THE MORNING OREGONIAN, FRIDAY, FEBRUARY 26, 1909.

# STRAIN OF TRIAL TELLS ON COOPER

State Sets Many Traps Into Which Colonel Frequently Falls Through Anger.

### POLITICAL CAREER PROBED

Governor Patterson and Colonel Tully Brown to Be Called by Prosecution - Judge Rules

Out Much Testimony.

### (Continued From First Page.)

mine, and I use it whenever I want to." "Didn't counsel tell you to look this expression up in the stenographer's re-port of the debate?"

"No, sir; I told counsel to have it dooked up for me." Fitzhugh was on his feet, firing ques-tions rapidly, and Judge Anderson said: do.

"I wish counsel would keep his seat and avoid these exciling demonstrations." "Let him alone," said Colonel Cooper. "Let him alone, He can't frighten me. I can parry his attacks." "Now, didn't you say they happened every dew?"

every day?"

"I said so practically." "You are just testifying practically, are

3007 "Let it go at that and pass on." re-ried the wilness. "You say you are anxious to pass over torted the

this feature of your examination, are

"No, sir; I can stand it a week if you CAT.

"What was the first attack?"

"What was the first attach?" "Chrimack called ms a bolter." "Didn't you bolt the tleket and vote for General Fussell against Governor Bates for Governor?"

"I never voted for a Republican in my te. I did vote for Fussell and against HTO.

'What else did you object to?" "The statement that I dominated the Governor, a man who was a blager man than I gm and who was my friend. It was almed to hurt and slur him."

"It was a compliment to you, was it not?" "No, sir, it was not. It was meant as

a slur. I was a private citizen and had no mouthpiece, no office and no way to protect myself."

"Did you take exception to any edi-torials of the same nature except those written by Senator Carmack?"

"I objected to every mean editorial." "You resented other editorials in other papers, but you took no action?"

### "Resented it Mentally."

"Well, I felt the personal allusion and resented it mentally." "But you wrote threatening notes?" "I did not send any note in the Car-mack case for mostles after the stump attacks and editorial attacks had been

"Were you a subscriber to the Tenmesseean?

"I was not, thank God," fervently. "You bought it to read?" "I did not. I read it at the club."

"You objected to the editorial saying the Democratic committee was trading Bryan for Patterson?"

"I did." "Why?" "Because it was untrue."

But it appoared first in the American, I don't care if it appeared in the Holy

Hible, it was a lie. Colonel Cooper denied that he had brought Cox and Patterson together, but said he would have been willing to have

'If you choose to put it that way. REBATING There are higher obligations between man nd man than merely pecuniary ones." The witness then turned to the court and said: and said: "Judge, I am very tired. Can you not adjourn court until this afternoon? I am an old man and am very tired. How-ever, if you insist, I can go on." "No, sir." and the court. "We will be glad to give you an opportunity to rest. The court stands adjourned." Refuses to Justify Murder.

When the trial was resumed Colonel Cooper was asked: "Can you name any editorial that was written by Carmack which charged you with being a grafter?" "Yes, sir. The Memphis News-Scimitar editorial of March 15, 1908." "Do you think anything in any edi-torial justified murder?" Colonel Cooper BLOW

"And you gave the money away that belonged to them?"

"I presume so." "So you were generous before you were

fust?

was asked Nothing ever written justifies taking human life

human life." The state then took up the Colonel's story at the time he left his home the morning of the tragedy and questioned him as to every move he made upon, that day. The witness genied ever having chiled Carmack the vile names Miss Lee worse due heard Colonel Conner annly to swore she heard Colonel Cooper apply to

swore and heard Colone: Cooper apply to the editor. The witness, cool at first, became more excited and several times his voice broke as he angrily denied the charges made by witnesses for the state. He mopped his forehead with his handkerchief and tugged at his sparse gray mustache, moving restlessly in his chair. "Did you gamble, 'Colonel?"

"Very often, Mr. Fitzhugh, just as you

"And for large sums?" "Well, that depends upon what one means by large sims. I have lost more than I ever won." The state next went back to the scene

"You determined to avoid Mr. Car-mack, but all of a sudden you changed your mind and started over to see the Senator?"

"Exactly-a sudden impulse."

