DESERET EVENING NEWS THURSDAY MARCH 21 1907

allroads of the country for violation of

Chicoge, Burlington & Quincy, S. Bal-timore & Ohio, 6: New York Central, 4: Salt Lake, Los Angeles & San Pedro, 2: Great Northern, 8: Cincinnati, New Orleans and Texas and Pacific Union Pacific, Northern Pacific, Chica-go, Milwaukee & St. Paul, Santa Fe, New York Central, Chicago & St. Louis each L

SAVED HER SON'S LIFE.

SAVED HER SON'S LIFE. The happiest mother in the little town of Ava, Mo., is Mrs. S. Ruppee. She writes: "One year ago my son was down with such serious lung trouble that our physician was unable to help him; when, by our druggist's advice 1 began giving him Dr. King's New Dis-covery, and I scon noticed improve-ment. I kept this treatment up for a few weeks when he was perfectly well. He has worked steadily since at car-penter work. Dr. King's New Discov-

penter work. Dr. King's New Discov-cry saved his life." Guaranteed best cough and cold remedy by Z. C. M. 1. Drug Dept. 50c and \$1.00. Trial bottle

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free.

CONVINCED THAT THAW IS INSANE

Jerome Says His Trial is an Outrage, That He Should be In an Asylum.

THAW'S COUNSEL SURPRISED.

Judge Fitzgerald Will Rear Arguments For and Against Appointing of

For and Against Appointing of Lunacy Commission. New York, March 21.—That Justice Fitzgerald will appoint a commission in hunacy to inquire into the present men-tal condition of Harry Thaw, seems a foregone conclusion. This afternoon, he will hear arguments of counsel on both sides of the famous case and he plainly intimated yesterday, that he vould appoint a commission. That this commission will find that Thaw is now who have closely followed the trial. Dr. Allan McLane Exmitton, one ot the country's most of the option that

Dr. Alian McLane Humilton, one of the country's most famous allenists, has openly expressed the opinion that Thaw is now instance, and that he is in-capable of conducting his own defense. Dr. Carlos MacDonald and Dr. Austin Funt also noted allenists have exalso noted allenists, have exressed the same opinion, and affida-its are expected from all three, as well a from the doctors who are familiar in the history of the Thaw case, and with the insanity which is said to have been present in both sides of his ances-

LIKE A BOMBSHELL.

he appearance of Dr. Allan McLan The appearance of Dr. Alian McLane Hamilton in the case yesterday and Dist. Atty. Jerome's appeal to the "conscience of the court" came like as hombshells. It was expected that the testimony would be finished yesterday, and that this morning the summing up would begin. It was the general expec-tation that the case would ge to the tation that the case would go to the Jury not later than Saturday, but when Mr. Delmas called Dr. Hamilton to the stand the end was in sight. The shadow of the famous alienist has boomed large in the background ever since the case began. It was known that he be-Neved Thaw to be still insane, and neither side was anxious to call him. The defense apparently did not want him because of his belief in Thaw's inhim because of his benefith in loave in-sanity; the prosecution could not call him because his relation to Thaw was that of a physician to a patient, and he could not be compelled to testify without a specific waiver of the priv-ilege created by their relations. For days Dr. Hamilton has been in the courtroom under subposed from both courtroom under subpoena from both sides, but no one expected he would be called until Mr. Defmas actually spoke the name. His production was a daring more on the part of the defense, but it was fated from the first to be disas-trous. If Harry K. Thaw goes to the hospital for the criminal insane at Matteawan, it will be this move more than anything else that sends him there

A HARD FIGHT.

