

SHOT DOWN IN STREET

Former Senator Carmack Victim of Gun Fight at Nashville.

OUTGROWTH OF POLITICAL BROIL

Shooting Done by Robin Cooper, Son of Political Rival.

DEATH ALMOST INSTANTANEOUS

Victim Fired One Shot and His Assaultant Two.

BOTH MEN ARE DEMOCRATS

Mr. Carmack's Caustic Criticism of the Machine and of Colonel Cooper Had Caused Ill Feeling.

NASHVILLE, Tenn., Nov. 8.—Former Senator Edward Ward Carmack, editor of the Tennesseean, was shot and killed this afternoon about 4 o'clock on Seventh avenue north in front of the Foubt 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 in sight of one another the shooting began. Robin Cooper, it is said, fired two shots and Senator Carmack one. Colonel Duncan B. Cooper, it is said, drew his pistol, but did not fire. Senator Carmack fell to the ground and died almost instantly. Robin Cooper was shot in the right shoulder, but was not badly hurt. It is understood that the shooting is one of the results of the democratic gubernatorial primary, in which Carmack was defeated. Carmack had since he became editor of the Tennesseean been quite 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. This morning another editorial in reference to the colonel appeared in the paper and this is supposed to have been the immediate cause of the tragedy. As Senator Carmack fell at the edge of the street, Colonel Duncan Cooper put his arm around Robin Cooper and both walked a few feet down Seventh avenue to Dr. R. G. Fort's office, where the slight wound in Robin's shoulder was examined and treated.

An ambulance carried the body of Mr. Carmack to an undertaking establishment. The pistol of Carmack, a .25-caliber, was lying at his side with two of the chambers empty when the body was picked up and turned over to an officer. The stump of a cigar Mr. Carmack had been smoking was also on the street beside him.

Young Cooper was later carried to a hospital and Colonel Cooper is held at police headquarters. He has made no statement. Robin Cooper is a practicing attorney-at-law, 37 years old and single.

Sketch of Carmack's Career.

MEMPHIS, Tenn., Nov. 9.—Former United States Senator Edward W. Carmack was born near Nashville, Tennessee. He served with distinction in the United States senate for six years, being defeated for reelection in the primary a little over a year ago by former Governor Taylor.

Senator Carmack then resumed the practice of law in this city, which was then his home, but within a few months removed to Nashville. Last spring he opposed Governor Patterson for the democratic gubernatorial nomination, championing the cause of state-wide prohibition. He was defeated.

Shortly after his defeat Mr. Carmack was offered the editorship of the Nashville Tennesseean. He accepted and since then has been at the head of the Tennesseean.

Senator Carmack's newspaper career began in 1868 as a member of the editorial staff of the Nashville American. He founded the Nashville Democrat in 1889 and when it was merged into the American became editor-in-chief of the latter paper. In 1895 he became editor of the Commercial Appeal at Memphis.

He was married April, 1890, to Miss Elizabeth Coby Dunnington of Columbia, Tenn.

Popular in Congress.

WASHINGTON, Nov. 8.—Senator Carmack, during his senatorial career from 1901 to 1907, made a number of brilliant speeches. Although inclined to be sarcastic in some of his utterances he had many friends in congress among both democrats and republicans, who admired his fearlessness and his intellectual attainments. Perhaps the most notable speech during his four years in the lower house was his brilliant effort in his own defense when Josiah Patterson, father of the present governor of Tennessee, contested Carmack's seat. During his congressional career he was constantly attacked by the republican administration, notably in connection with the Indiana, Brownville and Panama revolution incidents, and alleged executive encroachment.

In the senate he was a minority member of the committee on Philippines.

EFFORT TO KILL E. M. MORGAN

New York Postmaster Nearly Victim of Assassins.

NEW YORK, Nov. 8.—Postmaster Edward M. Morgan of this city was shot down in the street as he was leaving his home in One Hundred and Forty-sixth street for the postoffice this morning by Eric H. B. Mackey, a stenographer, employed by a downtown law firm, who then shot and instantly killed himself. The single bullet which struck Mr. Morgan entered at the right side of the abdomen and passed out at the left side without penetrating the walls. There was no internal bleeding and there is every likelihood that the wounded man will recover. The only excuse known for the shooting was that Mackey had complained to the authorities at the Postoffice Department in Washington that his mail had been impeded with and that someone turned on a electric light when he reading by it in the corridor of the postoffice.