"Did you prepare yourself for trouble?" "I did, but I did not think there would be any trouble unless I committed some overt act, and I did nothing to justify Senator Carmack in drawing on me." Tells of Shots Again.

"Did you tell him to get from behind he woman?"

'No, sir. I said: 'It's damned cowardly to get behind a woman with a revol-ver in your hand." " "What prevented his firing at any

time? "God knows, I don't. There was noth-ing to prevent me from firing too." "What next""

"Robin jumped in front of Senator Carmack's pistol, and then the shots

came

came." "So you came at the Senator from the front and Robin from behind?" "No, sir-wwe both came up on him from the front. Robin swung around and began shooting." "Why didn't you wait on the corner?

"Because it might have been preg-

nant with meaning and would have ad-mitted of the construction of lying in wait. So I decided to walk naturally." The State's Attorney began to ques-tion the witness as to the location of the principals and their distance from

s another. "No one on God's earth, laboring under the excitement of that moment, can tell accurately in feet or inches where any one stood," was the reply. "I can only give my best impression."

"When you saw that pistol aimed at your son, you did not fire?" "I could not. My son was between me

"I could not. any son was between his and the Senator." "Why did you draw your gun?" "To kill Carmack if he killed my son." "You were there to protect your son, and your son there to protect you?" "I was not there to protect my son and I did not anticipate any trouble. And I need no protection. I have never pleaded my age or infirmities."

'You are able to take care of yourself?" "Not able, but not willing to plead in-

firmity." The state's counsel rested a moment and then announced: "That is all, your

Suit, and Scores County

Officials.

fulfilling a duty."

servant.

led.

Seattle.

(Continued From First Page.)

Harrison Against Japs.

that 500,000 Oriontals for domestic serv

Weavers Call Off Boycott.

TOKIO, Feb. 5 .- The Ashikaga, an or-

honor." Court adjourned until tom

Judge Anderson Reduces Possible Maximum for Standard to \$720,000.

WHITTLES DOWN

#### PROSECUTION TO

Each Settlement of Freight Held to Be Basis of Separate Offense, Reducing Number of Fines

From 1462 to Only 36.

CHICAGO, Feb. 25.—A reduction from Judge Landis' fine of \$25,240,000 to a pos-sible maximum fine of \$720,000 is admitted to be the meaning of a ruling made today by Judge Anderson in the retrial of the Standard Oil Company of Indiana for re-bating. The subject mass informal, but it

bating. The ruling was informal, but it almost certainly will stand. The Court of Appeals in ruling out Judge Index great fine eliminated the view that each carload of oil on which a re-bate was accepted constituted a sepa-rate offense. There were 1462 of these carloads, the freight charges for which were paid in 36 different settlements. Judge Anderson Interpreted the decision, which he send served as his milds to

which, he said, served as his guide, to miply that the rabates accepted after each of the 25 settlements constituted the units

Judge Anderson's ruling was a severe blow to District Attorney Sims. He and his assistant, James H. Wilkerson, had argued that each of the 500 shipments, making possible a maximum of \$10,000,000, constituted an offense. This view Judge Anderson declared he could not under Anderson declared he could not much stand. He saw no reason why, if a train-load or a carlot were regarded as a sep-arate offense, the matter might not be further divided, making a hundredweight a uni, or a gailon, greatly increasing the number of offenses and magnifying the sumidument

# unishment. Mr. Wilkerson argued that the fine pos-sible under the court's ruling would serve morely as a license to a great corpora-

On this Judge Anderson said in That is a consideration which has no That is a consideration which has no weight with me whatever. I am not con-cerned with the effectiveness of the stat-ates, but with their interpretation and ap-plication. If the view that I have taken has the effect you stated, that is a mat-ter for the lawmakers to consider. If the laws are inadequate, set them to sup-

ply a remedy

# CLEARS RAILROAD TANGLE

## Supreme Court Decides Federal

Courts Alone Have Jurisdiction. WASHINGTON, Feb. 25.-The preme Court of the United States decided a delicate point relative to jurisdiction of the Federal and a courts in cases in which citizens state are joined in suits with corr tions which are citizens only of United States, The case was tha Mrs. Mary Dunn, of Texas, whose band was killed on the Texas & Pa Railroad. She brought suit against the comp and two of its employes for dams and two of its employes for dama the railroad company owing its ex-ence as a corporation to Congress the employes being citizens of Te The case, originally instituted i state court of Texas, was afterward moved to a Federal Court. Man Dung then fled an original Mrs. Dunn then filed an original



