DESERET EVENING NEWS WEDNESDAY MARCH 13 1907



Talked With Victim's Brother-in-Law in Roof Garden Just Before Shooting.

STORY CLEAN AND SUCCINCT.

Slayer Was Perfectly Rational-Jerome Now After a Conviction and Not a Lanacy Commission.

New York, March 12 .- The end of the Thaw trial at last seems to be in sight, Tentative plans for the final stages of the trial were agreed upon today by opposing counsel, even to the detail of allotting the time for the summing up. Dist. Atty. Jerome has at last burned behind him atl bridges leading to a

behind him at bridges leading to a behind him at bridges leading to a lunacy commission and is irrevocably pointing his course to proving that Thaw was sane when he shot Stanford White, and that, being same, his crime constituted murder in the first degree. Within 10 days or two weeks the case should be in the jury's hands. Mr. Jerome played today probably the strongest card he holds—evidence which came to his knowledge but a few days ago, and which undoubtedly caused him to abandon the idea of try-ing to send White's slayer to a mad-house and try for a straight-out con-viction under the criminal statutes. The evideace came from Mrs. Stan-ford White's brother, James Clinch Smith, who told a remarkably clean, succinct story of the events of Madi-son Square Garden the night White was killed and a long conversation he illed and a long conversation he ad with Thaw just before the shooting.

THAW'S TALK.

It seems that Thaw sat for some time with Smith during the first performance of "Mam'selle Champagne," and dis-cussed with him a variety of topics in manner. Mr. Smith declared, such as ny sane man would talk. Mr. Smith ave the conversation in detail, omit-ng nothing, he asserted. gave the

uing nothing, he asserted. With the brother-in-law of the man who was so soon to be a victim of his pistol. Thaw discussed the piay, Wall street, common occurrences, plans of the future and other things, including a. "buxom brunette" whom Thaw de-clared he was anxious to have Smith meet. Thaw said he and his wife were going abread later in the summer. going abroad later in the summer. There was nothing anywhere in the re-peated conversation of Thaw's intent to inflict bodily harm upon anyone. Mr. Smith did say, however, that Thaw, not having a reserved seat, roamed about the garden and continually looked in the direction of the spot where he sub-sequently killed Stanford White.

DELMAS' FIGHT IN VAIN.

Atty. Delmas, for the defense, bitter-ly fought the introduction of this tes-timony for nearly two hours today, re-newing his argument begun yesterday afternoon. He declared Mr. Smith was properly a witness in chief and should not be allowed to testify in rebuttal.

Mr. Jerome replied that he had known-only for a few days the real value of Mr. Smith's testimony-the conversation with Thaw-and he ap-pealed to the discretion of the court

, allow the testimony to go in. Justice Fitzgerald held that in the interest of justice the jury was entitled to all the facts. It was one of the boost serious blows the judge had dealt

the delense since his trial began. There was another policeman on the tand today who saw Thaw the night f the tragedy, and who declared the defendant at that time acted in a rational manner. Mr. Jerome also summoned to the

stand Dr. Carlton Flint, the physician to whom Evelyn Nesbit is said to have gone with Jack Barrymore, the actor. Mr. Delmas objected and Dr. Flint was not allowed to testify. It Note said later that Dr. Fint had been served with a new subpons-by the defense—and that he will be called in sur-rebuttai to answer the questions he as not permitted to answer today.

member an occurrence several years ago of two men and a woman-but no. you would not remember-you were too young. I told him that I was perhaps bloc then he there is the top to the **HEALTH AND SPIRITS** lder than he thought. When ARE RESTORED BY DR. WILhim that I was well past my fifteth birthday he expressed surprise. "Then he stood up and looked over the audience again, from left to right.

LIAMS' PINK PILLS.

After Worry and Overwork Had Pro

duced a Condition of General De-

bility and Despondency.

I consider Dr.

Wil

entirely

him.

cured.

