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TWELVE PAGES—TUESDAY MORNING MARCH 9 1909—TWELVE PAGES

51 29TH YEAR

DRAMATIC PLEA IN COOPER CASE

Counsel for State in Five-Hour Address Shatters Argument of Self-Defence.

NASHVILLE, Tenn., March 8.—After Captain Fitzhugh had completed the opening argument for the state this afternoon in the case against Col. Duncan B. and Robin J. Cooper, and John D. Sharp, charged with the murder of former United States Senator E. W. Carmack, Judge William Hart ordered the jury withdrawn and said: "I asked the audience to remain in order that I might do something I never did before. I want to thank you for the splendid order preserved to-day. In spite of the splendid bursts of eloquence from the speaker there has not been a single demonstration."

Capt. Fitzhugh made a strong and striking argument. It lasted over five hours, and when he concluded he was exhausted. The court room was packed to suffocation.

Fitzhugh is a dramatic orator, and his exertions left him nearly a physical wreck when he concluded. The young Memphis attorney's speech is considered a masterpiece of logical argument and bitter invective, and it had a noticeable effect upon the jury, who leaned forward and listened breathlessly to every word spoken. Fitzhugh was a close friend of Senator Carmack and he is in the case at the special request of Mrs. Carmack. His peroration was especially dramatic.

"There will be many arguments made to you," he said, "to touch your hearts. You will be asked to be generous and sympathetic. They will talk to you of this 'boy here.' Why, gentlemen, he is 27 years old and some of the greatest achievements of men have been accomplished before a man is 30; and they will point to Col. Cooper as a gentleman of the old school as the 'last flower of the old southern chivalry.' Do you believe it? Was he a gentleman when he used that awful language in the presence of Miss Lee?

"And when they talk to you of sympathy, just look over there. You see in sable garments the widow of E. W. Carmack. You see on her arm the ten-year-old boy who was the pride of E. W. Carmack's life. Did Duncan Cooper or Robin think of this widow or this boy when they shot down the husband or the father? Would it not have been better if Robin Cooper, instead of shooting the senator, had said to his father, 'Father, do not kill the father of this little boy; do not slay the husband of this fond wife,' but he did not.

Liberty of Press at Stake.

"The question to be decided is whether or not the law is to be enforced. That question is to be decided by you. If murder is to be committed in the streets of our cities without fear of punishment, can you tell who will be the next victim? The very liberty of the press is at stake, the security of the common people. It all rests with you into your hands I place it unreservedly."

"Cooper declares Craig told him his name would not appear in The Tennesseean again. This would mean that Col. Cooper's ends had been attained and that the trouble was over," said Fitzhugh in analyzing the evidence. "Yet what does he do? He goes out and arms himself with a deadly weapon. And where does he get it? At the Tullane Hotel. Where did Robin get his revolver? At the Tullane Hotel. Where did Cooper meet Craig? At the Tullane Hotel. Where is the Tullane? Across the street from Senator Carmack's office. Anything magnificent in this?"

Capt. Fitzhugh then took up the fourth editorial, entitled "The Diplomat of Sweibung." It was introduced in the case by the state. This editorial credits Col. Cooper with "welding the pewter handle upon the wooden spoon," with "grafting the dead bough upon the living tree and making it bloom and bourgen with golden fruit," with "making playmates of the lamb and the leopard," with making "boon companions of the spider and the fly," with "making soda and vinegar to dwell placidly in the same bottle," and with "teaching oil and water how they might agree," and closed with the expression, "To Major Duncan Brown Cooper, the great diplomat of the political zwibund, all honor and glory forever."

"And, gentlemen, this editorial appeared on Monday morning, Nov. 9, and before the sun had set that night the brilliant Edward W. Carmack had been slain for writing it.

Prepared to Murder.

"They tell you the Coopers wanted peace, yet at noon that day Col. Cooper's own daughter, frantic with terror and wild with anxiety, telephoned Dr. Witherspoon that her father was armed and threatening to kill Senator Carmack on sight, and the young woman did everything in her power to avoid the trouble, be it said to her credit. She even appealed to her father and said she feared for his safety. What was his reply to that girl's appeal? He said: 'He is as likely to get hurt as I am.' Ah, gentlemen, there is a note of confidence all thru the defendant's talk—that note of confidence not based upon chance.

