

The Fayetteville Index.

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FAYETTEVILLE, N. C., WEDNESDAY, MARCH 24, 1904

\$1.00 A YEAR

Slayers of Carmack Convicted and Then Given Freedom

Sentenced to 20 Years in the Pen, They Give Bond

End of One of the Most Remarkable Trials in the History of the South. Col. Cooper and His Son Convicted. After Three Days and Nights Deliberation, of Murder in Second Degree—Killed Former U. S. Senator Carmack

After three days and nights of deliberation the jury in the case of Col. Cooper and his son, Robin Cooper, and John D. Sharp, returned a verdict Saturday morning finding the Coopers guilty of murder in the second degree and fixed their punishment at 20 years in the penitentiary. Immediately counsel for the Coopers made a motion for a new trial, and bonds were fixed at \$20,000 each and the convicts were released Saturday evening. They are now free as any other citizen of Tennessee.

This was the second report of the jurors, as they came in Friday, after 48 hours deliberation, with a verdict of "not guilty" as to Sharp, and reported a disagreement as to the Coopers.

The Cooper-Sharp trial, just completed, has been one of the most remarkable murder cases in the history of the South, not only because of the prominence of the principals in the tragedy, but because of the reasons that led to the killing.

Col. Duncan B. Cooper, a former officer in the Confederate army under Forrest and a man very prominent in Democratic state politics once lived at Columbia, Tenn. In that town also resided Edward Ward Carmack, a young lawyer who also did some newspaper work. Cooper bought the Nashville American and induced Carmack to come to Nashville as its editor. Whether the men ever were in thorough accord, is a disputed point. Carmack's friends say not. Col. Cooper swore on the stand that they were close friends until Governor Taylor opposed Carmack for the re-election in the senate. This fight was long and bitter. A feature of it was a series of joint debates, and Carmack lost. Cooper supported Taylor, but Robin, the boy, who killed the senator, supported the latter.

Malcolm R. Patterson was governor of the state at the time of the Carmack-Taylor fight, and he announced his candidacy for re-election. Carmack, just beaten for the senate, was urged into the race for governor against Patterson. This was last June and the fight between the men for the Democratic nomination was the most spectacular ever seen in Tennessee. Again, joint debates were arranged and again the feeling between the factions grew very bitter. In these debates, Cooper charged that Carmack assailed the colonel's good name—Cooper was an ardent Patterson man—the governor on the stand described him as "my closest personal and political adviser." Again, Carmack lost, and, a month before the election, became editor of the Nashville Tennessean. He had made the race on the prohibition platform, and while he did not get the nomination, he did secure enough representatives to assure the passage of the so-called state-wide liquor bill.

In the meantime, Governor Patterson and former Governor Cox, once deadly enemies, were reconciled. The Tennessean charged that Col. Cooper brought this reconciliation about, and referred to it in a humorous and sarcastic vein in its editorial columns. Carmack also intimated that to save Governor Patterson, the Democratic leaders were preparing to trade Bryan for the governorship. Col. Cooper was chafing under the comment and becoming more incensed every

day. On November 8, the day before the killing, there appeared in the Tennessean a very sarcastic editorial concerning the reunion of Patterson and Cooper and their fight for local self-government.

By local self-government, Carmack meant the fight against prohibition. The liquor interests led by the governor declared in favor of local option and of letting each community settle the saloon question for itself.

Col. Cooper, upon reading this editorial, sent the famous message to Carmack: "If my name appears in the Tennessean again, one of us must die." The warning was delivered to Senator Carmack by ex-State Treasurer Craig. Carmack said that Col. Cooper's threat had made a cessation of the editorials impossible—that if the Tennessean never again used Cooper's name, the public would believe that the paper had been bluffed and it would lose caste. So on Monday, Nov. 9, the day of the killing, there appeared in the Tennessean this editorial:

"To Maj. Duncan Brown Cooper who wrought the great coalition, who achieved the harmonious confluence of incompatible elements, who welded the pewter handle to the wooden spoon, who grafted the dead bough to the living tree and made it to bloom and burgeon and bend with golden fruit, who made playmates of the lamb and the leopard and boon companions of the spider and the fly; who made soda and vinegar to dwell placidly in the same bottle; and who taught oil and water how they might agree—to Maj. Duncan Brown Cooper, the great diplomat of the political Swebund, be all honor and glory forever."