Mackey had received a reply that there was no evidence of tampering with his mail and that the incident of the electric

SUMMARY OF THE BEE

Tuesday, November 10, 1908.

Table with 2 columns: Date and Page. Includes dates from Nov 3 to Nov 28.

THE WEATHER. For Omaha, Council Bluffs and vicinity—Partly cloudy Tuesday; not much change in temperature.



DUMESTTO. An insane man with a fancied grievance against persons in power made an unsuccessful effort to assassinate Postmaster E. M. Morgan of New York City yesterday and then committed suicide.

President Gompers of the American Federation of Labor delivered his annual report to the convention at Denver yesterday.

Judge Smith McPherson is hearing evidence in Kansas City in the fight of the roads against the 2-cent fare law of Missouri.

President Roosevelt sent his congratulations yesterday to the sixty-seventh anniversary of the birth of King Edward.

President Roosevelt has sent invitations to a labor legislation dinner.

National Chairman Mack is in Chicago clearing up the work of the campaign.

Bishop Williams of Omaha is in attendance at a missionary council at Fargo, N. D.

The Yale Glee club will include Omaha in its winter itinerary.

The former president of the National Bank of Commerce of Kansas City is reported to have secured control of the bank's stock and will out former Comptroller Ridgely.

A sharp fall in tobacco stock followed the adverse decision of the United States circuit court on the nature of the corporation.

Secretary Garfield plans to head off frauds under the desert land act.

Five persons are missing and eight were seriously injured as a result of a fire which destroyed a resort at Lead, S. D.

Tumble by Mitchell costs it the game with Grand Forks.

TOBACCO. The annual lord's mayor's show in London was an unusually successful pageant this year.

COMMERCIAL AND INDUSTRIAL. Live stock markets. Grain markets. Stocks and bonds.

HEBASIA. Governor Sheldon is seriously considering calling an extra session of the legislature to pass a county option bill after having sent messages to members of the present legislature asking their position on the subject.

MOVEMENTS OF OCEAN STEAMERS. Port. Arrived. Sailed.

HAINS' TRIAL DATE IS FIXED. Brother of Murderer Will Face Jury Middle of December—Army Transport Delayed.

NEW YORK, Nov. 9.—Counsel for the Hains brothers today informed the court that the army transport bringing their witnesses would not arrive until January 1 and asked that the trial of T. Jenkins Hains be postponed until that month. The district attorney objected and stated that the transport would arrive on November 20. After some argument the court set the trial of T. Jenkins Hains for December 14, so that it would take place within the term of office of the present district attorney. No date was fixed for the trial of Captain Hains. Captain Hains sat with bowed head during the proceedings, but his brother was in an animated conversation with his counsel.

RETURNS SLOW IN MISSOURI. Official Count Will Be Greatly Delayed in This Southern State.

JEFFERSON CITY, Mo., Nov. 9.—Official returns of last week's election are coming to the secretary of state slowly. Sixty-eight counties have thus far reported and it probably will be the last of the week before all are heard from. None of the communications can be opened until all are received. The returns then will be canvassed, and the official results announced, determining definitely the complexion of the legislature and the personnel of the minor state offices.

EARTHQUAKE AT SABETHA, KAN. Reports Numerous From Vicinity of That City, Showing Disturbance is General.

SABETHA, Kan., Nov. 8.—Reports are coming in from all directions within a radius of twelve miles of Sabetha of a supposed earthquake shock felt at midnight Saturday night. Scores of farmers report feeling the shock, but, as far as known, no damage was done.

MACK IS AT HEADQUARTERS. Democratic Chairman Busy Clearing Away the Campaign Wreckage.

CHICAGO, Nov. 8.—Norman E. Mack, chairman of the democratic national committee, arrived today and went immediately to the headquarters here. He devoted his attention to clearing up odds and ends of business left over from the campaign.