"They do not dare have the colonel back at Bradford's office that day at 11 o'clock, so they had him at home, but they forget Miss Lee, a pure, good girl, who gave up a splendid position rather than the truth should be trampled upon. She says Col. Cooper was there and used language so vile that she would not soil or pollute her lips by speaking it; and wrote it only under compulsion. And you saw how she shrank and covered her face as the words were read. Those are the words used by this spark of the old chivalry, this type of an old southern gentleman, in the presence of a virtuous, helpless girl. Good men, are you not ashamed of such a man?

Who Caused It?

"And right here we come to the crucial test, where you gentlemen must apply the law to the facts; who brought on the trouble?" said the attorney. "If the Coopers had gone on as they started, then Carmack would still be alive.

$1,000,000 to Guard Crossings.

OTTAWA, March 8.—(Special.)—Mr. Graham's promised bill to provide for the protection of the public at level crossings will apportion the cost between the federal, provincial and municipal authorities. He has given notice of a resolution to set apart a million dollars to be expended in five years for this purpose.

The resolution says: "'That it is expedient to provide that the sum of $200,000 each year for five consecutive years from April, 1907, be appropriated in the consolidated fund for the purpose of aiding in the providing of protection, safety and convenience for the public in respect of existing highway crossings of railways at rail level, and that the sums be placed to the credit of a special account to be known as the railway grade crossing fund and be applied under the authority of the board of railway commissioners for Canada."

YOUNG STUDENT VICTIM OF MERCILESS TROLLEY

Lad From Jamaica Killed by Car Running Backwards at the North Yonge Street "Y."

One more death has been added to the long list of the city's street car fatalities. And the fears of northend residents that the "Y" at Yonge and Price-streets, where the Yonge-street cars are turned, would one day claim a life, were realized when at 6.25 o'clock last night Eversleigh Evelyn, a young Jamaican student, was struck down by Yonge-street car No. 746, in charge of Motorman C. Wakeham, 60 Hillsboro-avenue, and Conductor W. H. Marlett, 5 St. Albans-street.

The car, according to the story given to the police, had backed north into Yonge-street, and then backed further north again to allow another car to make the switch ahead of it onto the west track. Evelyn was crossing the street and was struck and thrown across the west rail. The rear truck passed over him, crushing his hips. The car, which was going very slowly, was stopped before the forward trucks reached the lad's body. He was hurried in the police ambulance to St. Michael's Hospital with Dr. M. M. Crawford. He died there at 8.45.

At the hospital he revived sufficiently to tell a story of the accident. He said that he was crossing below the switch and behind the car, 746. He saw another car turning from the switch into the west track, stepped back to avoid it and was struck by 746 backing north.

This spot is regarded as a particularly dangerous one, as the street is often crowded and there is a considerable space over which the cars have to back on Yonge-street and by reason of the complication of wires from the switch of the Y and that to the north the conductors have to look aloft to the poles and are therefore not so well able to keep a lookout for pedestrians on the track.

Eversleigh Evelyn was aged about 16, and with his brother, Stephen, a year younger, came to Toronto some months ago to complete their education. They have been staying with Samuel Sims at 19 Summerhill-avenue, Miss Sims, principal of Rose-avenue school, being their guardian.

The deceased was the son of a clergyman in Jamaica. The parents had the sad news of the fatal accident cabled to them last night. They have been regular attendants at St. Paul's Anglican Church. Canon Cody, Miss Sims and the brother were at the hospital when death occurred.

The county crown attorney was notified and the case turned over to Coroner J. M. Cotton, who will open an inquest at the morgue at noon to-day.

GOVT. SHOULD ACQUIRE "FEEDERS" FOR I.C.R.

Moves Resolution That Branch Lines in Maritime Provinces Should Be Absorbed.

OTTAWA, March 8.—(Special.)—Mr. Emmerson moved a resolution to-night in favor of the acquisition by the government of the branch lines in New Brunswick and Nova Scotia as feeders to the Intercolonial.

He declared that the I.C.R. must remain a government-owned railway, and that Sir Charles Tupper had subsidized the branch lines because they would be feeders to that railway. Absorption was the policy of all great railway systems.

