

The Court Has Affidavits of Seven Alienists Which State That He is Insane.

MAY APPOINT A COMMISSION.

It Would Consist of a Physician, a Lawyer and a Layman-Defendant Not Worried Over Question.

New York, March 22 .- The status of the Thaw case is now that Dist. Auy. Jerome has furnished Justice Fitzgeraid with affidavits of seven alienasts who substantiate his expressed opinion that the prisoner is mane and incapable of consulting his counsel as to his defense against the charge of having murderea Stanford White, is this: By 2 o'clack tomorrow the attorneys for the decense must ale andavits with Clerk Carron in the criannal court building answering Mr. Jerome's asser-tion and his adidavits. The district at-torney has not formally moved the ap-pointment of a commission to examine but has been used it on Wednes-

day, to notice whether the case shall go to the jury, so Justice Fixgeraid will consider the anidavits submitted by each side and inform all the courser when to appear in court to hear his de-

He may do more than weigh the con-tents of the affidavits for he may call tents of the affidavits for he may call for more evidence before he makes UP ins mind what procedure is advisable. In particular, he may seek the opidion of Dr. Allan McLane Elamitton, the alcenst, who, when called to the stand by the detentse on Wedentsday, evoked Dist. Atty. Jerome's strong statements as to Thew's mential state, and brought about the present condition of the case. Should Justice Fitzgerald do this, the detentse. It is certain, will strive to bar Hamitton's Lestimony on the ground of procressional privilege, feasingth as he Transition is testimony on the ground of professional privilege, inasinuch as he was engaged by the defense to examine Thaw and did so shortly after White" tragic death. In all this the jury will have no part although it was excused yesterday to appear in court this norm-ing. This, however, will be a formal-ity and it is certain they will again be excused until it has been decided whether Thaw must undergo an exam-imation as to his sanity.

excused until it has been decided whether Thaw must undergo an exam-imation as to his sanity. Notwithstanding Dist. Atty. Jerome's belief that Thaw is a paranolas and the corroborative opinion of the state's allealet that be is practically incurably insane, the defense will make a deter-mined effort to combat the appointment of a latincy commission or his going to an asylum. His lawyers met at Mr. Defines' office last night and made plans toward this end. Their affidavits are now being prepared. These will consist of sworn statements by several of them that they have found Thaw fully capable of adyising them, and the sworn statements by some of the pris-oner's relatives to the same effect. Be-sides these, there will be affidavits by alienists retained by the defense, prob-ably Drs. Evans, Wagner and Ham-mond, which will set forth that they have sat in court beside Thaw for Sev-eral weeks, have talked with him free-ly and are convinced that he is quite competent to confer with his counsel as to his wolfare in the case. A number of letters to his counsel since the triaj began will be stabuilted in the court. If Justice Fitzgerald decides to ap-

to the court. If Justice Fitzgerald decides to ap-point a commission in lumacy, it will consist of three members, an alienist, a lawyer and a layman. The alienist must necessarily be one who has not figured in any way in the case. The commission, if chosen, will examine Thaw and report to the court. If it were to find him sume the trial would be assumed if otherwise, further Fitz.

VALUABLE FORMULA. A noted authority on diseases of the throat and lungs, who established a camp for consumplives in the pine woods of Maine, and whose remarkable cures there have attracted great attention from the medical world, says that his entire treatment consisted of fresh air, nourishing food and the Pure Wirgin Oil of the White Pine Trees mixed with Whisky

SENATORS WHO

Sacrifice Large Incomes to

Represent the People.

WHY J. C. SPOONER RETIRES.

Stories of Well Known Public Men a

Washington Who Surrender Large

Sams for the Country's Good.

Washington, D. C., March 17. -The

resignation of John C. Spooner, as

United States senator from Wisconsin,

is still a subject of much comment

in the newspaper world. And yet in-

view of all the facts which are known

der is that Senator Spooner did not

send in to the governor of his state

his resignation much sooner. To

those who knew the man, to those

who know his ability, to those who

know his ambition, it is a maravel

know his ambition, it is a maravel that John C. Spooner has continued to represent the commonwealth of Wis-consin as long as he has. When Spooner entered public life conditions were wholly different than now. He represented a faction of the Repub-lican party in his state which was i redominant and then came an inter-regnum. Then later Mr. Spooner came back because of the predomi-nance of the faction which he and his people represented.

to Senator Spooner's friends the won-

Special Correspondence

and Glycerine, in the following proportions Virgin Oil of Pine (Pure), 14 oz. Glycerine arar ara 3. Good Whisky Used in tenspoonful doses every four hours.

