

COLONEL CHARGED WITH EMBEZZLING

Duncan Cooper Admits Using \$351 of Chancery Funds for Private Purposes.

COOPER RECORDS AS PROOF

Prosecutor Says Colonel's Honor Was Not So Sensitive When He Was Accused of Former Irregularities in Office.

(Continued From First Page.)

"I said, 'Mr. Carmack,' He threw up his head as though he had not seen me, and at once drew his revolver and stepped in front of Mrs. Eastman, pulling her between us and stepping toward the curb. He was five or six feet from the curb when I called his name."

"What next?"
"He had his pistol in his hand and passed in front of Mrs. Eastman. Mrs. Eastman became wildly excited and grabbed the old man with her hand. I had made no hostile movement."

"What did you say?"
"I said, 'I think that it was damned cowardly to get behind a woman with a pistol in his hand.'"

"Did you have a revolver out?"
"Not at that time."
"Did you have any purpose of shooting or killing him?"

"Tells of First Shot."
"No, sir. Senator Carmack got around the post and at the same time Robin got in between us. In a second Carmack shot between the poles and Robin got around them. Then for the first time I saw Robin's revolver and saw him shoot."

"Did you have your pistol out?"
"Not until after Robin was shot. Then I drew my gun, but I saw Carmack was down and that Robin was shot, so I put my revolver back in my pocket."

"How many shots were fired?"
"Five in all."

"What next?"
"Robin attracted my attention. He was leaning against the post and I could see that he was wounded. I took him to an infirmary. Sergeant Reid came in then and said 'You are my prisoner.' I said you are entitled to my revolver, then, and gave it to him."

"Was that gun still unfired?"
"It was."

"What about Robin's pistol?"
"Some officer other than Reid got it. Robin told me the gun was in his overcoat pocket. I do not recall getting it out."

"Captain Fitzhugh, for the state, then began the cross-examination. The attorney handed him some papers and asked:"

"Are these some bonds executed by you in 1870?"

"They are."

"They were bonds you gave as clerk and master, and aggregated \$55,000?"

"I think so."

"Old Crime Brought Out."
The bonds were given when Colonel Cooper was master in chancery of Maury County.

The witness was asked to identify a petition filed by J. R. and E. E. O'Brien against D. B. Cooper, and asked if he were the D. B. Cooper mentioned in it. He said he was.

"Didn't you confess judgment on this petition and the charges therein?"

"Don't answer," interrupted Judge Anderson. "This incident occurred in 1853 and the Supreme Court has held that charges very remote may not be brought into a case against a man's character."

The jury retired. All the attorneys for the defense argued against the admission of the charges. The state replied through Fitzhugh.

"We propose to show," said he, "that this defendant, Colonel D. B. Cooper, is a defaulter and an embezzler to the extent of over \$100,000. We propose to prove this beyond doubt, and thus to show to the jury just how much credit they should place in his words. We propose to go further and prove by court records that his own brothers came into court and admitted that the defendant was a defaulter."

"We propose to show that he embezzled from estates, from widows and orphans, from the county and from the state, and from the very records kept by him to prove it."

"Show 'Sense of Honor.'"

"But there is a further reason for this question. We have heard of the Colonel's deep sense of honor; how strong he was by a few sarcastic editorials. But we will show that he was openly accused of embezzlement, yet he never said the town was not big enough for him and for the man who made the charges."

Attorney-General McCann followed. He declared that they would carry these dishonest transactions from 1833 down to 1905, and that they were not too remote.

Judge Anderson replied for the defense.

"We never claimed that Senator Carmack was killed because of these editorials," he said. "Our theory is that Robin Cooper killed Senator Carmack in self-defense after the Senator had shot him twice."

Editorials Not Defense.

"Do you mean to say," interrupted Fitzhugh, "that you have not forced the editorials written by Carmack into evidence here, as tending to show that Colonel Cooper was driven almost mad by these attacks upon his honor?"

"We have," replied Anderson. "To show the defendant's state of mind, not as a justification for the killing."