A HARD FIGHT. That the attorneys for the defense will make a hard fight to prevent the judge from appointing the commission when court sits this afternoon, is prob-able. From the first the fight has been to secure an acquittal and it is not probable that it will be given up so long as there is the slightest chance that it may be successful. On the other hand, Mr. Jerome is convinced that Thaw is now insene, and he will fight just as hard for the appointment of the commission. Today's session being in-formal, the rules of law and evidence will not be enforced and either side may place before the court any evi-dence that it desires to show the mental condition of the defendant.

ondition of the defendant. The law of New York state specifies

October, and not one word of the tes-timony regarding his mental condition since that time has been put in evi-dence,"

THE BLOW THAW DREADED. THE BLOW THAW DREADED. New York March 20.—The blow which Harry Kendall Thaw has been in ter-ror of ever since his trial for the mur-der of Stanford White began fell to-day. Dist, Atty Jerome did not make formal application for the appointment of a commission in lunacy, but in an impassioned speech he appealed to the conscience of the court, declaring that as Thaw sits daily in courn he is in-capable of advising his course i and is believed by everyone who has watched and comes in contact with him to be insane.

DRAMATIC SCENES.

DRAMATIC SCENES. The scenes attending the adjourn-ment of court shortly after 1 o'clock were dramatic and exciting. Thaw's counsel seemed taken atterly by sur-prise. This was expected to be the last day of the trial except for the sum-ming up before the jury. Soon after the three-cornered discussion among Justice Fitzgerald, Dist. Atty. Jerome and Mr. Delmas. Thaw's five other at-formays gathered one by one, around the judge's desk and for a time seemed intent upon denying what the court had termed the charges of unprofessioal conduct brought against them by the prosecuting officer. Thaw sait dejected, pale and dispirited at his counsel's table. He flushed crim-son as, one by one, his attorneys left

They sat dejected, paie and dispirited at his counsel's table. He flushed crim-son as, one by one, his attorneys left him to rally to the support of Mr. Del-miss, who, however, in the midst of the proceedings, was superseded by Atty. John B. Gleason. Thaw bit his nails, opened and closed his hands nervously and finally sank down in his chair in an attitude of utter dejection. In an ad-joining room, where they could hear the excited and uplified voices of counsel wranging one with the other, stood Mrs. William Thaw, the mother, and Evelyn Nesbit Thaw, the wife, who had bared the secrets of her soul in the ef-fort to save her husband from the elec-tric chair and from the fate which he declares he dreads more—a madhouse. THE CLIMAX.

THE CLIMAX.

THE CLIMAX The climax of the nine weeks' trial was precipitated by the action of the defense in calling to the stand Dr. Allen McLaue Hamilton, the alienist, who was first called into the case by Thaw's or granal lawyers, Black, Olcott, Gruber & Borynge, but who was dismissed together with them, when he reported that Thaw was suffering from a form of paranoia which might never be cured it was the intention of Mr. Delmas to interrogate Dr. Hamilton only with reference to four visits he made to Thaw in June and July. Mr. Jerome young the case, including the defendant's family history. The argument which ensued became so pertinent to the ques-tion of the present sanity or linsarity of the defendant that Justice Fitzgerald directed the jury to retire from the promet range which resulted in the fourt's determination, before proceeding further, to have presented to him the discts which the district attorney as-systed had been withheld from the jury system defendant which he had been usable to give to the court in strictly usable to give to the court in strictly legal form

IF FACTS WERE KNOWN.

"If the real facts were known," de-clared Mr. Jerome, "I have no right to A Timber Buyer Tried to Kill a Nightbe here trying this man for his life, the knowledge I have cannot be pr the knowledge I have cannot be put in legal form before the jury. It is mostly hearsay. But if I could get the facts before you they would shock and horri-fy the conscience of the court and in-stantly this case would be stopped. So deeply have I been impressed with this that I have served notice on counsel of record that if when this trial is con-cluded I find that they were in posses-sion of facts which I believe to be in their possession, I shall call the matter to the attention of the appellate divi-sion of the supreme court. I feel very be put i sion of the supreme court. I feel very bitterly about this matter. There is not bitteriy about this matter. There is not a man who has watched this defendant sitting here at this puble that does not know that, as he sits there, he is in-capable of advising counsel. Thus, un-der the statutes, it becomes the duty of the court to stop the proceedings." Mr. Delmas sought to have Mr. Je-rome place himself on record as for-mally applying for a lunacy commis-sion, but the district attorney would only repeat that he was calling the at-tention of the court to a matter which might appeal to his conscience. Mr. Jetention of the court to a matter which might appeal to his conscience. Mr. Je-rome said that Drs. Bingaman and Dee-mar, two of the Thaw family physi-clans, had told him facts concerning epilepsy on both sides of the prisoner's family, but the defense had failed to bring out these matters in the testi-mony.