THAW'S ACTIONS. "He then walked down the aisle to-wards the entrance, looking over the audience. When he arrived at the entrance he stood there for a moment looking back over the audience. Then he came back down the atsle, looking in the same direction." "What direction?" asked Delmas. General debility is caused by men-

General debility is caused by men-tal or physical overwork with imper-fect assimilation of nourishment, or by some acute disease from which the vital forces have been prostrated and the entire organism weakened so as not to easily rally. To restore health it is necessary that the blood should be purified and made new. The case of Mrs. E. M. Spears, of 92 Mt. Pleasant street, Athol. Mass., is a common one and is given here in order that others may be benefited by her experience. She says: 'I had been sick for a year from indigestion and general debility brought on by over-work and worry. I had tyled many remedies, but found no relief, I suf-fered from swelling of the limbs, loss of appetite and dizzy spells, which be-rooms as accross towards not that "What direction?" asked Delmas. "Towards the place where he subse-quently shot White. "Then Mr. Thaw returned to where his people were sitting and Mr. Mc-Caleb gave up his seat to him, and Mr. "McCaleb came over to me and sat down in the chair Mr. Thaw had occupied. We talked a few minutes and then Mr. Thaw came over to us. He stopped for a moment and then went down the absie looking to the left. looking to the left.

looking to the left. "Thaw went out of the garden at the entrance by the elevator and was gone for two or three minutes. Then he re-appeared, still loking about him. Then he looked up into the gallery, ap-proached the gallery steps and went up. He came down a little later and passed me and nodded. He walked on to where his party was sitting. SHOOTING OF WHITE. fered from swelling of the limbs, loss of appetite and dizzy spells, which be-came so severe towards night, that I sometimes fainted away. I was bil-fous and my hands and arms would go to sleep for an hour or two at a time. I was so sleepy all the time that I could hardly keep awake. I had frequent cramps in my limbs and severe pains at the base of my head

SHOOTING OF WHITE.

"As soon as he arrived the whole party got up and prepared to go. Mrs. Thaw and Mr. McCaleb went first and then came Thaw and Bcale. As they passed Beale stopped and spoke to me for a few moments. Very soon after severe pains at the base of my limbs and and in my back. My blood was im-poverished. I was afraid to give up and go to bed fearing that I would never get well. "About this time Dr. Williams" for a few moments. Very soon after this I heard three pistol shots and saw a cloud of black smoke. Then I saw Thaw alming his pistol at the ground. I said, 'Why, that's Harry Thaw.'" "About this time Lr. withdays Pink Pills were recommended to me by a friend in South Vernon, Vt. I felt better soon after beginning the treatment and continued until 4 was

I said, 'Why, that's Harry Thaw,'" "Never mind what you said," correct-ed Jerome and Delmas in unison. "I went to the entrance, keeping my eyes on Thaw all the while. Then I saw a man lying face down on the floor. The man's face was so blackened with powder that I did not recognize my brother-in-law, and left the place with-out knowing who the man was." "The witness is with you," said Mr. Jerome, turning to Mr. Delmas. Mr. Delmas guestioned the witness as to what he did following the tragedy. "To whom did you first relate the story as you have told it here?" asked Mr. Delmas. liams' Pink Pills a grand medicine for Williams' Pink Pills cure general and nervous debility because they make new blood. They strike at the root of these and other blood diseases, such as rheumatism, anae-mia, indigestion and nervous troubles,

such as heuralgia, nervousness and spinal weakness. They are guaran-teed to be free from opiates or any harmful drugs and cannot injure the most delicate system. Dr. Williams' Pink Pills are sold by all druggists, or sent, postpaid, on re-ceipt of price 50 cents per box, six boxes \$2.50, by the Dr. Williams Medi-Mr. Delmas.

Mr. Deimas. "No my lawyer, Mr. Blackwell, a few days after the tragedy." "And you told him what you have cine Company, Schenectady, N. Y. told here?

told here?" "Yes. I also told the lawyer that if Thaw claimed he was drunk he did not know what he was talking about." "Never mind what you told your lawyer," said Delmas. district attorney called Rudolph Eck myer, the photographer who took the pictures of Evelyn Nesbit Thaw which have been introduced in evidence. The

Mr. Smith was excused.

