. The latter testimony, however, was not permitted to reach the jury. In rebuttal, too, the state attacked Judge Bradford. Miss Lee swore that he told her he could have shot Carmack himself with as little remorse as he would have shot a rattlesnake. She also swore that Paul Davis, another of the defense's witnesses, declared to her he would perjure himself to get on the jury. Drawing to Close. When the sun had set and the battle was over the state announced that it would have but two or three more witnesses to complete its case in rebuttal and that they would be put on tomorrow. The defense has not announced its purpose yet, but it is safe to say that the arguments will begin next week. No time limit will be put on either side. There are a score of lawyers in the case and the speeches doubtless will last several days. Soon after court adjourned the state's attorneys went into conference. At 8 p. m. they emerged and Attorney General McCann held a warrant for the arrest of S. J. Binning on a charge of perjury. The specific allegation is that when he testified that he saw Senator Carmack twirling the cylinder of his revolver, he swore to a lie. The warrant was served at once. To Locate Pole. George Woolen, one of the day's first witnesses was called by the state to testify as to the location of the two telephone poles at the scene of the tragedy. The object was to pave the way for the introduction of the photograph taken yesterday by the state of the pole still standing together with the dummy pole. Attorney General Garner said: "The defense, your honor, has tried to prove that Senator Carmack was south of the poles and fired between them. We want to rebut this testimony by proving that he could not have done so." Judge Hart would not admit Woolen's testimony unless the record shall show in detail that the position of the poles had not been proven. The attorneys were told to examine the record at their leisure and the calling of witnesses proceeded. Several witnesses swore that November 3 was one of the cloudiest days in the history of Nashville, and that a pall of smoke from forest fires was hanging over the city. More Whacks at Binning. Miss Ella Lamb gave testimony contradicting that of the defense's witness, Binning, who said that about the time of the shooting he struck a match on the gate in front of Miss

