

ASSASSIN'S SHOT KILLS EX-SENATOR

Edward Carmack Slain in Nashville.

WAS EDITOR OF TENNESSEAN

Murder Result of His Caustic Political Editorials.

WARNING HAD BEEN GIVEN

Shooting Done by Young Robin Cooper, Whose Father Had Been Criticized in Carmack's Newspaper—Victim Fires Back.

NASHVILLE, Tenn., Nov. 9.—Ex-Senator Edward Carmack, editor of the Tennessean, was shot and killed at 4 o'clock this afternoon on Seventh avenue North in front of the Polk flats, by Robin Cooper, a son of Colonel Duncan B. Cooper. Mr. Carmack was going north on Seventh avenue in front of the flats and Colonel Cooper and his son Robin were approaching Seventh avenue on Union street. Soon after they came into sight of one another the shooting was begun. Robin Cooper, it is said, fired two shots and Senator Carmack one.

Due to Editorial Attacks.

Senator Carmack fell to the ground, dying instantly. Robin Cooper was shot in the right shoulder, but was not badly wounded.

It is understood that the trouble was one of the results of a recent Democratic gubernatorial primary, in which Carmack was defeated. Carmack, since he became editor of the Tennessean, had been caustic in criticizing what he called the Democratic machine, and had printed several editorials about Colonel Cooper.

Within the last few days, it is asserted, Colonel Cooper notified Carmack that these editorial criticisms must cease. Another editorial referring to the colonel appeared in the paper this morning, and this is supposed to have been the immediate cause of the trouble.

Assassin 27 Years Old.

An Senator Carmack fell at the edge of the street Colonel Duncan B. Cooper put his arm around Robin Cooper and both walked a few feet down Seventh avenue to Dr. R. G. Ford's office, where Carmack was treated. Carmack's shoulder was examined and treated. An ambulance carried the body of Mr. Carmack to an undertaking establishment.

Carmack's pistol, a .32-caliber, was lying at his side with two chambers empty when the body was picked up and was turned over to an officer. The stump of a cigar Mr. Carmack had been smoking was in the street beside him. Young Cooper was carried to a hospital later and Colonel Cooper is held at police headquarters. He has made no statement.

Robin Cooper is a practicing attorney, 27 years of age and single.

Three Bullets in Body.

Dr. McPheters Glasgow, who arrived at the scene of the tragedy soon after it occurred, said tonight:

"I found the body of Mr. Carmack on the right side of Seventh avenue as one walks to Church street from Union street. He was lying on his back, facing north, with his right arm under his head. His pistol was just out of reach of his right hand, and the weapon was pointing south. An evening paper was lying near his left hand, which held a crushed stump of a cigar. I immediately summoned an ambulance and had the body carried to the undertaking establishment of T. M. Dorris. The body was without signs of life when found by me and appeared to have been so for about five minutes.

There were three bullets in the body of Mr. Carmack. One entered the left side about two and one-half inches below the nipple, and but a short distance below the waist, and stopped a short distance from the right side, under the skin, crossing the median line of the anatomy.

Fatal Wound in Neck.

"Another bullet entered the left shoulder and lodged about 4 1/2 inches below the right nipple, under the skin. Both of these wounds were clean.

"The third bullet which I conceive to be the fatal one was in the neck. The wound was 1 1/2 inches to the left of the median line, and one inch below the hair line on the neck, posteriorly. The bullet entered the neck and made an exit from the mouth of the deceased. It was found on the street, under his tongue, at the exit of the wound. Two front teeth were broken loose. I think two bullets were fired from Carmack's pistol.

The body of Mr. Carmack was prepared for burial and removed to the home of Frank W. Eastman, manager of the Tennessean, and will be taken to Columbia, his former home, tomorrow.

The combatants were evidently very close together when the firing began, but the question of who fired the first shot is in controversy. Mrs. Charles H. Eastman, of this city, and J. M. Eastman, of New York, were nearby when the tragedy occurred. Mr. Eastman's hearing is not good and he declared he knew but little of the affair. Mrs. Eastman said:

Woman Eye-Witness. "We were walking down Seventh avenue, in the direction of Church (Concluded on Page 2.)

