

## HARRY K. THAW IS STILL INSANE

Such is Decision of Mr. Justice  
Morschauer of the New  
York Supreme Court.

APPARENTLY HE IS RESIGNED

Until Recommitment Papers Are  
Signed He Will Remain in  
Sheriff's Custody.

Effort to be Made to Have Him Con-  
fined in Another Asylum Than  
Mattewan—Too Dangerous.

Poughkeepsie, N. Y., May 25.—Harry K. Thaw has accepted apparently with resignation the decision of Supreme Court Justice Morschauer that he is still insane and that the interests of the public will be best served by denying him liberty. Pending the signing of the papers of re-commitment which probably will not be done before a week from next Saturday, Thaw will occupy Sheriff Chandler's suit in the county building here. In the meantime, an effort will be made by Thaw's attorneys to induce Dist. Atty. Jerome to consent to the commitment of the prisoner to one of the state hospitals other than Mattewan. It is said that in event of Mr. Jerome giving his consent to such a change no appeal will be taken from Justice Morschauer's decision. Even if an appeal were taken it could not be argued before fall.

### THE DECISION.

Upon application duly made, a writ of habeas corpus was allowed by which Harry K. Thaw was directed to be produced in court. In the petition, it is alleged that said Thaw is illegally imprisoned and restrained of his liberty by Amos T. Baker, acting superintendent of Mattewan State hospital, a state institution for the insane.

Thaw's detention is attacked upon the grounds:

First—That he is now sane.

Second—That the act under the provisions of which he was committed and confined is unconstitutional and void.

The return to the writ alleges that said Thaw is now insane and that the statute providing for the confinement of said Thaw is constitutional and valid and that the court has jurisdiction to make the order of commitment. The return is traversed by the relator.

### THAW'S COMMITMENT.

The events leading up to the commitment of Thaw, are, in brief, as follows:

On June 25, 1906, Thaw shot and killed one Stanford White. He was indicted for this act in the county of New York and the indictment charging him with murder in the first degree. On Jan. 23, 1907, he was brought to trial on this indictment, and during the progress of this trial, an application of the district attorney under section 558 of the code of criminal procedure, a commission was duly appointed to ascertain whether at the time of the said Thaw was in a state of insanity and if so, whether he was sane or insane at the time of the crime.

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### DEFENSE AT TRIAL.

Thaw, at the time of his trial for homicide, as a defense, pleaded insanity and presented proof to show insanity at the time of the killing of White and by the proof offered on his behalf, the jury was convinced that he was insane and acquitted him upon this ground.

I am satisfied from the evidence adduced before me, that the mental condition of Harry K. Thaw has not changed and that it is so manifest as to make it unsafe for him to be at large.

To review the voluminous evidence adduced on the hearing would unnecessarily lengthen this opinion.

Thaw was committed pursuant to section 554 of the code of criminal procedure, which reads as follows:

Section 554.—When defendant is acquitted on the ground of insanity, the fact to be stated with the verdict—commitment of defendant to state lunatic asylum.