It is claimed that the above mixture will heal and strengthen the lungs, break up a cold in 24 hours, and cure any cough that is curable. The ingredients can be se-

cured from any good prescription druggist at small cost and can be easily mixed in your own home. Inquiry at the prescription de-

partment of a leading local pharmacy elicited the information that Virgin Oll of Pine (Pure) is put up only in half-ounce vials for dispensing. Each vial is securely sealed in a round wooden case, with engraved wrapper, with the name-Virgin Oil of Pine (Pure), guaranteed under the Food and Drugs Act of June 20th, 1906, serial number 451, prepared only by Leach Chemical Co., Cincinnati, O .- plainly printed thereon. Only the cheaper Oils are sold in bulk, but these produce nauses, and never ef-

fect the desired results. *****************

was not presented until the de called Dr. Hamilton to the stand, s the one man who has the infor-on which is of the utmost importnce in determining the course of this

"As long as Feb. 13 last, Dr. Austin Flint, one of the state's alienists, came to my office and told me that after watching Thaw in court every day of the trial he was solemuly of the opinion that the defendant was not capable of instructing his counsel. I was much concerned, and with my assistant and Dra. McDonald and Mabon, held a long conference. I told the alienists, who were of one accord, that they must hold their minds open. I then called in other alienists and after submitting to them all the evidence I had in my possession, they foingd with the others in declaring Thaw a paranolac. ALE THOUGHT HIM-INSANE.

ALL THOUGHT HIM INSANE.

ALL THOUGHT HIM INSANE. "They all told me Thaw ought to be in an insane asylum and not on trial for his life. I framed my hypothetical question, but I was unable to get into il much of the evidence which I had told privately to the alienists. Answer-ing the hypothetical question they could go no further than they did and say that Thaw knew the nature and quality of his act. his act.

of his act. "It was not until Dr. Hamilton was called that I could call the court's at-tention to the knowledge possessed by that learned gentleman. I have known Dr. Hamilton for some time. Last summer after he had examined Thaw we often rede out to our country places together. Dr. Hamilton tried persistently to persuade be that it was mp duty to apply for a commission in lanacy.

"He told me that Thaw was a para-noiac. I replied that I did not believe R. Now Dr. Hamilton is here and un-der oath and can state facts as he knows them."

Mr. Hartridge of Thaw's counsel here arose and asked to be heard, but Jus-tice Fitzgerald rapped sharply with a haar fee

A RAP FOR HARTRIDGE.

DESERET EVENING NEWS FRIDAY MARCH 22 1907

got any business instincts." Whereupon Speaker Reed agreed to turn over to Gates a certain proportion of his earn-ings that it might be invested by the financier in stocks or bends to bring an income to the Maine statesman in his old age or to his widow and children. Tom Reed didn't live to enjoy the in-crement, but his widow and children received the amount of money above alluded to because of the regard which John W. Gates had for their distin-guished husband and father. WORK FOR LOVE Instances of Legislators Who

NEARLY BROKE.

When Frank Petligrew went out of the senate, be it sold in all due regret, he went out proity nearly broke. He had always been a good friend of James J. Hill, the 'Old Man of the Northwest.'' and possibly had represented some of Hill's interests in a legal way. When he went out Mr. Hill backed Pettigrew for certain stocks which he told him to buy, so the stock when it reached a certain flaure. The figure was reached and Pottigrew sold. A hundred thou-sand dollars better off than when he beceived a laconic telegran from Mr. Hill saying ''Don't buy any more stocks.'' And Frank Pettigrew has re-inained out of the market ever since. Other examples of me who have quit public life to find in private business a recompanse for their abilities are found in Frank Vanderlip, Leslie M. Shaw, R. B. Armstrong, and Milton E. Ales all connected with the treasury department. And they are doing well thank you on the outside. When Frank Pettigrew went out of

STORY OF A BIG FEE.

