GAIN AND SETBACK

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 Dol-

lars 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 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, identifled the one found near his body with the discharged shells as the one he had loaned the Senator. Police Commissioner Hutchinson identified the re volver which had not been fired 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 busy ing herself thusly 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 sten-ographic 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.

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 Lieu-tenant 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, Tace down, his left shoulder higher than his right, his feet to the

"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

ne hand."
"Did you plek it up?"
"I did, and broke it."
"Was it loaded?"
"With four loaded shells and two empty

"What did you do with it?"
"I gave it to a policeman named Vaughn."

Identifies Cooper's Weapon.

When court resumed Police Commis-gioner 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 The defense next called T. Leigh

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,

Thompson, Deputy State Insurance Con

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

Objects to Message.

The defense objected and was sus-"Did Carmack make any threats against Colonel Cooper?" Again the objection of the defense was

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

'If the remarks of the Senator were communicated to the defendants, they would be admissable 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,

Court then adjourned until Monday.

WOULD FORFEIT LICENSE

Astoria Councilman Proposes Severe Penalty for Sunday Selling.

ASTORIA, Or., Feb. 3.—(Special.)—As a result of the indictment by the Circuit Court grand Jury of a number of Astoria conkeepers for violating the Sunday sing law, City Attorney Abercromble, 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 sec-ond conviction of a saloonkeeper on a charge of selling liquor on Sunday shall, in addition to the usual fine or impris-onment, revoke the defendant's license and har him from securing a new license conviction of selling liquor to minors or of committing a felony. The proposed measure will also provide for the punment of any persons found gullty purchasing intoxicating liquor on Sun-

WELSH PEOPLE CELEBRATE

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

in honor of St. David, the patron

ered the opening address, speaking their claims to the position.

in English, setting forth the reason of the celebration. He said, among other things, that the Welsh people maintained a pure gospel for over 750

years and were the most religious peo-ple in the world.

The programme opened with a chorus, after which the following ex-ercises were given to the large sudience: Song, Owen Jones, Jr.; glee audience: Song, Owen Jones, Jr.; glee club; dust, William Green and Annie Brown: living pictures, showing courtship and marriage; song, Ethel Clark; male voices, the sailor chorus; song, Charles Parcel; recitation, Rees Griffith; song, Ruth Williams; "Steward of the Ship, Can't Stop," sketch; song, Sarah Edwards; carnival of nations; song, Edith Williams; glee club, "The Hunter's Call"; song, T. J. Jones; song, R. Percell; Hen Wlad fy Naudua.

The half was decorated with the Na-

R. Percell; Hen Wlad fy Naudua.

The hall was decorated with the National colors, and over the platform was the emblem of Wales, flanked by the Stars and Stripes and the Union Jack. The entire evening was full of amusement, every song and act being rendered with animation. The large hall was filled with Weish people, who enjoyed the exercises until a late hour,

CANDIDATE WILL BE PUT UP AT NEXT ELECTION.

upon the theory that the revolver with Legislative Committee Instructed to Take Steps Looking to This End.

That an effort will be made to have organized labor represented in the next City Council is indicated in the action at last night's meeting of the Central Labor Council, when its legislative committee was instructed to outline a plan whereby the Council will be enabled to put forward candidates for members of the Mayor's official family.

The legislative committee was also in-

the Mayor's official family.

The legislative committee was also instructed to appear before the new charter board to present the interests and purposes of organized labor. The committee in question is composed of A. Maden. Water Front Federation; W. C. Osborne, Building Trades; T. M. Leabo, W. E. Wells, Central Labor Council; J. A. Duna, Miscellaneous Trades,

Delegates from Oregon Lodge, No. I. Amalgamated Association of Iron, Steel & Tinworkers, were last night given seats in the Council.

The representative of the Oregon Labor Press, official organ of organized labor in Oregon, last night announced that this publication will bereafter devote its col-umns to the interests of organized labor throughout the state, instead of confining itself to the affairs of the local unions.

This policy has been followed to some extent herotofore. Amusements

What the Press Agents Say.

Afternoon and Night at Heilig, There will be two performances at the There will be two performances at the Heilig Theater, Fourteenth and Washington streets, today. A matinee at 2:15 e'clock this afternoon and tonight at 8:16. The attraction will be the big muscal comedy success, "A Stabborn Cinderella." The clever comedian, Homer B. Mason, and an exceptionally good cast of principals, together with one of the largest and bent-looking choruses that wer came to Portland will be found in this brilliant offering.

Baker Stock Company.

The popular Baker Steck Company has been creating great amusement all week. In De Souchet's well-knewn farce, "My Friend From India," which will be played at the Bungalow this afterneon and tonight. It gives Heward Russell, William Gleason, Maribel Seymour and William Dills great chances for clever work.