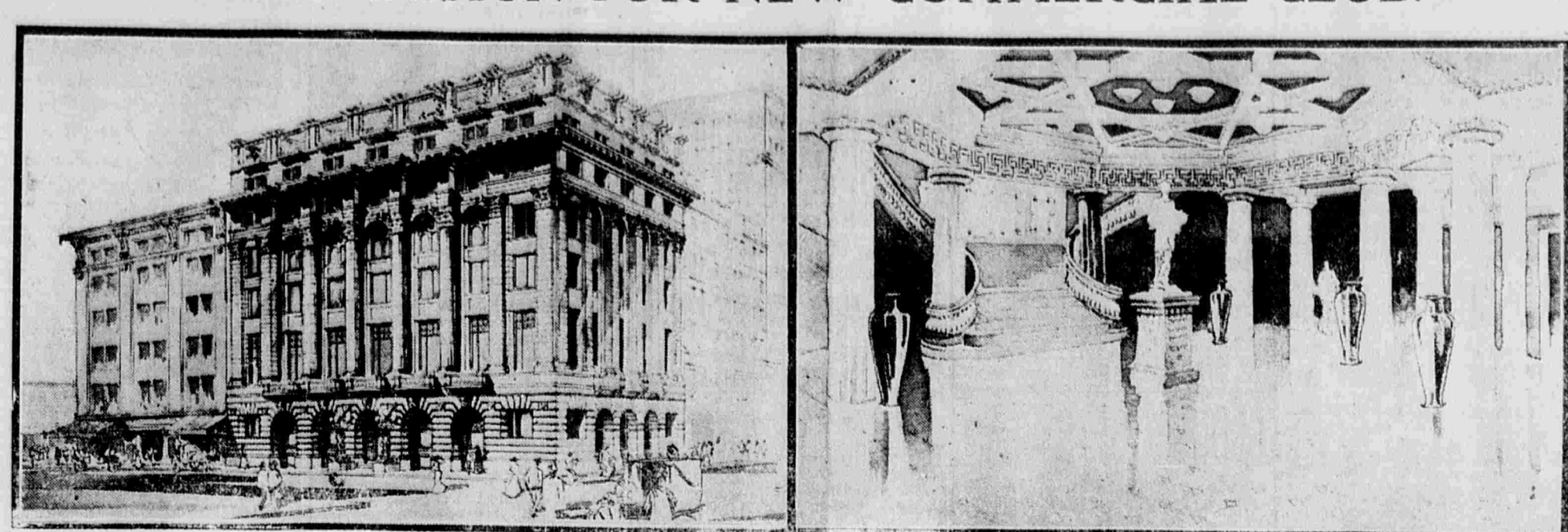
When the defense is insanity of the defendant the jury must be instructed, if they acquit him on that ground, to state the fact with their verdict. The court must, therefore, in the event of acquittal of insanity, that the defendant is in custody, and they deem it discharge dangerous to the public peace or safety, order him to be committed to the state lunatic asylum until he becomes sane.

The question of the constitutionality of this law is assailed by the relator who claims there was no notice given to Thaw of a hearing upon the question of insanity, that the hearing was recorded to him; that he has been deprived of his liberty without due process of law, and that the statute under which he was committed does not provide a method by which his mental condition as then existing, could be legally ascertained, or any method by which his sanity could be shown.

### PEOPLE'S CONTENTION.

The people contend that Thaw was not deprived of his liberty without due process of law, because he knew that if he chose to prove upon the trial of the

## LOCAL DESIGN FOR NEW COMMERCIAL CLUB.



FRONT ELEVATION ON EXCHANGE PLACE.

ROTUNDA ON THE MAIN FLOOR.

Whether when the builders of the new home for Salt Lake's Commercial club start their work with brick and stone, it shall be under the supervision of Salt Lake architects, or of New York architects, depends on whether the plans for a building shown above are adopted, or other plans submitted by Henry Ives Cobb of New York, which have already been published.

The making of the new \$200,000 home as a center for the west's commercial life has now reached a point where building operations will commence as soon as the building committee, the finance committee, and the board of governors are able to get together in joint session to choose plans for the building.

The absence of Charles A. Quigley on the coast has prevented the call of this meeting, and his return to Salt Lake will be followed immediately by an announcement. The plans above represent an effort of Salt Lake architects to prove that the city's beautifying can be done by the city's brains as well as with the city's materials under other supervision. Ware & Treganza, who submitted them, have made careful detail drawings showing every feature of each floor.

The building is designed to be a monumental one, and a strong character, and typical of the west. The exterior is planned to face with white Sanpete stone, with a base course of Cotuit granite. A main entrance is the only one on the principal frontage, and a basement is to extend out under the sidewalk on

both frontages, this basement to be one of the club's most attractive features. In it are to be stipulated plunge and Turkish baths, a bowling alley, barber shops, storage rooms, and hot water heater.

Of the fact that the Commercial club already owns a marble statue of "Lydia, the Blind Girl," has been made the motif for the floor for an octagonal rotunda, planned as a proper setting for the statue. A row of columns forming a colonnade inside of which stairs to basement and second floor are located, the whole design being in Pompeian style to be in keeping with the suggestion from the statue, which is a central figure in the rotunda.