ECKMYER, THE PHOTOGRAPHER. ECKMYER, THE PHOTOGRAPHER. Rudolph Eckmyer, the photographer who took the "Tired Butterly" and other pitcures of Evelyn Nesbit, was called to the stand and shown several negatives. He identified two of them as negatives of the affidavit Evelyn Nesbit is alleged to have made in Hum-mel's office. The original affdavit was destroyed. A photograph had been taken of it, however, by the same man who had been employed by White to take pictures of Miss Nesbit. Mr. Jer-ome hopes to introduce the negative as a foundation for putting in evidence the

a foundation for putting in evidence the copy of the affidavit. "Were you ever employed in the Campbell studio?" asked Jerome.

Two negatives were shown the witness

Two negatives were shown the witness and he said there was in Campbell's studio a system of numbering negatives. Two photographs were shown him and he was asked if he took them. Be-fore he could reply Delmas objected. Jerome produced the record and read from it the statement made by Del-mas early in the trial to the effect that the defense would not take advantage of the privilege to controvert testimas early in the that take advantage the defense would not take advantage of the privilege to controvert testi-

of the privilege to controvert test-mony. "I now offer to prove by this wit-ness the exact date on which these pictures were taken, which was, Mrs. Thaw testified, the day before she was ravished by Stanford White. And I further offer to prove that on that oc-casion Stanford White was not where she said he was," said the district at-tories.

torney. "I have nothing to say except to insist on my objection." said Delmas and the court sustained the objection. Delmas their asked that all that Je-rome had said be stricken from the

Jerome replied by stating that the remarks could not be stricken from

WHITE PLAGUE

Its Extermination is Prevention.

There are a great many articles now appearing in print on the subject of consumption, whose ravages are on

consumption, whose raveres are on the increase, not only in America, but also in Europe. That there should be a systematic and determined warfare against this awful disease is now becoming evi-dent to all persons having at heart the welfare of the human race. A well known physician, who has made tuberculosis a study for a num-ber of years states most emphatic-

made tuberculosis a study for a num-ber of years, states most emphatic-ally that the majority of cases of con-sumption originate in a neglected cold or cough. This causes inflammation and weakening of the lungs, and ren-ders them liable to the attacks of the tubercle germ, which at present is very prevalent. He also states that the new soluble form of pine is prob-ably the most powerful, active agent ever known for the quick relief of acute and chronic colds and for heal-ing and stimulating the lungs and bronchial tubes.

Ing and simulating the forge and bronchial tubes. Inquiry at a leading druggist's elic-ited the information that the pine product above referred to is known as Concentrated oil of pine, and the formula for its use is as follows: Onebalf ounce of Concentrated oll of pine; two ounces of glycerine, half pint of whisky; mix and shake thoroughly and use in tablespoon doses every four

hours. The Concentrated oil of pine comes put up for medicinal use only in half-ounce vials, enclosed in round screw-top cases, which protect it from at-mospheric changes and retain all the original ozone. It should not be con-fusce with some patent medicines that fusce with some patent medicines that are put out under similar names and style of package. These, owing to their impurities and the fact that they are not soluble are liable to produce permanent kidney disorders.

It was 3:46 when adjournment until

It was 3:46 when adjournment until tomorrow was taken. After court adjourned Jerome and Delmas had a long conference regard-ing the hypothetical question which will be asked of the prosecution's expert. Jerome will finish the ques-tion tonight and tomorrow when he and Delmas will hold a conference as to the exact wording of the question. This will be done in an effort to pre-vent taking up the time of the court This will be done in an effort to pre-vent taking up the time of the court in arguments. The question will then be printed and submitted to all the experts that they may become thor-oughly familiar with the question be-

oughly familiar with the question be-fore asked in court. Jerome's statement today as to his remaining witnesses disposed of the report that he would call Howard Nesolit to contradict his sister. It alsa means that he has suddenly changed his mind about calling Mazie Follette. Mr. Jerome asserted that as a mat-ter of rebuttal if not direct evidence. Mr. Smith should be allowed to testify as the state proposed to contradict the Mr. Smith should be allowed to testify as the state proposed to contradict the contention of the defense and show that Thaw was of sound mind the night he killed White. "We will go further," said Mr. Je-rome, "and show the elements in this case which go to make up murder in the first degree as defined by the stat-utes."

utes.