you name one that has lost money by the transaction? Not one. If you buy a lot in Gregory Heights for \$100, pay \$5.00 in cash and \$2.50 per month, it will not make you rich but it will earn more money for you than a savings account. You can cash it in when the time is ripe. You will always have a little store laid away for emergency. The working girl has as many investment privileges in Portland as the working man. Get after one,

> Located High and Dry at the End of Rose City Park Car Line. Take Car Bearing These Signs at Third and Yamhill



su-			an in the second second second second second	
ins the ate ate ate ate ate ate ate ate ate at	BACK TO VICTIMS Williams, Absconder, on Way Home to Portland.	River, from Cairo to Helena, Ark., and for the lower Tennessee and lower Cum- berland Rivers. Fifty-five feet of water is expected at Cincinnati on Friday. A flood stage of 42 feet is indicated at Helena by the mid- dle of next week, and is feet at Memphis in about ten days. FOUR FEET DEEP IN SCHOOLS Water at Frankfort Invades Homes	JUJI AJ DAU AJ JŁUŁJJIUN LAWYER SCORES OKLAHOMA LAW AGAINST GAS EXPORTS. Might as Well Secede as Prohibit	Senator J. E. Sanford, asking Congress to establish a line of steamers between Pacific Coast points and Panama, to compete with the transcontinental rail roads. The Assembly amendments would have eliminated entirely the Federa steamship feature of the resolution and, according to Senator Sanford have destroyed its purpose. The Senate will notify the Assembly of its refusal to concur, and a confer- ence committee will be appointed to settle the matter if the lower House declines to recede from its position.
8 0-	VAS RESPECTED AT BISBEE	and Public Buildings. FRANKFORT, Ky., Feb. 25Four feet	Piping Gas Beyond Bound- aries, Says Hatch.	

Young Woman

Why are you working? Is it to satisfy a vanity for more clothes; an Easter hat or a case of stern necessity? Do yot cajole yourself into the belief that some day you will be married and your working days will be over? If the latter, your views are distorted. Assume for a moment, that you will not be married. Then, your castle falls, doesn't it? What, then? Work and ever work. Your sex has taught a strong and enduring lesson in the past few years; that a woman

must bring as much to the family as the man. You look to him to provide the food, the clothing and the roof. Whatever you may add to the store that you expect him to find, will make the burden for him easier. Hence, the advisability of your investment, on a small scale, augmenting his effort and smoothing the path a little. The price of a piece of property is a second consideration. The main thing is to buy it. If you do not know, you should, that any piece of property in the city of Port-land, whatever the price, let it be within reason, is a good investment. Out of 250,000 people in this city, thousands have invested in a lot, somewhere. Can

done so. He would not consider it a dis. grace to have done so, but resented it bemuse it was untrue.

"If you got a message from a man who said that the town was too small for both of you, what would you un-

derstand." "If I had received the message I sent Carmack. I would consider that either I had to stop the attacks or prepare myself to meet him." "Is it not a fact that in your pres-

ence at the police station on the night of November 18, in the presence of sev-eral others, Messra, Bradford, Ewing and McConnico, a statement for the use

of the press was prepared?" "I did not. These gentlemen prepared a statement and wanted me to read it. I refused."

### Cooper Injures Case.

The defense fought inch by inch ques-tions which tended to show, on Colonel Cooper's own testimony, that a statent purporting to give all the facts leading up to the slaving was prepared by outsiders without assistance from Colonel ooper himself, and therefore this is evi dence of a conspiracy. First, they obif any was made, was to counsel and therefore privileged. But Colonel Cooper's admissions destroy this contention. "Colonel Cooper, what had been your means of livelihood aince you resigned

as Clerk and Master of Chancery?" "I enjoy an income from a 900-acre farm. I was agent for a New York syn-

dicate in Honduras." You were connected with a bank that

broke there, were you not? 'No, sir. I closed up a bank there for

What else?