torney's assertion that Tilaw was un-able to advise his counsel and declared it was the duty of the court to sub-mit that question to the jury. "The court will determine its duty for itself," replied Justice Fitzgerald. Mr. Gleason next demanded before the proceedings went further that Dr. Hamilton be interrogated as to wheth-er or not he thought Thaw conpable of advising his counsel. Justice Fitz-gerald allowed the question and the witness replied that he did not think Thaw was capable of advising his counsel at present. JUDGE WANTS EVIDENCE. PURIFIES as well as beautifies the skin, No other the skin, So other

JUDGE WANTS EVIDENCE.

TERD. T. HOPKINS, Prop., 37 Great Jones Street, New York. ROADS VIOLATE STOCK LAW. Washington, March 20.-Secv. Wilson

JUDGE WANTS EVIDENCE. Justice Fitzgerald demanded that counsel on both fides submit to him tomorrow all the ovidence they pos-sessed touching upon the sanity or in-sanity of the defendant. If the de-fense did not desire to do this, he said, he could not compet it and would have to prozeed without such evi-dence from them to combat that to be offered by the district attorney. Justice Fitzgerald even went so far as to discuss the personnel of a possi-ble commission in lunacy. He sold he did not wish to appoint any alienist who had been consulted in the case by either side, and desired to be given the names of overy doctor for con-sideration. It was agreed that both sides should submit affidavits tomor-row. proof in 29 new cases against various

sides should submit affidavits tomor-row. When the vourt adjourned Messra, Harridge and O'Reilly' of Thaw's counsel, professed the greatest pleas-bre over the turn of affairs. "The district attorney has acknowl-edged himself beaten," sold Mr. Hart-ridge. "We can combat the hunacy commission. In the meantime the dis-triet attorney has acknowledged that he believes Thaw was insane when he shot Stanford White. That ought to give us an acquittal." Dist. Atty. Jerome was manifestly pleased with the idea of a commission He immediately set to work prepara-tions for affidavits. He will be able to place before Juvice Fitzgerald tomor-row all the testimony he has been hanble to get before the Jury. Mr. Delmas declined to make any definite statement. He merely said that it hed hear acread "that when

Mr. Deimas declined to make any iclinite statement. He merely said that it had been agreed "that when he case reached the stage which de-reloped today, Mr. Gleason should else cherge". charge. He said of course he would still be

He said of course he would start connected with the case. Mrs. William Thaw and Evelyn Nes-sit Thaw left the courthouse together after they had had a brief chat with the prisoner and told him that victory

When Thaw reached his cell in the Tombs he began to write at a furi-ous pace, saying it would be his state-ment to be submitted to the court to-

merrow. Late tonight Thaw was said to be cheerful over the situation. "If I am insane, who is sane?" he is said to have asked. "I am ready for the bug commission."

CASE OF MOYER ET AL.

Judge Wood Listens to Arguments for A Change of Venue.

Boise, Ida., March 20.—In the case of ite istate against Moyer, Haywood and Pettibone, officials of the Western Federation of Marers, who are charged with complicity in the murder of former Gov. Steunenberg, Judge Wood, at Caldwell, listened all forencon to the reading of extracts from newspapers in support of the motion of the defense for a charge of venue. The three pris-

for a change of venue. The three pris-oners and their counsel were present. The extracts read to Judge Wood con-The extracts read to Judge Wood con-sisted of editorials and news items hos-tile to the defendants. Articles pur-porting to give the main features of Harry Orchard's confession were held by the defense to be so prejudicial to the prisoners that a fair trial could not be had where the paper that printed the articles had a general circulation. The defense submitted arguments this after-moon and was followed by the state noon, and was followed by the state with 21 affidavits in support of the state's contention that a change of venue is not warranted.

venue is not warranted. Tonight arguments on the motion for a change of venue were made by John F. Nugent for the defense and J. H. Hawley for the state. Mr. Hawley claimed all affidavits presented in sup-port of the motion were defective, fail-ing to identify the parties making them.