Baker Matince and Tonight.

Arthur Conningham will close his two highly successful weeks at the Buker with the famous Irish play, "Shain Rhug," this afternoon and tonight. The performances of these Joseph Murphy plays are unlike any other theatrical entertainment of today. Mr. Cuuningham sings several of the beautiful songs of long ago.

AT THE VAUDEVILLE THEATER.

Big Matines for Children-Ornheum "Teddy Bear and the Six Little Girls" are expecting great times from the children at the Orpheum matines today. No act seco in this city in many months has given the children se much pleasure. It's not offer parents have an opportunity of taking the little ones to the theater where they can enjoy themselves as they do with Teddy Wess.

Pantages Theater Next Week. The Pantages management takes much pleasure in announcing as the headliners for next week the four Hanlons "Superha" and "Fantasma" stars in their pantomimic and farcical absurdity entitled "Just-Phor-Phun." This is the greatest comedy and pantomime act in the world. See it and be convinced.

"The Sexton's Dream."

The most besutiful act in vaudoville and one of a religious tone is "The Sexton's Dream," which is at the Grand this week. The seem represents the tower of Trinity Church, New York, and shows the city at night in the distance. It is the acme of stage realism. Soveral sacred songs are introduced in the act.

COMING ATTRACTIONS.

"The College Widow."

One of the principal theatrical events of the present season will be the Baker Stock Company's production of the famous George Adis comedy, "The College Widow," which will begin at the Bungalow tomorrow matines and run all next week Manager Baker secured this play from its owner, Henry W. Savage only after weeks of negotiating and the payment of a big royalty.

Paul Gilmere Opens Temerrow.

Temorrow matines at the Baker the popular remantic actor Paul Glimpre, will be in a week's engagement at Baker Theater in this latest hig success, "The Boys of Comany B." It is a play with a military flavor he second act taking place at a Summer heampment on the Hudson, Tuesday night tompany B, O. N. G., will attend in unform.

8-Palace Girls-S-Orpheum. The Eight Palace Girls, who are the micus and original girls from the Palace heater, London, with James Clemona, have been pronunced one of the biggest attractions that was at the Palace the past season. It is predicted that they will prove attractive to the patrons of the Orpheum next week.

Go Where the Crowds Go. If you follow the crowd you will wind up at the Pantages Theater where you will find the following acts: Melbourne MacDowell and Virginia Drew Trescott, presenting "A Man of the People"; the Rich Duo, Alsace and Loraine, the King and Queen of Harmony, Clarence Oliver, monologist; the Pantan trio, government athletes, etc.

The greatest of trained dog acts will appear at the Grand next week. Coin's dogs tell a complete story without words and without any man being on the stage to direct them. It made a sensation when here before. A female dervish dancer and other strong cards on the new programme.

Tax Commissioners Picked.

SALEM, Or., Feb. 26 - (Special.) - Secretary of State Benson has selected a man for the position of State Land Agent to succeed C. V. Galloway, who will resign saint of Wales, the Welsh people of soon to accept a position as Tax Commis-Portland held their annual entertain- sioner, but the name of the new appointed ment and reunion last night in Wood- will not be announced until Benson beo'clock to 8:30 a banquet was served by the women, which was followed by the women, which was followed by the entertainment.

Rev. R. M. Jones presided and delivered the same appointment has been decided upon will save them the trouble of pressing comes Governor. In the last two days a

Some Go to Navy-Yards for Slight Repairs and Some to Visit Coast Cities.

FARRAGUT'S SHIP APPEARS

Old Bark-Rigged Hartford Enters Anchorage Ground-Rumor That

> Wainwright Will Succeed Sperry Crops Up.

FORTRESS MONROE, Va., Feb. 26 .-The disintegration of the naval force which has been at anchor in Hampton Roads since Monday last began today. The Minnesota and Virginia, of the fleet which circled the globe, steamed away to the Norfolk Navy-yard to receive preparations for the Summer maneu-vers. The big white ships will all be dressed in the somber hues of "service

gray."
The three scout cruisers Chester, Bingham and Salom sailed later for Newport. After coaling there they will be sent out on a pructice run, which is expected to demonstrate the relative officiency of the three different types of engines with which these little vessels

are fitted.

The battleships New Jersey and the Rhode Island are under orders to leave tomorrow, the former going to Boston and the latter to New York. Conscious of the fact that they will be the first of the home-coming fleet to enter New York. harbor, the men and officers of the Rhode Island are preparing to celebrate

Delay General Inspection.

Other ships are to leave shortly, it having been determined that "Admiral's in-spection" shall be delayed until later in the year. The ships have been under such close supervision on the way around the world that further inspection was

deemed unnecessary.

