DESERET EVENING NEWS.

10 PAGES-LAST EDITION

Washington, Feb. 11 .- The

following statement was given

"The president has communi-

cated with Postmaster General

Cortelyou to know whether it is \$

feasible to bar from the mails

the papers that give the full dis-

gusting particulars of the Thaw 1

case. He does not know wheth-

er it is feasible. But if it is he 🕺

IDENTIFIES ENVELOPE.

Mr. Delmas showed Mr. Lyon another envelope, part of the writing on which he identified as that of his stenog-

Mr. Jerome took the witness, who un-

J. B. GLEASON CALLED.

Mr. Lyon was excused and John B.

wishes it done."

the court.

out at the White House today:

OVER THAW CASE.

PRESIDENT AROUSED

To him who witches everything is recalled." This includes all sorts of "wint ad, bergains" to those who "watch" the want ads, day by day.



Many, Attired in Gay Plumage, came to Hear Evelyn Thaw's Story Continued.

THEY WERE VERY INDIGNANT.

Struggle of Defense Was to Have Harry Thaw's Will Introduced.

FAMOUS CAFE MARTIN NOTE

"Can you, as president of the bank, produce those letters?" "Yes. I suppose so." "Will you?" "Yee, if you want them." Mr. Jerome stated he could not con-tinue the cross-examination without the letters and asked the court to or-der that the letters be produced. Mr. Delmas objected. "What's the matter?" asked Mr. Je-rome. "Don't you want the letters produced?" "I have not the slighest objection to s Admitted-Wife Told Husband That The Blackguard Had Been and Gone -She Resumes Her Testimony. produced?" "I have not the slighest objection to the introduction of any letter this de-fendant ever wrote," was the reply. He objected to the letters being turned over to the district attorney. It was only agreed that the letters should be turned over to the clerk of the court.

New York, Feb. 11 .- The opening of the fourth week of the Thaw trial today brought a new order of things in the pom, and all women other than the half dozen active newspaper writers who have followed the case since the beginning, were barred by order of ustice Fitzgerald. During the two days of last week

Gleason was called. Mr. Gleason has had possession of most of the defendant's papers since the tragedy. when Evelyn Nesbit Thaw was upon the witness stand, many women crowdthe witness stand, many women crowd-ed the courtroom, having in some man-ner solved the problem of getting past the bailiff at the door. In the belief that the prisoner's wife was again to be the central figure in the famous trial, the women were anxious to hear the final details of her life norrative.

WOMEN INDIGNANT.

WOMEN INDIGNARY. They were attired in all the gay plumage that gave the courtroom last week the appearance of some gala mat-inee performance. Their indignation knew no bounds when the court offleer repuised them with the statement that the court's order excluded every one ex-rept such as were working newspaper reporters. Many of those who had oc-rupied front seats during last week were led to believe that the order could not possibly include them, and they re-mained about the corridors a long time in the hope that there might be some the hope that there might be some laxation of the rule.

and, of the defendant's papers since the tragedy.
Mr. Gleason said the envelope containing the will had been in his possession since Dec. 11, 1906. Absolutely no changes had been made in the document from that time to this except the marks for identification.
Mr. Jerome asked only one or two questions on cross-examination, bringing out nothing new.
Mr. Jerome conceded the progress of the will direct from Mr. Lyon to Mr. Gleason, saying he would not require the defense to produce Mr. Lyon's secretary as a witness to that end. The offer of the will in evidence was deferred.
Mr. Delmas then asked that Mrs. Harry Thaw be recalled.
"It has been testified by this witness," said Mr. Delmas, when the young wife took her place in the witteness chair, "that she wrote the note to her husband in the Cafe Martin the hight of the occurrence on Madison Square Garden. This note, we understand to be in the possestion of the learned district attorney to produce that paper."
Mr. Jerome arose. relaxation of the rule. As a result of the order barring women there were several rows of vacant seats in the courtroom when Justice Fitzger-ald took his place on the bench and Harry Thaw was called to the bar. The prisoner walked to his place at the table without a single friendly nod to greet him. No member of his fam-ily was in court.

