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TELLS JURY OF CARMACK TRAGEDY

Mrs. Eastman, Eye-Witness, Declares Senator Fell Dead with Weapon Held by Barrel in his Hand

NASHVILLE, Tenn., Feb. 16.—Just one month within a day from the date the first attempt was made to secure a jury, the trial began of Col. Duncan B. Cooper, Robin Cooper and John D. Sharp for the killing of former United States Senator Edward W. Carmack.

Long before the hour set for court to open, the crowds gathered outside the new courthouse. The sheriff had a large force of deputies on hand and the throng was forced to form in line. At 8 a. m. the doors were opened and in orderly procession the first comers were permitted to enter.

The attorney general read the indictment. As he reached the words "did wilfully, maliciously and with malice aforethought slay and murder the body of E. W. Carmack," the widow again collapsed and for a long time lay with her head upon the shoulder of her sister. Again the eyes of the two daughters of Colonel Cooper filled with tears, their lips trembled and the sympathy which goes from one stricken woman to another was conveyed in the looks of pity that went across the room.

The state called its witnesses and swore them. The defense called its witnesses and swore them.

"Call the first witness," said the court.

Then, to the surprise of everyone, Attorney General McCarn said:

"Call Mrs. Carmack."

The widow was half carried to the stand by Frank Lander, editor of the Tennessean, and holding to her son's hand. Lander stood beside her on the stand, his arm around her. She told her name and her husband's occupation in a trembling voice.

"When did you last see your husband alive?"

"Oh, God! Oh, God!" she sobbed, "on Sunday, the day before he was killed."

For several moments she was unable to speak, her agitation was so great.

"When did you hear from him last?"

"By telephone on Monday a little while before he was killed."

"What was that conversation?"

The defense objected and it was sustained.

Child's Look of Hatred.

As the lawyers argued, Mrs. Carmack drew her son close to her and rested her head on his shoulder. The boy, a manly little chap, patted his mother's tear stained cheek and whispered words of encouragement to her. The defense declined to cross-examine Mrs. Carmack, and she was led back to her seat.

As the boy accompanied her, he turned his glance full upon the defendants with a glare of concentrated hatred that it is hard to realize could be expressed by one so young.

Cooper Denounced Carmack.

The state next called E. B. Craig, former state treasurer, who testified to his close relations with Senator Carmack. He said he spent all day Saturday, November 7th, and Sunday, November 8th, the day before the mur-

der, with Carmack. He saw Colonel Cooper the evening of November 8th, at the Tulane by appointment.

"After dismissing the personal matter which led me to Colonel Cooper, the latter began to discuss the editorials in the Tennessean. I soon learned that Colonel Cooper was greatly agitated and very angry. He said: 'I am an old man, private citizen, and it makes little difference whether I go or not, but if my name again appears in the Tennessean, either I or Senator Carmack must die.'

"Colonel Cooper's manner was violent, and he denounced Carmack viciously as an ingrate. His manner so alarmed me that I tried to soothe him and offered to see if I could do anything to relieve the situation. He asked me what I could do. I told him I would confer with Senator Carmack."

"What was said about a note?"

"He said he had written Carmack a note that could not be misunderstood."

The court refused to let the witness say what impression was made upon him as to Carmack's danger.

"What made you go to Carmack again?"

"Because I feared for him. I went to see him and found him in his office, writing."

"Did you communicate to Carmack the threats of Colonel Cooper?"

The defense objected, and the court ruled that the witness could tell only what he reported back to Colonel Cooper after his conference with the deceased.

"I told Carmack what Cooper had said. I then returned to see Colonel Cooper and told him of my errand. I said: 'Colonel, I can accomplish nothing.'"

"What reply did the defendant make?"

"Then, by God, this note goes."

The note referred to was the one written by Colonel Cooper to Senator Carmack, threatening the latter with death if the editor referred to him again. It was sent after Craig had reported his failure as a peacemaker.

The witness said he again returned to Senator Carmack and reported what Col. Cooper had said. He then left the city and did not see Carmack alive again.

The witness, over protests of defense, said he also told Carmack of the bearing and the demeanor of Colonel Cooper. The court refused to let him tell, however, how Carmack received the information or to say whether or not Carmack expressed regret.

The state next introduced in evidence the Tennessean of November 9, containing the sarcastic editorial on Colonel Cooper which led to the killing and which referred to Colonel Cooper as "the diplomat of the Zweibund." The paper was identified by Craig. He said he did not know whether Carmack ever received the note that Colonel Cooper declared would not be misunderstood.

Mrs. Eastman on Stand.

The defense passed cross-examination until later and Mrs. Charles H. Eastman, who was speaking with Senator Carmack

when killed, was called. Mrs. Eastman is one of the most aristocratic women in the south, brilliant in society and clubs. She is slender, her hair perfectly white and was modishly gowned in black. She talked distinctly and clearly, gesturing now and then to emphasize a point.

