

Delphin M. Delmas, after the conference, when asked to outline the defense

"It would hardly be professional to esclose our case. You may say, howev-a that it will come strictly within the statutes of New York. There is no higher law in this state and all this talk berr the summittee level is both New about the 'unwritten law' is bosh. Nor an I see the efficacy of a plea of emotional insanity. There is really no such thing. A man may be temporarily insare but that is quite another mat-

Mr. Delmas expects that another week will be required to fill the jury

When the trial was resumed today there remained five jurors to be chosen from among the less than 100 talesmen who remained to be examined. It is generally conceded that the taking of estimony will not be possible before Wednesday.

MAY MCKENZIE.

Mrs. Evelyn Nesbitt Thaw arrived bally half an hour before the morn-ing session was scheduled to begin. Sie was accompanied by Miss May Mc-Remit. Miss McKenzie today de-dared there was absolutely no truth in the report that there had been dif-ferences in the Thaw family, and said it was untrue that any dissension had arisen over her presence in the court foom,

Young Mrs. Thaw wore again the tark blue dress which has now be-come familiar to those in the court room and again her features were hid-en beneath a closely drawn vell.

THE FAMILY.

THE FAMILY. The family were seated in two rows at chairs today, just back of where any thaw sits. In the first row be-had the prisoner were Edward Thaw, george L. Carnegie and the Countess of Yarmouth. In the second row Mrs. William Thaw sat upon the alsie and market the defendant; next to her at Mrs. Carnegie; then came Mrs. Harry K. Thaw, and Miss McKenzie. Mrs. William Thaw and her daugh-ter treated the prisoner's wife with the usual bows and nods of the head. THE DEFENDANT

THE DEFENDANT.

THE DEFENDANT. When the defendant was called into court he appeared upon the instant. A he passed the family group he was rected with smiles. He smiled broad-by binself, and then gave a quick shance at the reporters working at two hy himself, and then gave a quick be and the smile broad-by binself, and the prisoner was meaning yesterday when he read a ported break in the relations be-tween his wife and his mother and inters. And that today he was inter-ented in the appearance of family mity.

TABESMEN EXAMINED.

TATESMEN EXAMINED. Within the first hour of the morning when the first hour of the morning at a statement had been exam-bed a statement of the statement at attorney further than the one attorney for t

AN ADDITIONAL PANEL.

The rapid manner in which the re-aining talesmen were disposed of this forming caused the district attorney's fee to summon an additional panel of

brought to a satisfactory degree for two hours.

MURDER TRIAL THAT WILL CREATE A PRECEDENT.

Pittsburg, Jan. 28 .- A murder trial, the outcome of which will establish an important precedent in legal and military circles, was called here today in the criminal branch of the court. Lieut. Ralph W. Drury and Private John Dowd, of the Ninth U. S. infantry, were placed on trial charged with the murder of William Crowley, 18 years of age, who, on Sept. 10, 1903, was killed near the U. S. arsenal by Pri-vate Dowd, acting under instructions from Lieut, Drury. Crowley and a number of other boys are said to have been caught stealing inside the arsenal grounds, were pur-sued by soldiers, and Crowley was shot after he had gotten a considerable dis-tance outside the arsenal limits. The question at issue is: Has a sol-dier the authority to kill a man outside of government property who is suspect-ed of a crime within government prop-erty? the criminal branch of the court. Lieut.

erty

or government property who is suspect-ed of a crime within government prop-erty? Many maintain that as the alleged crime was committed within govern-ment property, the soldiers were justi-fied in pursuing the man. Before he died, however, Crowley made a statement in which he denied he was inside the arsenal, but claimed that he was sitting on a doorstep, he-came frightened at the sight of the on-rushing soldiers, and ran. He said he heard a command to halt, that he did halt, but was instantly shot. To days following the shooting the civil and military authorities had fre-quent clashes. The police officials and coroner insisted that as the shooting occurred outside the government prop-erty, the prisoner belonged to them. Lieut Drury took a different view of the matter, and the civil authorities dared not force their demands by en-tering the arsenal. The case was fin-ally taken to the United States su-preme court, where it was decided to turn the men over to the civil author-ities and end the question for all time. Lieut, Drury and Private Dowd were later released in the sum of \$5,000. The prisoners are being defended by the government and U. S. Dist.-Atty, Dunkle is their counsel. The common-wealth is represented by Dist.-Atty George Goehring. When court opened, a large repre-sentation of military and attorneys was in evidence.

in evidence.

GERMANY WILL ENTER ON GREAT NAVAL POLICY.