Answering a Toronto paper that there were 1500 employes too many on the I.C.R., he said it had fewer employes than any of the great United States roads, and the cost of operating was less according to mileage and traffic than any other Canadian railway. The rates on the Australian railways were 3 1-2 times as great as the rates on the I.C.R.

Several of the maritime members supported the resolution, the debate continuing till after midnight.

Mr. Graham promised to go into the question when he made his annual statement on the I.C.R. He moved the adjournment of the debate.

To-morrow the minister of militia will make a statement in connection with his estimates.

T. C. Robinette, K.C., has been retained to defend Christopher Holland should he be extradited from Philadelphia.

CANOE ROUTE FOR FREIGHT

C.P.R. Will Have Several Hundred Small Craft to Open Up Short Road to Gowganda.

MONTREAL, March 8.—(Special.)—It was officially announced by the Canadian Pacific to-day that the company in order to avert suffering and possible famine in the new mining region, have decided as soon as the frost breaks to open a canoe freight route from Bisco, on the C.P.R. line, thirty-five miles west of Sudbury, to Gowganda. The centre of the mining region will be by this route twenty-two miles nearer Toronto than by way of Charlton on the T. & N. O. Railway.

The company will have some hundreds of canoes and launches at work, there being long stretches of lake navigation on which launches can be used. The portages number less than half the number encountered between Elk City and Gowganda. The company will put horses on the long portages in order to facilitate quick transshipment. One of the most favorable features of the route is that there is no upstream work. The Montreal River is struck in its higher reaches and followed thruout its course.

The route is by way of Duncan's Lake, Shinning Tree Lake and Wapoos River. In view of the fact that both the Ontario Government railway and the Canadian Northern have refused to accept freight for the silver region owing to the impossibility of obtaining teams to transport supplies from either Charlton, Englehart or Sellwood, it is the intention of the C.P.R. freight department to have everything in readiness for the opening of the route just as soon as the weather renders navigation possible.

It is claimed that this will be the best natural route for the location of a permanent railway. The geological departments of the federal and Ontario governments state that the great diabese belt runs in a southwesterly direction from Duncan's and Shining Tree Lakes to Siscot, passing between Philip's House and Minnie Sinoquat Lake on the famous Siscot route to Hudson Bay.

Messrs. Booth and Shannon, the big lumber firm, have submitted a proposition to the C. P. R. for the opening out of a dry wagon route as soon as practicable and it is possible this may be the next step in the development, as it would serve as the tote road for the new railway that will probably be built thru there.

CANADA WELL SERVED

Premier Asquith Refers to the Negotiation of Treaties.

(C. A. P. Cable.)

LONDON, March 8.—The Standard says the United States tariff accentuates the settlement of the preference question by the mother country, since the new duties will have been made so tempting to Canada as to impel her to a desire for immediate reciprocity negotiation.

Replying to a question whether the time had not come for a concession to Canada by the imperial government,

Premier Asquith said the Canadian Government already does negotiate with other British possessions. Sir Wilfrid Laurier about a year ago in the Canadian Parliament had expressed himself quite satisfied with the present practice of negotiating treaties with foreign government thru his majesty's governments. He believed it would be impossible for any other arrangement to secure fuller or more effective presentation of Canadian views and wishes than had been obtained in the recent negotiations about matters of Canadian interest with France, the United States and Japan.

CRIPPLE BADLY HURT.

Falls Backward From Rear Platform of Street Car.

Thru somebody unhooking the chain on the rear platform of a Dundas car, either thru mischief or thoughtlessly, a cripple, Allen Burt, residing at 198 Dovercourt-road, met with a serious accident at 6 o'clock last night.

Afflicted with an incurable curvature of the spine and quite incapable of using his legs for support, he was standing on crutches on the rear platform. At the corner of Robinson and Bathurst-streets the car started with a jerk, with the result that Burt was thrown thru the opening at the rear of the car, alighting flat on his back. He was picked up from the street unconscious and carried into Dr. Killoran's office, where he was given medical attention. He regained consciousness half an hour later and was taken home in A. W. Miles' ambulance.

G. T. R. AT ST. KITTS.

Would Like Station in Centre of City—Toronto-Niagara Trolley Route.