Senator Carmack, for two months had apartments next door to Mrs. Eastman's. The witness told this and described her walk on the fatal ninth of November, from her home to the spot where the senator was slain. She told how she met Mr. Carmack and identified the exact spot.

"We were walking very slowly and we met about two feet from the wall which divides the Polk flats from the adjoining property," she said "senator Carmack came swinging along. His eyes lighted up with a pleasant look of recognition as though about to stop and talk. We stopped together by mutual agreement as it were. He was a little south of me. He raised his hat and held it and was looking down into my eyes in a listening attitude. His hat was in his hand, above his head and a cigar in his left hand. I began a sentence and he was absorbed in it, when from behind me came a voice saying: 'Well, here you are. We have the drop on you now.'"

"Did you see anyone?"

"No, sir. The voice came from behind and very near to me."

"What did you do?"

"Nothing. I saw Mr. Carmack with hat still raised, look over my shoulder with a look of surprised inquiry. As he did so he ran his right hand back into his pocket and drew slowly a pistol. It seemed to catch. I put my hands to my face. Then the voice began again behind me and it said:

"You cowardly scoundrel, hiding behind a woman's skirts are you? Get out you dastard."

"When I saw the revolver I jumped to one side and turned."

"What position did the revolver occupy in the senator's hand?"

"It was upside down. That is, he held by the barrel."

The prosecutor sent for the revolver and the beautiful witness gave a dramatic illustration of the senator's position. Rapidly and clearly, with a dramatic fire that was remarkable she re-enacted the tragedy in detail. There was not a whisper in the courtroom as she, standing on the platform, or swerving rapidly around pictured the killing.

"I put up both hands," she said, "and jumped back like this. I heard the shot and turned; though I recognized Dr. White as the man with the revolver, and I screamed like this: 'My God! My God, doctor, don't shoot. Oh, don't don't, please don't.' I then recognized that it was Colonel Cooper."

"Then I shrank against the fence and saw young Cooper and at the same time heard two other shots fired so rapidly that I thought they were simultaneous. Denounced Col. Cooper."

"Young Cooper was standing near us, his arm extended as though in the act of firing a pistol. I was fearfully wrought up. Senator Carmack was lying in the gutter, in a pool of blood and I turned and denounced Colonel Cooper."

"What did you say?"

"I said he was a brutal murderer; that he had taken advantage of my presence to kill a man without giving him the chance of a dog; that I'd rather be the dead man in the gutter than to be him."

"What did the boy do then?"

"He walked over, looked down at Carmack's body for a minute

then walked to his father and put his arm around the latter. They walked away. Up to the time I went into the Polk flats, I did not know that the son was implicated in the shooting."

The crowd in the court, despite the efforts of the officers, surged up to the rail to better catch the witness' words and gestures. The rear line of jurors stood in the box, the better to see and leaned far over the shoulders of the six in front. As the witness finished her story and sank back into her seat, there was a murmur and some one clapped hands once, but an officer quickly suppressed the demonstration.

Had Pistol Upside Down.

The witness in answer to questions, said when Senator Carmack fell, he still had the pistol by the barrel, upside down, clumsily in his hand.

She also said that after the shooting, Young Cooper put some thing into his pocket under his overcoat.

During the dramatic recital, Mrs. Carmack lowered her veil and put her head on her sister's breast. Two of her friends fanned her, while another held her hands.

When the state concluded with Mrs. Eastman, court adjourned until 2 p. m. for luncheon.

Was Shot From Behind.

After the noon recess, General Washington, of counsel for the defense, began to cross-examine Mrs. Eastman. The witness was perfectly at ease. The questions were aimed to show that Colonel Cooper could see Senator Carmack draw his revolver and that as he did so, Carmack stepped to one side so that she was directly between him and Colonel Cooper.

"I think Mr. Carmack started towards Colonel Cooper and between the colonel and Robin Cooper. I know now, that Mr. Carmack was shot from behind by Robin Cooper and lurched out into the street," said the witness.

"You did not see Colonel Cooper fire a shot or have a weapon in his hand?"

"No, sir."

"You did not see Robin Cooper fire a shot or have a weapon in his hand?"

"No, sir."

"And you did not see Senator Carmack fire a shot?"

"No, sir."

"Is your sight good?"

"Splendid, thank you, general," retorted the witness smiling.

"You saw the pistol and heard the voice and you thought there would be a fight?"

"Yes, sir."

"Who did you think would fight?"

"I presumed that the man behind me who called the senator a coward and told him to get out from behind my skirts would fight, and I presumed Senator Carmack would defend himself if he got a chance."

General Washington pressed the witness to tell how long it would take to turn a pistol into position from barrel to handle. She declined to say, and pressed, arose dramatically and exclaimed:

"I'll tell you, General Washington. I don't know how long it would take to reverse the revolver, but as far as I know, Mr. Carmack never reversed that revolver, but fell dead with it held by the barrel in his hand."