THAW'S WILL.

ask the learned district attorney to produce that paper." Mr. Jerome arose. "We have a piece of paper." he said. "I don't know that it is this note, but I will send for it." During the wait for the messenger sent for the paper Mrs. Thaw under-went the closest scrutiny by those in the courtroom. She was attired pre-cisely as on every other day of the trial. She was pale, but entirely com-posed. That the defense would proceed with the struggle to have Harry Thaw's will accepted in evidence as testimony to his mental condition, was indicated by Mr. Delmas, who asked that J. D. be called as the first witness of posed

CAFE MARTIN NOTE.

The people of Braintree, 40 miles sway, were thrown into a panic by the shock of the explosion. The cause of the disaster has not yet been ascertained. When the note had been received and identified by Mrs. Thaw Mr. Jerome offered no objection to its being re-ceived in evidence. The note proved no

Singaged in the banking business in Pittsburg for more than a quarter of a century and is now connected with the Union National bank. "You are acquainted with the defend-ut, Harry K. Thaw?" asked Mr. Del-Mr. Delmas read it as follows: but went out again.

MONDAY FEBRUARY 11 1907 SALT LAKE CITY UTAH

That, With its Thirteen Corollary Bills, Under Consideration in Upper Branch This Afternoon-Resentment of Proposition to Increase Number of Commissioners From Three to Five-Joseph Wants Another Caucus.

Fate of the "Galveston Idea" in Senate Today.

Today is a critical one in the history f the Seventh legislature, for legisla-ures are judged after they adjourn by (1) the transformation of the whole city, not a faction. (2) the transformation of the whole city, not a faction. (2) the transformation of transformation of the transformation of transformat of the Seventh legislature, for legislatures are judged after they adjourn by the number of important bills which they fight out to a finish and pass, or put a permanent quietus upon. This aftercon in the senate one of the three big

"I gave it to my stenographer, Charles

ncon in the senate one of the three big measures before the session somes up for final action. This is the "Galveston" bill, with its Salt Lake City a business corporation instead of a political battle field. The great question on which the bills go down to final parsage is that of wheth-er or not they will accomplish their end, or if the three commissioners to whon if is intended to gaas the city. Benner X. Smith spent this morning preparing for the fight ahead of him to instead of the measure. "I will resent an amendment to make five instead of the measure. "I will open the way for trades and politi-

Mr. Jerome took the wintess, who had der cross-examination, remarked that there were doubtless many letters from Thaw in the bank at Pittsburg. "Can you, as president of the bank, produce those letters?"

early this morning with such terrific force that the concussion was felt in towns 40 miles away and the whole countryside was thrown into a panic

owing to the belief that a violent earthquake occurred. There was no loss of life but buildings for miles around were wrecked to a greater or

around were wrecked to a greater or lesser degree by the explosion. Within a few minutes after the ex-plosion thousands of terror-stricken people, many of them half clad, thronged towards the arsenal. There were large holes in the walls of neigh-boring houses, and on all sides shat-tered doors and windows and wrecked roofs testified to the appalling force of the explosion

of the explosion. Yesterday being Sunday, there was no night shift working, hence the ab-sence of casualties.

IDAHO POSTMASTERS.

(Special to the "News ")



to be responsible to the whole city, not a faction. "I know that there is some feeling in favor of a commission of five, with each precinct represented, but I think the sentiment is the result of short sighted thinking. This bill has no political aspect. It is a business proposition, aimed only at making the city govern-ment better, and not at any political party. Personally I don't care who governs the city just so the government is not composed of rascals and grafters, and the city's work is well done. People who think the city is governed by a large body of men now are fooled, that's all. One or two men run it, but the responsibility for their action is not fixed upon them while they are still able to do the city's business, let the contracts, and handle the money. "I think the time is ripe for the step into a business government, and while I have heard much of a recently developed spirit of opposition, I look for the bills to pass." nouses. "The bills," he said, "are not a panacet for political fils, but they fix the responsibility in civic gov-ernment, and responsibility is the greatest sobering influence a public official can have."



grand jury f tion all viol laws agains obscene mat Thaw trial.

few days ago. Gen. Remon Ayala, vice president of Venezuela in the Castro administra-tion, and formitiy a member of con-

FOR PUBLISHING

New York, Feb. 11 .-- U. S. Dist.

