

Washington, D. C., Nov. 10—Forecast for North Carolina for tonight and Wednesday: Showers tonight and Wednesday; cooler in interior.

# The Evening Times

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## E. W. CARMACK SHOT AND KILLED

### Tennessee Editor the Victim of Assassins Bullet Yesterday

## FUNERAL TOMORROW

Tennessean Says Editorially This Morning That Colonel Cooper and His Son Had Been Lying in Wait For Carmack and Shot Him Down Without Giving Him a Chance to Speak—Characterizes the Attack as Unprovoked and Bloody Assassination—The Editorial That Caused the Attack.

## SPECIAL SESSION.

(By Leased Wire to The Times) Nashville, Tenn., Nov. 10. A special session of the grand jury has been called to investigate the killing of former Senator Edward Carmack yesterday afternoon by Robin J. Cooper and the latter's father, Colonel Duncan B. Cooper. Col. Cooper will be given a preliminary trial today, but it is understood he and his son both will waive examination and be bound over without bail. Neither of the Coopers have issued any statement.

(By Leased Wire to The Times) Nashville, Tenn., Nov. 10.—The Nashville Tennessean, of which Senator Carmack was editor, says editorially this morning of his assassination:

At 4 o'clock yesterday afternoon Edward Carmack was waylaid and killed by Colonel Duncan B. Cooper and his son, Robin J. Cooper. As far as it now appears the only reason for this action was the publication in the Tennessean of a trivial editorial elsewhere reproduced in this edition. It will be seen that there was nothing in these editorials reflecting on the honor of Colonel Cooper, and nothing at all about his son. Mr. Carmack was shot while in the act of speaking to one of the most estimable ladies of Nashville, as he was on the way from his office to his private home. His assailants, who had been lying in wait for him, drew near and opened fire on him at once, without giving him time to speak. As he fell, mortally wounded, another shot was fired into the back of his neck, producing instant death.

Thus died the bravest and gentlest, the most courageous and the truest man in Tennessee. Without passion, without wild desire for revenge, with pity and not malice in our hearts, we join alike with the friends and foes of the dead man in deploring the awful tragedy and demanding the prompt and speedy execution of justice on the men who have been guilty of this unprovoked and bloody assassination.

**Funeral at Columbia.** Mrs. Edward Ward Carmack, in a state of collapse, arrived today from Columbia to accompany there the body of her husband, former United States Senator Carmack, who was shot to death in a street duel here at 4:30 p. m. yesterday by Robin J. Cooper, a young lawyer, and son of Colonel Duncan B. Cooper.

The tragedy resulted from repeated attacks made by Mr. Carmack on the stump and in the Nashville Tennessean against Colonel Cooper, who is a half-brother of Judge William F. Cooper, of New York, formerly of the supreme court of Tennessee.

It was understood that Colonel Cooper had threatened to kill Carmack if his (Cooper's) name appeared again in the Tennessean, and both men, at the instance of their friends, had been going armed.

It is believed the editorial that was the direct cause of the shooting was one printed yesterday morning under the caption: "The Diplomat of the Zweibund." It read: "To Major Duncan Brown Cooper, who wrought the great coalition; who achieved the harmonious confluence of incompatible elements; who wielded the power handle to the wooden spoon; who grafted the dead hough to the living tree and made it 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;"

(Continued on Second Page.)

## MISS MALONEY NOT TO MARRY

(By Leased Wire to The Times) New York, Nov. 10.—Official announcement was made here today that Miss Helen Maloney, daughter of Martin Maloney, the Philadelphia Standard Oil millionaire, will not marry Samuel Clarkson, of London. This is the advertisement inserted in a New York newspaper:

"Clarkson-Maloney—The marriage between Mr. Samuel Clarkson and Helen, daughter of Martin Maloney, of Philadelphia, will not take place."

This publication follows a similar one that was made by Clarkson's lawyer in London a few days ago.

**Osborn Surprised.** (By Leased Wire to The Times) New York, Nov. 10.—Howard Osborn was seen at his home, No. 1 West 81st street, today. He was greatly surprised at the announcement that there would be no marriage between Miss Maloney and Clarkson.