An open fire place to take four feet logs is the feature of a large lounge room opening off the rotunda, while on this floor there are

also check rooms, a stranger's room, a buffet and card apartments, but not the main banquet hall, which is placed on the third floor with a seating capacity of 450 persons, a stage, stage arrangements including dressing rooms, and an orchestra platform on a mezzanine floor above. A 22-foot ceiling treated in Georgian style makes up the banquet hall's principal decorative scheme, while on the mezzanine floor is located a ladies' dining room, and four private banquet halls seating up to 16 persons, as well as elaborate kitchens, designed after a careful study of the kitchen arrangements of clubs east and west, and a statement of their findings by the different club managers. The third floor contains the billiard rooms, and business of the club, where most of the members will gather for the informal social life which will form one

of the club's most attractive purposes. The fourth floor is designed for lady visitors, and they are furnished with a separate check room, and reception parlors, while on the fifth and sixth floors a general dormitory plan is carried out, the whole building being topped off with a great roof garden for midsummer entertainments, this garden reached from the sixth floor by a staircase. The entire construction is to be fire proof with a steel skeleton, reinforced concrete curtain walls and concrete floor slabs.

In the interesting contest this one set of local plans is matched against the set from Mr. Cobb which has hung in the Commercial club's lobby for several months, and discussion is rife in the club concerning both the sets, with the sentiment being yet towards either set, while both are being carefully studied for a comparison of points.

## UNLOADED RIFLE IN BOY'S HANDS

When Trigger is Snapped Frank  
Gilbert, Age 10 Years,  
Falls Bleeding.

### WOUNDS ARE NOT SERIOUS

Two Nerves and Big Artery Are Se-  
vered, but Prompt Attention Will  
Result in Victim's Recovery.

"Is your gun loaded?" asked 10-year-old Frank Gilbert of Lawrence Dyett, a companion, late yesterday afternoon.

Receiving a reply in the negative, young Gilbert said, "Then shoot me."

Scarcely had he spoken the words when there came a buzz and crack, and a bullet entered the neck of the self-appointed target. Like so many instances of a weapon that was not loaded, the consequences were most serious. The bullet struck the Gilbert in the side of the neck, and penetrating rather deeply lodged in the cervical vertebrae. In its course two nerves were pierced that extend to the left arm, and so dangerous was the havoc wrought in the veins and arteries that the boy would doubtless have bled to death but for the prompt surgical attention that was secured.

Dr. Ross Anderson was summoned, and he at once began the task of tying the vessels, to stop the profuse flow of blood. It was found that the jugular vein had not been touched, neither any other vital organ.

The boy was taken to the L. D. S. hospital, and there he spent a very comfortable night, despite the serious nature of the wound. His recovery will be rapid. He is a son of Mr. and Mrs. M. J. Gilbert of 20 Kendall terrace. The father works at Bingham, and the parents of young Gilbert reside at 854 West Seventh South street.

### OVER KOOTENAI FALLS.

Three Young Men Swept Over Them  
And Drowned.

Portland, Or., May 25.—A special to the Oregonian from Spokane, Wash., says that John Sharpless, John Miles and a young Englishman named Richmond, all of Nelson, B. C., were swept over the falls in the Kootenai river today and perished. Their bodies are missing. It is believed that the men either miscalculated the force of the current or an oar broke and they lost control of the boat. Sharpless and Miles were well known men.

### BODY FLOATING IN BARREL.

An unidentified woman, supposed to have been murdered, was found today floating in a barrel in Little Lake Gate between McCaboy's and Randall's Islands. The woman's eyes were discolored and her nose was bruised. Nearby is Thomas Jefferson park, where many Italian out-ings are held.

perts because Jerome knew how to make it interesting. He said:

"Take, for instance, Dr. Jacoby. His direct testimony was conclusive, but in cross-examination under Mr. Jerome was interesting and the newspapers printed it. Probably I should have done the same as the reporters in the same position. In the meantime, efforts will be made to induce Mr. Jerome to consent to Thaw's commitment to one of the state hospitals other than Mattewan.