TWO-CENT FARE FIGHT BEGINS

State of Missouri Contending for Validity of New Law.

MAXIMUM FREIGHT LAW ALSO

Governor-Elect Hadley in Court Directing Case of State—Much Evidence Secured by Both Sides.

KANSAS CITY, Mo., Nov. 9.—Representatives of the eighteen leading railroads operating in Missouri appeared before Federal Judge Smith McPherson here today and began the presentation of evidence in an endeavor to prove their contention that the railroads are unable to operate with the maximum freight laws, passed by the legislature. The state of Missouri is the defendant and it was represented by Herbert S. Hadley, the attorney general and the newly elected governor of the state.

This was Mr. Hadley's first visit to his home city since his election and before court opened he was the center of congratulatory friends, who took occasion to congratulate him.

The 2-cent and the maximum freight laws have been in effect for some time past, the railroad companies having previously agreed not to contest the laws until it could be shown by their actual operation whether or not they were detrimental to these properties as claimed. Each of the eighteen railroads will present individual petitions showing the effect the laws have had upon the financial returns of the particular road. Each railroad will show its earnings from the date the laws were put into effect, and in all cases it will be declared, it is stated, that none of the roads has been able to operate with a profit.

The state will produce figures to disprove this claim, and it will attempt to show that the railroads have made money under the new statutes. These statistics have been gathered after months of careful work and the presentation of the evidence, according to Attorney General Hadley, will consume two months' time. The arguments will not be begun until the end of that period has been reached. The first evidence produced today was that in case of the St. Louis & San Francisco railroad.

No Further Delay. In opening court, Judge McPherson announced that he would consider no further moves for delay. "This hearing," said the court, "will be final so that the cases may be appealed to the United States supreme court if necessary. It is an adjournment it will be on my own motion and only if it is absolutely necessary. Judge McPherson briefly summarized the status of the case. The Missouri railroads had, he said, obtained an injunction restraining the state from enforcing the state rate laws. The railroads demanded to be let out of court, but agreed to give it a trial and it was now in force. The present hearing was not on the application for a temporary injunction against the state, but it is to be a final disposition so far as the United States district court is concerned of both freight rates and passenger rates in Missouri.

Then the opening statements were made. Frank Hagerman of Kansas City, making that for the eighteen railroads and Attorney General Hadley outlining the case for the state of Missouri.

Theories of Railroads. Mr. Hagerman, in outlining the theories upon which the railroads purpose to proceed, said:

"Two controversies are involved, those concerning the freight rate laws enacted in Missouri in 1905 and in 1907, and the 2-cent passenger rate law enacted in 1907. We contend that if the freight rate laws of 1905 were confiscatory, that the same is true of the freight rate laws of 1907. In determining if the freight laws are confiscatory, we must know the value of the properties of the railroad, and then learn if the railroads are receiving a just return on their investments.

"To get at this question, we must distinguish between state freight and interstate freight. We will proceed upon the theory that if it costs the railroads more to handle the state rate business than it does to handle the interstate freight business, in connection with the state business, for instance, freight traffic between St. Louis and St. Joseph, there is the enormous expense of terminals. These great terminals within the state add to the operating expenses. No special terminal expense is involved, for instance, in transporting freight from a small town in Kansas or in some other state. Another extra expense in state freight rate business is the numerous slow branch lines, where numerous stops must be made, involving the time of employees. Interstate freight is handled on fast trains and the railroads are not at so great an expense in caring for it."

"If our theories are correct, continued Attorney Hagerman, "and we do not see how they could be otherwise, not one of the railroads in Missouri would earn more than two or three per cent on their investment if the freight laws were enforced and some of the roads would not earn a dollar on their investments."

Position of the State. Attorney General Hadley's statement for the state was brief. "We assume," Mr. Hagerman said Mr. Hadley, "that it costs the railroads more to handle the state freight business than the interstate freight business. But the railroads more than make up for this in another direction. The state passenger business is much more profitable than the interstate business."