"Will you affirm or deny the report that comes from Philadelphia that you and Miss Maloney have become reconciled and are to be re-married?" he was asked.

"I cannot understand how such a report could have come from Philadelphia," he said. "I will make no statement at this time. Perhaps later I may make a statement."

## THREATENED WITH BOMB

### Desperate Woman Demands \$10,000

**Threatens to Blow Up Woman, Her Daughter and Herself, if Money Was Not Forthcoming—Saved by Keeping Her Wits About Her—Woman Arrested.**

(By Leased Wire to The Times) Denver, Col., Nov. 10.—Menaced with a peril almost identical with that of the late Russell Sage when Norcross, the bomb thrower, confronted him, Mrs. Genevive Chandler Phipps, who is separated from her husband, Lawrence C. Phipps, the Pittsburgh multi-millionaire, matched her wits yesterday against a desperate woman, who demanded \$10,000. The woman said if the money was not forthcoming she would kill Mrs. Phipps, one of her daughters, who was in her mother's automobile and herself.

Mrs. Phipps was shopping in the down-town district and left her automobile at the curb to enter a store. Her daughter remained in the car. After a brief absence Mrs. Phipps returned and was stepping inside of the car when she caught sight of a woman crouching in the corner. The little girl, apparently speechless with terror, was gazing at the woman. Mrs. Phipps sank into a seat, nonplussed for the moment.

"If you make a move I'll send both you and your daughter to eternity with this dynamite," the woman said calmly.

Too frightened to reply Mrs. Phipps awaited the desperate woman's next words.

"I am remorseless and I must have \$10,000 at once," the woman continued. "I have dynamite enough with which to blow a whole block to atoms and if you don't get the money for me at once, or if you try to foil me by having me arrested, I will fire this dynamite and we will all go up together. Surely, you see I am determined, and I demand the money immediately."

"You know I haven't \$10,000 with me," said Mrs. Phipps, with studied calm, "but I can get it by going over to the bank."

"All right," the woman replied. "Don't, however, play any tricks on me, for I have here all the material necessary to blow us all up."

She opened a large black handbag and took out two sticks of dynamite, one of full length and the other partly broken. She was on the alert as Mrs. Phipps spoke to her chauffeur, giving orders to be driven to the offices of the International Trust Co. She smiled her approval as the car sped on its course and Mrs. Phipps, apparently complaisant, settled back on the cushion.

Arriving at the building, Mrs. Phipps hesitated an instant as she looked at her little daughter, but she knew that the lives of both depended on her courage.

"I will go in and get the money; \$10,000, is it?" she said, deliberately. Leaving her child within arm's reach of the desperate woman Mrs. Phipps entered the bank. Swiftly she told Special Officer J. B. McDonald of the peril. He left the office and approached the automobile unconcerned.

(Continued on Second Page.)

## IMPORTANT MATTER

### Board Asks For Attorney General's Opinion in Case of Levying Special School Taxes in Certain Districts. Mr. Gatling's Letter and the Reply.

The board of county commissioners resumed their adjourned meeting of yesterday this morning. The board requested Mr. Bart M. Gatling, county attorney, to ask the attorney-general his opinion in the matter of levying school taxes in certain districts.

Mr. Gatling's letter to the attorney-general and his reply are as follows: Hon. R. D. Gilmer, Attorney-General, Raleigh, N. C.:

Dear Sir: In Wake county there are a considerable number of school districts in which special taxes have been voted by the people. These taxes are levied in all cases 30c. on the \$100 valuation, and 90c. on the poll. Heretofore the taxes have been levied just as voted. On the first Monday in last June following what was believed to be the decision of the supreme court the board of county commissioners levied in these districts the taxes on property, but omitted to levy any poll tax for the reason that the poll taxes in the county were already very nearly \$2.00 and they did not think they had the power to levy a poll tax for any purpose in excess of that amount. Mr. Joyner has appeared before the board of commissioners and asked that these taxes be now levied in consequence of a recent change in the attitude of the supreme court. You, of course, know that the tax books are already in the hands of the sheriff and considerable tax monies have been collected.