Atty. Stimson of this city today served a notice upon the publish-

ers of all the principal newspa-

pers in this city that he intended

o bring before the United States

grand jury for criminal prosecu

THAW DETAILS. 3

TO BE INDICTED

Venezuela in the Castro administra-tion, and formerly a member of con-gress, is recognized as the leader of this colony of exiles. Another of the group is Gen. Ayaia's son-in-law, Senor Tel-leria, ex-minister of industries and ex-governor of the state of Lara. The lat-ter, with Dr. Carlos Leon, who is here, served in Venezuelan cabinets. Other Venezuelans here include Pedro E. Sequiel Rojas, who was the secre-tary-general of the Matos insurrection; Ortega Marrintez, Dr. J. Andra, Gen, Emilio Fernandez, and Gen. Zoelo Vidal (el Carlbe). Gen. Fernandez was for-merly governor of Caracas, and later administrator of customs at La Guayra. The Venezuelans have numerous meetings and conferences regarding afmeetings and conferences regarding affairs in their country.

LOUISE OF BELGIUM. She Complains Bitterly of Leopold's

Abandonment of Her.

Paris, Feb. 11.—Princess Louise of Belgium, the divorced wife of Prince Philip of Saxe Coburg-Gotha, in an open letter published in the Matin today complains bitterly of the heartiess fash-ing in which her father, King Leopold, has abandoned her, even allowing the heritage which she derived from the late queen mother to be selzed for debt.

It was announced from Paris Feb. 6, that the trunks of Princess Louise had been attached for \$15,000, the amount of a jeweler's bill.

A CASE OF MURDER.

James Cooney, Thought to Have Died Of Heart Disease, Was Shot.

Chicago, Feb. 11.-Four hours after the body of James Cooney had been re-moved from the Pioneer hotel, 488 State street, to an undertaking establish-ment by pollcemen yesterday, it was discovered that he had not died from heart disease, but had been killed by a pistol shot.

pistol shot. Cooney, also known as Koller, was 50 years old. He was found dead in the hotel and the police were notified that heart disease was the cause of death. Four hours later, an examina-tion was made which showed that death had been caused by a built wound through the heart.

through the heart. Meantime, the supposed murderer had made his escape. The police found that Cooney had been killed by a man who had been living at the hotel a few days and had been with Cooney in crinking bouts. It is believed that the min were engaged in a drunken brawl on the stairs. Lambert Byer, 19 years old, a lodger at the hotel, was arrested on suspicion of knowing something of the shooting.

(Special to the "News."

wards Punishing Leaders of Federation of Miners. HE IS CHARGED WITH MURDER.

The French say that "Nothing is a footless stocking without a leg:" and that is about the only thing you can-not buy or sell through advertising.

FIFTY-SIXTH YEAR

TRIAL BEGINS

STEVE ADAMS'

Victim's Death Remained a Mystery Until After Assassination Of Ex-Gov. Steunenberg.

Conviction Means First Step To-

Orchard's Confession Implicated Adams and Jack Simpkins, Who Has Never Been Found.

Spokane, Wash., Feb. 11 .- The great legal battle for the life of Steve Adams began this morning in the picturesque mining town of Wallace, Idaho. On one side are the forces of the state. seeking Adams' conviction as the first step toward punishing the leaders of the Western Federation of Miners for the many atroclous crimes for which the enemies of that organization claim it was responsible; on the other is the powerful federation with all the resources at its command, declaring the chargs are false and an attempt by the nine owners to break up the union.

The crime charged against Steve Adams is the murder of Fred Tyler, a settler who disappeared from his timber claim on Marble Creek about Aug. 10, 1904, and whose body was found later. His murder remained a mystery till after the assassination of ex-Gov. Steunenberg. Harry Orchard's graphic confession not only implicated Steve Adams and other federation men in the governor's murder, but declared that Adams and Jack Simpkins also killed Tyler because he had taken up the timber claim. Simpkins has never

the timber claim. Simpkins has never been found. Adams was arrested at Haines, Ore, Feb. 20, 1906, and taken to Boise, where it is alleged he confessed the Tyler murder. This confession he now de-nies and it is believed will claim it was wrung from him by force and is false, Later he was spirited from Boise to Wallace. Sheriff Sutherland leaving the railway to journey by wagon to avoid the service of legal papers papers to get his prisoner from him. The preliminary fight over the se-lection of a jury is expected to con-tinue for 10 days or two weeks. About 50 jurors were summoned to report to-day, but it is believed that this pantl will be quickly exhausted. Warner H. Hanionis in charge of the case for the state assisted by Attorney Hawley of Boise and L. K.