Just what is to be done with the ships of the third squadron has not been determined. The men have had hard work fitting out and shaking down the new vessels, and are anxious to make some sort of cruise rather than o remain at Guantanamo drill grounds until the ships of the returned fleet are ready for Summer maneuvers. It is said that the squadron undoubtedly will be given a West Indian cruise.

Hartford Joins Fleet.

One of the most picturesque sights One of the most picturesque signts Hampton Roads ever has known was presented today when Admiral Farragut's old flagship, the Hartford, of "Damn the torpedoes" fame, came in from Annapolis and cast anchor near the Connecticut. With her wooden hull and bark rig, the Hartford presented a striking confrast to the modern year. a striking contrast to the modern ves-sels. She will be used in helping to transport bluelackets to Washington for the inaugural parade.

The old report spread today that Rear-Admiral Richard Wainwright, who was executive officer of the battleship Maine under Captain Sigsbee when that vessel was destroyed in Havana Harbor, and who afterward commanded the little Gloucester at the battle of Santiago, is President Roosevelt's choice to succeed Admiral Sperry and that the President intends so to designate him before March 4.

Admiral Wainwright is one of the most recently promoted flag officers, and his selection would mean the sending ashore to bureau and board works Admirals Arnold and Shroeder, as well as Admiral Sperry, who retires in Sep-Admiral Arnold, during the absence

of Admiral Sperry, is in command of the fleet.

HUTCHINS IS MENTAL WRECK

Captain of Kearsarge to Be Examined by Medical Board.

ASHINGTON, Feb. 26.—Captain Hamilton Hutchins, who was relieved of his command of the battleship Kear-sarge by Admiral Sperry just befor-the fleet left Gibraltar, will be examined by a special medical board regard-ing his mental and physical condition. His mental state is said to to pitiable. Because of his great nervousness, Captain Hutchins was relieved of his command at his own request.

PASSENGER TRAIN DITCHED

Engine, Baggage-Car and One Coach Leave Track.

THE DALLES, Or., Feb. 26.—(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 Deschites, the engine, baggage car and one coach being derailed. A wreck-ing crew left at 4 o'clock this after-noon for the scene of the accident.

Inspect Plant at Salem.

President Josselyn, General Manager Fuller, Vice-President Clark and Super-intendent Coldwell, of the Portland Rallway, Light & Power Company, went to Salem yesterday on their regular inspec-tion 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 rallway lines was inspected Thursday The party will return to Portland on the completion of the work. The plants at 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

Sent to Hostile Committee.

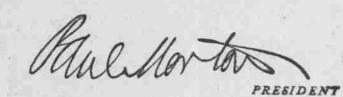
CARSON, Nev., Feb. 26.-Friends of the anti-gambling bill received a set-back when the Senate sent the bill to the committee on judiciary instead of

THE EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES

NEW YORK, FEBRUARY 20, 1909. TO POLICYHOLDERS: The following synopsis of the Annual Statement, as of December 31st, 1908, is submitted for your information : 1908 \$472,339,508.83 \$453,928,775.06 TOTAL ASSETS Stocks at Market Quotations of December 31, Bonds at amortized values. 391,072,041.93 TOTAL LIABILITIES 379,372,284.59 Consisting of Insurance Fund \$384,152,880 and \$6,919,-161.93 of miscellaneous liabilities. The Insurance Fund (with future premiums and interest) will pay all outstanding policies as they mature. TOTAL SURPLUS 81,267,466.90 74,556,490.47 With an increasing number of maturities of Deferred Dividend Policies this sum will gradually decrease. NEW INSURANCE PAID FOR 91,262,101.00 73,279,540.00 This is an increase for the year of nearly 25 per cent. as compared with 1907. TOTAL AMOUNT PAID TO POLICYHOLDERS . . 47,861,542.69 45,305,831.30 20,324,002.65 18,992,079.87 DEATH BENEFITS - - - -97 per cent. of all Death Claims in America were paid within one day after proof of death was received. 4,830,170.10 4,704,119.32 ENDOWMENTS - - - -ANNUITIES, SURRENDER VALUES AND OTHER BENEFITS 14,696,354.16 14,100,855,97 8,011,015.78 DIVIDENDS TO POLICYHOLDERS - - -7,508,776.14 1909 Dividends to Policyholders will approximate TOTAL LOANS TO POLICYHOLDERS 57,053,555.28 49,615,393.06 DIVIDENDS TO STOCKHOLDERS 7,000.00 7,000.00 This is the maximum annual dividend that stockholders can receive under the Society's Charter. EARNINGS OF THE SOCIETY FROM INTEREST 20,636,405.61 AND RENTS 19,485,110.01 OUTSTANDING LOANS ON REAL ESTATE MORTGAGES 97,570,767.22 95,008,970.00 Invested at an average rate of 4.70 per cent. as against 4.53 per cent. in 1907. TOTAL EXPENSES, including Commissions and Taxes - -9,758,447.46 9,846,858,69

The average gross rate of interest realized during 1908 amounted to 4.45 per cent., as against 4.39 per cent. in 1907, 4.26 per cent. in 1906, 4.03 per cent. in 1905 and 3.90 per cent. in 1904.