NIAGARA FALLS, Ont., March 8.—(Special.)—Officials of the New York Central accompanied by Burt L. Jones, general manager of the Gorge route road, with Grand Trunk Railway District Passenger Agent, J. D. McDonald, are reported to have held a conference in St. Catharines on the advisability of bridging the Welland Canal to allow the Grand Trunk to enter the city proper and have a depot in the centre of the city.

Another matter that is said to have been discussed was the proposition to extend the trolley system from Niagara Falls to Toronto. The line at present extends to Welland, altho owners of the line have a charter permitting them to enter Toronto. Toronto and Rochester may be also connected by a direct route should the new bridge over the Niagara River at this point be built, plans for which are in course of preparation.

This would bring Buffalo, Rochester, Niagara Falls, St. Catharines, Hamilton and Toronto in touch by direct trolley service.

LIGHT-MINDED FOWL.

MRS. COUNTRY: They're a fine setting of eggs, Willie, but I haven't a "clucker" on the place that I can put 'em under.

LLOYD GEORGE COVETS UNCLAIMED BALANCES

Could Realize $300,000,000 to Help Meet the Deficit to Be Recorded in Next Budget.

NEW YORK, March 8.—The American's London cable says:

The British treasury faces a big deficit, and Chancellor Lloyd George continues to threaten, in view of the coming budget, that he is looking for "new henroosts to rob," wherewith to meet the deficit.

Meanwhile there lies untapped a gold mine in the shape of the unclaimed balances in the English banks. The aggregate is unknown, but banking experts estimate that, including cash, securities, jewelry, gold and silver plate, the unclaimed treasure amounts at least to sixty millions sterling—that is, $300,000,000. This vast wealth has accumulated owing to the death, disappearance or forgetfulness of depositors.

Several old banks, like Coutts, have been accumulating derelict funds for two hundred years, one alone having a dormant fund of $10,000,000. Many palatial bank buildings have been erected out of these unclaimed deposits. The bankers keep the amounts thus lying idle a profound secret and intend to fight any interference therewith.

There is also a huge dormant fund lying in the Court of Chancery, which has accumulated from forgotten lawsuits involving big fortunes. The Royal Court House of London, which cost $8,000,000, was built from this fund.

To make the banks disgorge, Horatio Bottomley, M.P., introduced a bill in the last session of parliament. The proposed law would require the bankers to make an annual return, giving particulars of all the cash balances and deposits of securities, plate, jewelry and so forth, which had been untouched by the depositors for the previous six years. Bankers failing to make such return would be liable to a fine of $500 a day for the period of delay. Bottomley's bill was well supported and passed the first reading by a big majority, but since then it has not been heard of.

CANALS WASTE OF MONEY.

Robert Meighen Would Build More Railways Instead.

MONTREAL, March 8.—(Special.)—Robert Meighen, president of the Lake of the Woods Milling Company, is out against a further expenditure on the Canadian canals. He says:

"In a climate such as ours my opinion is that canals are something like Noah's Ark, back numbers. You must, however, bear in mind that I do not include the Soo canal.

"Double tracked low grade railways from tide water to eastern Georgian Bay ports, would, I am of the opinion, make further canal expenditure unnecessary. Let us summer and winter, be in a position to handle our western traffic over our own railways.

"I am decidely against free canals. I would levy toll on all canal traffic and make the port of Montreal free. What we want is to have the product of the west brought from Fort William to the eastern shore of Lake Superior, having elevator capacity there to handle western products thru our own system of elevators and over our own railways instead of allowing our freight to be diverted for storage and exported from Buffalo.

CUT DUTIES IN HALF IN LUMBER AND HIDES

One of the Changes in the Proposed New U. S. Tariff—Need Canadian Products.

WASHINGTON, March 8.—A cut of one-half in the duties on lumber and manufactures of lumber is understood to be one of the changes provided by the new tariff bill, which is printed preparatory to its final revision by the Republican members of the house ways and means committee. Another change that has been made, according to information from reliable sources, is that hides have been placed on the free list. There had been much contention over the duties of these two articles.

While no figures were obtainable regarding the steel schedule, it was stated on the same authority that a substantial reduction in the duty on steel rails, tools and similar products is provided for. A duty of four cents a pound on coffee is levied. This is by way of compromise with the Porto Ricans who demanded a tariff of six cents a pound.