Mr. Jerome sat down and Mr. Del-Mr. Jerome sat down and Mr. Del-mas arose to reply once more, but had hardly started when Mr. Jerome in-terrupted to say that he did not know of the important conversations Smith had had with Thaw upon the Madison Roof Garden until the for-mer returned from Europe last month. "I was at dinner at Martin's re-cently," said Jerome, "when a friend asked me why I did not call Smith. He told me of Smith's conversation with Thaw and that was the first I heard of it."

heard of it." "Then you would ra-open the case entirely," replied Deimas, "to put in newly discovered evidence. I must protest against any such course." Deimas closed with a plea for the court to exercise its discretion in favor of the defendant.

SMITH'S EVIDENCE NEW Justice Fitzgerald said the evidence Mr. Smith had to offer was newly dis-

covered and in the interest of justice should be given to the jury. d be given to the jury. overrule the objection." he concluded. Mr. Jerome asked that the examina-



Backache, Rheumatic Gout and All Forms of Uric Acid Poison are Results of Kidney Disease and Can Only Be Cured by Getting Directly at the Seat of the Trouble, the Kidneys, with

WARNER'S SAFE CURE

A trial bottle of the World's Greatest Kidney Cure sent absolutely free to every reader of the Deseret Evening News who suffers from Kidney, Liver, Bladder or Blood Disease.



Mrs. L. Clifford Figg, of Chicago, Ill., who suffered intensely for months from kidney and bladder trouble, says that after taking other medicines without relief Warner's Safe Cure restored her to health. She writes June 1st. '06:

"It gives me great pleasure to recom-mend Warner's Safe Cure to all who may be suffering from kidney and bladder trouble. I was ill and miserable for months with backache, sick headache, di-MRS. L. CLIFFORD FIGG. your medicine to all in need."-Mrs. L. Clifford Figs, 149 Dark BL, Chicago, Illibels.

CURES KIDNEY DISEASE.

When the kidneys are diseased the unio acid is not carried off, and this causes Gout, Lumbago, Rheumatism of the Joints, Rheumatism of the Muscles, Rheuma-tism of the Heart, Rheumatism everywhere. In Bright's Disease the howels are often constipated and the liver torpid. War-ner's Safe Pills quickly relieve this condition, and no ill after effect is experi-

enced. WARNER'S SAFE CURE is put up in two sizes and is sold by all druggists, or direct, at 50 CENTS AND \$1.00 A BOTTLE, Refuse substitutes containing harm-ful drugs which injure the system.

ful drugs which injure the system. **TRIAL BOTTLE FREE** To convince every sufferer from diseases of the kid-server, hadder and blood that WARNER'S SAFE CURE will cure them, a trial bottle will be sont, ABSOLUTTELY FREE, postpaid, to any one who will write WARNER'S SAFE CURE CO. Rochester, N. Y, and mention having seen this liberal offer in the Deserve Evening News. The genumeness of this offer is fully guaranteed. Our doctors will also send medical many convincing testimonials free to everyone.



THE JAUNTY PONETO SUIT-



Nor look into your face?" "No." "Proceed." commanded the district

"Mr. Thaw was looking intently to

Mr. Thaw was pooring intently to the right...." Delmas objected to "intently" and the word was stricken out. "He was looking over his right shoul-der. I followed him and his party with my eyes will they reached their seats. Mr. Thaw put his three people in their seats and walked back of the seats and stood in the rear for about a minute."

ood in the rear for about a minute," "What did he do then?"

"He stood for a minute and looked ver the heads of the----" Delmas objected that the answer was

Delmas objected that the answer was not responsive, and Jerome withdrew the question and answer. "Did you see in what direction his eyes were turned?" asked Mr. Jerome. "He was looking over the heads of the people in this direction," pointing out the direction on a diagram which was handed the witness. "When he passed you did he speak?" "Yee."