What happened next is history. The state's witnesses say that Carmack was shot from behind, while he was in the act of raising his hat to a lady—Mrs. Eastman. The Coopers swear that they walked across the street to reason with Carmack and that he opened fire at once, wounding Robin, who, thereupon and in self-defense, fired the shots which killed the editor.

Important News Briefly Told

Events of General Interest Reported for the Convenience of Readers Who Are in a Hurry.

Tributes in poem, song and speech were rendered in honor of the 72nd birthday anniversary of the late President Grover Cleveland at memorial exercises in which President Taft, Governor Hughes, Chief Justice Fuller and Mayor McClellan made addresses and several hundred of New York's most prominent citizens attended. Mrs. Cleveland with a party of friends occupied a box in Carnegie Hall, where the memorial was held.

The Washington correspondent of the Charlotte Observer says: "The air is full of rumors about the eastern judgeship. It is believed here that within the next week or ten days President Taft will appoint one of four well-known Democrats, three of whom are now on the State Supreme Court bench, the other being Mr. James E. Shepherd. Thomas Settle, who still has hopes, is in the city, and Judge E. W. Timberlake has returned. In the face of the reports a well-known Republican told me to-night that Seawell would be appointed."

A special from Wilmington says: While there are many wild reports from some sections of the trucking belt as to the damage by the heavy frost of last week, well informed growers say they do not think the damage to crops to any appreciable extent. Strawberries unprotected may have lost a few blooms and some young berries, but the fruit will appear in plenty by the opening of the ripening season.

Governor Kitchin is to Deliver the 10th of May Oration in Fayetteville

Celebration Here of Memorial Day to be the Greatest in the History of the City—Military Companies of Fayetteville and Neighboring Towns to Participate

That Governor W. W. Kitchin has accepted the invitation of the J. E. B. Stuart Chapter, U. D. C., to deliver the Tenth of May oration in Fayetteville this year, is the announcement made by Mrs. J. H. Anderson, president of the chapter. The 10th of May—Memorial Day—is to be another Red Letter day for Fayetteville and this section.

Preparations are being made to make it the greatest Tenth of May celebration ever held in this city or section. The presence and address of North Carolina's chief executive, who as an orator has few equals in the State, will

be sufficient to attract a tremendous crowd. But there are to be other big attractions. The military companies of Fayetteville and neighboring towns are to be here and participate in the celebration. Then there will be a bountiful dinner for the Confederate Veterans and the presentation of the crosses of honor. Fine music will be a feature of the exercises.

Governor Kitchin will be the guest of Mr. and Mrs. J. H. Anderson while in Fayetteville.

Let's make the day a memorable one for the historic city and section.

The Liberty Point Declaration of Independence.

THE ASSOCIATION, June 20, 1775.
The actual commencement of hostilities against the continent by the British troops, in the bloody scene on the 19th of April last, near Boston, the increase of arbitrary impositions from a wicked and despotic Ministry, and the dread of instigated insurrections in the colonies, are causes sufficient to drive an oppressed people to the use of arms. We, therefore, the subscribers, of Cumberland County, holding ourselves bound by the most sacred of all obligations, the duty of good citizens toward an injured country, and thoroughly convinced, that under our distressed circumstances, we shall be justified in resisting force by force, do unite ourselves under every tie of religion and honor, and associate as a band in her defence against every foe, hereby solemnly engaging, that whenever our Continental or Provincial Councils shall decree it necessary, we will go forth and be ready to sacrifice our lives and fortunes to secure her freedom and safety. This obligation to continue in full force until a reconciliation shall take place between Great Britain and America upon constitutional principles, an event we most ardently desire, and we will hold all those persons inimical to the liberty of the colonies, who shall refuse to subscribe to this Association; and we will in all things follow the advice of our General Committee, respecting the purposes aforesaid, the preservation of peace and good order, and the safety of individual and private property. Signed,