"On the longer hauls the passengers pay a smaller rate per mile, and the equipment on the interstate passenger trains is much more expensive than on the local passenger trains within the state. The interstate trains are fast trains and the coaches are the best built. The engines are the largest, the fastest and the most expensive made. I have been an extensive patron of the railroads recently and I am speaking from experience and observation."

Local Trains Crowded. Judge McPherson interrupted Mr. Hadley to ask:

"Did you ride in the smoking car?"

"I had to ride in the smoking car to get a seat," replied Mr. Hadley.

"The local trains," he continued, "are crowded. The expensive trains for interstate travel frequently have no more than fifteen or twenty passengers in a coach."

Mr. Hadley recently finished a campaigning tour for governor that carried him to every part of Missouri.

After the opening statements had been made, court adjourned to afternoon, when it was decided to map out a plan for possible cases to be as rapid a conclusion as possible. Dozens of witnesses are to be examined, and an endless array of figures will, it is expected, be presented to support the claims of the railroads.

RIDGELEY MAY BE OUSTED

Report in Kansas City He is to Be Taken from National Bank of Commerce.

KANSAS CITY, Nov. 9.—It was announced here today that W. B. Ridgely, president of the reorganized National Bank of Commerce, is to be replaced, Dr. W. S. Woods, the deposed president of the bank, and his friends having succeeded in buying up a majority of the bank's stock and thus securing control. Mr. Ridgely last winter resigned the position of comptroller of the currency to become head of the bank.

Who is to succeed Mr. Ridgely as president and Edward Ridgely as cashier has not been determined.

The National Bank of Commerce, the largest financial institution in this part of the southwest, failed during the panic last year, with \$30,000,000 of deposits. It was reorganized after several months and W. B. Ridgely was asked to become its president. He accepted the offer and the bank opened in its \$3,000,000 building that was in the course of construction when he failed. Mr. Ridgely's brother was made cashier and Fred T. Cutts, formerly of New York and St. Louis, was made vice president. Since then Dr. Woods, who in the reorganization had become merely one of the directors of the bank, went quietly to work buying up the bank's stock. Today it was announced he had secured a majority of the stock and would direct the appointment of a new president to succeed Mr. Ridgely.

Mr. Ridgely today declined to make a statement, beyond expressing doubt that control of the bank is in hands inimical to him. The bank is capitalized at \$3,000,000. Of the 30,000 shares, Dr. Woods and his friends, it is said, control between 12,000 and 15,000.

Dr. Woods declined to say anything concerning the officers to be named under the new regime beyond declaring that they would be men connected with the "old crowd." In the reorganization, practically all of the old officers were superseded.

Adds to Apprehension. This, together with considerable apprehension among the traders as to the scope of the court's decision as applied to other combinations, had a sympathetic effect upon standard stocks on the exchange and prices suffered several sharp declines in the opening hours. A feeling that the recent advance in prices had been too enthusiastic and that a reaction was about due, heavy sales of American stocks in London and a rise in call money to 3 per cent, which had not been approached since last January, contributed to a disposition among speculators to dispose of their holdings and take profits.

Hally Follows Stamp. The attitude of the elements, however, was offset by buying which came from some of the leading commission houses, some of which reported a very decided increase of public interest in the market. In spite of the heavy undertone and heavy realising of the last hour many stocks closed at net gains. Although Union Pacific, Southern Pacific, Copper, Smelting, St. Paul, Baltimore & Ohio, Northern Pacific and the United States Steel shares closed at losses ranging from substantial fractions to over a point, American Tobacco common's net loss for the day was 10 points.

Steel common led the list in regard to activity with a total of 22,000 shares. Union Pacific was next with about 15,000, while Reading was a close third with 10,000 full shares.

Bonds were very active, though the total, \$3,325,000, was considerably below that of last Friday.

The latter stock market showed a subsidence of the acute apprehension manifested earlier over the scope of the American Tobacco decision. Operations were resumed on the long side of the market and prices were marked up aggressively here and there with the effect of restoring the general level to Saturday's closing prices. Reading and a group of coalers, the Rock Island stocks and American Sugar were among the conspicuous stocks besides the Gould group to sustain the market. There was manifest pressure to continue the realizing of profits on all strong spots and the irregular movement of the quantity of cotton ginned this season to October 18 are 4,256,194 bales.

