## DESERET EVENING NEWS FRIDAY APRIL 5 1907

DEPARTMENT OF INTERIOR

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today was declared same by the unanimous report of the commission in lunacy appointed to inquire into his present mental condition. The report of the commission in full

is as follows:

We, the undersigned, appointed by this court by orders dated March 26, 1907, and March 27, 1907 ,a commission forthwith to examine into the mental condition of Harry K. Thaw and to re-port to the court with all convenient apeed the facts and their opinions as peed the facts and their opinions as to whether at the time of such exam-jnation Harry K. Thaw was in a state of idlocy, imbeelilty, lunacy or insan-ity, so as to be incapable of rightly understanding his own condition, the nature of the charges against him and of conducting his defense in a rational manner, do respectfully report: "That before commencing our exam-ination we took the oath prescribed by the statutes:

the statutes; "That the commission was organized by the selection of David McClure as chairman, William H. Penny as clerk and Bartholomew Moynihan as stenographer;

and Bartholomew Moynihan as sten-ographer; "That we were attended by the Hon, William T. Jerome, district attorney of the county of New York, and counsel for the derendant took part in the pro-ceedings. The defendant attended in person all hearings and was orally and physically examined: "That we examined a large number of witnesses furnished by the district attorney, the counsel for the defendant and called by the commission. Among them were prison physicians, chap-lains, keepers, probation office, shenfit, guards in charge of the defendant, two of the defendant's counsel, and 15 phy-sicians, 12 of whom were allenists. We have received in evidence many doc-uments and papers, including written communications from the defendant 19 his counsel. his counsel.

After careful examination of the defendant personally and all of the evi-dence, we find the following facts: "In the frequent, and in some cases

The the request, and in some cases daily, during the several months last point, intercourse had by the defendant with the Tombs physicians, chaplains, keepers, other attendants and the pro-bation officer, these persons failed to discover anything irrational in his con-duct or speech.

"The defendant has taken an active part in the conduct of the trial; has made numerons suggestions orally in court and by letter as to the selection of jurors and examination of witnesses. "Many of these suggestions were deemed valuable and were adopted by his counsel, and examination of the letters referred to shows that generally the suggestions contained in them were material, sensible and apparently the product of a same mind. Walle the testimony of numerous experts called by the district attorney and the defend-ant's counsel is irreconcliable, that given by certain experts who person-ally examined the defendant during the trial and since the appointment of the The defendant has taken an active trial and since the appointment of the commission, and who of all the allen-ists examined, had greatest opportunity of observing, disclosed the fact that no respective localities is fittingly decor-indication of insanity at the present atcd.

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aims."

fendant. "The direct oral and physical exam-inations of the defendant by the com-missioners themselves disclosed no in-sanity in the defendant at the present time. Upon all of the facts it is our opinion that at the time of our exam-ination the said Harry K. Thaw was sane, and is same, and was not and is not in a state of idlocy, imberlity, la-nacy or insanity, so as to be incepable of rightly understanding his own con-dition, the nature of the charges against him and of conducting his de-fense in a rational manner.

against min and of conducting his de-fense in a rational manner. "The minutes of the proceedings had before us and the documents received in evidence are herewith submitted. "DAVID M'CLURE. "PETER OLNEY, "LEOPOLD PUTZELL."

It was authoritatively stated tonight that Dist. Atty. Jerome will appeal from the decision of Justice Fitzger-old in refusing to allow him to inspect the minutes of the Thaw commission in lunacy, which reported today. The appeal will be in the nature of an ac-tion to obtain a review of the justice's decision and will be taken in the appel-iate division of the supreme court. late division of the supreme court

## CONSULAR APPOINTMENTS.

Three Utah Men Pass Examination

And Receive Promotions. Washington. April 4.—As a result of the examination held on March 14 the following consular appointments have been made: James C. McNally, Pennsylvania, from consul at Liege to consul at Kan-king.

king. Walter D. Shaughnessy. Utah. from consul agent at Carlerel to consul at Puerto Cabello. Theodosius Botkin, Utah. from con-sul at Port Louis to consul at Camp-