State all that he said and what you

Deimas objected. He was overruled

and the witness proceeded: "Mr. Thaw recognized me and "Mr. Thaw recognized me and stopped and spoke. He said. "That's funny, isn't it?" I asked him what he meant, and he said he could only get three seats upon the roof. He said he had only an admission tiket for him-self. I asked him what he intended to do, and he said he would stroll about. Then he stood in front of me looking at the audience---""

he audience-Delmas interrupted with an objection

the description of what Thaw did stricken out. Nº SLS Was tion?" asked Jerome

FISH ELECTED DIRECTOR.

St. Louis, March 12.-Stuyvesant Fish former president of the Illinois Central railroad, was today elected a director of the Missouri Pacific railproad at the regular annual stock-holders' meeting held in the general office here. Mr. Fish was elected to succeed James Hazen Hyde. It is said that more than 80 per cent of the stock of the Missouri Pacific was voted in today's election, which is said to be a larger amount than has been voted in previous elections. Mr. Fish was unanimously elected, which is con-sidered significant of the important

part he will take in the future con-duct of the road. At the general offices no further statement could be secured concerning

the matter beyond the announcement of the result of the elction.

COAL LAND FRAUDS.

Federal Grand Jury Making Investigation Reports Indictments.

Nw York, March 12.-Several indict-ments were reported today by the fed-eral grand jury which has been inves-tigating important alleged violations of the federal statutes. It was ru-mored that among the indictments were a number dealing with the m-cent taking of title to valuable coal lands in the Big Horn basin of Wyom-ing by certain persons residing in the lands in the Big Horn basin of Wyom-ing by certain persons residing in the suburbs of New York. These persons assigned their rights to the Owl Creek Mining company and the Northwest-ern Coal company, both said to be subsidiary corporations of the Bur-lington railroad, which is now build-ing a branch line into the Big Horn basin in order that it may get the coal haul of that section. The applicants made oath when mak-ing entry to the lands that they were

ing entry to the lands that they not acquiring the title for any individ-ual or corporation, but solely for them-selves, as required by law. The grand jury's investigation of the entries was made at the instance of the interior department.



photographer was employed by Stan-ford White. He had no sooner been sworn than it developed that Eckmyer had also been employed by White to had also been employed by White t take the photographic copy of the aff davit Evelyn Nesbit is said to have made in Abraham Hummel's office. Mr. Eckmyer identified the negatives made from the affidavits, but they were not offered in evidence. Mr. Jerome next tried to get the photographer to fix the dates of certain pictures for

which Evelyn Nesbit posed, hoping thus to establish the day she says she had the experience with Stanford White in the Twenty-fourth street

Mr. Delmas objected on the ground that the evidence tended to contradict Mrs. Thaw's story and was not permis-"I was at one time the manager." sible. Mr. Jerome said he desired to take advantage of the waiver Mr. Del-mas had made at the beginning of the

trial in regard to the rebutting Mrs. Thaw's story. "If you will let me fix the date of these pictures," he said heatedly, "I will show that on the night following the day they were taken, when Mrs. Thaw says she was rulned by Stanford White, she was not in the Twenty-fourth street house at all."

Mr. Jerome fairly shouted the last words, and pounded the table before him. Mr. Delmas said he must stand nim. All, Deimas said he must such upon his objection, and it was sus-tained. He then moved that the dis-trict attorney's "improper" remarks, for which he has given much emphasis of voice and gesture," be stricken

Mr. Jerome reloted by asking the court to instruct the jury that the alrecord.

PHOTOGRAPHER CALLED IN As the last witness of the day the



Many Eat as Though They Were Blind And Their Tongues Cut Out.

Dyspepsia is built on confidence-too

Dyspepsia is built on confidence-too much confidence in the ability of your stomach to digest anything and every-thing you put into it. In this age we have developed speed in every line of action, and we have also developed speed in mastication. We don't take time to eat right, and sometimes we do not eat the right kind of food. Sourcimes we carry our busiof food. Sometimes we carry our busi-ness to our meals and as a result eat mechanically. We out as though we were blind and our tongues cut out. of food. ve simply swallow.

The result is that the food we cat a half chewed, and lies like a lump of ead on the stomach.