If Mr. Jerome consents Thaw will not appeal from the decision. If he does appeal it cannot be argued before the Brooklyn appellate division until fall. Mrs. Thaw, Harry's mother, and Mrs. George Carnegie, his sister, visited him in the jail today.

### WHITMORE ON TRIAL.

He is Charged With the Murder of His  
Wife Lena.

New York May 24.—What is expected to be the final scene in the so-called Lamplack Swamp mystery was begun in Jersey City today when Theodore S. Whitmore of Brooklyn, was placed on trial charged with the murder of his wife, Lena, whose nude body was found in the swamp five months ago and lay undiscovered until last week.

Through pieces of clothing found floating in the bay, the body was finally identified. Whitmore when summoned, said he did not believe the body was that of his wife, but subsequently made the identification complete. He has declared that a fair trial would completely vindicate him.

The selection of a jury was effected within 45 minutes after the case was called.

Whitmore's attorney, William Bartlett, who claims to have an intimate knowledge of some of the details of Whitmore's life, has been here together with four other important state witnesses in the Hudson county jail for some months.

### PRESIDENT FALLIERES VISITING ENGLAND

Paris, May 25.—The series of important visits of state this summer, which include the visit of President Fallieres to Scandinavia and St. Petersburg and the visit of Emperor Nicholas to the states of Italy, are now being inaugurated today with the departure of President Fallieres for London.

Foreign Minister Pichon traveled on a special train to Bologne, where the party will embark on the French armored cruiser Le Gambetta.

Great preparations have been made on the other side of the channel to give the cordial welcome extending between the two countries.

The Anglo-French press comments with enthusiasm on the impending political results of these visits in cementing the Anglo-French-Russian understanding, which is regarded almost as a new "triple alliance."

### EFFORT TO TRY AND AGREE ON CURRENCY QUESTION

Washington, May 25.—The postponement of the final adjournment of Congress had the effect of causing a renewal of the efforts to bring about an understanding between the two houses on the currency question. There were no formal conferences today, but very active efforts were being made in view of the individual members of the senate committee on finance and the house committee on banking and currency with the result that an informal meeting of the two committees was held which would include some of the provisions of both the Aldrich and Vreeland bills. It is now suggested that the house might be brought to accept the emergency house provision, which the senate bill, provided the asset feature of the house bill in modified form could be incorporated in the proposed compromise measure. It is said that the house would agree to a very strict definition of the character of commercial paper to be used as security for the issuance of currency and the senate has been canvassed to some extent for its purpose of the efforts to bring about an understanding between the two houses.

It is realized that it would be quite impossible to secure action in the case of any very serious emergency, even on the part of two senators, and it would be necessary to secure in advance practically unanimous consent to the passage of the bill. It also would be necessary to secure almost all the Republican members of the house in support of the measure and it remains to be seen whether this can be done. The plan is still in an incipient state but the next day or two will serve to demonstrate whether it can be put into execution.

### G. C. PHILIP'S TRIAL BEGUN.

Washington, May 25.—The trial of Gaston C. Philip, the millionaire clubman of New York and Washington, and son of a prominent family who a year ago shot and killed Frank H. McCaboy, a cab driver, was begun today before Justice John Barnard in criminal court No. 2. Vigorous efforts will be made by counsel for the young clubman to substantiate his plea of self-defense, and sensational testimony will, it is said, be brought out by the prosecution.

## UTAH DELEGATES COMING HOME SOON

Will Start Just as Soon as Con-  
gress Adjourns. Which Will  
Probably be Sunday.

### DRY FARM HOMESTEAD BILL.

President Was Favorable to the Snoot  
Measure, and Senator Will In-  
troduce a New One.

### THIEF GOT CLOTHES.

L. S. Parry, 17 south First West street, reported to the police this morning that a brown suit of clothes had been stolen from his room at the Elk hotel. The police are in hot pursuit.

