

POSTPONEMENT OF THAW TRIAL

Illness of Wife of Juror Joseph B. Bolton May Make it Necessary.

QUEER SHAPE OF THAW'S HEAD

Depression at Back of It—Dr. Evans Says His Pulse is Most Extraordinary He Ever Saw.

New York, Feb. 13.—The Thaw trial today was limited to an afternoon session of less than two hours' duration, the morning session having been abandoned because of the illness of the wife of Juror Joseph B. Bolton. The juror was allowed to visit his home in company with two other jurors and two court officers. He found his wife suffering from a severe pneumonia and two physicians certified that her condition was very serious. Bolton returned to the jury panel in time for the afternoon session, which began at 2:15 p. m. There was a stipulation of counsel by the juror that he would not be in the courtroom again until tonight.

Juror Bolton this afternoon appeared distracted, apparently taking little interest in the proceedings. If Mr. Bolton's condition should continue so critical that her husband cannot be expected to give proper consideration to his duties as a juror, there may be an indefinite postponement—all the jurors meanwhile, remaining locked up—or, possibly, a mistrial.

At the home of Juror Bolton tonight the physician said Mrs. Bolton had reached the crisis of her illness. If she survived the night, he said, and no further complications arose, it was altogether probable she would recover. Juror Bolton, accompanied by two officers, went to his home tonight and spent 45 minutes with his wife. He then returned to the hotel where the jurors are staying.

Dr. Britton D. Evans, superintendent of the state hospital for the insane at Morris Plains, N. J., gave the only testimony today. He concluded his direct examination, and Dist. Atty. Jerome reserved the right to cross-examine the expert later.

Dr. John T. Deemar, of Kittanning, Pa., was called just before adjournment and asked to state what he knew of the mental condition of John Ross, first cousin of Harry Thaw. Mr. Deemar objected to the question on the ground that the relationship was too remote to permit the drawing of deductions as to hereditary insanity. The witness was withdrawn temporarily.

Dr. Evans today detailed the results of his various examinations and personal tests in his reports to the jury. Following the testimony, he declared that there was a depression in the back of Thaw's head of a most unusual character, but was unable to state its significance.

Dr. Evans said Thaw's pulse action was the most extraordinary he had ever encountered. The pulse would change four times within one minute, the variation being from 12 to 24 beats. The pulse indicated, he said, that the sympathetic nervous system was seriously at fault. Dr. Evans declared he found no traces of drug habits nor any of the tremors characteristic of excessive indulgence in intoxicants.

Dr. Evans said he felt it was extremely unfair to him as a physician to require him to separate his physical examinations of the defendant from the questions and answers as to his mental processes. He was interrupted by both Mr. Jerome and Mr. Deimas and Justice Fitzgerald said:

"Will you kindly confine yourself to answering questions and not giving expressions of opinion. There is some limitation even to the province of an expert."

As the result of a conference between counsel just before adjournment, Mr. Jerome said Thaw's attorneys had turned the will of the defendant over to him for examination before it should again be formally offered in evidence. Mr. Jerome said he might or might not offer further objection to it. He did not wish to take up the time by reading it over in court.

Counsel also agreed that Mr. Jerome should have the privilege of talking freely with Dr. Deemar and with Dr.

Ingeman, the Thaw family physician, about certain testimony they have to offer. Mr. Jerome said if he knew the nature of this testimony, he might not have to occupy so much of the court's time and crowd the record with technical objections. In order to give him the opportunity to learn the nature of their testimony and to expedite the trial, the early adjournment today was ordered.

Tomorrow Mr. Deimas will offer the will in evidence. If it is accepted, it will be read to the jury. If it is not accepted by consent of the district attorney, there is likely to be an extended argument. Following the disposition of the will, Mrs. Evelyn Nease Thaw will resume the stand.

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SENATE GETS BUSY.

Passes 991 Bills in One Hour and Six Minutes.

Washington, Feb. 13.—The senate tonight broke all records by passing bills at the rate of 15 a minute for one hour and six minutes—991 bills in all. During the procedure Senator McCumber was the only senator on the floor. Vice President Fairbanks presided.

FATAL FIGHT IN MINE.

Topoka, Kan., Feb. 13.—Abe Hoskins and Bud Logue, convicts, engaged in a fight at the bottom of the Kansas penitentiary coal shaft at Lansing today. Logue was so seriously wounded that he will die. Logue was armed with a hatchet.

CRAMP BOILER PLANT BURNED.

Philadelphia, Feb. 13.—The pattern and boiler shops at the cramp ship yards, together with four small dwelling buildings, were destroyed by fire today. Several firemen were injured.