You may dony to yourself that you abuse your stomach, but when you get a bloaty feeling, you can't deny you've for it

when you get brash, eructations, burning sensations, bloating, aversion to food, loss of appetite, belching and other kindred aliments, there is not much as asking yourself, for the time being, why you suffer. The fact is you've got these aliments and the ques-tion of the hour is how to get rid of them at once, so that at your next meal you may be able to sit down and look at Your meal straight in the face-with a keen appetite and a smile, and on loy theroughly everything you est. 7 Just one of Stuart's Dyspepsia Ta-blets will digest an ordinary meal with-out the help of the stomach. One in-gredient of Stuart's Dyspepsia Tablets will digest 3,000 grains of food. The atrongest stomach couldn't do the work any better than one of these wonder-ful little tablets can do it. Each tablet contains the strongest digestive agents it is possible to ob-tain. Stuart's Dyspepsia Tablets are not a When you get brash, eructations,

ituart's Dyspepsia Tablets are not a Staart's Dyspensial factors out and patent medicine. We come out and say just what is in them-hydrastis, golden seal, lactose and aseptic pepsin. They are recommended by 40,000 lirensed physicians in the United States and Canada.

and Canada. And they are recommended by eve-ryone who uses them-they can't help it, for they immediately invigorate the stomach by letting it take a rest; they strengthen the gastrie julce and cause the appetite to become keen and regu-

lar, S' nart's Dyspepsia Tablets will sure-ly jestroy dyspepsia, brash, beiching, that "lump of lead" feeling, burning sensations, indigestion, loss of appetite. and aversion to

sion to food. Stuart's Dyspepsia Tablets Have Have Stuart's Dyspepsia Tablets handy where you can take one or two other each meal. Then you will know what a blessing it is to have a good propetite and to get all the good pos-fible out of everything you cat. You'll fael rosy and sweet. Sinart's Dyspep-ia Tablets at any drug store on earth, the

Send us your name and address to-day and we will at once send you by mail a sample package, free. Address F. A. Stuart Co., 85 Stuart Bidg., Mar-shall, Mich.

leged ravishment or non-ravishment of Evelyn Nesbit had nothing to do with the case. Justice Fitzgerald admonished tha jury to pay no attention to the remarks addressed to the court, and to confine themselves strictly to the evidence. the record, as they were addressed to the court in a legal argument. "On the other hand," he said, "I ask that the court now instruct the jury that the ravishment of this girl which AGREEMENT AS TO CLOSING.

AGREEMENT AS TO CLOSING. It was after this conflict that the agreement as to the closing stages was reached. Mr. Jerome said he would in-troduce as witnesses tomorrow Abra-ham Hummel and his stenographer. Then he would conclude the state's case with the testimony of three ex-perts.-Drs. Austin Filnt, Carold Mc-Donald and William Mabon. It was agreed that after the defense has put in its case in sur-rebuttal each side shall have one clear day for the sum-ming up. Then will follow the charge of the court and the consideration of the evidence by the jury. The experts will not be reached be-fore Thursday, and, figuring upon the disposal of one a day, the hast of the tro will not be examined until Monday next. The defense probably will ochas been testified to, is not an issue in this case.

this case." Delmas insisted on striking the re-marks from the record. Justice Fitzgerald instructed the jury that they were not to consider any remarks that were made by the attorneys to the court, but confine themselves to the testimony. Jerome asked that an early adjourn-ment he taken saying he desired to ment be taken, saying he desired to consult with his assistant, Mr. Garvan, at the latter's home. FOR BENEFIT OF DEFENSE.

"I will state for the benefit of the defense," continued Mr. Jerome, "that I will have but two more wiletesses, Abraham Hummel and his stenognext. The defense probably will oc-cupy the remainder of next week, and the summing up will begin on Monday rapher, before ending my case with three experts. I can't say how much time I will require, but my direct ex-amination of experts will require but

The 25th inst. That would bring the charge to the jury on Wednesday, March 27.

amination of the defense offers what "Then, after the defense offers what it may in sur-rebuttal, we come to the summing up. I shall want three or the hours." CONVERSATION WITH THAW. "Yes. Thaw asked me who had the seat next to mine. I said I did not know. He said they seamed to be good seats and asked if I would mind his sitting down beside me, I said all right. Thaw sat down and offered me a cigar. I said 'No, thank you,' and he said. was finally stipulated that each should have a day for summing so as to permit of uninterrupted up, arguments,

DON'T NEED BREAD

Found True Food for Brain Workers.