Warner H. Hanionis in charge of the case for the state assisted by Attorney Hawley of Boise and J. E. Gyde and S. P. Knight of Wallace. Senator-elect W. E. Borah may also take a hand. For the defense will appear S. F. Richardson of Denver, Fred Miller of Spokane, A. A. Crane of Harrison, and John Wourms of Wallace. Clar-ence Dartow of Chlcago, is expected to arrive tomocrow.

MANCHURIA.

St. Petersburg, Feb, 11 .- Mr. Motone

the Japanese ambassador, has notified

the foreign office that the mikado had ordered the immediate evacuation of Manchuria. The minister says this is done in order to restore the normal state of affairs in Manchuria and as showing a desire to resume complete friendly relations with Russia. Only sufficient troops with he left to guard

ufficient troops will be left to guard

New York, Feb. H .-- Thomas Edison, the

inventor, is 60 years old today. In an in-terview yesterday he said it was now thme for him to knock off work and play a

terview yesterday he said it was now time for him to knock off work and play a "For 65 years I have been making ex-periments with electricity," said Mr. Edison, "but all those years I have been turning these experiments to commercial value so fast that I have not had a chance to play with electricity for the fun of the thing, just to see how much I can find out about it. But from tomor-ries of the thing, but to see how much I can find out about it. But from tomor-tical end of it and work in my laboratory purely as a scientist. That will be the pleasure I have long been promising my-self." "Is it possible to forefell what the next great step in the application of elec-tricity to the mechanics of present duy life will be?" Mr. Edison was asked? "I would be a daring man to venture a prediction." he answered. "We are all busy collecting data; we investigators, and may be, in 160 years more, we will begin to suspect something."

SCHMITZ CASE GOES OVER.

San Francisco, Feb. N.—The Schmitz-Ruef cases were called in Judge Dunne's court this morning but went over until next Monday on account of the absence of Mayor Schmitz in the east. It is expected that Judge Dunne will dispose of the demurrers of the de-rendants to the indictments at the next hearing

hearing. The conspiracy charges against Ruef and Chief of Police Dinan were called in the same court and a transcript of the testimony taken before the grand jury was offered by the defense for the purpose of showing that Asst. Dist. Atty, Heney had testified before that heady without having been sworn as a

ody without having been sworn as a

HOME IS DESTROYED.

Fire Consumes Dr. J. W. Woodman-

see's Residence and Its Contents.

The home of Dr. J. W. Woodmansee, a two-story frame building at Twelfth

South and Fourth East (outside of the

city limits), was completely destroyed

city limits), was completely destroyed by fire this morning. When the blaze was discovered at 11 o'clock an alarm was sent into the fire station. The assistant chief, hose, steamer No. 1 and truck No. 4 answered, making the five-mile run to the burning building in good shape. As there was no wa-ter which could be pumped nearby the structure and contents were consumed. A bucket brigade just did save the next-door building. The Woodmanses home and contents were valued at \$1,-450. Insurance carried on the building amounted to \$1,000, while \$550 worth of insurance was carried on the contents, so the loss is not sreat. The blaze started from an unknown cause.

started from an unknown cause.

witness.

SIXTY YEARS OLD TODAY.

The Mikado Has Ordered Its Immediate Evacuation.

