

ELVELYN NESBIT THAW'S LIPS CLOSED

Legal Technicalities Prevent Her
From Testifying in Her Hus-
band's Suit for Release.

HER ATTITUDE IS PUZZLING.

There is Conjecture as to Whether She
Would Prefer to See Him Free
Or Held as a Lunatic.

White Plains, N. Y., July 14.—Evelyn Thaw's lips were still closed by legal technicalities today and she did not resume the stand, as expected, to testify for the state in opposing Harry K. Thaw's attempt to prove himself sane. The state's attorneys announced at adjournment yesterday that they would show today that the much-disputed conversation between Thaw and his wife at the asylum in which Thaw is supposed to have threatened to kill her when he got out, was not privileged, and therefore Evelyn Thaw would be recalled and her testimony on this point would be admitted. This was not done, however.

A great crowd packed the courtroom today, as on yesterday. The testimony was given at times by bits of humor, and Thaw often laughed heartily at some remark at his expense. Attendants at Matteawan testified that he always appeared rational in speech and action. Several physicians testified along the same line.

HER ATTITUDE PUZZLING.

Just what Evelyn Thaw's attitude toward her husband is, is puzzling. It is not generally known whether she would rather see him free or confined as a lunatic. While she has been quoted often as repeating in effect her famous declaration of "I'll stand by you, Harry," it is reported that in the event her testimony ultimately goes against Thaw his attorney will call witnesses to show that she remarked that she was glad to see him in Matteawan.

The former chorus girl has not joined the Thaw family during the hearing. When she left White Plains

today she traveled to New York alone. During her testimony yesterday, Mrs. Thaw said that her husband was not supporting her properly, but it was brought out on the stand today that he was paying her more than \$500 a month.

Miss W. G. Dalley, a lawyer of Poughkeepsie, was the first witness called for Thaw today. She testified that she had attended to some small legal matters for Thaw when he was in the Poughkeepsie jail, and had frequently talked with him during that time. She always impressed her as rational, she said.

Miss Mary Murnane, the matron at the Poughkeepsie jail, testified that she saw and talked with Thaw frequently and he always appeared rational. Deputy Clark asked that Thaw's counsel stipulate that he would make no objection to the state introducing certain parts of the records of the second trial of Thaw for the murder of Stanford White, in examining some of their witnesses.

Mr. Marchant offered no objection. Thaw's counsel asked that he be given 24 hours' notice in which to produce his alienists prior to the physical examination of plaintiff by the experts. This was conceded by Mr. Clark.

THE STATE'S THEORY.

Dist. Atty. Mack, in cross-examining witnesses, had been careful to ask if the witnesses had ever talked with Thaw about the killing of Stanford White or the running of young girls. Invariably the witnesses had considered that "a delicate subject," and it had "not been approached." It is the state's theory that one of the essential characteristics of paranoia, of which Thaw has been declared to be suffering, is that the patient may only exhibit pronounced insanity when the one subject which was the cause of the mental disarrangement is brought to mind.

Dr. Valdemar Silbo, a New York practitioner, testified that he had seen Thaw about 25 times in all, and that Thaw always appeared rational.

Dr. Silbo related a conversation with Thaw at Matteawan in which Thaw referred to an incident at the Hotel Knickerbocker in New York, in which Evelyn Thaw figured. "I regret very much she persists in keeping herself so much in the public eye," Thaw said, "but what can I do? I have no choice. I can do for her," said the witness.

Dr. Silbo testified that for the last three months Harry Thaw had been sending him \$70 a week and \$200 at the end of each month, and that he had been turning the money over to Thaw's wife as he had been instructed to do.

KILLED AND NEVER MISSED.

New York, July 15.—An illustration of how a man may lose his life in New York City and never be missed has been disclosed by the finding of the

Habitual Constipation

May be permanently overcome by proper personal efforts with the assistance of the one truly beneficial laxative remedy, Syrup of Figs & Elixir of Senna which enables one to form regular habits daily so that assistance to nature may be gradually dispensed with when no longer needed, as the best of remedies when required are to assist nature, and not to supplant the natural functions, which must depend ultimately upon proper nourishment, proper efforts, and right living generally. To get the beneficial effects always buy the genuine, MANUFACTURED BY THE

**CALIFORNIA
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SOLD BY ALL DRUGGISTS
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body of an unidentified man buried 50 feet under the earth's surface in this excavation for a trunk sewer in the upper part of the city. This man was probably employed a year or more ago in the construction work on this sewer, and buried under one of the frequent avalanches of the sliding mud. His shovel was found under the body. There is no record of a man having been lost there, although the police are satisfied that he was one of the gang of workmen employed in building the sewer.

SUNDAY EXCURSIONS.

Via Denver & Rio Grande.
To Provo Canyon 7:50 a. m. \$1.25.
To Ogden 10:25 a. m. 1:35 p. m. \$1.00.

To Pharaoh's Glen 8:20 a. m. 50¢.
Provo Canyon tickets will be honored only on 7:50 a. m. train. Returning leaves Provo Canyon at 2:45 p. m. and 3:30 p. m. Trout and chicken dinners at Canyon Resorts. Good fishing.