"I was agent for the L. & N." "What doing?"

"Looking after faxes."

### "And after legislation ?" Denies Charge of Lobbying.

"Never but once, and then all in the open. I resigned to go to Honduras." "This employment was when the Legis-lature was trying to raise the taxes on

the Louisville & Nashville?" "I don't know."

"Did you resign voluntarily?" T Ald.

Did you not give E. B. Craig an order for four months' salary on the Louisville & Neshville in advance and did you not resign in one month

"Yes; but when I gave him the order I had no intention of resigning, and I would have borrowed it for Craig without the order.

"Did you pay Craig out of the Hondurns salary? Yo, "Bir."

"How much did you get there?"

"I got \$500 a month." "Did you pay any debts?" "I don't know. I have always been a business failure from lack of business

"What do you do with your income from the farm?"

### Gave Soldier Money.

"Use it to live on. Only a few months ago I drew \$1050 from this farm and heard that an old Kentucky soldier was in dire need. I took the entire \$1050 and gave it to him. They have plotured my dark deeds, let's have some of the light ones. I never before told this to anyone, even my daughter." "You owed many debts then?"

WT GIAM

tition in the Supreme Court United States for a writ of ma compelling the restoration of the case to the state court, on the ground that only that court had jurisdiction be-cause of the citizenship of the em-ployed defendants. The court, how-ever, held against this contention, hold-ing that are the complexes bad been NEWSPAPERS DID SERVICE ing that as the employes had been joined with the railroad company the Federal Cour, had jurisdiction over them as well as over the corporation. KENTUCKY GOVERNOR SAYS PRESS AIDED PUBLIC. Justice Peckham, who handed down the opinion, said that the rights of the Texas Pacific Company could not be Pardons Louisville Herald in Libel faken away even though it was made an associate defendant with the citi-zens of Texas.



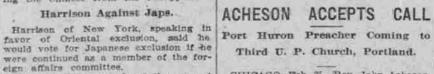
Inspector Finds Coos Bay Carrier criticism of public officials was written Not to Blame for Poor Service. by Governor Augustus Willson today in granting a pardon to the Herald Pub-

MARSHFIELD, Or., Feb. 25.-(Special.) —The people of Coos Bay have been working hard for a better mail service. Complaints have been sent to the de-partment and Walter Lyon, who is at the National Capital in the interests of the lishing Company, of Louisville, publish-ers of the Louisville Herald, for an indictment in the Calloway and Trigg circuit courts, charging the paper with having criminially libeled Judge Thomas P. Cook and commonwealth's attorney Denney P. Smith. The two officials pre-side in the district in which the groater part of the Night Rider troubles in West-ern Kentucky occurred. Governor Willson wrote: locality, has presented the petition of the people. The department sent Inspector Moss to look over the route from Roseburg to Coos Bay extending over the mountains.

Gevernor Willison wrote: "If the courts don't put an end to the rule of crime in the counties in which the judges and the commonwealth's at-torney are elected to uphold law and order the only hope of permanent relief from such conditions is an enlightened piblic sentiment aroused by the press of the country, and instead of punishing the newspaper which makes a fight against such conditions, it should be regarded as conditions, and ur." By horseback and walking he made the 60-mile trip and states that he will rec-ommend to the department that the con-tractor is not at fault and that the people do not deserve better service until they build better roads. Complaints have been made against the stage firm holding the contract for carrying the mail, but rding to the inspector the fault is with the road.

The service this Winter has been worse than in previous years, because of the increase in the bulk of the mail and be-cause of the almost impassable condition LAND NOT FOR ORIENTALS

of the road. It is only pessible to get the mail over on pack horses and some steps will be taken to improve the road on foreign affairs in advocacy of exclud-ing the Chinese from the Philippines. as soon as the weather will permit.



Third U. P. Church, Portland.