A Skin of Beauty is a Joy Forever. | BUTTE PRINTERS HAVE DR. T. Fellx Gouraud's Oriental Gream or Magical Beautifier

Tan, Pimples Moth Patches Skin Discuss

LOST THEIR FIGHT.

Butte, Mont., March 20 .- Nothing deinite has yet developed in the newsome of the members of the typographial union that the printers have lost their fight, with the publishers, and that they ave been ordered by the Internationa Typographical union to return to work n the terms demanded by the publishrs. The printers were in session during he afternoon, and after a long discussion adjournment was taken until tomor row evening, when John Baker, district rganizer, sen, here by President Lynch f the L T. U., will give out a statement seems practically settled that the printrs are to return to work at the old scale n effect prior to May 51, 1966. It is probable that the newspapers will resume pub-leation early next week, or as soon as the becassary operating torces can be got-en together. of the department of agriculture today forwarded to the department of justice

en together. The street car situation was cleared up onight by the street rallway company uving in completely to the workingmen's mion and agreeing to pay the scale of 3.5 per day. Switch cleaners go to work onight, and cars will commence running unarrow morphies of the clear are the the so-called 28-hour law, which re- \$3.50 per day

quires that livestock shall not be kept on cars without food and water and rest for longer than 28 hours. The number of cases and the roads against which they are to be brought, follow: Chicogo, Burlington & Quincy, S; Bai-timore & Ohio, 6; New York Central, 4; Salt Lake, Los Angeles & San Pedro, 2; Great Northern, 8; Cincinnati,

AMERICAN MAIL BAG STOLEN.

Paris, March 20 .- An American mail bag, the contents of which are valued at approximately \$400,000 has been stolen, on board the French steamer La stolen, on board the French steamer La Province, which left New York Feb. 26, and arrived at Havre March 6. A man giving the name of Entlers was arrested here recently with Amer-ican securities worth §42,000 in his ros-session for which he could not account satisfactorily. Butlers is believed to be an accomplice of the theves, and to have been attempting to negotiate the proceeds of the robbery.

WANTED FOR MURDER.

Columbus, O., March 20 --Word was re-ceived at the Ohlo pententiary today from Phoenix, Ariz, inquiring about Louis Ex-tinge of Dayton, wanted there for mur-der. Eytinge was released from the pen-tentiary March 1, having served from Dayton five years for forgery. He comes from an excellent family and was known as the literary prisoner.

BUTTE DEMOCRATIC NOMINEE.

Butte, Mont., March 20.—Jeremiah Ma-honey, president of the Butte Stationary Engineers' union, was nominated for mayor by the Democrats of Butte in con-vention late yesterday. Aleck McGowan, former assistant attorney-general of Ne-vada, was hamed for police judge.



WOMEN'S WOES Salt Lake City Women Are Finding Relief at Last.

Salt Lake City Women Are Finding Relief at Last. It does seem that women have more than a fair share of the aches and pains that afflict humanity: they must "keep up," must attend to duttes in splite of constantly aching backs, or headaches, dizzy spells, bearing down pains; they must stoop over, when to stoop means torture. They must walk and bend and work with racking pains and many aches from kidney tile, Kid-neys cause more suffering than any other organ of the body. Keep the kidneys well and health is easily main-tained. Head of a remedy for kidneys only that helps and cures the statheys only that helps and cures the statheys only that helps and cures the statheys only that helps and cures the kidneys only that helps and cures the kidneys only that helps and cures the kidneys only that helps and cures the statheys only that helps and cures the kidneys and is endorsed by people you know. Mrs. Sarah Pearson, of 42 Eliza-beth St., Sait Lake Ciry, Utah, says: "Thad suffered from kidney trouble for years. I do not know what caused it, in fact, I think I inherited the trouble. There was persistent pain across the kidneys and it hurt me when I stooped or lifted anything. Then the secretions from the kidneys were irregular, scalded and contained a sed-iment like brick dust. Oftentimes there was a blurring before my eyes and they smarted. I used a number of remedies but without much bene-fit. I finally saw Doan's Kidney Pills advertised and got a box at the F. J. Hill Drug Co's store. I found that Doan's Kidney Pills are all that they are claiped to be. They cleared up the kidney scretions and rid me of the aches and pains I have described. I found such great relet through the use of this remedy the I am, indeed