After two hours of argument, Judge Hart suggested the state turn over the charges against Colonel Cooper to the defense for re-examination, and a recess was taken.

Judge Hart ruled that the state might ask Cooper if he ever was clerk and master in chancery, and if he ever defaulted in certain cases, and also whether he did not embezzle \$100,000.

The jury was brought in and the state resumed its cross-examination.

Cooper Willing to Talk.

dollars of the state's money was invested by Polk with Colonel Cooper and others in a Mexican silver mine scheme, and other financial undertakings.

Colonel Cooper repeatedly urged Judge Anderson to let the state ask "any question on any subject," but when asked to adjourn the cross-examination had only fairly started.

The state questioned Colonel Cooper at length regarding his alleged shortage while clerk and master in chancery of Maury County.

Blames Office Force.

"I do not admit any shortage. I admit the lack of business ability in my office. I had my brother and my brother's son in the office. There were many errors, but every soul who had a dollar in that office got it out and there never was a dishonest act. I resigned to enter the Legislature."

"Talking of the Legislature," said Anderson, "I ask you if you are the D. B. Cooper mentioned in the legislative records of 1832, who, according to an investigating committee, paid out \$45,000 of the state's money in conjunction with State Treasurer Polk for a silver mine in New Mexico?"

"I presume I am."

"Was it not true that M. T. Polk, Treasurer of Tennessee, furnished the money out of the State Treasury to engage in the silver mine?"

"No, sir. Polk supplied the money, but I do not know if a dollar ever came from the Treasury."

"And didn't the same M. T. Polk take \$10,000 of the state's money to enable you and others to purchase the Nashville American?"

"No, sir; I never heard of it."

"Didn't you know that there was found in ex-Treasurer Polk's box due bills from you aggregating \$25,000?"

"It was an untruth. If such were found they were forgeries."

Next the state swung over to the Sunday before the killing.

Back to Carmack.

"Did you tell Carmack that your name must not appear in the Tennesseean again, and if it did, he or you must die?"

"No, sir."

"Did you say, 'This must cease or the town is not big enough for both of us'?"

"I did."

"Did you mean it, or was it a bluff?"

"I meant it. I have always believed that a man who has a fighting tongue should keep a fighting body."

"You kept a fighting body?"

"No, sir; I did not, but the man who wrote those editorials had a fighting tongue."

"You are in politics?"

"Not since 1835, when I was a State Senator."

"Did not you bring Governor Patterson into public life?"

"I did not."

Would Decline Office.

"Did not your power and work appeal so to your friends that they seriously discussed creating the office of State Auditor for you?"

"I would not have the office at any time."

The witness was asked if he put any money in the *Lancet*, a weekly paper. He said he had not. Then he was called upon to say if he knew of an editorial denouncing Governor Cox, during the Patterson-Cox campaign four years ago.

The defense objected. The state claimed the editorial in the *Tennesseean*, saying Colonel Cooper had made peace between Cox and Patterson, which enraged Colonel Cooper and started the trouble, was based upon the editorial in the *Lancet*, Cooper's own paper, or one in which he had an interest and over which he exercised some control.

The defense holds that whether or not the *Tennesseean* editorials were justifiable is not an issue," said Judge Anderson.

"It is merely what effect did it have on Colonel Cooper's mind?"

The court adjourned until tomorrow.

DISCUSS BIG GATUN DAM

COLOMBIAN ENGINEER CONDEMNS PLAN.

Implies Idea Is Obsolete and Regrets Taft Report—Americans Defend Structure.

NEW HAVEN, Conn., Feb. 24.—Eminent advocates of the Gatun dam to confine the waters of Chagres River at Panama were found among the members of the American Institute of Mining Engineers during their discussion of the "Panama Canal" today.

The opposition to the lock type was led by Henry G. Granger, of Cartagena, Colombia, who attacked the report made by the engineers who went to Panama with President-elect Taft. If the engineers had to go, he declared, it was unfortunate that their nominator did not pass through the office of the Chicago Drainage Canal and go to the camps of contractors who had to use their brains to save money by new methods and devices.