AGENT PREVENTS TERRIBLE WRECK

NORTH COAST LIMITED SAVED BY NARROW MARGIN.

News of Runaway Pullmans Flashed Down Line in Time to Break Switchlock With Ax.

RELENA, Mont., Nov. 9.—(Special.)—Save for the vigorous wielding of an axe by Carl Kellett, a transfer agent, a terrible wreck would have ensued between two runaway Pullmans, and the east-bound North Coast Limited last night at Duran.

The Pullmans were standing on a Butte sidetrack when in some manner they were released and started down the main line in an opposite direction to the North Coast Limited. The news was flashed to Durant by the dispatcher, and the operator informed Kellett, who was awaiting the crack Northern Pacific train at that point.

Realizing that only by immediate action could a collision be averted, the North Coast being due within a few moments, he seized an axe, rushed to the switch, and battered the lock loose, just as the runaways came in sight, traveling at terrific speed. He and the operator naturally attempted to stop the cars, but failed. They were finally stopped, however, by empty cars half a mile away. The North Coast Limited arrived before the Pullmans had stopped, and a unanimous vote of thanks by the passengers was tendered the thoughtful transfer agent, whose action had undoubtedly saved their lives. Officials are endeavoring to locate the miscreants who turned the cars loose.

KILLS BEAR WITH STONE

Wenatchee Woman Brings Brum Out of Tree With Rock.

WENATCHEE, Wash., Nov. 9.—(Special.)—Throwing a stone that went true to its aim, Mrs. Oliver Bates, wife of the proprietor of the hotel at Wenatchee Lake, killed a bear last Tuesday that came sauntering into her orchard, apparently looking for something to eat. The bear had swam along the shores of the lake until it came near the landing at the hotel, when it started on its journey which resulted in its death.

Mrs. Bates thought at first that the animal was an otter, as she saw it come out of the water, but a second look revealed brum, and she all alone, as her sons were out in the field working. Her three pet terriers started after the intruder and tormented him so that he sought refuge in the nearest tree. Mrs. Bates started for the house to secure a rifle, but the dogs would not stay by their post unless she was there to urge them on. She then picked up an apronful of stones and started a battery on brum.

The third stone hit him in the head and down came the huge form to the ground, where it lay without a struggle. Mrs. Bates then rushed out to the field, where her sons were working, and called them in, and brum was soon skinned and his meat stored away for the winter.

SEE MULE KILL CHILD

Father and Mother Prostrated After Awful Scene.

WALLA WALLA, Wash., Nov. 9.—(Special.)—Eye witnesses to the death of their little 4-year-old son, Glen, who was literally kicked to a pulp by a mule in their back yard yesterday, Mr. and Mrs. Charles Jones, residing in the country east of Walla Walla, are in a state of prostration.

Mr. Jones had turned a team of mules loose in the back yard of his home to allow them to eat off some high grass. The little boy Glen entered by a side gate while the father and mother were looking in another direction. One of the mules immediately started for the little fellow, and, wheeling, kicked him down. Just then the parents, hearing the thud of the kick, turned and started to prevent the animal from doing further damage, but before they could reach the spot the mule had stamped the body horribly, death being almost instantaneous.

CAST VOTE FOR DEAD MAN

Nevada County Candidate Dies One Day Before Election.

RENO, Nev., Nov. 9.—Twenty voters cast their ballots for a dead man in Bureau County last Tuesday when they voted for Andrew F. Stinson for a county officer.

Stinson was stricken unconscious while making an election speech the day before election and died soon after. He was one of the pioneers of Nevada, coming here in the '50s. He aided in the construction of the Capitol at Carson City.

BANKER TO BE SENTENCED

Supreme Court Upholds Conviction of New Jersey Officials.

WASHINGTON, Nov. 9.—The Supreme Court of the United States today affirmed the decision of the Court of Appeals of New Jersey sustaining the verdict of the Monmouth County Court sessions which convicted President Albert C. Twining and Senator C. Carmel of the Monmouth Trust & Safe Deposit Company, of deceiving a State Bank Examiner as to the condition of their institution. It was contended that the deception was practiced to cover up the misapplication of \$200,000.