As this is a matter not only concerning Wake county, but many counties of the state, we prefer your ruling upon it should be followed by all. We therefore ask you to give us your opinion whether the board of county commissioners can at this late day legally levy a poll tax which they omitted to levy on the first Monday in June in the special school districts.

Please let me have your opinion if possible in time for the session of the board of county commissioners today at 12 o'clock.

Yours very truly,  
BART M. GATLING,  
County Attorney,  
Raleigh, N. C.

Dear Sir: You ask me the following question: Whether, in view of the late decision of the supreme court, in the case of Perry v. Commissioners, which sustains the levy of a poll tax in special school districts in excess of \$2.00, county commissioners who failed to levy this tax can be required to now levy the same for the year beginning June 1, 1908, in special districts where the tax had been voted, but the county commissioners had failed to levy same?

After a full investigation of the (Continued on Page Seven.)

## GREAT DAMAGE BY FOREST FIRES

(By Leased Wire to The Times) Nashville, Tenn., Nov. 10.—Forest fires are doing great damage in the state, western Kentucky and northern Alabama. Timber valued at hundreds of thousands of dollars has been destroyed in the last ten days, and the fires are reported to be still burning fiercely. In Madison county, Tenn., an immense quantity of timber in the west Tennessee river bottom has been ruined.

In Hopkins and other western Kentucky counties, where no rain has fallen of any consequence since July, the damage from forest fires is great.

In northern Alabama, particularly in Limestone and Madison counties, large tracts of timber and miles of fencing have been burned.

## Prominent Men in Big Land Frauds.

(By Leased Wire to The Times) San Francisco, Cal., Nov. 10.—On allegation of sweeping land frauds in Shasta county timber lands through dummy entries, Dr. G. J. Dwinnell, of Montague, Siskiyou county, has been indicted. Dr. Dwinnell is one of the presidential electors elected a week ago.

It is charged that Dwinnell James Gagnon and John Gilpin, both saloon-keepers at Montague and Red Deter, a clerk, hired dummies to make false entries for timbered lands. Gagnon is already under arrest and the others will be arrested today.

## REHEARING OF BIG CASE DENIED

### Supreme Court of Appeals Denies Appeal in Big Fine Case

## LAWYERS ARE SCORED

**Court of Appeals Decides Against the Government in Case in Which Standard Oil Company Was Fined \$29,400,000 for Rebating—Government Lawyers Sarcastically Scored for Ignorance of Legal Terms—Attorney General Bonaparte Will Apply to Supreme Court to Review Case.**

(By Leased Wire to The Times) Chicago, Nov. 10.—In a decision in which the attorneys for the United States government are scored sarcastically for ignorance of legal terms, the United States circuit court of appeals today denied a petition for a re-hearing of the appeal in the case in which the Standard Oil Company was fined \$29,400,000, for rebating.

The next step in the proceedings will be taken by the government. Attorney General Bonaparte will be appealed to apply for a writ of certiorari in the United States supreme court in order that the order denying the appeal may be reviewed there.

The Standard Oil Company won a victory today in the United States circuit court of appeals in its fight on Judge Landis' decision fining the oil trust \$29,400,000.

In the decision handed down today by the United States circuit court of appeals, Judges Grossep, Baker and Seaman sitting, uphold the decision of Judge Grossep in which the decision of Judge Landis was reversed.

As the case now stands, the decision of the court of appeals nullifies the decision of Judge Landis and the work of the district attorney unless an appeal to the United States supreme court can be taken.

It is almost certain that an appeal will be taken. Immediately after the decision District Attorney Sims asked for a stay in the issuance of the mandate and wired Attorney General Bonaparte. Future action will depend upon instructions from Washington. The case now, however, is up to the attorney general and other officials in Washington.

The decision handed down today was comparatively brief. Besides denying the petition for a re-hearing thus confirming Judge Grossep's previous ruling reversing Judge Landis, the court of appeals took occasion to criticize sharply the government counsel for alleged misconstruction of the court's previous ruling. The language of this criticism follows:

"Courts have the right to expect that counsel accustomed to practice in the courts of review not only know the meaning of legal terms constantly in use in discussion and opinions of these courts but will not misuse such terms to spread misinformation respecting a judgment that, in the nature of the case, is bound to attract wide public attention."