STORY OF A BIG FEE. John W. Yerkes, of Kentucky, com-missioner of internal revenue, one of the most popular men in the Roosevelt administration, popular for his excellent qualities of human spirit as well as his ability and integrity as a public ser-vant, loves a story with a polat, and he can relate it himself with the color and flavor of life. He has just contrib-uted something worth while to the an-nals of the well known. Americans. He was in a group talking about the big fees paid lawyers of proved ability nowadays, and he narrated this: "A few years after Benjamin Harri-son quit the While House as his offi-cial domicile, the noted Widener-Eikins syndicate bought up the traction lines of his home town. Indianapolis. A raemous local howl went up over the deal, and those opposed determined to cerver the amore linto the contra. The rachous local how went up over the deal, and those opposed determined to carry the quarrel into the courts. They filed a double-harrel prayer. They set forth that the lines as sought to be controlled by the syndicate, had no rights the people were bound to re-spect; ergo, the franchises were worth-less. If this plea should not be up-held, it was then to be insisted that the lines should be required to charge not more than three cents fare. Either proposition, sustained at that time, would have run the syndicate out of business in Indianapolis.

KNOX IN CASE

came back because of the predomi-nance of the faction which he and his people represented. During the years that Spoorer was out of the senato he acquired the reputation of being one of the great-est lawyers in the country. When he came to the senate this last time he accentuated the fact that he was not only one of the greatest lawyers in the country but in the senate demon-strated that he was one of its greatest debaters. He gave up much to be a senator of the United States. And Spooner's resignation from the high office which he now occupies and which is effective on May 1, shows the power of party polities but fails to show the self-sacrifice which is not only true in Senator Spooner's case, but in the case of hundreds of others, who, believing in the principles for which they stood should triumph. When John Spooner came to the senate he was earning anywhere from \$30,000 to \$60,000 a year in lawyer's fees. He gave up those fees to repre-sent his state in the national Congress, succeeding William F. Vilas for the term beginning March 4, 1897. Since that time Senator Spooner has pra-tically been out of the practise of the law. Realizing that with his growing family and the much more crying "Thus confronted, the syndicate whose headquarters were in Philadelphia, sent for Philander Chuse Knox, after-

Thus confronted, the syndicate whose whose herein the second have sacrificed in which they stood have sacrificed in which they stood should triumph.
 When John Spooner came to the second to 550,000 a year in lawyer's in for Philander Chase Knox, after-aural at the year and now United States senator from Pennsylvania. Knox was retained as their attorney in the senator spooner came to the the sacrificed in the national Congress, in the size of the practise of the practise of the law. Realizing that with his growing meeds that onter into the life of today that with his growing needs that enter into the life of today that with his growing needs that enter into the life of today that with his growing needs that enter into the life of today that with his growing needs that enter into the life of today that loo or 20 years ago, the senior senator from Wisconsin to take effect on Max in the former president to combat the opticing the solution. The one senter for the practise of his profession Probably inclood profession which he sacrifices he has made for politics. The congress of the United States from any needs to make addicate of his profession while date ardinara conditions he would render his bill for professional services for the have given up comfortable in a different course were here the succes of the sacrifices he has made for politics. The congress of the United States are at deal of money. I discuss the profession which he sacrifices he has made for politics. The congress of the United States are all congress at the polential case. We have saved our clearts a great deal of money. I discuss the second to call off the mass of some of the houses of Congress. So the united state we have a great deal of money. I discuss the profession which my services and with the importances are and the molecular different constraint of sentiment that mass of some of the mouse of the conservices in a during the profession which he second to call off the mass of some of the mouse of the conservices and

the Whation school of finance vesterday on the Amancial altuation. Speaking on the subject, 'Faith the Hasis of Finance,' Mar. Fish suid in part: "Stock jobbers' estimates the stopped by estopped is by getting rid of dishorts to of ficials. Laws will never remedy the evil-what is meded is proper enforcement." This answered such questions as the students put to him. "Among the questions was one as to whether of not the railroads can stand a two-cent fare throughout the country. His rends was that the railroads meded money and it must be provided by the col-lection of fares. He said the demande of the public for fast trains, etc., made an expense upon the various companies that cannot be met by the payment of the sculd stand it, while others could not.

PUBLIC SENTIMENT IN

RUSSIA HAS A TRIUMPH.