UPHOLDS RIGHT TO SEPARATE RACES

States Can Bar Negroes From White Schools.

SUPREME COURT SO DECIDES

Kentucky Favored in Berea College Decision.

TWO JUSTICES DISSENT

Coeeducation of Blacks and Whites Need Not Be Tolerated—Harlan Criticizes Penal Provision of Law Involved.

WASHINGTON, Nov. 9.—In deciding the case of Berea College versus the State of Kentucky favorable to the state, the Supreme Court of the United States today held that the states of the Union may constitutionally legislate to prevent the coeducation of the white and black races. The case was instituted to test the validity of the state law of 1904 prohibiting white and black children from attending the same schools.

The higher state court took the position that the white and black races are naturally antagonistic, and that the forced separation of the children of the two is in the line of preservation of peace. Two Dissent.

The opinion of the Supreme Court was handed down by Justice Brewer and affirmed the finding of both the Kentucky Circuit Court and the Court of Appeals. Justice Harlan and Day dissented. Justice Brewer's opinion dealt entirely with corporations as affected by the Kentucky state law, and did not consider the question of its applicability to individuals. Proceeding upon the theory that a state had complete control over corporations as its own creations, he construed the law of 1904 as in effect an amendment to the charter of Berea College.

Responding to some of Justice Harlan's statements, Justice Brewer said:

"There is no force in the suggestion that the statute, although clearly separable, must stand or fall as an entirety on the ground that the Legislature would not have enacted one part unless it could reach all. That the Legislature of Kentucky desired to separate the teaching of white and colored children may be conceded, but it by no means follows that it would not have enforced the separation so far as it could do so, even though it could not have made it effective under all the circumstances."

Contending that it would prove impracticable and unsatisfactory to separate (Concluded on Page 2.)

SEND HOME 717 NOT VACCINATED

SEATTLE SCHOOLS REFUSE PUPILS ADMISSION.

Anti-Vaccinationists Propose to Fight Board of Education's Recent Order.

SEATTLE, Wash., Nov. 9.—(Special.)—Because their parents have failed or refused to have them vaccinated, 717 children were today sent home from the Seattle public schools. In refusing to admit the children to the buildings the principals were acting under instructions from the Board of Education, which decided November 6 that the rules regarding inoculation for the prevention of smallpox should be rigidly enforced beginning this morning.

The anti-vaccinationists are advising parents to send their children back to school when they are refused admittance. According to figures compiled by Dr. G. A. R. Steiner, of Ballard, there are in all 2008 children in the Seattle schools who are not vaccinated. Among the children sent home today are several belonging to Councilman J. T. Armstrong, of the Thirteenth ward, who said this morning he will fight the case to a finish. During the last few days different persons have called up Armstrong by telephone to congratulate him upon the stand he has taken. Among them is J. W. Salminen, a tailor, residing at 2326 Judkins street.

KERMIT TO ACT AS USHER

President's Son Will Help Entertain Sailors at Charleston.

BOSTON, Nov. 9.—Kermit Roosevelt, second son of the President, a freshman at Harvard, was one of the collegians to volunteer to assist in entertaining seamen at the Sailor's Haven, Charleston. He has been assigned, among other duties, to stand at the door while the sailors enter and usher them to their seats. Since taking up this work Kermit has been quoted as saying: "I believe every man in college should get into charitable work or something of that nature, no matter how busy he may be." At the opening of the term young Roosevelt was invited by his classmate, R. Clifford, nephew of J. Pierpont Morgan, to help out at the Haven some night when one of the societies should be in charge of the exercises. He accepted, was introduced to Superintendent King, talked with the sailors, played chess and checked with them and made himself a good fellow generally.

LOUISIANA NOW AT MANILA

Rear-Admiral Emory's Flagship Arrives From Amoy, China.

MANILA, Nov. 9.—The battleship Louisiana, flagship of Rear-Admiral W. H. Emory, commanding the second squadron of the Atlantic fleet, arrived today from Amoy, China.

The Wisconsin, flagship of Rear-Admiral Scammon, and the Vermont, flagship of Rear-Admiral Schreyer, and the Vermont, flagship of Rear-Admiral Schreyer, transferred his flag to the Louisiana, and Admiral P. W. Foster, of the Vermont, raised his pennant upon the Wisconsin. The Connecticut will go to sea for battle practice on Wednesday, and will be followed within a short time by the other vessels of the fleet.

