

HYSTERIA ENDS
QUESTIONING OF
MRS. CARMACK

Senator's Widow Breaks Down
at Trial of Husband's
Murderers

Woman Who Witnessed Shoot-
ing Dramatically Re-
enacts Tragedy

Says She Denounced Cooper
for Killing His Enemy
Like a Dog

NASHVILLE, Tenn., Feb. 15.—Filled
with dramatic incidents and
marked by scenes that bordered
on the sensational was the first
day of the actual trial of the Cooper-
Sharpe case.

Whether Colonel Duncan B. Cooper,
Robin J. Cooper and John Sharpe killed
former Senator Carmack in self-defense,
or as a result of a conspiracy, is the
issue. Scarcely had the attorneys been
rapped into order—the judge having
broken two good gavels in the work
thus far—than the first sensation was
produced.

Mrs. E. S. Carmack, widow of the
slain man, was half carried and assisted
into the room. She was in mourning.
Her knees gave way as she neared her
seat and she was moaning as she was
placed in her chair. Her little son,
Ned, aged 10, stood by his mother,
patting her shoulder and trying to keep
back his tears. Great surprise was
caused when the state called Mrs. Car-
mack as its first witness. She was
almost carried to the witness stand by
her kinsman, Frank Lander, who suc-
ceeded her husband as editor of the
Tennessean.

She told her name and her husband's
occupation in a trembling voice.
"When did you last see your husband
alive?"
"Oh, God," she sobbed, "on Sunday,
the day before he was killed. For sev-
eral moments she was unable to speak."
"When did you hear from him last?"
"By telephone on Monday, a little
while before he was killed."
"What was the conversation?"
The defense objected, and it was
sustained.

Mrs. Carmack then became hysterical
and was excused.
Boy Shows Hatred
As Mrs. Carmack left the stand young
Ned Carmack turned squarely toward
the defendants and fixed upon them a
look full of hatred.

The state next called E. B. Craig,
former state treasurer, who testified to
his close relations with Senator Car-
mack. He said he spent all Saturday,
November 7; Sunday, November 8,
the day before the murder, with Senator
Carmack. He saw Colonel Cooper the
evening of November 8 at the Tulane
by appointment.

"After discussing the personal matter
which led me to meet Colonel Cooper,
the latter began to discuss the editor-
ials in the Tennessean. Colonel
Cooper was greatly agitated and very
angry. He said: 'I am an old man, a
private citizen, and if my name again
appears in the Tennessean I or Senator
Carmack must die.' Colonel Cooper's
manner was violent and he denounced
Senator Carmack viciously as an in-
grate. His manner so alarmed me that
I told him that I would confer with
Senator Carmack."

"What was said about the note?"
"He said he had written Carmack a
note that could not be misunderstood."
"Did you communicate to Carmack
the threats of Colonel Cooper?"
"I told Carmack what Cooper had
said."
Note Threatened Death
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.

The state next introduced in evidence
the Tennessean of November 9, con-
taining the editorial article on Colonel
Cooper which led to the murder and
which referred to Colonel Cooper as
"the diplomat of the zweibund."
The defense passed cross examina-
tion and Mrs. Charles H. Eastman, who
was speaking with Senator Carmack
when he was killed, was called. Mrs.
Eastman told how she met Carmack
and identified the exact spot. "Senator
Carmack came swinging along," said
she, "his eyes lighted up with a pleas-
ant look, and we both stopped. He
raised his hat and was looking into my
eyes in a listening attitude. Suddenly
from behind me came a voice, saying:
'Well, here you are. We have the drop
on you.'"
"Did you see any one?"
"No, sir. The voice came from be-
hind 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 put 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 be-

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NEWS TODAY.

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LUX'S SISTERS
ARE ACCUSED OF
EMBEZZLEMENT

Guardian of Society Women's
Incompetent Brother Files
Serious Charges

Asserts \$115,000 of Wealthy
Man's Estate Unlawfully
Taken by Defendants

Declares Ward Exists in Pover-
ty, While Sisters Live in
Luxury

[Special Dispatch to The Call]

SAN JOSE, Feb. 16.—Mrs. Lizzie M.
Pott and Mrs. Lena M. McBride, promi-
nent society women, are the defendants
in a sensational action commenced to-
day by their brother, Charles E. Lux,
an incompetent, through his guardian,
Coroner Barney E. Kell.
Kell petitions that they, together
with their husbands, be cited to appear
in court and answer to his charge that
they have embezzled the funds of the
estate valued at \$115,000.
By the terms of the will of Henry
Lux, who died in July 1902, Mrs. Pott
and Mrs. McBride were made execu-
tors of the will and trustees of an
estate appraised at \$340,000, which it
was directed should be used for the
equal benefit of themselves and their
brother, Charles.