St. Petersburg, March 22 -The student Vanovitsky has been tided by court-mar-tial and acquitted of the charge against him. All the Bussian universities inter-ceded in behalf of the student, and his ac-quittal is balled widdly as a triumph for public sentment. Last January the St. Petersburg police raided a revolutionary stronghold, but met with such strenuous resistance from the revolutionaries that they were ob-liged to withdraw with the loss of three

men. Subsequently Yanovitzky was ar-rested in connection with the affair and charged with armed resistance. It was proved that the student was only acciden-tally present at the time, and did not participate in the shooting, but in spite of this he was selected by the police as the principal calprit.

FIRE IN PENSECOLA NAVY YARD.

Pensacola, Pla. March 22-Fire last night destroyed building No. 1 at the Pensacola navyward, entailing loss of 375,660. In addition to the loss of the building and its contents the machinery and equipment for the gunboats Glouces-ter and Isla de Lugon were destroyed.

AN ARKANSAS STATESMAN.

Chicugo, March 22 -- A dispatch to th Chicago, March 22.-A dispatch to the Tribune from Little Rock, Ark, says: Senator McKnight fortoduced a bill into the senate yesterday making it unlawful for negrocs to walt upon or serve white persons as porters on trains, as barbers, or as walters in restaurants or actels, and equally unlawful for white servants to walt upon negroes. Senator McKnight made a strong plea for the measure, denying that the prime object was to prevent negroes from serv-ing while people "Tt is to prevent negroes from taking the while women about the waist and helping them off the trains," he said. "Why, my wife is afraid to come to town

Munyon's Cold Cure Relieves the head, throat and lurge almost introductely Checks Fevers, stops Discharges of the nose takes away all sches and pelm are couged by colds. It cures Grip and obsid-nate Coughs and provents precumonia. Sold by all droggists, Sc. If you have calarth or are afflicted with deatness, use Munyon's Improved Inhaler it cures obstinate and chronic cares.



No one else sells at our prices. The ONLY DIFFER-

ENCE IN OUR GOODS AND OTHER STORES IS

TEETS

BARGAINSTORE



atone bacause she is waited upon by these

Sensior Amis withdrew his motion to reject the bill, and if was read a second time and referred to the committee on agriculture.

R

be usumed, if otherwise, Justice Fitz-gerala would be obliged to order Thaw's confinement in the hospital for the riminal insane

criminal insanc. Thaw is not greatly disturbed, it is said, over the possibility of having to be examined by a commission. His law-yers have told him that the question at issue is mainly whether he can instruct them properly. He is confident upon this point, and confident also that when cuce this question is disposed of it will be all the easier for his lawyers to persuade the jury as to the "brain storm" line of defense.

THE PROCEEDINGS.

All the attorneys were in court this electroom at the films set for the films of affidavits, petitions, etc., in support or denial of the district attorney's sug-gestion that Thaw is in no fit mental state to be on trial for his life. Mr. Jerome brought the affidavits of his aliendsts to the effect that Thaw is suffering from an incurable form of paranola and at present is unable te advise counsel and realize the nature of the proceedings against him.

proceedings against him. stice Flizgerald said that the dis-

t attorney having suggested that if real facts were known he would the right to try Harry Thaw for his life, he was prepared to hear what citherside had to offer. "Have you affidivits or testimony, Mr. District Attorney?" asked Justice

Have your anomatical of testimation.
Mr. Delmas atterney?" asked Justice Fitzgeraid.
"Both," replied Jerome.
Mr. Delmas arose and said he had hot been served with copies of the affi-davite prepared under the directica of itac district attorney undel 12:15 p. m. toolay. In a mittar of such importance he thought the defense should have more time to prepare its answer.
Jerome said he had served the copies of the fidavite on counsel at the earli-test moment he possibly could.
Harry Thaw was not allowed to come into court during today's proceedings. Jerome said he would have to ask that Dr. Aliaa McLane Flymiton be outly examine as the defense might desire to plead proressions priviles to but of his testimony.-Dr. Hamilton maving visited Thuy after the tragedy at the behest of his then counsel.
Hutche Flizzgerald said he would re-coive the affidavits the district attorney." The prose-cution, backed by blacklegs," a the curclusion of his wife's cross-carating the allonists who testified for the state.
BYLLIEVE THAW 18 INSANE.

BELIEVE THAW IS INSAND.

