

WOMAN TELLS HOW CARMACK WAS SLAIN

One of Senator's Assailants Cried

"We Have the Drop on You!"

Mrs. C. E. Eastman Testifies.

WIDOW ON THE STAND, TOO

Mrs. Carmack Breaks Down in Court—

E. B. Craig Says Col. Cooper

Threatened Carmack.

Special to The New York Times.

NASHVILLE, Tenn., Feb. 16.—Holding the revolver which was found near the body of Senator Edward W. Carmack after he was slain, Mrs. C. E. Eastman to-day dramatically re-enacted the tragedy in the trial of Col. Duncan B. Cooper, his son, Robin J. Cooper, and John Sharpe, who are charged with the crime. Mrs. Eastman was talking to Senator Carmack when he was shot, and it was due to her rare presence of mind then that the prosecution was able to produce the revolver in court to-day, for after the Senator had fallen she picked up the revolver from the spot where it had been dropped.

According to Mrs. Eastman, the only warning given to the Senator that a tragedy was impending came from a man whose voice she heard over her shoulder, saying:

"We have the drop on you now!"

The story of the enmity between Senator Carmack and Col. Cooper, and the Colonel's threats against the Senator's life, was told by ex-State Treasurer E. B. Craig, and still another and an unexpected witness was Mrs. Carmack, widow of the slain Senator. A pale, slender figure in deep mourning, she came to court escorted by several women friends, and as they led her to a chair near the attorneys for the prosecution, she sank into it in a state of collapse.

With Mrs. Carmack was her ten-year-old son, Edward W. Carmack, Jr., known to the Carmacks' friends as "Ned," and as his mother seemed most depressed, he rose from his own chair and stood by her and placed his arms around her as if to cheer her.

Soon after Mrs. Carmack took her seat the Attorney General read the indictment. As he reached the words "Did willfully, maliciously, and with malice aforethought murder E. W. Carmack" the widow again collapsed, and for a long time lay with her head upon the shoulder of her sister.

"Call the first witness," said the Court.

Then, to the surprise of every one, Attorney General McCarn said:

"Call Mrs. Carmack."

She was half carried to the stand. She told her name and her husband's occupation in a trembling voice.

"When did you last see your husband alive?" asked the Attorney General.

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

For several 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.

The State next called E. B. Craig, former State Treasurer, who testified about his close relations with Senator Carmack.

He said he spent all Saturday, Nov. 7, and Sunday, Nov. 8, the day before the murder, with Senator Carmack. He saw Col. Cooper the evening of Nov. 8 at the Tulane by appointment.

"After discussing the personal matter which led me to call on Col. Cooper," said the witness, "he began to discuss the editorials in The Tennessean. Col. Cooper was greatly agitated and very angry. He said: 'I am an old man, a private citizen, and it makes little difference whatever I do or not, but if my name again appears in The Tennessean, I or Senator Carmack must die.'"

"What was said about a note?"

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

"Did you communicate to Carmack the threats of Col. Cooper?"

"I told Carmack what Cooper had said."

"What reply did the defendant make after you had returned with Senator Carmack's answer?"

"Then, by God, this note goes."

The note referred to was the one written by Col. Cooper to Senator Carmack threatening him with death if the editor referred to Cooper again.

The State next introduced in evidence the Tennessean of Nov. 9, containing the editorial on Col. Cooper, which led to the murder and which referred to Col. Cooper as "the diplomat of E. Zweibun."

The paper was identified by Craig.

The defense passed cross-examination, and Mrs. Charles H. Eastman, who was speaking with Senator Carmack when he was killed, was called.

"Senator Carmack came swinging along," she said.

"His eyes lighted up with a pleasant look, and we both stopped. He raised his hat and was looking into my eyes in a listening attitude. I had begun a sentence when from behind me came a voice saying:

"Well, here you are. We have the drop on you now.'"

"Did you see any one?"

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

"What did you do?"

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

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

"When I saw the revolver I jumped to one side and turned. The revolver in the Senator's hand was upside down. That is, he held it by the barrel."

The Prosecutor sent for the revolver, and Mrs. Eastman gave a dramatic illustration of the Senator's position.

"I put up both hands," she said, "and jumped back. I heard the shot and turned. I thought I recognized Dr. White as the man with the revolver and I screamed: 'My God, doctor, don't shoot, please don't.' I then recognized that it was Col. Cooper. Then I sprang against the fence and saw young Cooper and heard two other shots fired so rapidly that I thought they were simultaneous.

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

"What did you say?"

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

John Tindall, a lad of 12, who was selling papers on the afternoon of the killing, testified that he had seen Col. Cooper and his son Robin just before the shooting and heard Col. Cooper say:

"We will get him," or "We will catch him."

Corey Folk, Deputy State Treasurer, told of having seen young Cooper and another man standing on the corner a short distance from where the killing occurred, and said Col. Cooper approached, and he heard the son say, "Are you going this way?" indicating the direction north on Seventh Avenue. To this Col. Cooper replied: "No, I will wait a while longer."

The witness said he went a short distance and then heard the shots fired.

Court then adjourned for the day.