GOMPERS DEFIANT, THOUGH DEFEATED

Will Continue to Exercise Free Speech.

DENOUNCES CANNON SAVAGELY

Accuses Speaker of Packing House Committee.

HITS AT SUPREME COURT

Opposition to Re-election as President of Labor Federation Evaporating—Mitchell Says He Followed Instructions.

DENVER, Nov. 9.—Hearty applause followed President Samuel Gompers of the American Federation of Labor by the delegates to the 25th annual convention of the organization at its opening session today and also at the close of his report, which he read at the afternoon session, was interpreted to indicate that there would be no effective opposition to his re-election.

"The statement that there would be a big fight in the convention in regard to the action taken by President Gompers in the recent campaign will not be fulfilled," said John Mitchell, ex-president of the United Mine Workers of America and a delegate to the labor convention. "The action of Mr. Gompers was the result of instructions given him by the Federation at previous conventions and he will have virtually the entire support of the present convention."

"It is true there may be a fight on the question of allowing the Federation to be brought into politics in the future, but I do not think Mr. Gompers will be censured for the part he played in support of Mr. Bryan."

No Permanent Unemployed Army.

The reading of the report consumed more than three hours and the reports of the secretary and treasurer were then read in abbreviated form. The secretary's report showed that the Federation had had a prosperous year.

Mr. Gompers' report was a long and exhaustive accounting of the work performed by the president during the year. At the outset he declared: "There must not be permitted to grow up or to be maintained a permanent army of unemployed."

The part of the report that touched on the Buck Stove & Range Company injunction was frequently interrupted by applause. The statement of the stand taken by John Mitchell, Frank Morrison and Samuel Gompers on the injunction matter also was applauded. In opening his report Mr. Gompers (Concluded on Page 4.)

CORTELYOU WILL STAY IN CABINET

FINANCIAL INTERESTS BRING PRESSURE TO BEAR.

No Doubt Taft Will Retain Him as Secretary of the Treasury, Loeb Down and Out.

WASHINGTON, Nov. 9.—(Special.)—Information reached Washington today from reliable sources that Mr. Taft will retain Mr. Cortelyou as Secretary of the Treasury, and that Mr. Loeb, now secretary to the President, will not be in the next cabinet. It is stated that strong pressure has been brought upon Mr. Taft by financial and business interests to retain Mr. Cortelyou. He has given complete satisfaction to President Roosevelt in the official discharge of his duty, and, while pleasing the President, he has been able to earn the commendation of those large business interests which have to do with his department.

There has been some talk of Mr. Meyer, at present Postmaster-General, being transferred to the Treasury portfolio by Mr. Taft, but it is stated that Mr. Meyer has such business interests that he is not eligible for the place. Many of these interests have been inherited by Mr. Meyer, and he has no disposition to sever his connection. It is emphatically stated by the authority quoted that Mr. Loeb will not be a member of the next administration in any capacity.

FOUR BID ON BATTLESHIP

Lowest Figure for Building Utah Is \$3,946,000.

WASHINGTON, Nov. 9.—Four shipbuilding companies competed for the contract for the construction of the battleship Utah, bids for which were opened at the Navy Department today. The lowest bidder was the New York Shipbuilding Company, of Camden, N. J., at \$3,946,000 for a 20 1/2-knot ship. A bid for the construction of a 21-knot vessel was submitted by the Fore River Company, of Quincy, Mass., at \$4,440,000, the lowest bid for this class.

The Utah is to be a sister ship of the Florida, now being constructed at the Brooklyn Navy Yard, and is to be of about 21,825 tons displacement. Bids also were opened for supplying machinery for the Florida and for armor for both vessels. For the machinery of the Florida the Newport News Shipbuilding & Drydock Company was the lowest bidder at \$1,517,000.

INDICT FOR LAND FRAUD

Presidential Elector Among Those in Dragnet in California.