It was also to be regretted, he added, that engineers were chosen who had been found guilty of seeing a point and generating a germ of an idea which they fostered into careful development.

WAIVE AFFRONT TO PANAMA

Objectionable Clause Left in New Treaty by Senators.

WASHINGTON, Feb. 24.—Treaties with Panama and Colombia relative to the Panama Canal were ratified by the Senate today. A resolution was adopted, however, to obviate the necessity of submitting to arbitration questions connected with the limitations of the Cities of Panama and Colon.

Under the treaty, as negotiated, this question would be submitted to a board of three, one representing Panama, one the United States and one appointed by the President of Peru; and thus if a dispute of a serious character should arise, two South Americans would be pitted against one North American.

This feature was objectionable to the Senate committee on foreign relations, but in view of Panama's indignation at the recent speeches of Representative Rainey criticizing President Obaldia, it was not thought advisable to ask Panama to amend the treaty which has already been approved by that Republic.

PROHIBITION FOR MONTH

Compromise Will Make South Carolina Entirely Dry.

BILL BARS EVERY GAME OF CHANCE

Nevada Lower House Passes Stringent Measure by Vote of 29 to 18.

EFFECTIVE FIRST OF YEAR

Measure That Prohibits Card Games and Slot Machines Will Now Go to Senate for Final Action.

CARSON, Neb., Feb. 24.—The anti-gambling law passed the assembly today by a vote of 27 to 20. At the conclusion of the vote, and before it had been announced, Dodge of Washoe and Rayeroff of Ormsby changed their votes in order to give notice of reconsideration. This made the final vote 29 to 18. When the bill was called the lobby, hall and chambers were crowded to their capacity.

The bill as passed carried the amendment offered by the majority of the public morals committee, which extends the time when it shall become operative from September, 1909, to January 1 of the coming year.

The bill is entitled "An Act Prohibiting Gambling, Providing for the Destruction of Gambling Property, and Punishment for Violation."

Section 1 provides that it shall be unlawful for any person to conduct, play, deal or carry on in any capacity any game of chance such as faro, roulette, rondo, poker, klondike, or any percentage game or banking game carried on with cards, checks, device or otherwise, also slot machines where money is involved.

Violation is punishable by a fine not to exceed \$1000, or by imprisonment not to exceed one year, or both.

Section 2 prevents owners of houses from renting for the purpose of gambling, and affixes a fine. Any person who is declared a common gambler and cannot show any fixed residence, or any person who engages in gambling is subject to fine and imprisonment.

Section 3 gives the Sheriff the right forcibly to enter places and arrest persons engaged in gambling, and provides for the destruction of gambling devices when found.

The bill now goes to the Senate.

SAYS INDORSERS LOSE

Bank Denies Liability for Checks Forged at Goldfield.

GOLDFIELD, Nev., Feb. 24.—The Cook Bank, which was the victim of the forgery of Consolidated Mine checks, says that it will not lose more than a few hundred dollars. The checks were all made out to the bank, and the bank paid them at the saloons where miners have been in the habit of cashing checks. As they had to be indorsed by the persons cashing them, the bank says that the indorsers will be held for checks deposited at the bank, for which they received credit, but the saloon men and merchants sold this idea and say that, when the bank passed the checks, their responsibility ended.

No clew has been obtained to the whereabouts of the forgers and the secret service has been called to the assistance of the local detectives.

PORTLAND - PANAMA LINE

(Continued From First Page.)

be used in constructing the isthmian canal—material that is now transported across the continent and down the Atlantic to Colon."

In presenting the bill, Mr. McLachlan said:

"The bill which I have introduced directs the Panama Railroad Corporation, now owned by the United States Government, to establish and operate a line of steamers on the Pacific Coast in conjunction with a line of steamers on the Atlantic Coast and the Panama Railroad, now operated by said railroad company. The property of the Panama Railroad Company consists of a double track railroad across the Isthmus of Panama, between the Atlantic and Pacific Oceans, and a line of steamers operating between the city of New York and Colon in conjunction with the said railroad."