Ship "Leviathan" Meals.
At Saltair are perfect. City prices prevail. Quick service. Ask for anything.

TWO YOUNG GIRLS HOLD UP AND ROB A MAN

Chicago, July 15.—Two sisters, the elder 16 years old, held up Charles Natel in South Chicago last night and with an empty revolver forced him to give up 10 cents and a watch. The girls, Natel gave up the dime and then ran to a nearby police station. He returned with a police escort, when captured the hold-up girls. When taken before the sergeant the sisters treated the whole affair as a joke, laughingly recalling the nervousness of their victim.

Between giggles they gave their names as Helen Derowska, 16 years, and Bertha, 13 years old. They admitted taking the money from Natel under threats to kill him, declaring they wanted an ice cream soda.

The girls, both of whom are small, stout and good looking, said they recently had visited a wild west show and had become imbued with the idea that robbery was an easy way to obtain money.

WONDERFUL ILLUMINATION FOR CELEBRATION

New York, July 15.—Perhaps the most brilliant illumination ever witnessed in one place in the world is that which will inaugurate the Hudson-Fulton celebration in this city next fall. The lighting committee has arranged for 1,500,000 incandescent lamps, 7,000 arc lights, 3,000 flaring arc lamps of 12,000 candle power each, one battery of four searchlights aggregating 1,700,000 candle power. It is calculated that the total candle power of this array of lights will reach 26,200,000. Added to this will be the enormous amount of electric light advertising which is being planned by many commercial houses.

Outside of the city, the lighting plan calls for the illumination of the entire Hudson valley from New York to Troy and commencing on the evening of Saturday, Oct. 9, huge signal fires will be burned on every mountain and hill top along both sides of the great river.

The largest battery of searchlights will be placed at One Hundred and Thirtieth street and will illuminate the Hudson river from its mouth to many miles above Yonkers.

DENIED CITIZENSHIP.

William Knight, Who Served in U. S. Navy 27 Years.

New York, July 15.—Although he has served 27 years in the United States navy and was awarded a medal for bravery in the battle of Manila bay, William Knight, a seaman of the battleship Connecticut, has been denied citizenship in the United States. Investigating his application it was found he was born on a British vessel off the coast of China, his father being an Englishman and his mother half Chinese and half Japanese. In refusing his application, Judge Chatfield in the United States court declared that no one having any Mongolian blood is entitled to citizenship.

Knight enlisted in the United States navy in 1882 and has been in the service continuously since. He was on Admiral Dewey's flagship during the battle of Manila bay and on the admiral's personal recommendation, Congress awarded him a medal for bravery.

THE HORNE TOAD.

Gov. Campbell Will be Asked to Convene Texas Legislature to Protect It.

Waco, Texas, July 15.—Gov. Campbell will be asked to call a special session of the legislature by M. B. Davis of this city, secretary of the Texas Audubon society, to take some action for the protection of the horned toad, which is rapidly becoming extinct in this state.

Mr. Davis says the creatures are being shipped to Chicago and other large cities in enormous quantities, where they are metallized and used for hat rims.

COL. MORARIETY ELECTED BY ILLINOIS SEVENTH

Chicago, July 15.—Col. Daniel Morariety was elected colonel of the Seventh Infantry for life yesterday at Camp Denecr. The election was the first under the new military code of the Illinois national guard, which became effective July 1.

Under the new code as adopted by the legislature, all commissioned officers of the guard hold office for life unless retired for cause or by reason of reaching the age limit of 64 years, placing the Illinois troops upon the professional basis of the regular army.

ONE MORE DURAND JUDGMENT REVERSED

Justice Who Pays No Attention to
Lack of Jurisdiction Falls to
Make It Stick.

Judge T. D. Lewis reversed a judgment yesterday given by Charles F. Durand, formerly justice of the peace of Murray, in the case of J. F. Tolton against J. H. Dalley and his wife. The judgment was for \$130.40 and \$5.80 costs and was rendered on March 4, 1907. It was shown that Tolton was a resident of Beaver county and Dalley a resident of Garfield county. The complaint was filed in Murray and Dalley filed an affidavit declaring lack of jurisdiction and asking that the case be transferred to Garfield county. Durand paid no attention to this. It was also shown that the complaint was not verified as required by law. Judge Lewis sustained all the objections and held that the judgment was void.

FATHER FAILS TO COLLECT.

Judge J. J. Whitaker in the city court yesterday gave judgment in favor of the Rio Grande Western Railroad company in the suit brought by Rafael Martin to recover \$500 for the death of his son, who was killed in the company's yards on March 25, 1907. Martin claimed that he had signed a release from any further claim in favor of the railroad, which promised to pay him \$500. He was unable to prove the agreement.

BRIEF WEDDED BLISS.

Mrs. Estella Berman was granted a divorce from Carl Berman on the grounds of non-support yesterday by Judge Armatrong. They were married in Salt Lake on July 16, 1908. Within a month after their marriage Berman refused to support her. She then married to her maiden name, Estella Frankland.