They Are to be Conducted After the Manner of a School for Youngsters Under Sixteen. To establish Detention Homes for the care of dependent or delinquent children 16 years of age or under, is the object of a bill introduced in the house

by Richards today. According to the provisions of the measure, each county containing cities of the first and second class may maintain such detention homes, which are not to be connected with any jail, but are to be conducted after the manner of a school. Provision is made for sup-plying children in the home with suit-able books, for study similar to those used in public schools. The home shall 52 sacks of ore worth \$3,000, and upon this representation Mr. Newhouse part-ed with the amount above set forth. The complainant endms that, by reason of the alleged disrepresentation. he invested something like \$40,000 in Idaho be under the direction of a superinten-dent, to be appointed by the county

Invested something like \$17,000 in Idaho mining property. This morning Mr. Newhouse was again on the stand for further cross examination by Att. Ashby Snow. The prosecution is being conducted by Atty. C. C. Parsons, sechated with Willard Hanson, count______Arey. Mr. Newhouse_____e his testimony in a quiet yet forcful manner and explained that he went into the Idaho proposition upon the representations made by Bunch and because he believed he would win out. Atty. Snow, by his questions, led up to the time when the complainant and defendant had an al-tercation in the office and asked the witness if he struck the defendant. Mr.

CONGRESS WILL PASS NO

AGAINST SENATOR SMOOT.

(Special to the "News.")

Washington, D. C., Feb. 11.-Senator Berry delivered his speech in the senate this afternoon in opposition to Senator

as there is not a man in the senate who has not fully decided upon the course he will follow when a final vote is taken

A KING'S GENTLE HINT.

A ALLO S CONTROL MARK AND S AN

U. S. BOND ORDER MODIFIED.

Washington, Feb. II.-. The secretary s the treasury has modified his after bec. 19, and will now accept \$25,000.0 of United States fours of 1807 at \$101 for both registered and coupons. An e ficial statement will be made later in the day

MYSTERY CLEARED UP

MADELINE LAKE MURDER

on the 20th inst.

the rallway.

THOMAS A. EDISON

tion all violations of the federal laws against the circulation. obscene matter in reporting the **********

inst the defense proceeding with a witness while the examination of in Evelyn Thaw remains uncom-

Lyon testified that he had been

Mr. Delmas stated that when court injourned last Friday the will of the isfemdant was under discussion and iad been ruled out because of insuffi-tiency of the proof of the document. It was now proposed, he said, to pro-sed with the further identification of the will.

DELMAS' CONTENTION.

W. Delmas stated that he considered by enough evidence had been intro-leader and of laymen who were wit-mess to the occurrence, to establish a time facie case of unsoundness of the All he was attempting to do, he ad was to interrupt Mrs. Thaw's stimony for the purpose of better stisting the district attorney of the leadant's unsoundness of mind, at he time of the shooting. He thought he district attorney's wishes. W. Delmas asked that Mr. Lyon be allowed merely to identify an envelope ut the district attorney objected under he would defer for the time sting the offer of the will in evidence. Mr. Jerme in arguing that his ob-section should be sustained, went into Mr. Delmas stated that he considered Mr. Jerome in arguing that his ob-jection should be sustained, went into the discussion of the rules of evidence which prevented him from controvert-ing the truth of Mrs. Thaw's testimony, as to the story should be testimony.

ing the truth of Mrs. Thaw's testimony. is to the story she told her hugband. Juddaily, Mr. Jerome said, the court could not say as to whether or not the story Mrs. Thaw told her husband had an effect on his mind. "I must object to the line of argu-ment by the district attorney." Inter-typted Mr. Delmas. "He is addressing binsel to facts not in evidence." Jusice Fitzgerald stated that all the satements by Mrs. Thaw are upon the satements of the court was invoked. Teobjection to the introduction of the design on Fiday was a technical or, but was sound "There was

The adjection to the introduction of the desments on Friday was a technical one but it was sound. There was a wimes upon the stand when court ad-burned whose testimony had not been taked.

"It seems to me," said the court, "hat either that witness should be dished with or consent should be given to proceed with this witness."

MR. LYON PROCEEDS.

Mr. Jerome withdrew his objection and Mr. Lyon was permitted to pro-

How long have you known Harry K, taw?" asked Mr. Delmas. "Ever since he was a boy," replied t. Lyon.

Lyon. Iand you an envelope and ask you ou ever saw it before." I have seen this before, it was in Possession." Then did it come into your posses-

Tome time near April 1, 1906." Was the envelope sealed and did Apparently contain a package?" Tes."

Bow did you receive the package?" "Row did you receive the package?" "The the hands of Harry Thaw." Mr. Lyon said he was familiar with the defendant's handwriting, and it his his handwriting upon the enve-

What did you do with the enve-

"I placed it in my box in the safety measure walt in the bank" "How load it it remain there?" "unit November, 1996." "What did you do with it?"