REPORT OF COTTON GINNING. Increase of Almost Two Million Bales as Compared with Last Year.

WASHINGTON, Nov. 9.—There were 25,256 active ginneries and 8,196,782 bales of cotton ginned from the growth of 1908 to November 1. These figures, announced by the census bureau today, are against 25,669 ginneries and 6,125,262 bales at the corresponding date in 1907. 72,879 ginneries and 4,906,235 bales in 1906 and 27,902 ginneries and 5,487,595 bales in 1905. The report counts round bales as half bales and includes 109,340 round bales for 1908, 125,785 for 1907, 741 for 1906 and 183,870 for 1905. The number of sea island bales included is 45,495 for 1908, 33,331 for 1907, 21,706 for 1906 and 49,151 for 1905. The corrected figures of the quantity of cotton ginned this season to October 18 are 4,256,194 bales.

BANK CLERK NOT ARRESTED. Erroneous Report Sent Out on Authority of the Local Officials.

GUTHRIE, Okl., Nov. 8.—On October 26 an item sent out from Guthrie telling of the robbery of the First State bank of Falls, Lincoln county, Oklahoma, asserted that George Schmaka, the bookkeeper of the bank, had that day been arrested on suspicion of knowing something of the robbery. The reported arrest of Mr. Schmaka proves to have been an error. The facts now disclosed show that he was not arrested. The authority for the report of the alleged arrest was given by the sheriff's office in Guthrie by officers of a national bank in this city, and by persons coming from Chandler, who asserted that Mr. Schmaka was in jail there.

"JIM CROW" SCHOOLS LEGAL. United States Supreme Court Upholds Act Against Co-Education of Whites and Negroes.

WASHINGTON, Nov. 9.—In deciding the case of Berea college against the state of Kentucky favorably to the state, the supreme court of the United States today held that the states' function may constitutionally legislate to prevent the co-education 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 opinion of the supreme court was handed down by Justice Brewer. Justices Harlan and Day dissented.

Boy Shot by His Father. CALAIS, Me., Nov. 8.—Word was received here late today that the 12-year-old son of D. C. Hollins of St. Stephens, N. B., had been accidentally shot and killed by his father while deer hunting. Mr. Hollins stumbled when about to fire at a deer and his aim was diverted, the bullet passing through the neck of his son.

Hopkins Succeeds Allison. INDIANAPOLIS, Ind., Nov. 9.—Vice-President Fairbanks today appointed Senator Albert J. Hopkins of Illinois a member of the national monetary commission to fill the vacancy caused by the death of late Senator William E. Allison of Iowa.

COLLEGE RECEIVED BY POPE. Cardinals Congratulate Him Upon Fifth Anniversary of Entry Into Priesthood.

ROME, Nov. 9.—The pope today received the members of the Sacred college, who congratulated him upon the fifth anniversary of his entering the priesthood. The cardinals were headed by Cardinal Serafino Vannutelli Cardinal Oreglia, dean of the college, being indisposed. The holy father was presented with the sum of \$400 in gold pieces and Cardinal Vannutelli expressed greeting of all the members of the college on the occasion of the jubilee. In reply, the pope thanked the cardinals for their good wishes and conversed pleasantly with each of his visitors. He showed them a large gold medal coined for the jubilee of the foundation of the South American college in Rome, which coincides with his own jubilee.

BATTLESHIPS ARE AT MANILA. Rear Admiral Schroeder Takes the Place of Rear Admiral Emory, Retired.

MANILA, Nov. 8.—The battleship Louisiana, flagship of the Atlantic fleet, arrived today from Amoy, China. The Wisconsin, flagship of Rear Admiral Saxon Schroeder and the Vermont, steamed up from Olongapo, where the other vessels will remain. Rear Admiral Schroeder, assuming command of the second division upon the retirement of Admiral Emory, transferred his flag to the Louisiana and Rear Admiral W. P. Potter 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.