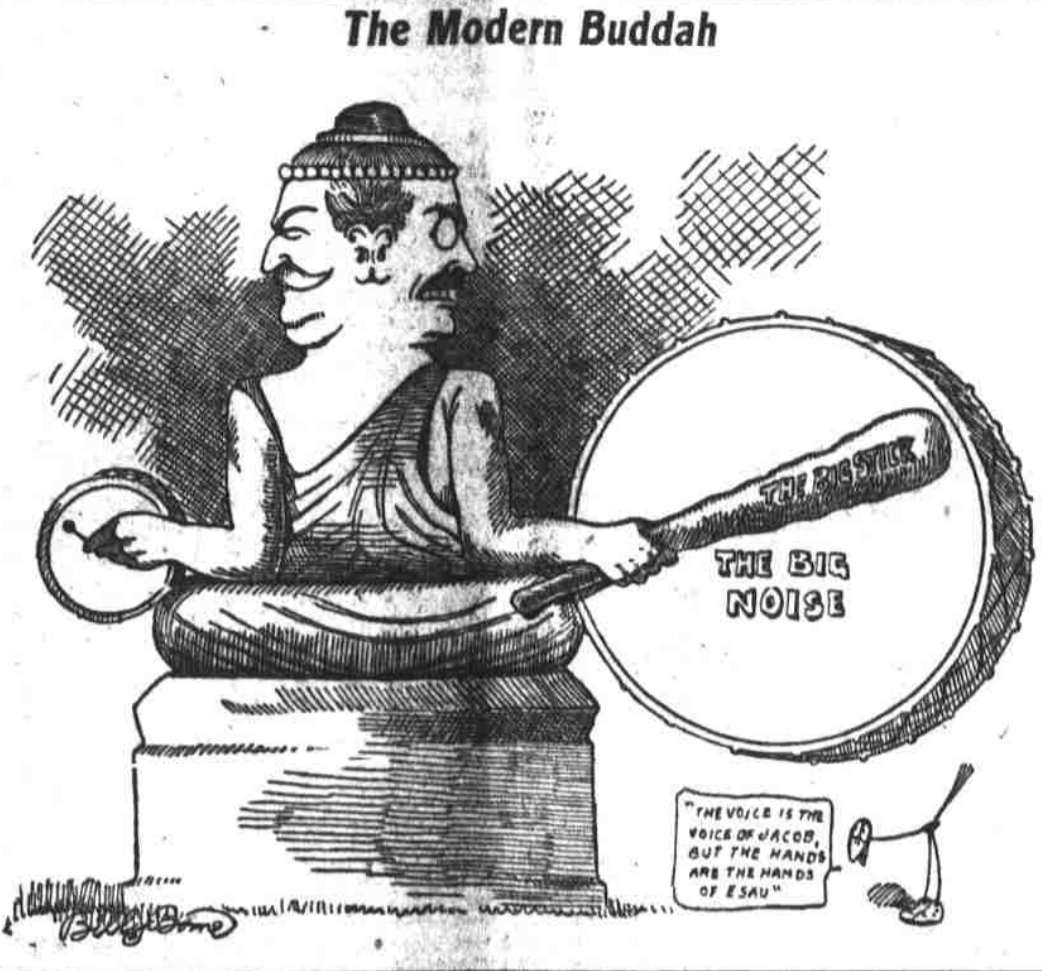
REVENUE BILL
MUST BE SENT
TO CONFERENCE

Difference Between Two Houses as to License Makes this Necessary

AUDUBON SOCIETY
GETS COLD DEAL

New Game Bill as Sent to Senate Leaves It Short of Its Powers

(Special to The Citizen.) RALEIGH, N. C., March 5.—The revenue bill was completed today in the senate, and passed on final reading with a few sections reserved for adjustment through conference committees on differences between the senate and the house on their provisions. For instance the sections fixing the taxation on express, telegraph and telephone companies were reserved because the senate will not agree to the increase made against the corporations by the house, which also added a provision that towns be allowed to require local license taxes. The section taxing manufacturers and dealers in cigarettes is also held, because the senate excepts to the tax of \$1,500 on makers of five hundred million and more as compared with the present tax against those handling less quantities. It is thought that this discrepancy would have the effect of knocking out the entire section as discriminatory. A new section was added by the senate imposing a ten dollar license tax on agents for enlarging pictures with privilege for similar license by towns. A joint resolution passed both houses for the creation of a commission to investigate the need of state for additional state buildings and recommend to the next legislature separate buildings and not enlargement of state house being specified. The commissioners are Gen. R. F. Hoke, Ex-Gov. T. J. Jarvis, F. H. Fries, Ex-Gov. C. B. Aycock, Major C. M. Steadman, Gen. T. F. Davidson, D. A. Tompkins, Col. Chas. E. Johnson. Get Closer to Game Law. The senate game bill that the house has amended so that it exempted six instead of two counties, as the senate had passed it from the State Audubon society, required nearly two hours of time of the senate this afternoon, and finally passed for concurrence in house amendments except for twelve of the sixty-six counties of which the house had excepted and empowered to enforce their own game law. A conference committee is bringing about an adjustment of these exceptions with the house. The ratification of the bill will seriously effect the Audubon society and complicate the machinery for regulating non-resident hunters, license being required in each of fifty-four counties released by the bill, and the Audubon society license having no application to them. The house finally voted down the educational qualification bill for candidates for license to practice medicine by one vote in the house. House Proceedings. Speaker Graham was in the house again after an illness of several days. The house adopted a resolution offered by Mr. Roscoe for the investigation of the debt of nearly \$9,000 incurred by the shell fish commission by a committee consisting of Senator Ormond and Representatives Gordon and Doughton. The house passed the general appropriation bill for the state institutions carrying nearly a million and a half. The Henderson county road bill of Senator Ray was at last tabled by the house. Child Labor Bill Lost. The house substitute for the Hinsdale child labor bill was variously amended tonight by the senate and then on final reading was lost 16 to 23. The bill to appropriate \$2,500 toward a statue to Henry L. Wyatt, the first man killed in the Civil war, to be available when a like amount shall have been raised from other sources, the statue to be in capitol square, was passed unanimously. The machinery bill passed its final reading with no changes every effort being made for final adjournment tomorrow night. Senator Doughton's bill providing for state inspection of illuminating oils, calling for ten inspectors and the cost of the inspection to be paid by the wholesale dealers, was up in the house tonight until around midnight. The bill was finally passed by a vote of 60 to 21, with an amendment that the pay of the inspectors shall not exceed one thousand dollars a year. Revenue Conference. Just before the house adjourned at midnight Mr. Dowd, for the confer-



SIMMONS MAY GET
JUDICIAL ERMINE

Rumor Current at Capital That Taft May Appoint Him to Federal Bench.