Mrs. Thaw said the "B---" meant the "Blackguard" and referred to Stanford White Mr. Delmas asked: "In conversation between yourself and your husband, who was the person designated as 'B-

'Stanford White. "You have testified that you called him 'blackguard.' I take it this 'B----' is an abbrevation of that word?" Yes. Sir.'

"Did you ever hear Mr. Thaw refer threats made against his life by Mr. Jerome objected on the ground

that in a plea of self-defense the de-fendant's own statements are not admissible. Mr. Delmas claimed that these

Mr. Delmas claimed that these threats had been made and that it was competent to prove that Thaw armed himself after hearing of them." Justice Fitzgerald held that there was no rule of law which will allow the de-fendant's own claims that threats were made against his life. Mr. Delmas claimed that if he could chow that the defendant's stitements

show that the defendant's statements were the result of insane delusions he would have the right to show them. Mr. Delmas said it was impossible for him to frame the question more broadly and he would have to note an

Turning to Mrs. Thaw, he asked: THAW'S PISTOL.

"Did you ever see a pistol in Mr. Thaw's possession?" "Yes.

"When, for the first time?" "I cannot say exactly. It was some time after Christmas eve, 1903."

"Do you know if he ever carried the pistol anywhere except when in New York?"

"He never carried the pistol except

when in New York." "Mrs. Thaw, the name of May Mc-Kenzie has been mentioned a number of times in this case. Will you state when you first met her." "I think it was in 1801."

VISIT TO MAY MCKENZIE.

"Did you ever tell Mr. Thaw of a visit made to May McKenzie when she was sick in a hospital and while Stan-ford White was present?"

'Yes. "State what you told Mr. Thaw." Mr. Jerome objected. "The defendant under the ruling is

The defendant under the ruling is in an unfortunate condition," said Mr. Delmas. "We are trying to prove the mental condition of the defendant by his looks, actions and declarations. He was momentarily insane, and we are trying to prove it by a series of acts before and after this occurrence." Justice Fitzgerald sustained the ob-jection.

jection. "Mrs. Thaw, did you in any conver-sation with your husband state to him that after your marriage May McKen-zie had said, when she told Stanford White that you were married and liv-ing happily with your husband, that—" Mr. Jerome's objection to this was installed.

sustained.

Mr. Delmas asked if he was to un-derstand that the court's ruling on specific questions was to indicate that no further questions along the line of conversation between the witness and the defendant were to be allowed.

DELMAS TAKES HINT. "I think counsel should be guided by the split of the ruling as well as the lotter," suggested Justice Fitzgerald. "I do not desire for an instant to transgress the spirit of the court's rul-ing, and upon the slightest intimation

Washington, D. C., Feb. 11-Idaho washington, D. C., Feb. H.-Jdaho posimasters appointed-Blanche, Lin-coln county, Edith A. Colvin, vice Soion A. Bray, resigned; Council, Washington county, Irving J. Conway, vice H. M. Jorgens resigned

Jorgens, resigned.

that the spirit of the rulines is as in-dicated, will desist," said Mr. Delmas. "The court has gone as fully into the matter as it desires," said the judge, "Did you attend the theater with Harry Thaw and a lady in July, 1903?" asked Mr. Delmas of the witness. Mr. Jerome again objected end the

Mr. Jerome again objected and the bjection was sustained. "What effect on the defendant did he presence of Stanford White have?" asked Mr. Delmas.

Again Mr. Jerome objected and was sustained. "Upon your return from Europe in 1904, was Mr. Thaw present upon the steamer?"

'Yes, sir." 'When you was on the steamer, you remember whether Mr. Thaw told you anything about a certain person and what happened to her at the hands of Stanford White?"

'Yes." The court sustained an objection by Mr. Jerome, and the witness was not allowed to tell the story.

"THE PIE GIRL."

"In Paris, did you tell Mr. Thaw about a young woman who was known between you as 'The Pie Giri?" "

Mrs. Thaw was not allowed to detail

this story either. "When did Mr. Thaw make his last proposal of marriage to you, the one which you accepted?"