ROO IS NOT A CANDIDATE. Secretary Says He Will Not Try to Secure Succession to Senator Platt.

WASHINGTON, Nov. 8.—Secretary Root today stated that he is not a candidate for the New York senatorship to succeed Senator Platt. He denied that he had written a letter to anybody indicating that he was a candidate for that office.

STOCK MARKET IS ACTIVE

Session Opens With Whirlwind of Tremendous Trading.

BIG DROP IN AMERICAN TOBACCO

Decision of Court of Appeals Causes Apprehension for Other Issues—Rally Follows Stamp and Few Stocks Gain.

NEW YORK, Nov. 9.—Starting with a whirlwind of tremendous trading at prices which threatened sharp declines before the day was over the stock market, with sales of 1,633,000 shares today, broke all records for activity since last March, but closed the day without recording serious net losses and even with gains in some important stocks. A sensational decline in the price of common stock of the American Tobacco company on the curb market as a result of the decision of the United States circuit court declaring that company was a combination in violation of the Sherman law, precipitated the early demoralization in the trading on the Stock exchange. Tobacco common had dropped 15 points just before the close of the market on Saturday and opened today at 35, from which point it dropped violently a total of 35 points.

Adds to Apprehension. This, together with considerable apprehension among the traders as to the scope of the court's decision as applied to other combinations, had a sympathetic effect upon standard stocks on the exchange and prices suffered several sharp declines in the opening hours. A feeling that the recent advance in prices had been too enthusiastic and that a reaction was about due, heavy sales of American stocks in London and a rise in call money to 3 per cent, which had not been approached since last January, contributed to a disposition among speculators to dispose of their holdings and take profits.

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JUDGE TAFT TAKING REST

President-Elect Says He Will Do His Part Toward Making It Popular.

HOT SPRINGS, Va., Nov. 8.—"I am going to do my part to make golf one of the popular outdoor exercises," asserted President-Elect Taft as he made a 200 yard drive in beginning a game with Governor-Elect Eben Draper of Massachusetts, here today.

Playing golf is a serious work with Mr. Taft, as he has explained. "A man of my build requires exercise in the open air," he said, "and exercise to be beneficial must be entertaining, of course. I can ride, but one cannot maintain a keen interest in riding a horse. In golf there is just as much skill required to get up as much interest in the game and this takes up your thoughts so that you are getting a five or six mile walk."

Judge Taft maintains golf is not a rich man's game. In Scotland, he said, it is played by all the populace and in this country, the devotees are becoming more numerous each year.

"It was golf," Mr. Taft said, that put him in the splendid physical condition he was in when he took up the strenuous work of the campaign and enabled him to get through without a breakdown. He will play the game this winter as much as possible to get in shape for his duties at the White House next spring. The state of Georgia came to the front today with eagerness to have Judge Taft as a guest this winter. Mr. Houston R. Harper of Atlanta arrived with many credentials and full details of Georgia's resources. He also bears a letter from Henry S. Jackson of Atlanta, offering Mr. Taft his city or country home with full facilities for outdoor exercises. Mr. Harper will also present the claims of Augusta as well as other parts of the state. No other visitors were here today.

RAY LAMPHERE'S TRIAL IS ON. Man Accused of Killing Mrs. Guinness is Brought Into Court.

LA PORTE, Ind., Nov. 9.—Breathing for the first time in six months the fresh air outside of the prison walls, Ray Lamphere was this morning brought from the county jail to the circuit court room to answer to the charge of murder in the first degree for the death of Mrs. Belle Guinness and her three children.

The court room was crowded with spectators. The prisoner looked cheerful and very much interested as he gazed about the room at the judge and the attorneys and others. The jury box was filled by members of the regular panel, who were first questioned, and as fast as one was excused a venireman from the special panel of twenty-five was called to take his place.

Renewed efforts to find Peter Carlson, who was once employed by Mrs. Guinness, and who is said to have talked with Lamphere regarding numerous mysterious doings at the Guinness home, were made today. The state expects to find Lamphere was this morning brought from the county jail to the circuit court room to answer to the charge of murder in the first degree for the death of Mrs. Belle Guinness and her three children.

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