(Special to The Citizen.) WASHINGTON, March 5.—The rumor is current here that Senator Simmons of North Carolina may be President Taft's appointee for a federal judgeship. Senator Simmons always stood well at the white house during the last administration and his attainments as a lawyer commend him especially to President Taft. In view of the president's expressed desire to make appointments that would be entirely satisfactory to the various localities in the South, it would not be surprising if Senator Simmons' name were sent in for a judgeship. There is some intimation that if several of the influential colleagues of Senator Simmons who are close to the president, for instance Knox, Aldrich, Lodge and William Alden Smith, were to request the appointment of Senator Simmons there might be a vacant seat in the United States senate belonging to North Carolina. Senator Simmons is counted a good lawyer in eastern North Carolina, and the political wheel has made more surprising turns than his appointment, the fifth district for example.

CONFIRMS ALL
CABINET AFTER
SHARP DEBATE

Senator Tillman Applies Short and Ugly Word to Meyer

(By Associated Press.) WASHINGTON, March 5.—No specific opposition was made to the confirmation of any members of the cabinet when the president sent that body his list of nominations today. The nominations followed the formal notification of the president by a senate committee that the senate was organized. Although there was no specific opposition to the cabinet members, some rather sharp comments were made by Mr. Tillman concerning the nomination of Mr. Meyer to be secretary of the navy and by Mr. Bailey concerning Mr. Nagel to be secretary of commerce and labor. In his remarks Mr. Tillman called attention to the investigation of him by the postoffice department during Mr. Meyer's incumbency of the office of postmaster general. The South Carolina senator said that Meyer "accused me of being a liar when I was not and I accused Meyer of being a liar when he was." Nagel Oil Man. However, Mr. Tillman did not object to confirmation. The comments by Mr. Bailey upon the qualification of Mr. Nagel reference to the latter's service as counsel to the Waters-Pierce Oil company. Mr. Bailey said he understood that Mr. Nagel had been an attorney for the Standard Oil company. Mr. Borah replied that he had investigated this charge and found that its only basis was the fact that Mr. Nagel for the Waters-Pierce company had once passed upon the validity of an opinion of a court. Confirmed Cabinet. Upon receipt of the list of nominations the senate went into executive session and confirmed the following nominations in the Taft cabinet: Philander C. Knox, of Pennsylvania, to be secretary of state; Franklin MacVeach, of Illinois, to be secretary of the treasury; Jacob M. Dickinson, of Tennessee, to be secretary of war; George W. Wickersham, of New York, to be attorney general; Frank H. Hitchcock, of Massachusetts, to be postmaster general; George V. E. Meyer, of Massachusetts, to be secretary of the navy; Richard A. Ballinger, of Washington, to be secretary of the interior; James Wilson, of Iowa, to be secretary of agriculture; Charles Nagel, of Missouri, to be secretary of commerce and labor; Huntington Wilson, of Illinois, to be assistant secretary of state, and Beckman Winthrop, of New

BALTIMORE TRIES
TO GET UNTANGLD

Wreckage of Wires Leaves Train Service Demoralized. Loss is Heavy

(By Associated Press.) BALTIMORE, March 5.—Practically isolated from the outside world save by flickering wireless communication and belated trains, Baltimore today made every effort to bring order out of chaos. The storm that brought havoc in its wake gave place to clear skies and cool bracing air. A multitude of telegraph and telephone wires not only in the city, but for a long distance in many directions, lay on the ground, trains ran in and out of the city without orders and city traffic was generally demoralized. From thirty to forty miles in all directions poles and wires lay in a mass of tangled wreckage. Miles of poles and wires will have to be rebuilt entirely. Between Baltimore and Havre de Grace, Maryland, over one thousand poles, with about 140 wires are down and approximately the same conditions existed between Baltimore and Washington. No confirmation was received of the report that five men were frozen to death while traveling on foot from the Patuxent river to Annapolis. Latest estimates, based on information obtained today and tonight, place the damage by the storm to public service corporations at from \$700,000 to \$1,000,000. Harry Granger, a brother-in-law of George R. Gathier, who ran the last election was the republican candidate for governor, was found dead today, a victim of the storm, beside the tracks of the United railroads. BLEW HIMSELF UP WITH DYNAMITE. (By Associated Press.) CLEVELAND, Tenn., March 5.—David Coffman, aged sixty years, today committed suicide in a most spectacular manner. Purchasing a stick of dynamite he attached a fuse, lighted it and lay down on the dynamite. The explosion tore his head and body almost to the waist to shreds. SIXTEEN MEN DROWNED. (By Associated Press.) LIVERPOOL, March 5.—Sixteen men were drowned early this morning in the flooding of a coffer dam used in the construction of a new dock at Birkenhead. Three men rescued from the wreckage were badly injured. MOONSHINERS GOT HIM. (By Associated Press.) PENSACOLA, Fla., March 5.—"Buck" Crows, a United States deputy marshal, who has for years hunted moonshiners in this district, is dead at his home in Bonifay as a result of a gunshot wound which he received accidentally while on his way with others to raid a gang of moonshiners. WORLD GETS TIME. (By Associated Press.) NEW YORK, March 5.—Counsel for the Press Publishing company, publishers of The New York World, and Caleb M. Van Mamm, editor of The World, secured from Justice Holt, in the United States district court here today a week in which to answer the indictments found yesterday against the company and Mr. Van Hamm, charging criminal libel in connection with publications regarding the Panama canal purchase. FREEZE HURTS TRUCK. (By Associated Press.) NORFOLK, Va., March 5.—The damage to trucking interests of this vicinity by reason of the freeze of Thursday night, is not considered serious. The high wind prevailing saved all but the more delicate plants.