### FUNERAL OF GOVERNOR JOHN SPARKS OF NEVADA

Reno, Nev., May 25.—In the presence of thousands of mourners the funeral of the late Gov. John Sparks of Nevada was held this afternoon at 2 o'clock in the city hall. The body of the late governor was in the city hall. The services were conducted by the officers of the Elk lodge, Supreme Council No. 11, Nevada, delivering a beautiful eulogy over the remains.

Following the services at the Elk lodge, the body of the late governor was taken to the city hall and placed in the casket. The casket was then taken to the city hall and placed in the casket. The casket was then taken to the city hall and placed in the casket.

All business houses in the city are closed today in honor of the late governor. Special trains brought hundreds of people to Reno to witness the funeral, and the city hall was crowded with people anxious to pay respects to the memory of John Sparks.

### IMPORTANT NEWS OF MURDERESS BELLA GUINNESS

Lafayette, Ind., May 25.—Mayor Darrow and his law partner, H. N. Worden, who represent Ray Lamphere, charged with the murders of Mrs. Bella Guinness and three children, are greatly excited by the receipt of a letter from a man in Arkansas, whose name they decline to make known, who gives information which they consider of much importance. The writer is known to the mayor, having formerly lived in Marshall county, this state, and evidence is placed in his statements.

This man declares that Mrs. Guinness escaped in man's clothing and that he on May 6, five days after she was burned to death, according to the official statement of Coroner Mack, received a letter from her. He says he will produce this letter and turn over to officers other letters and will also give additional information regarding her. He will be personally interviewed by the officers of the state police at his home in Arkansas.

### GOLD OFFICIALS RESTLESS.

#### Frequent Trips Through Salt Lake Get Railroad Row to Guessing.

Gold officials are travelling back and forth between Salt Lake and the coast in such a restless manner as to indicate the Rio Grande and Western Pacific are to see big changes within the near future. W. S. Martin, assistant general manager of the Rio Grande, is in this city today. Traveling in a private car is Mr. Martin, accompanied by a party of wealthy Englishmen. The party arrived on No. 5 at 1 o'clock today after registering at the Knott hotel. The Western Pacific will be visited tomorrow, a trip to start at 8 o'clock being planned under the new road. Superintendent Ridgway was expected today, but with the arrival of Mr. Martin it was learned P. A. Wadleigh, general passenger agent had started out for Salt Lake but had returned towards Denver in company with Edwin Gould who is returning from an extended visit along the coast. Vice President Schlacks came out to Salt Lake some time ago with a Mr. Fleming, a heavy English bondholder.

Railroad row says Gould and his agents are showing English investors what is needed on Gould systems and what is to be done with the proceeds of the bond issue declared a week or so ago.

### NARROW ESCAPE IN AUTO.

Quick and Daring Act of Spectator  
Saves Mrs. Benedict from Injury.

Mrs. C. M. Benedict, wife of Dr. Benedict, had a narrow escape from

injury yesterday morning in a runaway automobile and considerable damage would undoubtedly have been done but for the presence of mind of a young man who jumped onto the running board of the big machine and pulled and hauled at the levers until the auto was brought to a standstill.

Dr. and Mrs. Benedict started out for a ride yesterday morning but stopped at the physician's office for a few moments. Dr. Benedict left his wife in the machine while he went into the office. Shortly after his departure the machine started down the street. A young man jumped onto the running board and tried to induce Mrs. Benedict to jump but she refused. The machine was heading for a pole when a young man rushed into the street, climbed onto the runaway machine and brought it to a stop.

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Arriving at the vault in the Masonic cemetery the university cadets, under command of Capt. Cox of the state police, drew a salute over the grave and the bugles sounded tears.

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## CONDUCTORS DID DYNAMITING

In Cleveland Street Car Strike  
They and Motormen Blew  
Up the Cars.

FOUR OF THEM CONFESS FACT

They Are in Custody—Other Ar-  
rests to Follow—200 Strik-  
ers Return to Work.

Peace Hangs on Result of the Vote of  
The Non-Union Employees  
Now at Work.

Cleveland, Ohio, May 25.—According to a statement given out by Chief of Police Kohler today, four striking conductors and motormen have confessed to taking part in the dynamiting of street cars in various parts of the city last week. These men are now in custody.