Robert Rowan, Theophilus Evans, David Shepherd, Lewis Barge, Thomas Moody, Micajah Farrell, Maurice Newlan, Jos. De Lepine, John Wilson, Lewis Powell, Arthur Council, James Emmet, Martin Lennard, John Oliver, Aaron Vardey, George Fletcher, Charles Stevens, John Parker, Walter Murray, Wm. Herrin, Philip Herrin, David Evans, Robert Verner, James Gee, John Elwell, David Dunn, Wm. White, Benjamin Elwell, Simon Banlay, Joshua Hadley, Joseph Green, John Jones, William Blocker, Robert Green, Robert Council, San't Holingsworth, Robert Carver, Samuel Carver, Wm. Carver.

The above was adopted at "Liberty Point" (the intersection of Person and Bow streets), Fayetteville, N. C., on June 20th, 1775.

PARKTON PARAGRAPHS.

Wedding Bells and Other News from the Bustling Town.

Correspondence of The Index.

The cold snap doubtless has killed the peas and peaches and huckleberries, etc. Some of our truck farmers have planted corn. Farmers in this section have tried themselves this spring preparing their farms, but Mr. I. B. Lancaster is ahead as he is the only sub-soiler. It is a strange thing that farmers who own plenty of stock fail to use two mules to a plow. Mr. W. S. Cobb is a model farmer. He is not afraid to plow deep or use fertilizer extensively and he makes the stuff.

Invitation cards as follows have been issued: Col. J. S. Cobb requests the honor of your presence at the marriage of his daughter, Mary Leonard, to Charles R. Murphy on Wednesday evening the twenty-fourth day of March one thousand nine hundred and nine at nine o'clock at the First Baptist church, Parkton, North Carolina. Parkton, March 20th.

Mrs. E. R. McKethan and little son are waiting relatives in Oxford.

TO VOTE ON STOCK LAW.

Petition Being Circulated to Ask Commissioners to Call Election in Cumberland County.

Petitions are being circulated in Cumberland county to be presented to the board of county commissioners asking the board to call an election, to be held in June, on the question of stock law for the county. The petitions are being sent out by Messrs. Walter L. Holt, J. Marshall Williams and others, constituting the "Stock Law Committee."

This plan will give every voter in Cumberland county the opportunity to express himself at the ballot box as to whether he desires the stock law or not. Some who were opposed to the stock law by legislative enactment have expressed themselves as willing to submit the question to a vote of the people.

Let the petitions be signed. Let's have the election and let the people settle the question now.

The Straits Settlements is what is known as a free colony. The only duty in force is on beer, wine, liquor and opium, all other articles being admitted free of duty.

Less Than Four Weeks Left of The Index Big Prize Contest

MR. GODWIN'S WORK IN WASHINGTON

Meridian Line Test at Fayetteville—Dam or Levees at Kelly's Cove in Bladen—Lillington to Buie's Creek Star Route Ordered.

Correspondence of The Index.

Congressman H. L. Godwin has secured an order from the Second Assistant Post Master General providing for the establishment of a star route from Buie's Creek to Lillington, in Harnett county, N. C. There is now existing a star route from Coats, on the Durham and Southern Railway, to Buie's Creek and return in the forenoon of each day in the week. The star route from Buie's Creek to Lillington and return in the afternoon, which Mr. Godwin has secured, will give to Buie's Creek and that vicinity a very satisfactory and complete mail service, furnishing the daily papers to that point the day they are published.

Representative Godwin has secured an order from the Coast and Geodetic Survey of the Department of Commerce and Labor providing for the testing of the meridian line at Fayetteville. The testing line will be established by the erection of two stones at the north and south end of the meridian line. The Department has promised to send a magnetic observer to Fayetteville, who is now on field work in Tennessee, to establish and test the meridian line. Mr. Godwin is also making arrangements with the Geological Survey to establish a permanent bench mark at Fayetteville to determine the height above the sea level at that place.