States. Remember the name-Doan's-and take no other.



over the membrano and is absorbed. Relief is immediate and a cure follows. It is not drying-does not produce sneezing. Large Size, 50 cents at Drug-gists or by mail; Trial Size, 10 cents. ELY BROTHERS, 56 Warren Street, New York

SHORT TALKS BY

L. T. COOPER. RHEUMATISM. Old Mr. Rheumatism hangs on tight and bites and pinches when he takes hold. It's quite s



the kidneys have-n't taken care of. But the kidneys aren't to blame. I used to think they were. Now I know better. It's that over worked and crowded stomach giving the kidneys part of its work and the kidneys can't do it. I found this out with Cooper's New Discovery. It puts the stomach in shape, that's all it does, and yet I have seen thousands of people get rid of rheumatism by taking it. That is why I am positive that rheumatism is caused by stomach trouble. Here is a sample of letters I get every day on the subject: the subject:

the subject: "For a long time I have been a victim of sciatica and inflammatory rheuma-tism, and my suffering has been too great to describe. For weeks I hay helpless with every joint in my body so tender and sore that I could not bear to move. The slightest touch would cause me the greatest agony. Several doctors treated me, but they everal doctors treat

neys and stomach were affected also. I could eat but little, digest less and gradually my strength left. I lost flesh

"I began the use of the famous Cooper medicines of which I heard so much. To my surprise and delight I improved immediately, and after using several bottles I felt like another per-

son. My strength and appetite re-turned. The pain and somess left me and now I feel better than I have for months.' Lawrence Tuscany, 1122 Al-drich Ave., North, Minneapolis, Minn.



When the Boys starts in on his Clothes there's always something doing, unless the Suit is built for the occasion. We have had made for our trade a Boy's Suit to sell at \$5.00 that is the limit of durable Suit making. Fabric is the strongest-seams double sewed with strong threadseat and knees doublebuttons on to stay on-and nothing omitted that could add to the durability of the Suit. It's a buster. You'll only have to try one of these Suits to be fully convinced of its worth.

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crime, is a mental derangement which makes the person charged with a crime incapable of knowing the nature or quality of his act, when it is committed, and incapable of knowing that it is wrong. This law which is founded on an old English decision is far behind the time according to allenists. Many a man they say has an overpowering impulse to commit a crime, impulse which he is unable to conquer, and which forces him to commit crime; but if his mental state is such that he realizes he is doing wrong the law does not take in account the insahe impulse which he is unable to overcome. rime, is a mental derangement which

not take in account the insame impulse which he is unable to overcome. An example of this was the case of Taylor, which was cited by Dist. Atty. Jerome in his argument yesterday. Tay-Ior was a panorale and committed mur-der while suffering from a delusion. It is admitted that he was insame but the alienists would not swear that his insanity was of such a character that he did not know his act was wrong. The supreme court also admitted that Taysupreme court also admitted that Tay-lor was without a doubt insame, but under the law his insamity was not of such a character that it excused his act and he was executed.

A CASE IN POINT.

Another case in point is that of Aran askian, an Armenian, who has just cen transferred to the Dannemora hos-Taskian: been transferred to the Dannemora hos-pital for the criminal insane, after 19 days in Sing Sing prison, where he was sent on a conviction of murder in the second degree for killing his brother and cutting him to plees. Dr. Carlos MacDonald and Austin Flint, both of whom were witnesses for the prosecu-tion in the Thaw case, testified as ex-peris for the prosecution in the Taskian case. Both were convinced that the Ar-menian was insane, but were not able to swear that his insanity was such that he was incapable of knowing his fact was wrong as required by the statact was wrong as required by the stat-

"I believe the Thew case and the Toskian case to be exactly parallel," of the second s believe the Thaw case and the

\$100 Reward, \$100.