It is also said that a number of other arrests in connection with the dynamite outrages will be made today.

Cars on nearly all the lines were operated on practically normal schedules today. No trouble of any kind has been reported.

Peace hangs upon the result of the vote of the non-union employees now at work, which was taken early today upon orders of President Dupont of the traction company. It is the vote of the non-union men is in favor of their taking an equal chance with the old employees for places before the board of arbitration, then the strikers will go back to work immediately, taking places secondary to the present motormen and conductors, until the arbitrators adjust the whole situation. It is not considered improbable that the vote will be favorable and the strikers will return to work today, thus ending the strike.

The state board of arbitration who are acting as mediators between the strikers and the company resumed their work with the two committees, one from the strikers and one from the company, today in an effort to name the third arbitrator.

Following the vote of Saturday, over 200 strikers voluntarily returned to work yesterday.

### PRESBYTERIANS AND COLLEGE EDUCATION

Kansas City, May 25.—Education and the relation of the church to freedmen were among the important subjects considered today by the general assembly of the Presbyterian church in the United States of America. Rev. J. S. Dickinson, secretary of the college board of the church, in discussing educational work, said:

"In 1881 only 8 per cent of the men in theological seminaries were from denominational colleges. In 1908, in 10 instances, only 6 per cent were from non-denominational colleges. That is the result of the work that has been done by the college board."

Rev. J. Ross Stevenson, vice president of the college board, said that 85 per cent of the foreign missionaries come from the college board. "We are a college building church and not a cathedral building one," he said. "But is the result satisfactory in the educational work? I note in the educational work, when I say that our religious education in America has been the most ineffective, the most unintelligent, and the most haphazard possible. It is the work which brought into existence the college board 25 years ago."

### COAL MINERS' SCALE AND AGREEMENT SIGNED

Kansas City, May 25.—Representatives of the southwestern coal operators and miners met here today and formally signed the working scale and agreement governing conditions in the mines for two years to come. The terms are practical, the working scale was signed last year. The signing has the effect of sending 25,000 coal miners of Kansas, Missouri, Oklahoma and Arkansas fields back to work.

T. L. Lewis, president of the United Mine Workers of America, left here last night for Indianapolis.

### METHODISTS ELECT BISHOP ON 10TH BALLOT

Baltimore, May 25.—Rev. Dr. William A. Quayle, pastor of St. James' church, Chicago, and a lecturer and author of wide repute, was elected bishop on the tenth ballot at the general conference of the Methodist Episcopal church, thus breaking the deadlock which existed since the second ballot. The vote, which was taken last Saturday and counted today, resulted as follows:

Total, 743. Necessary to a choice, 488. Rev. Drs. William A. Quayle, Chicago, 59; Wilson S. Lewis, Sioux City, Iowa, 483; Homer C. Smith, Madison, N. J., 458; Charles W. Smith, Pittsburg, 444; Robert McIntyre, Los Angeles, 339; Edwin H. Hughes, Greenacres, Ind., 274; David Downey, New York, 217; Jos. B. Hingley, Minneapolis, 188; Daniel Dorchester, Jr., Pittsburg, 169; Richard J. Cooke, New York, 148; M. C. B. Mason, (colored), 133; Henry C. Jennings, Cincinnati, 130; Charles L. Goodell, New York, 131; Frank M. Bristol, Washington, D. C., 107.

Another ballot was taken for the remaining bishops yet to be named and consideration of the report of the committee on education, which formulated the details of the re-organization of the board of education, freedmen expected and Sunday school departments into three separate societies was resumed.

There was an election of a bishop on the eleventh ballot at the Methodist Episcopal general conference.

### FATHER LUBELEY RESTING.

St. Louis, May 25.—Rev. Father Joseph Lubeley, who was brought to St. Mary's infirmary after having been stricken by Jos. Schutte immediately following church services at Salisbury, Mo., yesterday, was reported by Dr. Schutte today to be resting comfortably. He is kept as quiet as possible and unless unlooked for complications arise, he will be able to leave the hospital within three weeks.