I said 'No, thank you,' and he said, 'How's that, don't you smoke at all?' I said, 'I occasionally smoke cigarettes.' He then took out his cigarette case and offered me one. He struck a match and lit my cigarette and his cigar. He asked me how I like the play, and I said I did not care for it very much. "He said: 'It is rather different from those you usually see on the roof gar-den. It is rather a relief to see it, and I think it will be a success.' I said I doubted it. A few moments later he said. 'What are you doing in Wall street now, any speculating?' I an-swered that I did not speculate in Wall street. He said he thought there was a A distinguished writer, 60 years old with the vigor of youth, writes of the benefits derived from proper food. "I have been employed for several years in preparing a series of histori-cal papers on the Civil War. The nec-essary research has been laborious and exhausting, involving the examin-ation of more than 100,000 pages of the official records.

the official records. "The more than ordinary interest I took in the work (for I bore a part in the conflict) caused incessant worry and proved too great a strain. Over-work brought on brain fatigue; con-stant worry did the rest. "Insomnia followed, then loss of ap-petite followed by absolute inability to control my mind. Labor was with-out accomplishment. Remedy after

swered that I did not speculate in wait street. He said he thought there was a great chance in copper. He mentioned Amalgamated and one other. He also said steel was very good; he could not see why steel stocks were kept down, the company was doing a bigger busi-ness than ever. He said if he had any money he would put it in steel and copper, particularly copper. out accomplishment. Remedy after remedy was value employed but the work begun could not be dropped. And yet it seemed as if I was going to

money he would put it in steel and copper, particularly copper. "Then suddenly he said: "Where are you going this summer?" I told him that I was going to Europe on Thursday. He wanted to know what ship I was going on, and when I told him he said he did not like the ship. "He said he was going on the Ameri-ka because he could get on that ship a large suite of rooms where he could have his meals served in his apart-ments. "As last I tried Grape-Nuts food, "As last I tried Grape-Nuts food, and less than a week brought benefit; continued use resulted in steady im-provement, and I soon found myself again in possession of full mental ef-ficiency. I am ten years younger in looks and feelings than when I began to eat Grape-Nuts, over three years ago. I can now easily write 2,500 words a day and maintain that rate of production without feeling over-worked.

worked.

have his meals served in his apart-ments. "Then he said, 'Are you alone over here?' I told him that I had ieft my wife in Paris. He said. 'Are you a very much married man?" I asked him what he meant. He said, 'Are you so much married that you are above meeting a very nice girl?" I asked him what he meant, and if the girl was up on the garden. He said no. I asked him again what he meant, and he said. 'Well, I am going away and I will give you her ad-dress, or arrange a meeting for you.' I asked what sort of a looking, girl she was, and he said she was a buxom brunette, not very good looking, but a very nice girl. I told him I did not think I cared about it, and he said he was sorry. "Brain fag and insomnia are strang-"Brain fag and momnia are strang-ers to me now and my appetite is all right. I sleep soundly and restfully, and arise ready for work. A sallow complexion has given way to pink and white, my weight has increased 39 pounds, and my cheery, good spirits are it, strong contrast to the crossness and irritability that had settled down upon me

was, and he said she was a bucon brunette, hot very good looking, but a very hice girl. I told him I did not think I cared about it, and he said he was sorry. "He asked me if I knew any of his party, and I told him I knew Mr. Mc-Caleb and had met Mr. Beale that afternoon. He said it was strange I had never seen him before. "Then he said to me: "Don't you re-

of Mr. Smith be postponed until tion of Mr. Smith be postponed until after the luncheon recess to enable him to call Police Officer Edward Howe to the stand. This was granted, Howe said that upon the night of June 25 last he was walking down Madison avenue when he met Police-man Wright with Thaw in custody. He accompanied them to the police station.