BELLEVE THAW IS INSANE. Among those expressing the opinion that Thaw is now and has for a long time been suffering from paranois are brs. Flini, Carlos McDonald, Wm Mabou, A. R. Diefendorff, Warren Fer-ris, Wm. Hirsch and Wm. B. Pritchard, After presenting his alfdavits, Mr, Jerome said he wished to make a state-ment of his position in order to clear himself of any suspicion that be has been in possession of knowledge which had been withheld from the court. * "Your honor may have gathered from my remarks of yesterday," said Jerome, "that it was my personal opinion that Thaw is and has for some time been of unsound mind."

unsound mind." 'I did so gather," interrupted the "I did so gather," interrupted the puege. "It has loug been my personal opin-tor," said Mr. Jerome, "that Thaw is of unsound mind. But the court did nat want my personal opinion. The court it could act. Likewise, I was bound by my oath only to act when I bad something to act upon, That opporta-Juage. "It has long been my personal opin-"It has long been my personal opin-ton," said Mr. Jerome. "that Thaw is of ansound mind. But the court did not want my personal opinion. The court had to have something tangible before it could act. Likewise, I was bound by my oath only to act when I had by my oath only to act when I had

be mentioned is Senator Teller of Colo-rado, who has represented his state since its admission. When he came to the senate he was earning \$75,000 a year, largely from suits growing out of mining claims. Since that time he has earned but one fee, that of \$40,000, from a case which was pending in the supreme court of the United States at the time of his election, and which his firm, Teller, Orrihood & Company,were in charge of when Henry M. Teller was elected senstor. That case had noth-ing to do with the government, being

 let you know."
 Mr. Hartridge sat down and Just'ee Fitzgerald said he would like the district attorney to clear up one impression which was in his mind. He ask-ed why the listrict attorney objected when Mr. Hartridge, in cross-examination of Dr. Mabon, asked the allen'st if he was of the opinion that Thaw suffered from any form of insunity the night he killed Stanford White.
 Mr. Jerome said he objected to the question as it was not in proper form and he could not understand what impression the court had gained from it.
 Mr. Hartridge again attempted to be heard but the judge said there was no occasion for a statement from him.
 Mr. Jerome asked if Mr. Delmas would waive the right of protessional the could not protession for a statement from him.
 Mr. Delmas replied:
 "If my cleant is plunged in that from conferring intelligently which his proposition of namity which prevents him from conferring intelligently which his proposition is absurd."
 HOW TO SETTLE MATTER. elected sensior. That case had noth-ing to do with the government, being a case between individual corporations engaged in the mining business. There is no more luminous example of what many men give up when they onter politics, so far as their finances are concerned, than is shown in the case of the late senator from Massa-chusetts, George Frisbee Hoar. When Senator Hoar came to the senate he was reputed to be worth \$200,000. When he left the senate he was reckoned to be worth \$50,000 leas than when he en-

HOW TO SETTLE MATTER.

he left the senate he was reckoned to be worth \$50,000 leas than when he en-tered that body. And Senator Hoar was a careful, painstaking man besides his pre-eminent ability. But the le-gitimate demands upon him and the small salary which he received as a senator of the United States could not stop the shrinkage of his small fortune which was rery considerable lass whan which was very considerably less when he died, than when he went into office.

dence-the writings of this defend-ant," said Mr. Delmas. "Then attach your original writings to your atfidavits and serve copies of them upon the district attorney," said Justice Fitzgerald. Mr. Delmas said he did not believe he could complete his answer to the district attorney before Saturday. "In that case," ruled Justice Fitz-gerald, "I will allow both sides to file affidavits up to 2 p. m. on Saturday. There will he no further hearing un-hes the court, after clearing the writ-ten syldence, indicates that a hearing is considered necessary."

as considered to researcy." As the jury has been ordered to re-port tomorrow morning at 19:39 Jus-live Fitzgetald adjourned court until that time The jur

The jury then will be excused until Monday morning,

DON'T COMPLAIN

HOW TO SETTLE MATTER. "I will tell you how you can set-lle the matter," replied Mr. Jerome. "All you have to do is to stand in your place and say your client is in-capable of conferring with and advis-ing counsel and then we won't need a commission. If he is not in that condition and you are here represent-ing a perfactly same man, then you have the right to waive the matter of privilege. I would suggest that we put Dr. Hamilton upon the stand now and then coursel can make his posi-tion clear, I contend that I have a right to go ahead with the examina-tion of Dr. Hamilton for the purpose of enlightening the conscience of the

GEORGE F. EDMUNDS.