ROOT SLATED
FOR SUPREME
COURT BENCH

Taft Will Appoint Him to Justice Fuller's Place If He Will Accept

HAS ABANDONED HOPE
OF THE WHITE HOUSE

Will Be Seventy-two Years Old Before the Next Election Comes

(Special to The Citizen.) WASHINGTON, March 5.—Elihu Root of New York will be the next chief justice of the United States supreme court—provided Mr. Root will accept the appointment at the hands of Mr. Taft. He has told friends that were he able to make Root chief justice, he would regard it as the crowning act of his administration. It is well known that Mr. Taft's life ambition was to sit on the supreme court bench, and until the little presidential bee began its buzzing he had looked upon the chief justiceship as the most exalted place to which mortal might aspire. It is not surprising, then, that he wants a man of large caliber to place in the seat now occupied by Chief Justice Fuller. The latter is long past the age of retirement, and it is well understood that he will not remain on the bench throughout Mr. Taft's term in the white house. Great Compliment. At a banquet in New York a few nights ago Mr. Taft said that he believed that Root instead of Taft should have succeeded to the presidency. No man ever paid another a higher compliment, and the compliment was a peculiarly graceful one because of the well known fact that Mr. Root aspired to the nomination last year but gave way to Taft because he believed the latter would make the stronger candidate. If Mr. Taft, having been elected to the place which Mr. Root wanted, should appoint Mr. Root to the position which Taft himself wanted, it would be an unusual demonstration of the capriciousness of fate. Whether Mr. Root would accept the chief justiceship is not known except possibly to a few of his intimates and Mr. Root has few intimates. When he was elected senator from New York there was very widespread belief that he hoped the senators would lead to the presidential nomination four or eight years hence. There isn't a chance, though, that he will oppose Taft for the nomination in 1912, and in 1916 Mr. Root will be 72 years old. Under such circumstances it would not be surprising if the chief justiceship appealed to the New York senator. RUNAWAY SENATORS ESCORTED TO CAPITOL. (By Associated Press.) NASHVILLE, Tenn., March 5.—After spending one week at Hopkinsville, Ky., eight of the thirteen state senators who ran away from here to break a quorum and thus prevent the passage of objectionable election bills, returned to Nashville from Kentucky today. The runaways were escorted to the capitol by their friends. The returning senators say that an agreement had been made whereby the coalition is the promise not to attempt to force a ratification of Wednesday's election, but will leave the matter as it now stands to be tried out in

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Taft's First Day Worth Only Column From Enthusiastic Reporters