Hepburn of Iowa declared the servant problem in this country would be solved by the admission of Orientais, alleging CHICAGO, Feb. 25 .- Rev. John Aches a United Presbyterian preacher at Port Huron, Mich., has resigned to accept a Portland call. ice would not displace the American

Rev. John Acheson, who fias been se Department. lected as pastor of the recently organized Third United Presbyterian Church, this city, is a native of Oregon, the son of the presence of two attorneys, two naval officers and two naval experts from the department at Washington, conducted Mr. and Mrs. Acheson, ploneer residents of Albany. He was educated at the United Prosbytsrian College at Mon-mouth, III., and later entered Yale, Upan experiments with his invention, which are said to have cleared up every doubt as to its ability to do what the inventor mouth, i.i., and inter entered lake, then graduating from that institution he took a course in the Allegheny Theological Seminary. Since his graduation he has been pastor of his present congregation in Port Huron, Mich. He is 30 years of age claims for it. FLOOD WARNINGS ISSUED

and unmarried.

Today and tomorrow will positively be Today and tomorrow will positively be the last days for discount on East Side the last days for discount on East Side Gas Bills. Read "Gas Tips."

rtland.

Man Who Robbed Leatherworkers Betrayed by Man He Discharged

and Imprisoned While Try-

ing to Cross Boundary.

LOS ANGELES, Cal.) Feb. 25.-(Spa-

The arrest of Williams created a sensa-

ras indirectly betrayed to the Portland

Los Angeles Man Said to Have Valu-

able Invention Nearly Complete.

HEGHT

gives an idea of the damage which has ing arguments in the Federal Court her gives an kiea of the damage which has been done here by the largest and most disastrous flood known in the Kentucky River in a decade. Hundreds of familles have been rendered homeless and barns and bridges swept away above and below this city by floods pouring into the river from every tributary. today in the case of the Kansas Natural Gas Company and Ohio and Delaware firms seeking permanently to enjoin the state from interfering with their piping gas out of the state, ex-Judge Elward W. Hatch, for the plaintiffs, delivered a scathing arraignment of the Legislature from every tributary. that passed the prohibitory law in gues

Mississippi Rising, Too.

MEMPHIS, Tenn., Feb. 25.-With the rise in the Mississippi becoming more rapid with each hour, a flood stage of 25 feet is anticipated at this point by Sunday next. While the lowiands on the western hank of the rise winds on the Thus," declared Judge Hatch, "File-gates us to the days of the passage of the secession enactment. I can think of no difference between one state taking herself out of the Union and her taking her property out of the Union. If Okla-homa can do this with her gas other states can do the same with their wheat, even and conton." Sunday next. While the lowlands on the western bank of the river would be inundated should the anticipated stage be reached, a serious overflow is not probcorn and cotton.

Three Towns Flooded.

LOS ANGELES, Cal. Feb. 25.-(Spe-cial.)-Overtaken by the justice which he had dedged for five years, D. S. Will-lams, of Bisbee, Ariz, was taken through Los Angeles last night on his way to Portland, Qr., to answer a charge of em-bezziemens. Sheriff R. L. Stevens, of Multhomah County, Or., is in charge of Williams, who is accused of embezzing \$2000 from the Leatherworkers' Union, Portland. LEXINGTON, Ky., Feb. 25.-Reports from the Licking River in the Eastern Kentucky Mountain district today are that three towns have been invaded by water so far, Salt Lick, Farming and Wyoming, while Shelburne and West Liberty are in danger.

nblo.

The arrest of Williams created a Sensa-tion in Bisboe. He had enjoyed an en-viable business reputation in that town, and had been active in political and lodge circles. At the time of his arrest he was manager of the largest vehicle factory in the torritory. Williams was released on \$1500 bonds, signed by Bisbee friends, Dr. C. L. Edimundson and John L. Smith. The night he made an inef-fectual attempt to get across the border DISAGREE OVER NEW LINE TAFT HEARS CHINESE PLAN California Solons Lock Horns on ectual attempt to get across the border ils bondsmen gave him up. It is believed that the suspected man REGENT SENDS PERSONAL LET-

TER ON POLICIES. 4

was indirectly betrayed to the rotation officers by his brother-in-law. Charles Kelley. Kelley is said to have told the story to an employe whom Williams later discharged. It is said that the lat-ter entered into communication with the leatherworkers last October. Declares Japanese Must Give Up All Conquest in Manchuria if Peace Is to Be Permanent. HAS WIRELESS TORPEDO

> PEKIN, Feb. 25 .- The regency of the empire has caused to be sent to Fresident-elect Taft a communication in the form of a private letter in which the attitude of the regent and his advisers