"I think it was about April 1, 1905." "What did he say to you at that Again the district attorney objected

and was sustained. A document was shown Mrs. Thaw, who said that it was first shown to her by Harry Thaw in January, 1906. "Did he make any declaration re-garding it at that time?" Another objection was sustained. "Did you ever hear Mr. Thaw refer to statements he made to the Society for the Protection of Children and for the Suppression of Vice?" Mrs. Thaw was not allowed to an-swer. and was sustained.

wer.

Then Delmas announced as the court's ruling prevented him from go-ing further into these matters because of a lack of preliminary foundation, he would ask leave to withdraw the wit-ness for the time being and proceed along other lines, reserving the right

The probably will attempt to lay the required foundation as to insanity of the defendant by the introduction of the testimony of allenists who have been

stantly in attendance since the trial opened.

AN ALIENIST CALLED.

AN ALIENIST CALLED. Dr. Charles E. Wagner, an alienist, was the first witness called after the recess. Dr. Wagner said the first examination of Thaw in the Tombs showed the latter suspicious and fear-ful he would be declared insane. The judge's rultugs today followed that of Friday, when, on Mr. Jerome's objection, he held that in a case of this sort it must be shown that there is a reasonable doubt as to the mental soundness of the defendant at the time soundness of the defendant at the time of an occurrence before emulative evi-dence as to the cause of aby unsound-ness of mind may be introduced. Recess was ordered at 12:30 p. m.

Newhouse replied in the affirmative.

"I STRUCK HIM."

inal division of the city court this

morning. The hearing was begun on

Saturday afternoon, and Mr. Newhouse

was the principal witness. He testified

to his meeting with Bunch and the lat-

ter's representation to him that he had

"I went into the office, ' said he, "be-cause he (Bunch) made insinuations against me and I struck him."

'Did he strike you?"

"No." "Did he not knock your glasses off"" "No. They fell off when I struck him. I called him a thief and a swindler. I felt that I could take care of Bunch all right and" — but Mr. Snow interrupt-d to use the about Matthews

right and" — but Mr. Snow Interrupt-ed to ask a question about Matthews, who was with Bunch at the time. "Yes," quickly replied Mr. Newhouse, "I felt that I could take care of Bunch though he is six feet tall. When I struck him he said to me, 'don't hit me I am a cripple.' He don't seem to be a cripple, but looks to me like a healthy mountaineer."

intaineer.'

When reference was made to Matth-ews, Mr. Newhouse said: "Yes, I would have taken both of them on, at any time, and will take them on right now; I have met such men before," and the appearance of the

witness indicated he meant what he said. Atty. Snow cross examined Mr. New-house at great length, going into minute details of the transaction with Bunch, the examination of property, the reason for advancing money, and as to property held by the complaint in Idaho. But the testimony given by the witness was unshaken. said.

witness was unshaken.

THE NEWHOUSE SMILE.

Just before the witness was excused Just before the witness was excused there was a tilt between Attys. Snow, Parsons and Hanson. Mr. Snow said something about Mr. Newhouse smil-ing at the county attorney, and raised an objection. "Sometimes I call them smiles, some-times grins." said countsel for defense. "They might be introduced in evi-dence," said County Atty. Hanson, "and marked exhibit 'A' and 'B.' You probably know something about "smiles."" But at this point Judge Diehl ordered

"But at this point Judge Diehl ordered But at this point Judge Diehl ordered counsel to continue with the examina-tion and to refrain from induiging in anything of a personal nature. Mr. Newhouse was excused after testifying that he had discovered a cloud on the title to the property.

that he had discovered a cloud on the title to the property. The next witness was Mining Engi-neer Johnson, employed by Mr. New-house. He gave a detailed account of his visit to the mining property in Ida-ho and his report upon the investiga-tion made. During the cross examin-ation by Mr. Snow, the court adjourned until this afternoon. The case will ba until this afternoon. resumed at 3 o'clock. The case will be

LEVY BOUND OVER.

Junk Dealer to Answer Charges of Recelving Stolen Property.