EIGHT HOURS FOR DISPATCHERS.

Jefferson City, Feb. 13.—The house today passed a bill applying the eight-hour law to all train dispatchers and telegraph operators who handle the running of railroad trains.

JURY SECURED IN BINGER HERMANN CASE.

Washington, Feb. 13.—With 11 men in the jury box and 20 additional talesmen to appear in court, the trial of Representative Binger Hermann of Oregon on charges of conspiracy with alleged land frauds, was continued today before Justice Stafford in the criminal courts.

The twelfth juror was obtained without difficulty and the attorneys for the government and defendant made their statements to the jury.

The first witness was Dr. Harry S. Reiger of Oregon, who was private secretary to Mr. Hermann when the latter was commissioner general of the general land office. He described the method of handling correspondence in that office.

The district attorney offered to put in evidence several letters which he claimed were written by the defendant on official business and copied in the letter press books and also stated that he had a great many other letters of a like character which he would introduce to show that the books were official and that they related to land fraud matters, all tending to show the intent of the defendant in destroying the books.

Atty. Worthington, for the defense, objected because, he said, no intimation of the existence of such letters was given him in the bill of particulars, and for that reason no notice as given to the defendant that he would have to meet the introduction of such evidence at the trial. The district attorney contended that such letters were competent to show the official nature of the records destroyed.

Following a statement by Justice Stafford, partially upholding the contention of the defendant, the district attorney moved that he be allowed to amend the bill of particulars. Atty. Worthington again objected on the ground that it would be practically a new charge against the defendant and thereby put him in jeopardy twice. The court then adjourned until tomorrow morning, at which time it will hear the application of the district attorney to amend, and will then probably pass upon this vital point in the case.

JAPANESE SCHOOL CONTROVERSY

Settled so Far as President. Mayor or Schmitz and S. F. Board of Education Are Concerned.

MATTER UP TO CONGRESS NOW

If Immigration Bill is Passed Order Segregating Jail Children Will Be Rescinded.

Washington, Feb. 13.—The Japanese school controversy is settled insofar as President Roosevelt, Mayor Schmitz and the members of the San Francisco school board are concerned. An amicable adjustment of the question now rests with Congress. If the amendment to the immigration bill proposed by Secy. Root, excluding foreigners who use their passports to gain admission to the United States "in this country," of labor conditions in the senate and house, and the immigration bill is passed at this session of Congress, the San Francisco board of education will rescind its order establishing the oriental schools unless the Japanese government agrees to a proposition for separate schools which will provide equal facilities for the Japanese children.

Mayor Schmitz and his associates conversed with the president today and assured Mr. Roosevelt that the amendment to the immigration bill was entirely satisfactory to them. Secy. Root participated in the conference and made a report on his negotiations with the Japanese government. While the Japanese are still hopeful that Viscount Aoki, the Japanese ambassador, will agree to separate schools in California, they stand willing to rescind the order establishing the oriental schools and again admit Japanese children to the white schools.

Mayor Schmitz today pointed out to President Roosevelt and Secy. Root the advantages that will be gained by the Japanese children if the oriental schools are maintained, and expressed a willingness to give the Japanese equal educational facilities to those given the white children of San Francisco. If the Japanese government will agree to this proposition the school board will establish a sufficient number of oriental school houses to accommodate the Japanese, and will give the children individual instruction. Mayor Schmitz says the Japanese make faster progress in the oriental schools than they do in the white schools, and that in the mixed schools the Japanese only retard the white children.

Another conference will be held at the White House Friday, and in the meantime, President Roosevelt hopes to be able to assure Mayor Schmitz and his associates that the immigration bill, including the exclusion amendment, will be passed at this session of Congress. Secy. Root will ascertain Japan's attitude on Mayor Schmitz's proposition for separate schools and the mayor's assurance that the Japanese are not to be discriminated against, but are to have equal educational advantages with the white children. If the proposition does not meet with Ambassador Aoki's views, the school board will abolish the oriental schools. All that may prevent an amicable settlement of the whole question Friday will be the unwillingness of Congress to pass the immigration bill.

In discussing the question tonight, Mayor Schmitz said: "The proposed amendment to the immigration bill meets with our approval so far as the question of excluding coolie labor is concerned. It is a step in the right direction. But the school question has not been definitely settled, and I do not want it understood that we have accepted the immigration clause as a price to receive from the school controversy. While, as I have said all along, we are willing to make any concessions to the Japanese children of the country, we want to reach an agreement, if possible, for the maintenance of the separate schools with an understanding that the Japanese are to have the same facilities as the white children. We stand willing to build additional school houses in sections of the city where they will be convenient to the Japanese children. We hope to reach an agreement at Friday's conference that will provide for separate schools. One thing is certain: we will never agree to admit adult Japanese to the white schools. I believe an agreement will be reached Friday."