### G. A. R. MEMORIAL DAY PROCLAMATION.

belltowr

Zanesville, Ohio, April 4.-Command-er-in-Chief Robert B. Brown of the Grand Army of the Republic, today is-sued his memorial day proclamation of which the following is a summary: On Thursday, May 30, will occur the annual ceremony of garlanding the graves of the dead and commander-in-chief calls upon the posts to see to it that the last resting place of each union soldier, sailor or marine in his respective localities is fittingly decor-

patents issued to the railroad in the White Horse mining district on the cluim that the land was agricultural. It is now alleged that the land for which the railroad received patents was mineral. The White Horse district has developed into a great producing distime could be found in the speech, con-duct or physical condition of the de-fendant. "The direct oral and physical exam-mations of the defendant by the com-missioners the mealves disclosed no in-sanity in the defendant at the present time. Upon all of the facts it is our mineral. The White Horse district has developed into a great producing dis-trict and the action will affect lands worth millions of dollars for mining but worthless for anything else. The announcement was made this aft-ernoon by Land Agent Cohn at Carson City at the conclusion of the hearing of the protest of Aaron Ingalis against the Southern Pacific company in which a similar question was involved. charged with the july of patriotic in-struction in the public schools, insolar as the co-operation of the school au-thorities can be secured. Let Friday. May 24, or the last day preceding Memorial day be set aside for this haudable purpose. "In accordance with a time honored custom each post will attend divine service in a body on Sunday, May 25, to render praise and thanksbiring unto the God of nations for the manifold blessings of the past and the undis-turbed enjoyment of the fruits of an erducing pence won by the Union arms." STANFORD WHITE SALE.

## BROWNSVILLE CASE.

#### Senate Military Committee Examines Two Officers.

Washington, April 4.—After Maj. Charles W. Penrose, who was com-mander of the negro troops at Browns-ville, completed his testimony today, the senate committee on military affairs examined two officers who made tests at Fort McIntosh to determine whether it was nossible to distinguish between at Fort McIntosh to determine whether it was possible to distinguish between white, negro and Mexican soldiers wearing uniforms on moon-light or star-light nights. The conclusion of the officers was that such a thing is im-possible and they asserted that in mak-ling their tests they made the conditions as near as possible like the conditions were said to be at Brownsville on the night of the shooting.

### MURDERER CONFESSES.

Spokane, Wash., April 4.—A special to the Chronicle from Loon Lake states that Ernest Hesner has confessed to the killing of Alfred Syteman at Loon Lake last Tuesday night. He is reported to have confessed as follows to the sheriff and prosecuting attorney of Stevens county: committed the murder and I think I committed the murder and I think I did just what any other man would have done under the same circum-stances. I was down there and heard all that was said and that was what prompted me to do the deed. It will all come out in the trial."

LIEUT. CROWNE'S CASE.

President Approves Sentence of the Court-martial.

Washington, April 4.-The president has approved the sentence of the court-martial dismissing First Lieut. Eugene

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that? What price or cost can be put upon a beautiful set of teeth so natural in feeling and looks that your best friend would swear that you had never lost a You can't measure the value of such service, aside from the value from health standpoint. Good teeth, good ealth. The work is simple, pathless and pers

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Brought \$170 Each. New York, April 5.—Sofa cushions is inches square, sold for \$170 each at the first seasion of the Stanford White sale yesterday and this was a fair in-dex of one of the most remarkable auctions in recent years. A Hmited assemblage of wealthy folk was ad-mitted to the sale. Only the smaller articles—the vases, lamps, ornaments, fextiles and mirrors—were sold yes-terday, but the total sum realized was \$20,525.50. Tomogrow the furniture, the fire places and the structural parts of the house will be offered and on Thuraday. Friday and Saturday of next week White's paintings will be put under the hammer at Mendelssohn Hall. VENICE ART EXHIBITION. Venice, April 4.—Nearly 400 appli-cations have been received from art-ists to exhibit their works at the com-ing art exhibition here. The jury, which considered the applications, has admitted 148 artists with 212 works. night of the shooting.

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