"The stock of said railroad company is owned by the United States Government, and the company has been practically cancelled, extensive improvements have been made and valuable acquisitions have been added to its equipment."

"Provision has been made in the bill for ten first-class steamers of 6000 tons each, with an actual speed of at least 12 knots."

"This will give regular service between Puget Sound and Panama, every five days, with stops at Portland, San Francisco, San Pedro and principal points of Mexico and Central America."

"The class of steamers that is proposed for this line can make the trip, including all stops, to Panama from Puget Sound in 20 days, from San Francisco in 14 days and from Los Angeles in 11 days."

"Such a line of steamers on the Pacific, I believe to be a natural and necessary complement and adjunct to the line on the Atlantic and the Isthmian Railroad now operated by the Government."

Assure Even Rates.

"It will stimulate commercial activity, too long stifled on the Pacific Coast, as nothing else can do. It will cost less to install this line than the price of a single battleship, which requires the expenditure of more than \$200,000 yearly to maintain, and that will become obsolete in ten years."

"It will complete the great commercial highway from and to all the great commercial centers of the Pacific and Atlantic Coasts, assuring reasonable and fixed rates at all times to all alike."

"It will be free from all great corporation combinations and monopolies."

"It will automatically regulate and give stability to all transcontinental rates, and accomplish that desideratum more effectively than all the laws that have been or can be enacted for that purpose."

FAVORS GOVERNMENT LINE

California Senate Would Have Panama Steamship Line.

SACRAMENTO, Cal., Feb. 24.—The Senate refused this morning to concur

YOUR BACKACHE WILL YIELD

To Lydia E. Pinkham's Vegetable Compound

Rockland, Maine.—"I was troubled for a long time with pains in my back and side, and was miserable in every way. I doctored until I was discouraged, and thought I should never get well. I read a testimonial about Lydia E. Pinkham's Vegetable Compound, and thought I would try it. After taking three bottles I was cured, and never felt so well in all my life. I recommend Lydia E. Pinkham's Vegetable Compound to all my friends."—Mrs. W. L. YOUNG, 6 Columbia Avenue, Rockland, Me.

Backache is a symptom of female weakness or derangement. If you have backache, don't neglect it. To get permanent relief you must reach the root of the trouble. Nothing we know of will do this so safely and surely as Lydia E. Pinkham's Vegetable Compound. Cure the cause of these distressing aches and pains and you will become well and strong.

The great volume of unsolicited testimony constantly pouring in proves conclusively that Lydia E. Pinkham's Vegetable Compound, made from roots and herbs, has restored health to thousands of women.

Mrs. Pinkham, of Lynn, Mass., invites all sick women to write her for advice. She has guided thousands to health free of charge.

In the amendments to Senator J. B. Sanford's joint resolution, which struck out the request to Congress to establish a Federal line of steamers between California ports and Panama. The Senate thus goes on record a second time favoring Government-owned steamships to compete with the trans-continental railroads in the handling of freight.

The vote on the amendment was 4 to 25, only four Senators favoring elimination of the passage referring to the report of United States Senator Joseph L. Bristow, of Kansas, who, as Panama Railroad Commissioner, had recommended that the United States supplement the Atlantic line with one on the Pacific, and use the Panama Railroad as a connecting link, so that a check might be put upon increases in transcontinental freight rates.

Mr. Bristow also charged that the Pacific Mail Steamship Company was acting under an agreement with the railroads.

In appealing to the Senate this morning to reject the Assembly amendments, Senator Sanford declared they destroyed its purpose. He also said the resolutions, if amended, would throw to the blame for the freight rate situation upon Government officials, as it would simply call upon them to investigate the increases at once.

RUSSIA SEEMS WAR AHEAD

EXPECTS AUSTRIA WILL INVADE SERBIA IN FORTNIGHT.