The provision in the immigration bill conference report restricting the use of passports granted by foreign countries for the admission of their subjects to the United States, including the Panama canal zone, which was intended to aid the administration in adjusting the California situation, is regarded with favor by the senators and representatives in Congress from that state. However, it is not held that the provision satisfies the demands California has made regarding the exclusion of Japanese laborers from the United States. Nothing in the provisions excludes such laborers from ports of the United States.

The congressional delegation from California is in the attitude of having Mayor Schmitz and the San Francisco school board as intermediaries in the negotiations with the president. The delegation is keeping in close touch with the situation through the mayor and board.

THE BAILEY CASE.

Rep. Cooke Says Only Cats and Dogs Fight and Bullets Browbeat.

Austin, Tex., Feb. 13.—"If I am not mistaken, Senator Bailey called me a liar. Only cats and dogs fight and bullets browbeat." Representative Cooke thus referred today to Senator Bailey's recent before the legislative investigating committee, in which the senator denounced the men bringing the charges against him.

A message from J. D. Johnson, attorney of the Waters-Pierce Oil company, stating that the Waters-Pierce books and witnesses left St. Louis today and should arrive in Austin Thursday night. Johnson was by Chairman O'Neil. It was decided that the St. Louis witnesses should remain here until Monday to allow the subcommittee, which anticipated being in St. Louis Friday, an opportunity to be present at the examination. Former Auditor Grout of the Waters-Pierce Oil company, and his son, who had already testified, have been asked to return to Austin at once.

CRIMINAL APPEAL BILL.

Senate Passes It, Allowing Government To Take Them.

Washington, Feb. 13.—The senate today passed the bill giving the government the right to appeal to the supreme court for a construction of the constitutionality of any law involved in a criminal suit. This measure has been under consideration for several days, and was passed only after the suggestion of a substitute had been criticized the provisions of the bill. It was explained that the amendment

did not in any instance detract from the original purpose of the bill but that they were intended to provide means whereby the government could get a ruling on the constitutionality of a criminal law by the supreme court with as little hardship on any particular defendant as possible.

ATTACKED BY PULAJANES.

Burn Two Towns and Kill Six Members Of the Constabulary.

Manilla, Feb. 14.—Pulajanes attacked and burned two towns in the province of Occidental Negros yesterday and killed six members of the constabulary. Two American teachers, W. K. Bachelder and Walter J. Lee, are reported to be missing. No cause is known for the sudden uprising. Raids were made within a radius of 10 miles, and schools were first attacked and burned in both instances.

NEXT IRRIGATION CONGRESS.

Sacramento, Cal., Feb. 13.—The board of control of the fifteenth National Irrigation congress at a meeting held here today fixed the date of the next congress and finally decided upon an interstate exposition of irrigated land products to be held simultaneously. The congress will convene at Salt Lake for a full week's session, and the exposition will open on the same date and continue two weeks.

BRITISH SUFFRAGISTS.

Made Determined Attack on the House Of Commons.

London, Feb. 13.—Hundreds of woman suffragists made a determined attack on the house of commons today, with the object of forcing their way into the building. A large force of police were on hand. The doors were shut in the women's faces and the police attempted to drive them back. Mounted police galloped among the women, who struggled fiercely, and many were thrown down and badly hurt. The demonstrators were kept out of the house proper, although the fight outside continued a long time. Over 20 so-called "suffragettes" were arrested.

SOTHERN AND MARLOWE.

Will Open Their Engagement in London April 15.

New York, Feb. 14.—The engagement of H. Sothern and Miss Julia Marlowe at the Lyric theater will close on March 15. On March 19 the two stars, accompanied by a party of literary friends will sail for London to open their engagement at the Waldorf theater April 15. Their company, numbering 85, will sail from here March 25.

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partment of commerce and labor, is a native of Massachusetts and an alumnus of Yale. He practiced law at Hartford until he went into the government service. Mr. Smith was deputy commissioner, and his promotion is in accordance with civil service principles.

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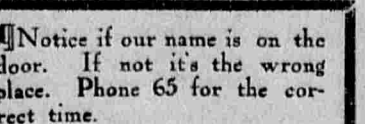
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HENRY T. MCPHAIL, Secretary.

State Bank of Utah, Salt Lake City, Utah.

First publication, February 9, 1907.

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