In addition to the decision of the court Judge Baker handed down an opinion giving additional reasons for concurring with Judge Grossep in his decision reversing Judge Landis. This original opinion handed down to the following objections on the part of the government to features of the Grossep opinion:

1. That under the decision of the higher court it is not shown that the basis of a concession should be for which a shipper may be punished.

2. That under the decision of the higher court a corporation may use a subsidiary concern to commit crime while escaping punishment.

The decision of the court handed down today follows:

The petition for rehearing the questions of the text of that portion of the opinion that relates to the trial judge's statement, in passing sentence, that he was "unable to indulge the presumption that in this case the defendant was convicted of its virgin offense," the point of the petition being that the use of the word "defendant" in connection with "virgin offense," the trial court referred to the Standard Oil Company of Indiana, and not to the Standard Oil Company of New Jersey. The trial court, in passing sentence, expressly stated that the Standard Oil Company of Indiana was but the nominal defendant, the Standard Oil Company of New Jersey being the real defendant; and every word, if (Continued on Page Seven.)

## A SUICIDE AT VARINA

### Henry L. Smith Shoots Himself With Shot Gun

Young Agent of the R. & S. Railroad at Varina Killed Himself This Morning—Says He Was Dissatisfied With Life Because He Had Failed.

News reached here early this morning of the suicide of Henry L. Smith, aged twenty-two, the popular agent of the Raleigh & Southport and the Durham and Southern Railroads at Varina, a little station nineteen miles from this city.

No one suspected that he contemplated self destruction and the blow comes as a bolt from a clear sky to the mother of the young man. He was not married. So far as can be learned here he is survived by a father, mother, and a sister. His mother lives in Varina, and it was with her that he made his home. His father is in business elsewhere.

The suicide occurred at the station early this morning. It seems that the boy went about the matter deliberately. Mr. J. T. Talton, of Clayton, who was a passenger on the Raleigh & Southport train this morning, says that the boy had carefully placed the shotgun against the wall, braced it and holding it in place with sticks of wood. A small iron rod was secretly fastened on the top of the barrel, projecting about six inches beyond the end of the barrel. It is supposed that he held this rod against his temple, so as to make sure that the blow would take instant effect. A string was run through the trigger guard in such a way that he could fire the gun easily. When his arrangements were complete he blew his brains out, the whole load taking effect in the left side of his head. Death must have been instantaneous.

Mr. Talton said that when Varina was reached this morning the train stopped longer than usual. On inquiry he was informed that young Smith had killed himself. He found the young man's body lying just as it was when he had taken the train.

Young Smith left a note, in which he declared that he was perfectly sane at the time he committed the crime. He said that the act was a perfectly deliberate one, taken after much consideration. His reason for the deed, he said, was that he was a failure and was dissatisfied with what he had made out of life.

The young man was popular and well-liked by his superiors in the railroad service. He was also popular in his community.

## FARMER BUYS FIDDLE FOR \$2

(By Leased Wire to The Times) Red Bank, N. J., Nov. 10.—James A. Rowland, a Monmouth Park farmer, bought an old violin at an auction sale two years ago for \$2. An expert on old violins, who has examined the instrument, declares that it is worth more than \$5,000.

## EMPEROR FLIES WITH ZEPPELIN

(By Cable to The Times) Friedrichshafen, Nov. 10.—Despite the protests of his advisers Emperor William today accompanied Count Zeppelin in the reconstructed balloon, the Zepppelin I. A strong northwest wind was blowing at 2 o'clock and the ascension was delayed for a few minutes, hoping the wind would die down, but at 2:15 Emperor William, who was in fine spirits, gave the signal and a few moments later the giant gas bag rose majestically and started on its journey over Lake Constance. Nearly 20,000 persons witness the ascension and reports from Lake Constance say that fully 200,000 are gathered at different points along the shore of the lake.