WAS SPENT LARGELY
IN CONGRATULATIONS

Visitors Swarm Around Capital Peeking Into Every Nook and Corner

(By Associated Press.) WASHINGTON, March 5.—The Taft administration took its first stride today. The new president named his cabinet, the senate confirmed his selections and his members will take the oath of office tomorrow morning, with the exception of George W. Wickersham, who was sworn in as attorney general today, and Messrs. Dickinson and McVeach whose personal affairs will not permit of their reaching Washington for a week or more. An important conference took place between President Taft and the republican members of the ways and means committee. The committee framed a tariff bill which is understood contains a provision for the collection of an inheritance tax—one of the suggestions for raising revenue contained in the inaugural address of President Taft. Mr. Taft told the committee there would be no delay in the official proclamation calling the extra session of congress for March 15. His message to this session, he said, would recommend that it confine its work exclusively to tariff revision that there might be no necessary delay in enacting this most important law. He would not, he said, discuss in his message any details of tariff revision, leaving all such matters to the judgment of congress. The committee members left the white house expressing the belief that the work of the extra session would be completed before June 1. Received Congratulations. Aside from these important accomplishments, President Taft gave himself up heartily to the demands of his friends and thousands of inaugural visitors who wanted to shake his hand, see his smile and get a word to carry home with them. Philander C. Knox had the honor of being the first caller on President Taft, who took his seat at the desk abandoned yesterday by President Roosevelt in the white house office building at precisely 9:30 o'clock this morning. President Taft consented to attend the celebration July 7 and 8 next of the discovery of Lake Champlain, at Plattsburg and Burlington. Senator Root is to be the principal speaker at the former place. The congratulations and good wishes of Cuba were extended to President Taft from President Gomez, Vice-President Zayas and a number of prominent Cuban citizens and politicians in the form of a memorial presented by General Demetrio Castillo Duany. The reviewing stand for the inaugural parade was again occupied by President Taft this morning when he took his place there to go honor to the "brack" Seventh regiment, New York infantry. From the stand he returned to the east room, where he received many visitors. An immense delegation from North Carolina was welcomed, and the Citizens' Taft club of Cincinnati received many warm words of welcome. The public also availed itself of the handshaking matinee which kept the big mansion in a state of throng and animation throughout the day. Fred W. Carpenter took the oath of office as secretary to the president along with Col. William Crooks of the white house executive force, who is a notary. Wendell W. Mischler who has been Mr. Taft's assistant secretary and stenographer was made one of Mr. Carpenter's assistants. Let All "Rubber." Crowds of visitors swarmed through the white house grounds all day. The north portico was filled many times during the day. The new colored footmen at the north door came in for unsatiny observation. But bore the scrutiny with butler-like dignity. No objection was made by police officers to peering in windows or gazing into the greenery running around the building. They are expected that the strangers had come long distances to see the capitol and the "move on" orders were seldom brought into play. Thousands crowded the capitol's historic corridors and halls. They over-ran the house chamber, crowded into the senate galleries, while the senate was in session, and took a glimpse at the supreme court while it was meeting.

GETTING OUR
BOGUS LORDS
IN RIGHT PEW

(By Associated Press.) ATLANTA, Ga., March 5.—According to a Tifton, Ga., special to The Constitution, there were two mysterious "Lord Beresfords" operating in this country during the past several years, and Sidney Laselle, who recently died at Asheville, N. C., was not even remotely connected with the second Lord Beresford, whose operations were confined more particularly to the west and east. The "Lord Beresford" now serving a term in the Fort Leavenworth, Kans., federal prison, is really an Englishman and has gone under the aliases of Sidney Lasalle, Edmond Burke, etc., but has no connection with the person who operated in the South under this royal title. BLIND WOMAN MURDERED. (By Associated Press.) MONTEVALLO, Ala., March 5.—News has just reached here that yesterday afternoon in Chilton county, about five miles south of Montevallo, a Mrs. King, about fifty years of age, and almost blind, was found dead in a room of her home. Her throat was cut and there was a wound on her head. Blood was found in the yard and there were other indications pointing to the probability that she was murdered in the yard and her body thrown into the house through the window. PATRICK STILL APPEALING. (By Associated Press.) NEW YORK, March 5.—Albert T. Patrick, who was convicted of the murder of William Marsh Rice, made a sensational appeal to the appellate division in Brooklyn today to free him from imprisonment for life or send him to the electric chair. He declared that imprisonment for life was a greater punishment than death penalty. LOUISIANA HANGING DAY. (By Associated Press.) BATON ROUGE, La., March 5.—The execution of seven negroes in Louisiana today followed the conviction of six of them for murder and one for criminal assault upon a member of his own race.

LONDON JUGGLING THE TIME TO GET
A CORNER ON WORLD'S SUNSHINE

(By Associated Press.) LONDON, March 5.—The daylight saving bill passed its second reading in the house of commons today by 130 votes to 84. The bill was drafted to promote the earlier use of daylight in certain months yearly by putting forward the clock twenty minutes on four successive Sundays in April and by reversing the process on the four Sundays in September. The bill, it has been argued, would be of great benefit to all classes by giving the people just so much more sunlight in which to have recreation, while the wage-earner would retire earlier and thereby save the expense of light.

FAIR

(By Associated Press.) WASHINGTON, March 5.—Forecast for North Carolina: Warmer Saturday with fair in east and rain in west portions; Sunday rain, moderate south winds.

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(By Associated Press.) NORFOLK, Va., March 5.—The damage to trucking interests of this vicinity by reason of the freeze of Thursday night, is not considered serious. The high wind prevailing saved all but the more delicate plants.

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