Another very important matter affecting the Sixth district is the recent success Mr. Godwin has achieved in securing the promises of the Agricultural Department to undertake the examination and surveys looking to the construction of the dams or levees on the Cape Fear river at Kelly's Cove in Bladen county to prevent the escape of water from the river during freshets which flood French's Creek Township, damaging some of the most fertile lands in the district.

It will be remembered that during the abnormal freshets last August the water escaped from the banks of the Cape Fear river and completely overflowed a large area of fertile land in Bladen and Pender counties, completely destroying crops and rendering many citizens destitute, and quite a number homeless. Mr. Godwin immediately made an effort before the War Department for funds to be used in constructing levees along the river at that point, but was informed that no funds were available at that time. He then introduced a bill in congress providing for an appropriation of \$100,000.00 for the construction of these levees; the bill went to the Rivers and Harbors Committee, where it now remains because the Committee did not report any bill during last session except a bill for surveys. He did not cease in his efforts for that section of his district, and finally succeeded in getting a promise from the Agricultural Department to send an expert engineer to that point in his district to make a full and complete examination with a view to building the levees and draining the swamp lands in that section.

Old Time Fiddlers Here.

An Old Time Fiddlers' Convention will be held in Fayetteville Friday night, April 16. Mr. W. F. Blount will be director. The proceeds of the event, which is to be held under the auspices of the Civic Association, will go toward the placing of a drinking fountain in the center of the old Market House. This will doubtless be a most enjoyable occasion to all who attend and a big crowd is expected.

Leadership Again Shifts Across the Cape Fear River

Miss Nettie Leslie is Ahead Again and Miss Beulah Averitt Second—Names of all Contestants With Fewer Than 3,000 Votes Next Tuesday to be Dropped—The Past Week Has Been the Liveliest Yet—And the Next Will be Better Still.

THE INDEX big prize contest is a hummer now. Many of the contestants are simply going after it. It's a lively race and full of fun. You just can't begin to tell who is going to get that splendid desk—nor even which district it's going into. Why last week District No. 2 was ahead; week before that District No. 4, and now its District No. 4 again, with Miss Nettie Leslie in the lead with 28,375 votes. Miss Beulah Averitt, who was first last week, is second to-day, while Miss Bessie Thames of the third district is third. In Harnett Miss Daisy Shaw has taken the lead with 17,000 votes, while Mrs. J. Elwood Porter leads in Bladen and Miss Elma Johnson in Robeson.

LESS THAN FOUR WEEKS.

Had you thought of it? In less than four weeks the contest will close. There are numbers in each district who yet have a chance to win, if they get busy and hustle. Nobody in any district can feel certain of the prize yet, for some one else may make up her mind now to win in spite of the odds. Better be on guard.

TAKE NOTICE AGAIN.

We gave notice last week that we would drop all names from the list of contestants who had less than 2,000 votes to their credit at 9 o'clock Tuesday of this week. We have done so.

Now, again, we are going to drop all names from the list that have not as many as 3,000 votes by next Tuesday 9 a. m., and after that date none can enter the race without 3,000 votes to begin with. However, any who have been dropped out of the list this week can get in again next week by sending in enough votes to make 3,000, including those you had last week. That is, you can redeem your lost votes by adding enough to them by Tuesday morning to make it 3,000.

THE PRIZES.

Remember we are going to give away on the 20th of April seven fine gold watches, ladies' size, Elgin movement, hunting case, and a lady's writing desk—a fine piece of furniture. They are all beauties. They're going April 20th.

Read how it's done and then read the names of those who are doing it:

I. For the purposes of this contest we have arranged the territory into eight districts, as follows:

1. Cross Creek Township, Cumberland county.
2. All of Cumberland county east of the Cape Fear River.
3. Pearce's Mill, Gray's Creek and Rockfish Townships, Cumberland county.
4. All of Cumberland county west of the Cape Fear River except the townships named in the first and third districts.
5. Sampson county.
6. Bladen county.
7. Robeson county.
8. Harnett county.

II. Every dollar paid on subscription entitles the payer to cast 1,000 votes for any lady in the district in which the subscriber resides. Fifty cents entitles the payer to cast 500 votes and 25 cents to cast 250 votes.

III. Any reputable white lady

(Continued on page 5)