Whiskey and beer will remain as they are at present, if the sub-committee resolutions are enacted into law. It was felt that whiskey was already carrying all the tax it could stand, while in the case of beer the prohibition movement thruout the country, it was explained, had cut down the consumption of beer, and it was felt that it would be a hardship to impose any further tax.

It having become manifest to the committee that the duties derived from customs under the new bill would not produce the revenue expected, they turned to the expedient of revising the war revenue act of 1898 which placed a tax on telegrams, bank cheques, playing cards and all stocks bought or sold. That feature of the war revenue act is incorporated in the measure as drafted, it is said.

A matter which is perplexing the committee is that of placing a tax on inheritances President Taft wants it it is declared, and is pressing the committee to take action along that line, and indications are, it is said, that the committee will yield to the president's wishes.

It is understood that the policy of the Democrats will be to criticize the Republican bill, and offer amendments to it. They will follow a tariff-for-revenue rather than a free trade policy.

NEW C.P.R. APPOINTMENT.

MONTREAL, March 8.—A circular was issued to-day by the Canadian Pacific Railway Company announcing that M. McD. Duff of Montreal had been appointed to the new position of assistant to the manager of the Canadian Pacific Railway Steamship service.

SOO VOTES BONUS.

SAULT STE. MARIE, March 8.—(Special.)—Only 12 voted to-day against the bonus of $5000 a year for 20 years for the proposed dry dock. Of this amount one-half will be repaid in school taxes.

Grain at Port Arthur.

PORT ARTHUR, March 8.—(Special.)—Grain is again beginning to come to the local yards in large quantities. There are now 150 cars in the Canadian Northern yards being transferred to elevators. This is mostly sold for May shipment. It is expected that the movement of grain will now reach such proportions that it will be necessary to increase the elevator staff.

RESULT OF THE SURVEYS FOR HUDSON BAY RY.

Routes to Port Nelson and Fort Churchill Feasible With Former Terminus Recommended

OTTAWA, March 8.—(Special.)—The preliminary report of the Hudson Bay Railway survey has been filed by the chief engineer.

From The Pas, on the Saskatchewan River, the present northern terminus of the Winnipeg and Hudson Bay Railway, two surveys have been projected, one to Fort Churchill and the other to Port Nelson, nearly 100 miles south.

The chief engineer recommends the Port Nelson route as being 60 miles shorter and passing thru a well-timbered country. The report says: "Churchill harbor is very small. The little Hudson Bay Company's vessel, the Pelican, takes up nearly all the harbor space available at present. In order to make the port a commercial possibility a great deal of dredging and filling would have to be done."

As to Port Nelson, while it is landlocked, Mr. Armstrong believes it could be opened up by dredging. The cost of the first 100 miles from The Pas to Split Lake, where the routes would branch is estimated at $2,000,000.

CARMAN'S VIEWS ANTIQUE.

Opinion of Rev. Dr. Henderson of Ottawa, a Former Colleague.

OTTAWA, March 8.—(Special.)—The opinion expressed by Rev. George Jackson regarding the Bible narrative in his recent address at the Y.M.C.A., Toronto, was endorsed in an interview to-day by Rev. Dr. Henderson of the Dominion Methodist Church, and formerly superintendent of Methodist Missions at Toronto, where he was in constant association with Dr. Carman.

"Mr. Jackson is in line with the advanced thought of to-day. I have not seen any authenticated report of his lecture, only the regular newspaper reports, but have seen none of his statements that I would not endorse. He is a cautious, conservative thinker.

"Dr. Carman, on the other hand, stands for a mode of interpretation of the Bible which we regard as somewhat antique. I do not think he is, like Mr. Jackson, in touch with the latest enlightenment. We do not regard him as an authority on Bible criticism, for he has not given the necessary thought or time to modern day problems, but rather as a past master on the constitution of the church."

LIBERALS GAIN EARLY LEAD.

Will Have Several Seats By Acclamation.

EDMONTON, Alberta, March 8.—(Special.)—With nomination day just one week off, Liberals still hold the advantage in the large number of candidates in the field.