At 3 p. m. General Washington desisted, and had not made the witness contradict her self on even the slightest detail. The state then questioned her a little further to prove that the crime was committed in Davidson county, Tennessee, and then excused her.

Whiskey Advertisers. Charlotte News.

For a number of years, as the prohibition sentiment has gained strength throughout the country, there has been a marked tendency among newspapers to discard whiskey advertisements. Recently the Knoxville Sentinel published the long list of American newspapers that refuse to accept such advertising, and the list contained names of many of the most influential publications of the nation.

For a number of years The News has refused to carry this class of advertising matter.

From the Nashville Tennessean we take the following in this connection, which will be read with interest:

"Several weeks ago the Tennessean printed a list of monthly and weekly publications who do not accept any liquor advertising. It included practically every well known magazine and periodical in United States, with the exception of Harper's Weekly and Harper's Monthly. And now the publishers of those two widely circulated periodicals have announced that liquor advertising is to be eliminated from their pages as soon as present contracts expire.

"Such is the trend of the advertising world. Nobody is quicker to feel the pulse of the public than extensive advertisers. They have discovered that the women of America are moving almost in a solid mass against the liquor traffic. They have found that women will not read advertising which is on the same page, or even in the same publication, with liquor advertisements. The result has been that the publisher had to listen to the demand for the withdrawal of the pages given over to the brewer and the distiller.

"And now the crusade has reached the daily papers. Other advertisers refuse to appear on the page with liquor advertisements and the enemies of the liquor traffic will not permit journals carrying liquor business to enter their homes. Dry territory is rapidly placing an embargo on wet papers. Furthermore, the liquor man himself is gradually dropping newspaper advertising. After long conferences the brewers and distillers have decided that newspaper publicity is one of the chief causes of the great prohibition wave which is sweeping the whole world. They have found that it is bad policy to try to convince the world that George Washington and every other great man of history was great because he drank liquor.

"Circulars are now the pet medium of advertising for the liquor dealers. They attract less attention and do not flaunt the foul traffic before the public in such an obnoxious manner. So the jug-house and the distiller will try from now on to debauch dry territory by flooding the mails with offers of fire-arms to young boys and men who will solicit orders for them. What more potent agent of crime is there than the hideous liquor folder picturing bowie knives and dirks and revolvers, which the whiskey sellers offer as premiums to those who will forward their unholy traffic?"

Shocking Suicide At Concord. Concord, Feb. 19.—Mrs. Alida Burkhead, widow of John Whitfield Burkhead and a daughter of the late Capt. John Woodhouse, for many years editor of The Concord Register, committed suicide here to-day by burning herself to death.

At 2:30 o'clock she complained and told her 17-year-old daughter Miss Dora, that she wanted to lie down going to her room at the stairway. There she saturated her clothing with kerosene oil and set fire to herself. Before any one could reach her, the flames had burned the flesh on her face, neck and body to the waistband into a crisp. She was conveyed to a room in the lower part of the house, where she was attended by physicians until death which occurred at 7:46.

The cause assigned for the irrational and shocking deed is her very bad physical condition, she having been in poor health for several years, the effects of which had somewhat impaired her mind. Eluded Watchful Relatives. The members of her family had kept close watch on the unfortunate woman for many days, but she worked the to-day and eluded them. From all information now at hand it is inferred that the burning of herself had been planned by her for several days. Fifty Years of Age. Mrs. Burkhead was about 50 years of age and is survived by five children—Misses Dora, Florence and Jessie, of this city; Mr. Calvin Burkhead, of the United States navy, who is now on his way from Beaufort to visit his mother, and John Burkhead, who left only a few weeks ago for California, where he is employed on a ranch. She is also survived by one brother, Mr. H. Irvin Woodhouse, president of the Cabarrus Savings Bank, of this city.

The appalling and distressing affair has cast a gloom over the entire city. Mrs. Burkhead, having been reared here from childhood, was well known and esteemed by every one.

Another Moonshine Establishment Goes Into The Hands of Receivers. Galax Post. On last Saturday morning at an early hour Deputy U. S. Marshall, John Faddis and assistants bankrupted another moonshine distillery near Bolt post-office about twelve miles east of Hillsville. From indications, about the establishment it was an old institution with an established reputation doubtless enjoying a splendid commercial rating and doing a thriving business. Hard times had not effected it as there were some eight barrels "mash" and a lot of other fixtures including a sixty horse power still (showing one gallon to each horse) a splendid cap and a first class worm and other paraphernalia too tedious to mention. The proprietors of this plant did not care to be interviewed as they were away and did not return during the entire performance. This is the third enterprise of this kind that Deputy Faddis, has wrecked in that vicinity.

RINGS DYSPESIA TABLETS. Relieve Indigestion and Stomach Troubles. PEARS—Keiffers PLUMS—Abundance APPLES—Yates. Yates Apple is the great Southern Winter Apple. Keiffer Pears and Abundance Plums the great money makers. Land must be cleared and will sell at one-half price while they last. JOHN A. YOUNG, Greensboro, N. C.