DAVID C. HERRIN, General Agent Oregonian Building PORTLAND, OREGON



Brosmer, Balzaar, Pyne and Tallman, has been unanimously against the bill.

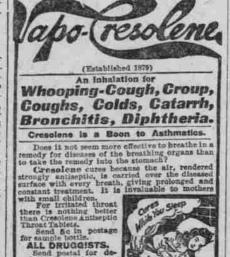
TROUBLE ABOUT HONDURAS

American Warships Ordered to South America as Precaution.

WASHINGTON, Feb. 26.—Because of eports of uneasiness in Central America growing out of important military activity in Nicaragua, the State Departnent has asked that one or more naval vessels be sent to Amapala, on the west coast, to watch developments and re-port on the situation.

The information on which the State Department is acting came from John H. Gregory, Jr., the Secretary of Lega-tion at Managua, the capital of Nicaragua. At Amapaia the vessels were in close touch with the situation, as k may affect Nicaragua, Honduras and Salvador, and will be in such position as to prevent serious outcome. Recent unofficial dispatches from Central America have indicated a feel-ing akin to that reported to the State Department.

Jefferson City, Mo.—A legislative commit-tee has reported recommending the destruc-tion of one of the penitentiary buildings as minimabitable, the sanitary conditions being bal and cells dirty. One cell room in the weall to which female prisoners were tied for punishment.



Vapo-Cresolene Co.

WHY NOT TAKE A STREETCAR RIDE

TOMORROW OUT TO

GREGORY

SEE GREGORY'S BIG AD SUNDAY

10-INCH RECORDS—SINGLE 60c.
No.

5605 Bunch of Roses March
Sousa's Band
5606 The Sunny South—Medley.
Pryor's Band
52014 The Mocking Bird (Whistling).
Frank Haffort
5607 The Message of the Red, Red
Rose (from "Marcelle")
Miss Walton, Mr. Macdonough
5608 What's the Use of Working
Josie Sadler
5608 Take Plenty of Shoes (from
"The Boys and Betty").
Solid Murray
5600 Dewn Among the Sugar Cane
(Darky Shout).

15-INCH RECORDS—SINGLE \$1.00.

58003 Andante from Trib, Op. 85

Two New Records by William H. Taft

55004 I Love a Lassle (My Scotch Bluebell).....Harry Lauder 18411 From Thy Starry Heaven— Prayer from Rosini's "Moses." Alexina, Mansusto and La Scala Chorus,

> Note the Nine New Double-Faced Records Listed Here-

> Seven 10-inch, Two 12-inch

12-INCH RECORD - DOUBLE-FACED, \$1.25.

Two New Records by William H. Taft 16143 (a) Foreign Missions.

William H. Taft
(b) Our Army and Navy.

William H. Taft
16144 (a) Now I Have to Call Him
Father (Vesta Victoria's
Hit).

Ada Jones
(b) American Ragime (from
American Idea) Billy Murray

'His Master's Voice

Victor Records for March ON SALE TODAY Accompaniments by the Victor Orchestra

> 10-INCH RECORDS — DOUBLE-FACED, 75 CENTS. | NEW VICTOR RED SEAL RECORDS Three New Records by Melba. Three New Records by Melba. Neilie Melba, Soprano. 85160 Ye Banks and Braes o' Bonnie Deon (Burns), 12-inch, \$3-in English 88151 Dune Prison (Hahn), 12-inch, \$3. In French.

Two New Farrar Records. Geraldine Farrar, Soprano.

87025 Believe Me if All Those En-dearing Young Charms. 10-inch, \$2. In English. 88147 Faust-Air des Bijoux (Jewel Song) ((Gounod), 12-inch, \$3. In French

Another Hamlet Record by Ruffo. Titin Ruffo, Baritone. 92042 Hamlet-Monologo, 12-inch, \$5. In Italian

Two Records by Mme. Gay-The New Metropolitan Carmen. Marin Gay, Mezzo-Seprano 91085 Carmen-Seguidilla (Near the Walls of Seville) (Bizet). 10-inch, \$2 in Italian.

92059 Carmen—Habanera (Love Is Like a Wood Bird) (Biret). 12-inch, \$3. In Italian.

Sherman, Clay &

Sixth and Morrison Streets, Opp. Postoffice

Wholesale and Retail Victor Machines, Records and Supplies