There have up till to-day been 34 Liberals nominated and 25 Conservatives. There are also six Socialists and Independents, who have announced an intention of entering the contest. Present indications are that four or five seats will be given to the Liberals by acclamation. One seat in Edmonton has already been conceded and it is probable that Lacombe, Sturgeon, Victoria and Sedgewick will also go by the bard.

INSURANCE ACT NOT QUITE SO STRICT

Companies Are Given More Latitude for Investment—Limitation Now to Be on Expenses Generally.

OTTAWA, March 8.—(Special.)—Hon. Mr. Fielding brought down the revised insurance bill to-day. It draws the teeth of the bill submitted a year ago and withdrawn after discussion in the banking and commerce committee.

As foreshadowed, there is more laxity allowed the insurance companies in the way of investments.

There was no change, Mr. Fielding said, with respect to assessment insurance. A proposal in relation to these institutions was made in the bill of last year, but even if that bill had been gone on with, the proposal with regard to these institutions would have been withdrawn. The principal companies in that line represented that they recognized the need of strengthening their position and desired to be left to themselves for that purpose.

There had been some changes in respect to investments. Section 60 of the new bill provides that any life insurance company which derives its corporate powers from an act of the parliament of Canada, or which is within the legislative power of the parliament of Canada, may invest its funds, or any portion of them, in the purchase of: The debentures, bonds, stocks or securities of or guaranteed by the government of Canada or Great Britain, or any dependency thereof, or guaranteed by the government of any foreign country, or any state forming a portion of any such foreign country wherein the company carries on, or is about to carry on, its business of life insurance, or any school or municipal corporation in Canada or elsewhere, were the company is carrying on business. This is substantially the bill of last year.

Interest Not Specified.

Sub-section B includes among the securities in which an insurance company may invest the bonds of any company, which bonds are secured by a mortgage to trustees or a trust corporation or otherwise on real estate or other assets of such company. The former bill required that these bonds should be outstanding for at least five years. The new bill deems them to be good if they are secured by mortgage, and the restriction is removed that they must be the bonds of a corporation chartered in the country in which the insurance company is carrying on business.

Another change is that instead of being required that debentures must be of seven years' standing it is demanded that the company itself is of five years' standing without default.

With respect to preferred or guaranteed stocks of any company which had paid regular dividends for five years, last year's bill provided that such stocks were a proper field for investment if they had paid four per cent. for seven years. The new bill drops the four per cent restriction and provides that the company shall have paid regular dividends for five years, without specifying the rate.

Sub-section 4 states that investments may be made in common stocks of any company upon which regular dividends for at least four per cent. have been paid for the seven years next preceding the purchase of such stocks, provided that not more than 20 per cent. of the common stock and no more than 20 per cent. of the total issue of the stock of any company shall be purchased by any company, and that no company shall be permitted to invest in its own shares or in the shares of any other life insurance company. Last year's bill provided that the common stock should have paid at least five per cent. dividends for ten years. The present bill recognizes that stock as good if it has paid four per cent. for seven years.

Can't Make a Subsidiary.

There was a proviso as to the percentage of money which may be invested in the securities of any one company, said Mr. Fielding. The object of that was to provide that the company should not create a subsidiary company and obtain a controlling interest. It was found, however, that the words of the clause seemed to be too broad. Last year's bill limited the investment to 20 per cent. of all the stocks or securities of the company. In the present bill he was distinguishing between the stocks and bonds, and it was provided that the investment may not exceed 20 per cent. in stocks, but left the company free to invest in the bonds if deemed to be good security.

Sub-sections c and d of this clause recognized ground rents or mortgages on real estate and life and endowment policies, as proper subjects. These were not changed.

Provision was made in the old bill that in the case of securities not recognized by the new bill, the securities should be disposed of within a certain time. That was changed to a proviso that where the investments were made in securities which at the time of their purchase were legal and proper the company was free to dispose of them at any time. In the case of securities not strictly within the old insurance act, provision was made that they should be disposed of within five years.

Expenses of Management.

Mr. Fielding next discussed expenses of management. In the last bill provision was made for a limitation of the expenses on new business and at one stage it seemed that such a provision was called for. In the investigations abroad, great importance was attached to this question, but when it came to be discussed with insurance men it was urged that it would be exceedingly difficult to apply a limitation of that

Continued on Page 7.