Judge Whitaker today bound M. Levy, the junk dealer, over to the district court upon two charges of receiving stolen property. Levy is charged with re-ceiving a lot of brass stolen from the Oreceiving a loi of plass stolen from the Ore-gon Short Line company by Harry Le-Roy and Bert Miller, both of whom are now serving sentences in the state pria-on for their offense. The two convicts were the principal witnesses for the state against Levy. This is the second time Levy has been tried on these charges. He was bound over to the district court last year, but when the case came to trial in the district court it was dismissed and new complaints were issued. He has against to the set to the set to the the district of new complain again been bo district court,

complaints were issued. He has been bound over to answer to the

LEASE LAW THIS SESSION

The judiclary committee will report favorably Lawrence's S. B. 18, provid-ing that the unclaimed bodies of con-victs and others may be used in the in-(Special to the "News.") Washington, D. C., Feb. 11.—Chief For-sease has through this session of Con-grass by attaching a rider to the agri-cultural appropriation bill have been inped in the bud by representations woolgrowers' associations, representing woolgrowers' associations, representing woolgrowers' associations, representing woolgrowers' associations are pre-sent to the senate committee and the budders. At today's meet-ing with the senate committee and the budders, merchants and professional men of the west are a unit in opposing any form of government control of the west-ern ranges, and that about the only in-tensis favoring government control are ton serving the about the only in-tensis favoring government control are ton serving the sentific to them. It served enough land so that any system of lease would be a benefit to them. It provers of the west in the interest of the home bullder and small settier has won years to come. terest of science under certal

terest of science under certain condi-tions, by the medical department at the state university. The same committee will report fa-vorably on Miller's H. B.s 21, 22 and 23, making telephone companies equally liable for the correct transmission of messages with telegraph companies. Taft's H. B. 59, making Abraham Lincoln's birthday a holiday, will be re-ported unfavorably from the commit-tee on judiciary. The house committee on salaries and fees, having under consideration S. B.

The nouse committee on salaries and fees, having under consideration S. B. 9, by Lawrence, regulating fees of jur-ors and witnesses in trial cases, report-ed favorably on the measure, and recommended that the same pass,

NEW BILLS.

The following bills were introduced: H. B. 115, by Davis, providing for agricultural surveys and investigations in the counties of Wasatch and Ui BERRY MAKES SPEECH

In the counties of washen and offian, and appropriating the sum of \$1,500 therefor. H. E. 156, by Davis, relating to the duties of the state commissioner of statistica

H. B. 157, by Tolton, providing for the establishment and maintenance of a free traveling library. H. B. 158, by Richards, providing for the establishing and maintenance of de-tention homes for dependent or delin-

this afternoon in opposition to Senator Smoot. He had a great deal to say con-cerning the Mountain Meadow massi-cre; declared that he will vote against senator because he is Mormon and bellever in polygamy. Senator Berry may be followed by one or two other senators on the same side provided Dubois can induce them to address the sonate before next week Wednesday, but speeches now will have little effect as there is not a man in the senate who quent children 16 years of age or under. H. B. 159, by Jensen, Nephi U. S. C., providing that after 1910 all elective county officers except justices and constables in certain counties and county attorneys, shall be elected for four years instead of two, and that such elections be held in 'off'' years, or when there is no state or national elec-tion to be held. H. B. 160, by Clegg, relating to the issuance of scrip against funds raised by special taxes for municipal improve-ments.

H. B. 161, by Weston, for improve-nent of roads and bridges in Rich county.

A CATHOLIC PROTEST

From Buffalo Against France's Treat-

ment of the Church.

ment of the Church. Buffalo, N. Y., Feb. IL.-Prior to the ad-journment of the meeting of Catholic etitzens last night to protest against the action of the French government toward their oburch, the following cablegram was ordered sont to the pope. "Five thousand Catholic men in Buf-falo at a mass meeting held today, pro-test against the violation by the French government of the most sacred rights of the church and express their admiration for the brave conduct of the bishops and of the prople of France. They offer their warmest thanks to the aoversign for the firm stand taken and profess their obsell-ence to and love for his holiness."

EXILES ON THE WATCH. Many in New York Waiting for Some-thing to Turn up in Venezueta. New York, Feb. 11.—Not since the Cuban revolution has New York been in this city awaiting developments in Venezueta. Within two months there have gathered here a former vice presi-