Accuses Trustees
It is charged that the trustees since
the death of their father have paid
over to their brother less than \$25 a
month, that he, during all this time,
together with his wife and two minor
children, has lived in the direct and
most humiliating want and has been
dependent upon the charity of relatives
and friends for the common neces-
saries of life because the trustees were
and are either recreant to their trust
or grossly incompetent, "and that dur-
ing all this time the trustees, though
dependent upon their respective
interests in the estate, have lived in
comfort and luxury."

Many Charges Made
It is further charged that one of the
trustees, Mrs. Lena M. McBride, "with
her husband, child and servants, has
lived in the mansion belonging to the
estate, on Alum Rock avenue in East
San Jose, without paying any rent
therefor," or giving the estate any
credit therefor, and has expended for
keeping up this establishment large
sums of money which belong to the
estate.

The petitioner further asserts that
for more than six months past his
ward has received no maintenance
whatsoever from the trustees.
Mrs. Pott and Mrs. McBride are fur-
ther charged with having concealed,
embezzled, smuggled, conveyed away
and disposed of a part of the money,
goods and chattels of the estate be-
longing to Charles H. Lux.

MAY KEEP HALF OF
FLEET IN THE PACIFIC

Western Senators Would Guard
This Coast From Attack

WASHINGTON, Feb. 16.—The naval
appropriation bill was under considera-
tion in the senate, sitting as a com-
mittee of the whole, throughout the
day.
At the night session an amendment
was adopted directing that in the dis-
cretion of the president half of the
entire naval fleet should be kept on the
Pacific coast.
During the debate Senator Flint said
he understood the people of the Atlan-
tic coast did not care for the fleet and
the people of the Pacific did.
"Would half of the fleet on the Pa-
cific coast keep the Japanese out of
California?" asked Senator Nelson.
"I think so," replied Flint.
Urging the adoption of the provi-
sion, Senator Fulton of Oregon declared
there are great interests on the Pacific
coast which need protection and there
is more danger of attacks being made
on that coast than on the Atlantic sea-
board.

ANGERED BY SLANDER,
WOMAN USES HORSEWHIP

Assistant Chief of Sparks Police
Publicly Punished

SPARKS, Nev., Feb. 16.—E. M. Wees,
assistant chief of police of Sparks, was
whipped in front of the Sparks post-
office today shortly after noon by Mrs.
Irene Tutt, in the presence of a large
crowd.
Mrs. Tutt was armed with a cowboy's
quirt about three feet in length and
struck Wees several stinging blows
over the head and shoulders before he
was able to wrest the weapon from her.
Then she struck him with her fist,
knocking his pipe from his mouth, and
was about to throw his watch into the
street when a constable placed both
under arrest.
Mrs. Tutt said that Wees had slan-
dered her. She declares that "he got
what a man should get who tries to
tear to tatters a woman's reputation."

DEATH'S TOLL IN
THEATER HORROR
MAY REACH 350

Late Estimates of Number of
Victims Range Between 200
and 350, but Are Uncertain

Acapulco Dazed by Awful Trag-
edy; Stores Close and People
Mourn Their Dead

No Recognizable Bodies Recov-
ered From the Ruins—Only
Charred Flesh and Bones

[Special Dispatch to The Call]

MEXICO CITY, Feb. 16.—Late dis-
patches from Acapulco, where the
Flores theater was burned while the
structure was crowded at a perfor-
mance given in honor of Governor Da-
mian Flores of the state of Guerrero,
bring varying estimates of the loss of
life. They agree in declaring, however,
that the dead will exceed 200, while
some place the figure as high as 350.
Most of the dead were burned beyond
recognition.

Whole City Mourns
Acapulco is dazed by the catastrophe.
All business at the port has ceased,
the shops have closed and the people
are crowding the churches, where masses
are being celebrated for the dead.
The fire, which spread with incredible
rapidity through the immense wooden
and adobe structure, was due, it is
charged, to the carelessness and inex-
perience of the operator of the moving
picture machine. There was an explo-
sion, a burst of flame which ignited the
bunting used for decoration, and in a
few minutes the entire structure was
in flames.

The exits were all in the front part
of the building, which was almost im-
mediately turned into a wall of fire,
and the people were entrapped. The
women and children suffered most and
comprise a majority of the dead.