SAN FRANCISCO, Nov. 9.—The Federal Grand Jury has returned indictments for land fraud against D. W. Duwinnell, recent Republican Presidential elector; J. D. G. Ganganor, John Gilpin and Rex F. Deter, all prominent residents of Shasta County. They are accused of having hired eight men to take up claims in a tract of high-class timber land opened to the public two years ago. The men are said to have paid their expenses of the eight men and given each \$200 to relinquish his title to the land. Ganganor has already been arrested and released on \$3000 bail.

INDICTED, SELLS HIS LAND

Banker Believed to Be Arranging Trans-Atlantic Payment.

RENO, Nev., Nov. 9.—That T. B. Rickett, indicted president of the State Bank & Trust Company, has sold all his ranch properties in Southern California to Miller & Lux for \$400,000, and that this money is to be paid to him or his agents in Germany, possibly with the intention of evading claims of Nevada creditors, is the statement made today by Attorney C. A. Mack, who will prosecute the case brought against Rickett by the State Bank Examiner to recover some mining stock, and which will be called at Independence, Cal., tomorrow. Rickett passed through Reno yesterday on his way to Independence.

CROWD THIRSTS FOR BLOOD

San Francisco Motorman Saved From Violence.

SAN FRANCISCO, Nov. 9.—While the body of a gray-haired woman, cut in two by the wheels of a car, lay on the pavement at Twenty-ninth and Dolores streets last night, an excited crowd was attempting to reach J. H. Lance, the motorman, who was saved from violence only through the determined attitude of two policemen who had him in custody. There were cries of "lynch him," and while efforts were being made to raise the car and release the body the anger of the crowd momentarily increased. The dead woman was Miss Maggie Malin, who was struck while crossing the street. It is presumed that she was hard of hearing and failed to observe the car's approach.

CLUB WOMEN MEET TODAY

State Federation Convenes in Annual Session at La Grande.

LA GRANDE, Or., Nov. 9.—(Special.)—The Oregon State Federation of Women's Clubs will convene here tomorrow morning to continue for three days. Already 30 of 70 delegates are here, having arrived on the late trains tonight. Mrs. Sarah Evans, the president, and her corps of officials arrived tonight. A splendid programme has been prepared for the three-day session, including, aside from the prescribed numbers, a pipe organ recital, a trip to the sugar factory and a visit to the largest mill in Eastern Oregon, the George Palmer Lumber Company's institution.

GIVE UP \$20,000 OR BE DYNAMITED

Denver Woman Threatens Mrs. Phipps.

TRIES TO KILL DETECTIVES

Trapped in Automobile, She Throws Explosive.

PADDING FOILS PURPOSE

Mysterious Woman Says Hypnotist Drove Her to Attempt Life of Millionaire's Daughter-in-Law. Trapped by Blunder.

DENVER, Nov. 9.—After haunting the residence of her intended victim for two days and making efforts in every way imaginable to get into communication with her, an unknown woman who threatened Mrs. Genevieve Chandler Phipps, the divorced wife of Lawrence Phipps, the Pittsburg millionaire, with death unless she were given \$20,000, was foiled in her design by the clever work of bank and city detectives. When she discovered that she was outwitted, the woman cast dynamite sticks intended for Mrs. Phipps at the detectives, but, fortunately, they fell against the upholstered wall of an enclosed automobile, which prevented their exploding.

The woman was quickly placed under arrest and efforts are being made to find some clue to her identity. She persistently refuses to give her name, but insists that she is under the influence of a hypnotist, and that this explains her attempt at blackmailing Mrs. Phipps. Deliberate and Determined.

The woman went about carrying out her plans with a determination evidently born of desperation. Ever since Saturday she had repeatedly telephoned the Phipps home and called there in an effort to have an audience with the well-known society leader. Finally Mrs. Phipps became alarmed and today went automobile in City Park to avoid the woman, who had made several calls at the house during the day. The woman evidently saw her in the machine, for she attempted to attract the attention of Mrs. Phipps as she was being driven slowly along one of the park driveways. She was standing beside a tree at the time.

Calms Victim, Then Threats.

Mrs. Phipps directed her chauffeur to continue past her, but the woman leaped from behind the tree and into the machine as it was going by. She quickly engaged Mrs. Phipps in conversation, assuring her that her apparent fears (Concluded on Page 2.)

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