LOS ANGELES, Cal., Feb. 25 .- Propelling and controlling submerged tor-pedoes by wireless telegraph, hurling inon most vital questions now before the empire are set forth at considerable struments of destruction against hostile batileships without the sacrifice of men on the part of the naval power equipped length. This communication is the first direct expression of the regent's views on the various subjects touched on, and with the new terror-all this is said to be made possible by the invention of a It comes at a time when it is known that be made possible by the invention of a resident of Los Angeles, Carl Abraham-son. Abrahamson is now engaged in his laboratory at San Diego, perfecting the minute details of the wireless terror for the use of the United States Navy the regent is personally anxious regarding the interpretation by foreign powers of the recent dismissal from office of Grand Councillor Yuan Shi Kai, and the American and British official action follow-ing this step. The official of the regency who com-

Nearly a month ago, Abrahamson, in posed the letter to Taft lays emphasis posed the letter to Taft lays emphasis upon the fact that the recent ministerial change was entirely a family and per-sonal matter, and that it does not signi-fy any change in the internal or ex-ternal policies of the empire. Concerning Manchurka, the regency re-cites that the United States is fully cog-nizant of the recent proposals looking to a ferances-American astrement to

highly of the control of the second to be a super-term of the second se

gent says that lasting peace is dependent upon the return of the Japanese to their islands.

Good relations between China and Japan are of paramount importance. The regency sees obstacles in the way of Ja-pan guilting Corea, but it entertains the conviction that ultimately Japan will give

ersburg to Cairoj for the Mississippi up her foothold in both China and Corea.

# TORNADO KILLS BUT FOUR

Arkansas Storm Injures 25 and

Does Much Property Damage.

LITTLE ROCK, Ark., Feb. 25 .- With tion. "This," declared Judge Hatch, "relepractically every section in Eastern Arkansas swept by the tornado of Tues-day having reported, the number of dead is placed at four, the aeriously injured at and those less seriously hurt at two ore or more. Three of the fatalities a, and these tests seriously hurt at two score or more. Three of the fatalities occurred at Fisher, which was practically obliterated, and the other at Carlisle.

JASPAR PASS.

WILLIAM FREE. MRS. EFFTE STONE, all of Fisher. LESLIE CUNNELLS, of Carliele. The property loss will be large. Sub-cription lists have been staried at sev-

of dollars to prosecute the gas cases, and was the real party interested. Judge Campbell today granted the state 20 days in which to file briefs and the ral points for the relief of the victims.

### Negro Kills Wife.

LOS ANGELES. Cal., Feb. 25,-Henry Render, a negro, shot and killed his wife at their home here today in the presence of their two small chil-

 California Solons Lock Horns on Panama Steamship Scheme.
 the presence of their two small children, and then attempted to commit-suicide by cutting his throat and stab-bing himself with a pocket knife. His efforts to skay himself were frustrated by the police. Render was taken to the receiving hospital.

Attorney-General West, for the state,

also became sensational in his arguments He charged that the Standard Oli Com

pany had appropriated several million

gas company 15 days to reply.



No medicine was ever made that could take his place. Trust him at all times.

Ayer's Cherry Pectoral **REVISED FORMULA** 

Old coughs, desperate coughs, rasping coughs, extremely perilous coughs, coughs that shake the whole body. It takes a strong medicine, a doctor's medicine, to master such coughs. A great many people rely on Ayer's Cherry Pectoral.

> We have no secrets! We publish the formulas of all our medicines.

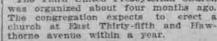
I. C. AYER CO., Manufacturing Chemiats, Lowell, Mass.

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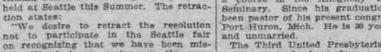
Government Expects High Water Throughout Mississippi Basin. WASHINGTON, Feb. 25 .- Flood warnings were issued by the Weather Bureau tonight for the Ohio River, from Park-

ganization of weavers, have retracted the resolution which they adopted several weeks ago, not to participate in the Alaska-Yukon-Pacific Exposition, to be

The Third United Presbyterian Church was organized about four months ago.



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recognizing that we have been mispathy and good will exhibited by the people of America and particularly of