

# GRIN AND SETBACK FOR ELDER COOPER

### Colonel Breaks Even During Course of Day's Testimony in Carmack Trial.

## CHANGES FORMER EVIDENCE

### Defendant's Generosity, Which Was Emphasized, Shows Shrinkage of Thousand Dollars Next Day.

(Continued From First Page.)

In the day's hearing and the testimony was much to the advantage of the defense. The prosecution had gone upon the theory that the revolver with the two empty shells found near Senator Carmack's body was in reality Colonel Cooper's, and that the revolver introduced as "Colonel Cooper's," which had not been discharged, was the one the dead Senator carried.

### Cooper's Gun Not Fired.

Major Vortress, however, who loaned Senator Carmack the revolver, identified the one found near his body with the discharged shell as the one he loaned Colonel Cooper.

There was the usual large crowd in the courtroom, many people bringing their lunch, and one woman coming in early with her knitting and busying herself busily until court opened.

### Not so Generous.

When court opened, Colonel Cooper resumed the stand and said:

"I wish to make one statement. My testimony yesterday as to helping a soldier with money, as I read it in the stenographic transcript this morning, was misunderstood, and I am afraid it is my fault. I secured \$1050 from my farm. I gave only \$50 of it to the old soldier, but evidently everyone thought I said \$1050. That's all."

Colonel Cooper was then excused and Sergeant Meadows was called, but he was absent in attendance upon his daughter, who had been operated upon a day or two ago. The defense then called Lieutenant Pitcher, United States Army, who found the revolver near Carmack's body. He said he had just left the club a block away from the tragedy the afternoon of the killing and saw a crowd. He went up and found Senator Carmack lying in the gutter. Face down, his left shoulder higher than his right, his feet to the south.

"Did you see a pistol?"

"Yes, sir; that attracted my attention. A boy was standing on Mr. Carmack's coat. I made him get off and then picked up the revolver."

"Where was it?"

"Senator Carmack's hand was extended and the revolver was eight inches from the hand."

"Did you pick it up?"

"I did, and broke it."

"Was it loaded?"

"With four loaded shells and two empty ones."

"What did you do with it?"

"I gave it to a policeman named Vaughn."

### Identifies Cooper's Weapon.

When court resumed Police Commissioner Hutchinson testified that at a conference at the Tulane Hotel the night before the shooting, Colonel Cooper had asked him for a revolver, and he loaned him one. He identified a weapon handed him by the attorney as the one he had loaned.

The defense next called T. Leigh Thompson, Deputy State Insurance Commissioner, who got to the scene of the tragedy about five minutes after it occurred. He saw Carmack's body in the street, in a pool of blood. He had seen the Senator before during the afternoon, he said.

"Did you talk to him about a message he got from Colonel Cooper?"

The defense objected and was sustained.

"Did Carmack make any threats against Colonel Cooper?"

Again the objection of the defense was sustained.

"If the threats made by the defendant, were communicated to the deceased, they could be shown," said the Judge.

"but it is not competent to prove that no threats were made. When no threats are proven it is presumed none were made."

After the jury had been excused the court added:

"If the remarks of the Senator were communicated to the defendant, they would be admissible as tending to show the state of the defendant's mind. As it is, Senator Carmack is dead, and the state of his mind is not in controversy, nor can it be."

Court then adjourned until Monday.

## WOULD FORFEIT LICENSE

### Astoria Councilman Proposes Severe Penalty for Sunday Selling.

ASTORIA, Or., Feb. 25.—(Special.)—As a result of the indictment by the Circuit Court grand jury of a number of Astoria saloonkeepers for violating the Sunday closing law, City Attorney Abercrombie, at the request of Councilman Curtis, is preparing an ordinance to be introduced at the meeting of the Council on next Monday evening, providing that a second conviction of a saloonkeeper on a charge of selling liquor on Sunday shall, in addition to the usual fine or imprisonment, revoke the defendant's license and bar him from securing a new license, as the charter now provides in cases of conviction of selling liquor to minors or of committing a felony. The proposed measure will also provide for the punishment of any persons found guilty of purchasing intoxicating liquor on Sunday.

## WELSH PEOPLE CELEBRATE

### St. David's Day Observed With Exercises in W. O. W. Hall, Albina.

In honor of St. David, the patron saint of Wales, the Welsh people of Portland held their annual entertainment and reunion last night in Woodmen hall on Russell street. From 7 o'clock to 8:19 a banquet was served by the women, which was followed by the entertainment.

Rev. R. M. Jones presided and delivered the opening address, speaking

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## Amusements

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## TROUBLE ABOUT HONDURAS

### American Warships Ordered to South America as Precaution.

WASHINGTON, Feb. 26.—Because of reports of uneasiness in Central America growing out of important military activity in Nicaragua, the State Department has asked that one or more naval vessels be sent to Annapolis, on the west coast, to watch developments and report on the situation.

The information on which the State Department is acting came from John H. Gregory, Jr., the Secretary of Legation at Managua, the capital of Nicaragua. At Annapolis the vessels were in close touch with the situation, as it may affect Nicaragua, Honduras and Salvador, and will be in such position as to prevent serious outbreak.

Recent unofficial dispatches from Central America have indicated a feeling akin to that reported to the State Department.

Jefferson City, Mo.—A legislative committee has reported recommending the destruction of one of the penitentiary buildings as uninhabitable, the sanitary conditions being bad and cell dirty. One cell reserved for the women's department has iron rings in the wall to which female prisoners were tied for punishment.

## PASSENGER TRAIN DITCHED

### Engine, Baggage-Car and One Coach Leave Track.

THE DALLIES, Or., Feb. 25.—(Special.)—Local passenger train No. 7 on the O. R. & N., due here at 1:45 P. M., was wrecked today one mile west of Deschutes, the engine, baggage car and one coach being derailed. A wrecking crew left at 4 o'clock this afternoon for the scene of the accident. No one was seriously injured.

## Inspect Plant at Salem.

President Josselyn, General Manager Fuller, Vice-President Clark and Superintendent Coldwell, of the Portland Railway, Light & Power Company, went to Salem yesterday on their regular inspection of the company's property there, the electric light plant, the street-car system and the gas plant. The Portland Railway, Light & Power Company's property on the Cazadero and Oregon City railway lines was inspected Thursday. The party will return to Portland on the completion of the work. The plants in Salem are in a flourishing condition, and the officials expect to make up the regular yearly budget at the conclusion of this inspection for the running expenses of the year.

## Sent to Hostile Committee.

CARSON, Nev., Feb. 25.—Friends of the anti-gambling bill received a setback when the Senate sent the bill to the committee on Judiciary instead of the ways and means committee. This

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