Find Charred Bodies

The search of the ruins has thus far
revealed no recognizable human form.
Charred bodies from which legs and
arms have been burned have been
taken from the ruins and as there was
no chance of identifying them all have
been buried in a common trench.
The greatest loss of life was caused,
according to survivors, by the fall of
the roof, which crashed down on the
entrapped people. Previous to this the
men in the pit had fought like demons,
striking down women and children in
their efforts to escape. The fall of
the roof, however, stilled the screams
of the fighting audience.

Business Saves His Life

E. C. Jennings, who is in business at
Acapulco, arrived here yesterday on the
steamer Peru. He says that the Flores
theater was the only wooden structure
in Acapulco and that ever since its
erection three months ago popular
opinion had rated it as a death trap.
He was to have been present at the
performance that terminated so fatally
and was much shocked yesterday to
learn that the business which had
called him away had been the means
probably of saving his life.

Governor Unhurt

EL PASO, Tex., Feb. 16.—According
to dispatches received here today from
Governor Damian Flores of the state
of Guerrero, Mex., in whose honor the
theatrical performance was given at
Acapulco, when hundreds of people
were burned to death Sunday, the gov-
ernor was unhurt. Governor Flores
telegraphs that the fire scene was hor-
rible in the extreme and that he has
been inexpressibly shocked by his ex-
perience.

POPE PIUS THANKS THE
MARBLE WORKERS' UNION

Papal Blessing Conferred for
Subscription for Sufferers
Pope Pius sent his apostolic blessing to
the marble workers' union No. 44 in
acknowledging the receipt of \$127.50
subscribed by the organization to the
holy father for the benefit of the suf-
ferers of the Italian earthquake. A let-
ter from the papal secretary of state
thanking the union for its donation was
read at a meeting last night, and in it
the writer added that the pope sent his
blessing.

William Howard Taft
In the Canal Region



PRESIDENT ELECT WILLIAM H. TAFT and Colonel George W. Goethals, chief engineer of the Panama canal. The photograph was taken in Panama on the 4th inst., and is, therefore, one of the very latest photographs of the man who will be president of the United States on the 4th of next month.

It was sent to The Call by one of the Taft party on its arrival in New Orleans.
Mr. and Mrs. Taft reached Washington yesterday. Mr. Taft immediately went to the White House and had a conference with President Roosevelt and the board of engineers who accompanied him to Panama.
Mr. Taft positively stated that Philander C. Knox will be his secretary of state, all legal obstacles having been surmounted.

MRS. VANDERBILT SR.
"PUFFS" INTERVIEW

Smokes Cigarette on Liner's
Deck and Discusses Plans
Between Whiffs

[Special Dispatch to The Call]
NEW YORK, Feb. 16.—Smoking a
gold tipped cigarette, which was held
between two richly jeweled fingers,
Mrs. William K. Vanderbilt Sr. stood in
the doorway of her suite on the Kron-
prinzessin Cecile and calmly surveyed
the stream of passengers hurrying by
her cabin through the main companion-
way just prior to the sailing of the
big liner this morning. Mrs. Vander-
bilt was asked:
"Would you object to stating some-
thing about your plans on the other
side?"
"Oh, I don't care (puff) to talk about
them" (puff).
"Will you remain abroad long?"
"Same as usual" (puff).
"Does that mean all summer?"
"Yes" (puff).
"Return in the fall?"
"Yes" (puff).
"Going to the south of France this
year?" persisted the reporter.
"No" (puff); "stay in Paris" (puff).
"Going yachting?"
"No" (puff).
"Good day."
(Puff.)

EXPLOSION IN COLLIERY
SNUFFS OUT 180 LIVES

Two Hundred in Pit and Rescue
Is Impossible
NEWCASTLE, Eng., Feb. 16.—A ter-
rible disaster has occurred at West
Stanley, a small mining town 12 miles
distant, in which it is feared 180 lives
have been lost.
Nearly 200 of the men were in the
pit at the time, and up to a late hour
tonight none of them has come to the
surface, although rappings have been
heard and it is supposed these are from
the miners who escaped death.
Almost immediately after the explo-
sion flames burst through the shaft,
scorching the workers at the pithead
and blowing out the fencing and ap-
paratus at the entrance.