SPECIAL TRAIN FROM OGDEN.

10:45 p. m.
Sunday, July 18th, via Oregon Short Line for benefit of Salt Lake Excursionists who desire to stay over for bicycle races. Choice of eight other trains. Round trip \$1.00.

McClellan's Symphony Orchestra.
At Saltair, on ship "Leviathan" every evening. There's nothing finer.

AT THE RESORTS

Saltair.—It is promised that Salt Lake City will listen to the music of the Elly band after having been deprived of that pleasure for some years. The last time this organization appeared in this city was in the fall of 1903 when it stopped and gave a concert at the Salt Lake Theater while on route from Denver to the Pacific coast. Previous to that time the Elly band had played one or two engagements in the Tabernacle. The band will be heard at Saltair beach during the first week of August. In addition two fine singers from the Metropolitan Opera house, New York, will appear at each concert. An entire change of program will be rendered each night.

The Grigoli Aerial Ballet troupe, which has been at Saltair since the opening of the big Hippodrome, will finish its engagement tomorrow evening.

Wandamers.—One of the biggest draws at Wandamers this year was that of yesterday, when the Pioneer state Sunday schools, and the Jordan stake old folks, were entertained at the resort. The old folks were out several thousand strong, and during the hours of the morning they enjoyed themselves to the full in being escorted through the various attractions of the resort all free to them. At noon they sat down to a sumptuous repast, which was greatly enjoyed by all.

In the afternoon the Pioneer state Sunday schools held forth at the resort. The attendance was a record-breaker for the annual outlines of the Sunday schools from this stake. The program was carried out exactly as advertised, only there were so many entries for the various events that duplicate events were pulled in in many every instance. There were prizes to go round, however, and everybody was well satisfied. The big feature of the day was the baseball game between the wards on the east side and the west side of the Denver & Rio Grande tracks. The west side won by a score of 16 to 2. No accident occurred to mar the pleasure of the day, and the chil-

dren and their teachers returned home after a strenuous, but pleasant day's outing.

Tomorrow the people of Waterville, Grant and Murray wards will have their annual outing at Wandamers.

Salt Palace.—The available conductors and motormen of the Salt Lake City street car system had a day off yesterday, which they spent in a pleasant outing at the Salt Palace. With their wives and families and friends the knights of the controller and the transfer held merry jinks all day long. There were dinner parties on the lawns, sports and dancing. The outing was given under the auspices of local union No. 382, Amalgamated Association of Street and Electric Railway Employees of America. R. M. Lamont was chairman of the sports committee, and the athletic events were a big feature of the day. The results in the various events were as follows:

100-yard dash—Teague won. Cartwright second, Johnson third.
50-yard dash—Nathan White won.
Girls' race, 10 to 12—Ida Williams won. Clara Webber second.
Boys' race, 10 to 12—Birdette Anderson won. Willie Feecey second.
Girls' race, 7 to 9—Ellen Hope won. Thelma E. Shelton second.
Boys' race, 7 to 9—Edward Hill won. Charles Oswald second.
Young ladies' race—Ida Williams won. Margaret Duffy second.
Married women's race—Mrs. Wiseman won. Mrs. Wright second.
Tug-of-war—Penn. Cook, Hilburn, Palmer and Holley won.
Bicycle pursuit race—Murny first, McGrath second. Cartwright third. Distance, 7 laps and 110 yards.

Lagoon.—Today is the day of the Eagles at Lagoon. At 11:30 the members of the feathered tribe formed in parade form and to the music of brass bands moved majestically through the streets to the Hamburger depot where they spread their wings for flight to Lagoon. Excursions were run from Mt. Pleasant, Ogden, Bingham, Murray, and other towns, and when the flock of "birds" reached Lagoon they were in number as the sands of the fresh water bathing pond. An excellent program of sports, etc., was carried out at the resort, and the Eagles of the state simply had the big time of their lives. Tomorrow the Grand Lodge I. O. O. F. of Utah will give their annual excursion to Lagoon. Excursions will be run from all over the state, and a pleasant time is anticipated by the Odd Fellows and their friends.

TOWANS ORGANIZE.

At last evening's meeting of the Iowa society, these officers were chosen: George M. Sullivan, president; Mrs. George G. Armstrong, first vice president; Mrs. R. G. Slater, second vice president; Mrs. H. W. Smith, secretary, and A. J. Weber, treasurer. The president was instructed to secure quarters in the new Moxum building at Fourth South and State streets, and it was decided to hold the next meeting at Liberty park July 24.

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Arrange to have your railroad and sleeping car tickets between Salt Lake and Chicago read via O. S. L., Union Pacific and

Two daily trains via these lines to Union Station, Chicago, leaving Salt Lake 7:10 a. m. (China and Japan Fast Mail), 2:25 p. m. (the Overland Limited).

In connection with the above there are very low round trip rates from Chicago to Detroit, Pittsburgh, Buffalo, New York and many other points.

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