GEORGE F. EDMUNDS. George F. Edmunds left a splendid legal income to enter the United States senate, and when he left public life in Isel, having resigned much as Senator Spooner has done, to go back to the practise of his profession, he had lit-ile or nothing to show for his years in the upper branch of Congress, except the honor which attaches to that po-sition. George F. Edmunds since his resignation from the senate in 1891 has carmed one fee, to say northing of countless other fees, which brought him more money than the selary of a fail term in the United States senate. SOME OTHERS.

SOME OTHERS.

SOME OTHERS. David R. Hill, Thomas B. Roed, M. G. Butler, John M. Thurston and Frank Fellyrew are others who have served in one branch or the other of Congress, who gave up splendid incomes to go into the senate of the United States and who found that they could not get along on the State of the United States, and who found that they could not get along on the State and the United States, is promoved by the United States, is prese court of the United States, is prese court of the United States, is prese court of the United States, is presentatives left public life in order on the senate of the United States, is presentatives left public life in order is being out of politics. Thomas H, resentatives left public life in order is being out of politics. Thomas file onspectency, John W. Gates, one of the competency, John W. Gates, one of the ountry handled Mrs. Reed on the death of the dates had make out of a mounts when here had denosited with him for when here had denosited with him for the set of the set of the set of the set of the pole and the set of the set of the set of the pole and the set of the set of the set of the pole and the set of the set of the set of the pole and the set of the set of the set of the set of the pole and the set of the set of the set of the set of the pole and the set of t

NOT A FINANCIER.

investment

representatives. SENATOR TELLER'S CASE. Probably first among those who can be mentioned is Sanator Teller of Colo-your permission to present the bill di-

rect." HARRISON'S BILL.

HARRISON'S BILL. "Such a course, Mr. Knox replied, would be to him perfectly satisfactory. Mr. Knox thought no more of it for the time being. Mr. Harrison made out a bill for \$25,000 and sent it to the Philadelphia syndi-cate. Promptly the syndicate respond-ed with a check for the amount of the bill, and a cordial letter of thanks for the efficient service rendered. "Sometime therwafter, Messre, Knox and Harrison met at Saratoga Springs, N.Y. The former president of the Unit-ed States mentiobed the fact that he realised the bill for \$25,000 he had pre-sented to the Philadelphia syndicate in the case in which they were associate counsel was unusually large, but that it had been settled promptly and with-out a word of complaint. "Why, spoke Mr. Knox, 'should they complein? My bill was for \$160,000. I thought yours would not be less. There was no complaint of mine."

BASIS OF FINANCE.

Stuyvesant Fish Tells Wharton School

Anna and

Philadelphia, March 32 .- Stuyveeant Fish, until recently president of the II-lineis Central, addressed the students of



THE PRICE.

Do not take chances on it wearing away or experiment with some unknown preparation which may leave the bronchial tubes and lungs weakened and susceptible to attack from the germs of Pneumonia or Consumption.

FOLEY'S HONEYAND not only stops the cough but heals and strengthens the lungs and prevents serious results from a cold. Contains no opiates.

Be Sure You Get Foley's

There are substitutes made to sell on the good name of Poley's Honey and Tar. Beware of them. You should have confidence in a cough cure that has been sold with universal satisfaction for thirty-five years. The genuine Foley's Honey and Tar is in a yellow Package. See that you get it.

A Mother Testifies

This is to cartify that my daughter was down for almost one year with a cold. The doctors finally pronounced it consumption. We had given up hope for her recovery. I was given a sample bottle of Foley's Honey and Tar. I gave it all to her in about three hours. It slopped the cough, and gave her rest. I sent pext day and bought a see, bottle and began giving it. In three month's time she was well. There can not be too much said in favor of Foley's Honey and Tar. It saved my child's life. Mrs. George Batson, Fountain Grove, Mo.

Three sizes - 25c, 50c and \$1.00. The 50-cent size contains two and one-half times as much as the small size and the \$1.00 bottle almost six times as much.

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