S100 Reward, \$100. The readers of this paper will be please of to learn that there is at least one present of the second test of the catarth. Hall's Catarth Core is the only positive cure in all its stores and that is catarth. Hall's Catarth Core is the only positive cure now known to the medical presently. Catarth cells, a constitutional treat-ing the second test of the second test of the near Hall's Catarth Cells is taken in-second the second test of the dis-catarth the second test of the dis-positive test of the second the blood and mucous suffaces of the system, there-by destroying the foundation of the dis-takes and giving the patient strength by uniding up the constitutions and assist-ted for his of testmanias. Advess F. J. CHENEY & Co., Toledo, and by all properties Tee.

Take Halls' Family Pills for constipa-

mony.

FACTS GIVEN ALIENISTS.

"I submitted to the allenists sum-moned by the state all the facts in my possession," said Mr. Jerome, "and they one and all informed me that the de-fendant is suffering from a disease called paranola, the chief characteris-tics of which are insane delusions; that acting under these insane delusions that

called paranola, the chief characteris-tics of which are insane delusions; that acting under these insane delusions he killed Stanford White, but that within the legal definition of insanity he knew the nature and quality of his act and knew the act to be wrong." Justice Flitzerald wanted to know if the alienists had informed the district attorney of their opinions before an-swering the long hypothetical question in court. Mr. Jerome admitted that they had. The evidence he submitted to them had not been adduced in court, however, and he could not put it in the hypothetical question. "Now that they have put Dr. Hamil-ton on the stand." explained Mr. Je-rome, "I have my first opportunity of laying before the court sworn testi-mony of a character which may de-mand the attention of the court. For the first time we have the real eri-duce before us, and I want it all to go in. Your honor will support me in the claim that ever since the trial began I have struggied to have the doors open-ed wide that all the facts might be brought out. But I have been met with objections and legal restrictions every-where."

DELMAS' VIEW.

DELMAS VIEW. Mr. Delmas replied that it was strange, if the district attorney had so long possessed the information he possessed the believed was in-posses that anyoe to dealy. Mr. Delmas posses had called to the stand Dr. Ham to the man whom the district at-tion he man whom the district at-district at-district

watchman and Was Killed. Bandon, Or., March 20 .- Nightwatch-

man W. D. Clark, shortly after midnight, shot and killed C. F. Allen of San night, shot and killed C. F. Allen of San Francisco, a well known timber buyer and black sand expert. The shooting occurred in the office of the Tupper ho-tel, where Allen, who had been drink-ing, threatened the life of the proprie-tor of the hotel. He shot twice at the officer before the latter killed him. Early vestering Allen, arrived with Early yesterday Allen arrived with two other men from Curry county. They came up the coast and had been making investigations regarding the block sands in that part of the country.

HOW TO REMAIN YOUNG.

To continue young in health and strength, do as Mrs. N. F. Rowan, Mc-Donough, Ga., did. She says: "Three bottles of Electric Bitters cured me of chronic liver and stomach trouble, com-licated with such an unhealthy con-dition of the blood that my skin turned red as farmed L am now practicelly ?0 red as flammel. I am now practically 20 years younger than before I took Electric Bitters. I can now do all my work with ease and assist in my hus-band's store." Guaranteed at Z. C. M. I, Drug Store. Price 50c.

The scene illustrated herewith represents the serving of dinner to the men employed in a South African diamond mine. These men are Kaffirs, natives of the country, and the rice, which forms the principal article of their food, is served out with wooden shovels from the pans in which it has been cooked by steam. The men march into the boiler house in regular order, and each re-ceives in due turn the portion of rice to which he is entitled. Owing to their well known propensity for thieving, these native diamond miners are kept under almost constant surveillance. Even then it is realized by the mine operators that many a valuable find is secreted in ways known only to the acute Kaffir.

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failed entirely. I tried many remedies but nothing seemed to reach my case, so I continued to lay helpless. My kid-If you only knew

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