"In your opinion was the defendant rational or irrational?" Mr. Jerome

"Rational."

Jerome next called Dr. Carlton Flint, the physician to whom Evelyn Nesbit is said to have gone with Jack Barrymore, the actor

When young Mrs. Thaw was upon the stand she was confronted by Dr. Flint and declared she had never seen

nim before. "Do you know an actor named Jack Barrymore?" asked Jerome. "Well, I don't exactly know him," replied the witness. "You know who he is, you have seen him?" "You se." Barryme

"Do you know Evelyn Nesbit Thaw

"You know who she is; you saw her

"You know who she is; you saw her here in court?" "Yes, I saw her here in court." "Sometime in 1902 did Jack Barry-more and Evelyn Nesbit go together to your office?" Mr. Delmas objected, "on all the grounds I have before stated." Delmas evidently referred to the rules of evidence protecting Mrs. Thaw's testimony.

haw's testimony. Jerome did not care to argue the point and Justice Fitzgerald sustained the objection, and Dr. Filmt was ex-

used Jerome had no other witensses and the luncheon recess was

ordered. Mazle Follette, the chorus girl, was in the corridor outside the courtroom when the after session began and evi-dentity expected to be called as a wit-ness. She was accompanied by a Miss Jackson, who was a clerk in the studio at the time Evelyn Neshit posed for the pictures which have been offered in evidence. Miss Jackson is expected to fix the date of the picture-taking. J. C. SMITH RECALLED. James Clinch Smith was recalled. He repeated his statement of yesterday that he reached the roof garden the night of the tragedy at about 9:15 and seated himself upon the Madison ave-nue side of the hall. "Did you see this defendant enter?" Mazle Follette, the chorus girl, was

"Did you see this defendant enter?" asked Mr. Jerome. "I did."

"I did." "Where did he come from?" "He came from the elevator." "War he accompanied by anyone whom you knew?" "I knew the two gentlemen, Mr. Mc-Caleb and Mr. Beale."

"Was there a lady with them?"

"Did you know who she was?" "Thave no personal knowledge of who she was. I believe it was Mr. Thaw's

He. "Now, please describe what you saw e defendant do and what you heard dm say."

Mr. Smith proceeded with some diffi-culty, as Mr. Delmas objected almost

"Thaw walked by me with his party, "Thaw walked by me with his party, apparently not recognizing me." Mr. Delmas objected, and the words "apparently not recognizing me." were

"Did he recognize you?" asked Mr.

Definas objected on the ground of in-materiality, and was sustained. "Did Thaw say anything to you?"



Mrs. W. T. Burns of Memphis, Tenn. who is national press correspondent of the W. R. C., Writes: "I caught a se-vere cold which it seemed impossible for me to get rid of. I became much run-down, lost my appetite and flesh and felt nervous and irritable. Vinol was recommended, and certainly work-ed wonders for me; it increased my ap-petite, and cured my cough and ner-vousness. I consider Vinol a wonder-ful remedy."

rousness. I consider third to the ful remedy." Mr. Druchi of Druchl and Franken, says: "Many people right here in Salt Lake City are in just her condition-all run-down, hardly able too drag a-bout don't know what alls them. This is probably caused by a cold or cough which is hard to cure, overwork or too close confinement to business, and such used by that."

close confinement to business, and such people need Vinol." Vinol is not a patent medicine, but contains the medicinal curative ele-ments found in fresh code livers, with all the useless oil eliminated and tonic

in added. We ask every run-down, nervous, de-bilitated, aged or weak person in Salt Lake City, and every person suffering from stubborn colds. hanging-on coughs, bronchitis or inclpient con-sumption to try Vinol on our guaran-tee. It costs nothing if it fails to give satisfaction. Druchl and Franken, Druggists, also Smith Drug Co. NOTE.--While we are sole agents for Vinol in Salt Lake City, it is now for vale at the leading drug stores in near-ly every fown and city in the country. Look for the Vinol agency in your town.

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these Suits will be to the boys who call early enough to get them.