Half the prominent officials in Germany had requested permission to accompany his majesty, but only four were taken.

## OLD BUGLER DEAD.

**Had Summoned Voters to the Polls With His Bugle on Election Day.** (By Leased Wire to The Times) Chicago, Nov. 10.—"Taps" sounded yesterday for the old Civil war bugler, who aroused interest in the eighteenth ward last election day by summoning voters to the polls with his blasts and announcing their close with "taps."

The bugler, William G. James, of No. 431 West Madison street, stood near a polling place in his precinct for hours on November 3 and it is believed the attending excitement was a contributing cause of the veteran's death, which was the direct result of heart failure.

## MORSE TALKING WITH LAWYERS

(By Leased Wire to The Times) New York, Nov. 10.—Pending the decision of the United States circuit court of appeals as to whether or not Charles W. Morse shall be admitted to bail, he today summoned a conference of his lawyers in the Tombs, and it is understood he set about trying to get ready a very large bond, so confident is he of the outcome of the court's decision.

Morse was very irritable today. He was greatly disappointed that he had not been admitted to bail yesterday, and before he went to bed in his cell he sent word to his lawyers that he wanted to see them. That the summons was imperative was shown by the fact that Lawyers Littlefield and Walker, of his counsel, both called at the Tombs shortly after 8 a. m. Each of the lawyers saw Morse alone. He had long talks with each of them and then they left the prison. Morse was at breakfast when they arrived and talked to them as he ate his eggs and toast and drank his coffee.

## MAID STOLE BROOCH.

**Hotel Maid Arrested for Stealing Diamond Brooch Last May.** (By Leased Wire to The Times) New York, Nov. 10.—Mrs. W. A. Dickey, of Baltimore, was a guest at the Waldorf-Astoria from May 18 to May 21 last. When she left the hotel she found that a diamond brooch, valued at \$1,000, was missing. Mrs. Dickey notified the hotel of her loss, and a search was made for it.

Last night the hotel detectives arrested Ethel Carlton, a maid, and charged her with the theft of the brooch. According to the detectives, they became suspicious of the maid and had her transferred to another floor. Several apartments were robbed on this floor and the detectives then made a search of the girl's room. They found in it a medicine chest and in the bottom of the chest was Mrs. Dickey's brooch. The brooch contained three diamonds, besides a center stone. These stones had been removed and replaced with paste.

## DIPLOMATS TO SPEAK.

**Wu Ting Fang and Others Will Speak at Rivers and Harbors Congress.** (By Leased Wire to The Times) Washington, Nov. 10.—Many of the diplomats accredited to this country have consented to deliver addresses at the next annual convention of the national rivers and harbors congress, to be held December 9, 10 and 11. Wu Ting Fang will speak of the waterways development in China. Ambassador Joaquim Nabuco, of Brazil, will address the congress on the waterways of his country.

In view of the great canal work which is being done in Germany, there will likely be several papers read upon foreign work in that nation, although there is no German ambassador in fact in Washington at the present time.

## WILL REVIVE RACING.

**Believed That Interest Will Be Renewed Since the Election.** (By Leased Wire to The Times) New York, Nov. 10.—Horsemen in the west have come to the conclusion since election that racing will be revived in both Illinois and Missouri. They are already predicting that the Chicago, St. Louis and Kansas City tracks will be reopened next year. They say that the election of Hadley, as governor of Missouri, is the best thing that could happen to the racing interests.

It is declared that, while Governor-elect Hadley made no promise before election, the fact that a majority of the racing men worked and voted for him is a good reason to believe that his views were well understood. For that reason, it is said, an attempt will be made to revive the sport at St. Louis and Kansas City.

## FORGER ARRESTED.

**Is Said to Have Operated Clear Across the Continent, Getting Thousands of Dollars.** (By Leased Wire to The Times) San Jose, Cal., Nov. 10.—A series of forgeries extending across the continent and said to involve several thousands of dollars, have been discovered by the police here through the arrest of St. George Forster, a young French Canadian, who was taken into custody on advice from Brandon, Manitoba.