TENOR SAILS WITH
WIFE OF HEXAMER

Burgstaller Quits Metropolitan
Stage to Travel With
Enchantress

[Special Dispatch to The Call]
NEW YORK, Feb. 16.—Terminating
a contract which called for his appear-
ance on the stage of the Metropolitan
opera house throughout the present
season, Alois Burgstaller, whose tre-
mendously appealing love songs have
wrung many a sigh from the breasts of
fair patrons of the opera, waived a
joyous farewell to these shores today
from the deck of the North German
Lloyd liner Kronprinzessin Cecile.
His happiness was shared by his
friend, Mrs. Lydia Hexamer, the fascinat-
ing and handsome wife of a rich resi-
dent of Hoboken. Mrs. Hexamer appar-
ently has left in abeyance her suit for
divorce which was begun three months
ago. Burgstaller has been a friend of
the Hexamers ever since his arrival in
this country five years ago. His friend-
ship for Mrs. Hexamer was marked
from the first.
Hexamer, a leader in German-Ameri-
can circles in New Jersey, was some-
what embarrassed by the friendship of
his wife and the singer on account of
rude conduct on the part of Gustave
Geiger, the family coachman.
Geiger claimed to be of noble birth
and chafed at the necessity of waiting
with the carriage late at night until
Burgstaller had delighted Mrs. Hexamer
with song.

HARRIMAN IN TEXAS
WITH FEW PROMISES

Says Only Absolutely Necessary
Work Will Be Done
HOUSTON, Tex., Feb. 16.—E. H. Har-
riman arrived here today with his
party and left tonight for San Antonio,
where he will remain for several weeks.
He is making a careful inspection of
the Southern Pacific properties. Asked
concerning prospective improvements
Harriman stated that nothing would be
done in Texas which was not absolutely
necessary.

WOLFE HAS
KNIFE FOR
PRIMARIES

San Francisco Senator Picked
by Machine to Strangle Mea-
sure by Amendment

Bitter Fight on Wright-Stanton
Bill in Senate Is Scheduled
for Thursday

Injection of Majority Nomina-
tion Clause Intended to De-
feat Party Pledges

Vote Will Show Alignment of
Upper House For or Against
the People

By George A. Van Smith

[Special Dispatch to The Call]
CALL HEADQUARTERS, CHAM-
BER OF COMMERCE BUILDING,
SACRAMENTO, Feb. 15.—The
showdown on the Wright-Stanton di-
rect primary bill in the senate is set
for Thursday morning, when the up-
per house will choose between the ma-
jority committee report, which provides
for the nullification of the measure by
the injection of a majority nomination
clause and the elimination of every
mention of United States senators, and
the minority report, which saves the
original bill except for purely mechan-
ical amendments.

The fight for the adoption of the
amendments proposed by the majority
of the packed committee on elections
will determine not alone whether the
people of California are to have a genu-
ine direct primary law, but it will re-
sult in a clean cut alignment of the
membership of the upper house for and
against the people.

Bitter Fight Promised

The fight promises to be both spirited
and bitter. Eddie Wolfe of San Fran-
cisco, picked by the machine to make
his fight for the garrotting of the direct
primary bill by the injection of a ma-
jority nomination clause, has served no-
tice that he purposes to tear the re-
formers to pieces.
The term reformer has always been
an epithet in Wolfe's mouth, and in
any event it would be an easier task
for him to hurl bad names at the peo-
ple who stand for decent laws and for
honest redemption of party pledges
than it will be to cover the assassin's
knife but poorly hidden in his major-
ity nomination scheme.

Wolfe to Lead Opposition

The alignment on the direct primary
measure will not be unlike the original
alignment on the anti-racetrack gam-
bling bill.
The direct primary bill with its nu-
merous provisions presents many more
small holes for the enemies of good
government to crawl through than were
offered by the single proposition in-
volved in the short anti-racetrack gam-
bling bill, but if the combined efforts
of Herrin, Parker, Burke, Lynch et al.
fail to cause a break in the solid ma-
jority of the upper house now pledged
to the bill, the ruin for the measure
will include several of the 19 senators
who got under cover when they dis-
covered that the racetrack bill could
not be defeated.

Leavitt to Furnish Brains

Leavitt, who bossed the fight against
the Otis-Walker bill, will furnish the
brains for the fight against the direct
primary bill, and every one of the
seven who voted against the Otis-
Walker bill are more or less frankly
against the primary bill.
Savage, who did not vote against the
Otis-Walker bill because his vote
would have done no good; and Hartman
and Hare, who did vote against the
Otis-Walker bill, have gone on record
against honest direct primaries as
members of the majority of the senate
committee on elections. Savage is
frank enough to admit that he is op-
posed to any direct primary law.

Opponents Are Scored

The bill came into the senate today
with the majority report, which pro-
vided for dismemberment and a strong
minority report signed by Chairman
Estudillo and Senators Wright and
Stetson.
The minority report described the
amendments proposed by the majority
as contrary to the purpose of a direct
primary law, a violation of the pledges
made to the people and a denial of the
demands made by the electors of Cal-
ifornia, who by a majority of more than
100,000 votes ratified the Held-Wright
direct primary amendment.
A majority of the senators who have
been lined up by the machine and who
are waiting to see how the cat will