Panslavist Enthusiasm May Force Czar's Hand—Russian Volunteers Would Aid Serbia.

ST. PETERSBURG, Feb. 24.—The pessimism with regard to the Balkan crisis is steadily increasing in diplomatic circles, where it is believed that Austrian action against Serbia may be expected within a fortnight unless a solution to the present grave problem is soon arranged.

Foreign opinion has been unsettled by the invasion of Serbia alone as a cause belli, but there is fear that the government's hand may be forced by popular feeling.

The beginning of hostilities will throw thousands of Russian volunteers into the Serbian ranks.

Information from Kiev indicates that no military measures have yet been undertaken on the southwestern frontier, but all applications of officers for leave of absence have been refused and the Kiev department is ready for instant mobilization.

AUSTRIA BEARS HEAVY LOAD

War Preparations Cost \$200,000 Daily, but War Dreaded.

LONDON, Feb. 24.—A dispatch to the Times from Vienna says Austria's military preparations are costing \$200,000 daily and represent a burden which she is borne indifferently. It would, nevertheless, be premature, says the dispatch, to regard war as certain, and it may be confidently asserted that the nearer the possibility of an armed conflict appears, the greater is the desire in Austria that it may be avoided.

AUSTRIAN SPIES LYNCHED

Gentle Montenegrins First Cut Off Ears and Noses.

VIENNA, Feb. 24.—It is reported here that two Austrians, who were taken for spies, have been lynched at Cetinje, on the Adriatic coast, and have been at one time porter in the Austrian embassy at Constantinople. According to the report, the ears and noses of both men were cut off.

EX-CHAMPION IS HOMICIDE

McHugh Held for Shooting Christy on Saturday.

TOLEDO, O., Feb. 24.—Frank McHugh, 40, an old, who at one time held the lightweight pugilistic championship, is held by the police pending the coroner's investigation into the death of Hugh Christy, who was shot by McHugh Saturday night. Christy died today.

Express Clerk Killed and Robbed.

HUTCHINSON, Kan., Feb. 24.—Jesse Haymaker, aged 22 years, night clerk for the Wells-Fargo Express Company at the Santa Fe depot, was shot and killed early today by a robber, who then looted the express office safe. Haymaker was killed with his own revolver.

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Marquam Bldg.

EXTRA

ROOM 733
Marquam Bldg.

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MEN'S HOWARD & FOSTER \$5.00 AND \$6.00 DRESS SHOES AND OXFORDS
T. D. BARRY'S FAMOUS \$4.00 TO \$6.00 SHOES AND OXFORDS
TILT'S CUSTOM MADE \$5.00 AND \$6.00 SHOES AND OXFORDS

All Men's Styles for \$2.50.

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A PAIR

For the World's Best \$4.00 to \$6.00 Sample Shoes

FOR MEN
None Higher

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ROOM 733
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TAKE ELEVATOR.

TWO SEATS VACANT

Each Side in Calhoun Case Knocks Out Juror.

MORE LIKELY TO DROP OUT

John Scollard Shown to Have Concealed Long Acquaintance With Schmitz—Holman Denounces Public Corporations.

Leads Meteoric Career.

RENO, Nev., Feb. 24.—Sheriff Ferrell is

looking for Frank J. Greunenthal, who came here from San Francisco about a year ago, broke into newspaper work, was defeated for Assemblyman at the last election and then engaged in the poultry business. A week ago he disappeared, after borrowing from his women customers, passing worthless checks and mortgaging his business property, that he did not own, to several different persons. His wife has a divorce suit pending in the local courts.

NEW YORK, Feb. 24.—Mrs. Maud Ballington Booth, wife of General Booth, of the Volunteers of America, underwent a surgical operation today for appendicitis. According to the surgeons the operation was entirely successful.

Up Goes Price of Sugar.

NEW YORK, Feb. 24.—All grades of refined sugar were advanced 10 cents per 100 pounds today.

SAFETY FIRST

TOWLE'S CIRCUS

FIRST TIME IN AMERICA

COMING SOON