When Forster was questioned at the jail he did not deny that he had forged the name of the Manitoba Seed Company. He states that he came here direct from Chicago, where he passed an order for \$1,000 upon the Leonard Seed Company.

## HOT SPRINGS WANTS TO REPEAL BLUE LAWS.

(By Leased Wire to The Times) Hot Springs, Ark., Nov. 10.—Roulette wheels will whirl, fero will flourish and thoroughbred horses will be welcomed, accompanied by bookmaking, if the wishes of the natives are respected. This was the sentiment expressed at a mass meeting of business men called to sound the community on the advisability of repealing the blue laws as applied to Hot Springs for several years.

## AMERICA HOLDS SHIP RECORDS

### North Dakota Stands Today the Largest Battleship Ever Projected

## 50 PERCENT COMPLETED

**Formally Christened With North Dakota's Own Vintages by Miss Mary Benton, of Fargo, N. D.—Governor Burke, Escorted by a Party of Forty Arrived at 7 O'Clock—Fire Hundred and Eighteen Feet Long Over All and Has Displacement of Over Twenty Thousand Tons.**

(By Leased Wire to The Times) Quincy, Mass., Nov. 10.—Royally saluted as empress of the seven seas and with representatives of the commonwealth of Massachusetts, the government of the United States and Governor John Burke and staff of North Dakota, the giant battleship North Dakota was launched at the Fore River Shipbuilding Company's yards at noon today.

As she slipped down the ways, this monster testimonial of man's genius places all records for battleship construction on American shores, a fitting sequel to the story of the first of all armor-clads, the historic Monitor and Merrimac.

The ship was formally christened with the contents of a bottle of North Dakota's own vintage by Miss Mary Benton, daughter of Colonel John K. Benton, of Fargo, N. D. With a party of more than forty escorting Governor Burke, she arrived at the North station at 7 o'clock this morning.

The North Dakota stands today the largest battleship ever projected. The nearest competitor was His Majesty's battleship, the Collingwood, launched in England last Saturday. She, like the North Dakota, is of the terrible Dreadnaught type and has a displacement of 19,250 tons. The great ship of today's launching goes over the 20,000 ton mark and in every other respect, armament, steaming radius, and speed, exceeds all ships of her type by a comfortable margin.

The North Dakota is 510 feet long on the low water line, 518 feet over all; 85 feet 2 1/2 inches broad; displacement 20,000 tons and has a draft of 27 feet. She has two 44-inch Curtis marine reversible turbines of 25,000 horse-power and will have to make a trial speed, under the most rigid specifications, of 21 knots an hour.

The North Dakota is leaving her ways in the greatest deadweight ever moved in such a manner—more than 9,000 tons. The ship is, technically speaking, more than 50 per cent completed and in her construction all records have been broken for speed. Her keel was laid on December 16 last, and in only two cases have foreign builders ever approximated this record.

## HUNTING FOR GOLD.

**Expedition Sails in Quest of Sunken Spanish Treasure.** (By Cable to The Times) Kingston, Jamaica, Nov. 10.—G. H. Scull, of Boston, and S. S. Boylston, of Baltimore, two of the Harvard men who formed part of the company on the ill-fated schooner Mayflower, and Edward Perham, who was her mate, sailed from this port on the schooner Sea Gull, which is under charter, to the Southern Research Company, to hunt for the sunken gold-laden Spanish galleon.

The treasure hunters take with them a local diver who is said to know persons who knew where the galleon lies. The new expedition is in charge of Captain Farrell, a Cayman Island pilot. All hands feel confident of success this time.

## HAYS AND DORANDO.

**Will Race Again in Madison Square Garden Thanksgiving Day.** New York, Nov. 10.—Johnny Hayes, the hero of the Marathon race held in London last summer, has signed a contract to meet (Petrol) Dorando, the stout-hearted little Italian runner who was half carried and half pushed across the tape in front of the American and was afterward disqualified. The agreement, which Hayes has signed, calls for practically a re-running of this most famous of long distance races in Madison Square Garden, Wednesday, November 25, Thanksgiving evening. It is stipulated that the Marathon distance—26 miles, 385 yards, is to be run.