Berlin, Jan. 28.—Following the kalser's victory at the polls the announcement is made that Germany will shortly have in readiness five shipbuilding yards where battleships of the largest class can be constructed. At Kiel warships of 25,000 tons and 450 feet in length will be con-structed.

Rome, Jan. 28.-There were 417,573 emi-grants from Italy in 1906, 287,090 went to the United States, 115,181 to Argentina and 13,143 to Brazil.

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Present Program is That She Will be

ITALIAN EMIGRATION.

EARTHQUAKE IN ITALY.

Geneva. Jan. 28. - The earthquake in the canton of Grisons on Friday was very se-vore. Two men were swept by an avai-anche that was started by the shock. A great avalanche, it is reported, ites across the st. Bernard vass



Guilty of It. London, Jan. 28.-A verdict of wilful murder was rendered by a coroner's jury this morning against Horace G. Rayner, the man who shot William Whitely, the merchant, Jan. 24. But few additional facts developed at the inquest and the motive of the crime was a mystery un less, as the police claim, it was a failure of attempted blackmall. The sons and the old employes of the murdered man testified that they had never seen or heard of Rayner before the day of the tragedy. A witness testifying to the events prior to the shooting said he heard Rayner say to Mr. Whitely: "Are you going to give way?" Mr. Whitely replied, "No," and Rayner said: "You are a dead man. Mr. Whitely: trolley wire. VAN WYK FOUND GUILTY.

"You are a dead man, Mr. Whitely," and, drawing a revolver fired and the merchant fell dead without uttering a

Sterling, Colo., Jan. 28.—Gerret Van Wyk, a rancher, was found guilty by a jury today of murdering his sister-in-law, Garretje Hast, who was shot and killed a year ago last month in a cabin where she lived alone. Mrs. Van Wyk, who was charged with murder jointly with her husband, was acquitted. On a former trial both husband and wife were convicted. The alleged motive fra-the murder was to collect life insur-ance.

The detective in charge of the case de-clared that all the evidence pointed to blackmail. He added that he had search-ed Mr. Whitely's papers, but had found no trace of anything relating to Rayner, but among the prisoner's papers were found documents showing that he was wanted by the police.

RUEF-SCHMITZ CASE.

No Agreement Reached as to Length

Of Arguments.

BRADLEY CASE FRIDAY.

Arraigned This Week.

(Special to the "News.")

ance. HIGGINS' CONDITION. FIRE IN BUFFALO. Olean, N. Y., Jan. 28.—Prof. Schatt, a noted heart specialist of Nauheim, Ger-many, who has been lecturing in this country, is with former Gov. Higgins, having been brought here on a special train from Oil City this morning. Mr. Higgins' condition is said to be about the same.

Financial Loss Half a Million and

HIS WIFE ACQUITTED.

Three Men Missing.

Three Men Missing. Buffalo, N. Y., Jan. 28.—The Columbia building, an eight-story structure at Sen-eca and Wells street, was burned this morning, involving a financial loss of \$500,000. Three firemen are missing, hav-ing been caught with 12 more firemen in the collapse of a wall. The firemen who were working on the roof of an adjoining warehouse, saw the walls tottering and started to run down the stairs, but were caught by the failing debris which crashed through the roof. The names of the missing men are El-liott, Norton and Heineke.

ANOTHER ARREST IN TOWNSEND MURDER CASE

<text><text><text><text><text> Washington, D. C., Jan. 28 .- The Washington, D. C., Jan. 23.—The present program, is that Mrs. Bradley will be arraigned in the criminal court to plead to the indictment of murder in the first degree on Friday of this week. It is understood that a true bill was found by the grand jury, but it will not be reported to the court until the return of Dist. Atty. Baker, who is recovering from his injuries at At-lantic City. He is expected here on Wednesday or Thursday,

Washington, Jan. 28.—As a result of recent reports that the postoffice de-partment contemplates the adoption of a mechanical device for the delivery of mails on rural routes, the department has received numerous letters from in-ventors requesting tests of their de-vices Fourth Asst Postmaster Can s requesting tests of their de-Fourth Asst. Postmaster Gen. being to the people, can come in convices. Fourth Asst. Postmaster Gen. McGraw in a statement today says the department has never contemplated the adoption of a mechanical device for the delivery of mail, nor will tests be given any such devices, as suggested, as the idea is impractical. One of the schemes for distributing mail is by trolley wire fidence

CANAL REORGANIZATION.

Louisiana and Mississippi Valley Want Recognition.

Recognition. New Orleans, Jan. 28.—Albert God-chaux, president of the New Orleans Progressive union, today sent a long telegram to President Roosevelt urging the claims of Louisiana, the Mississippi valley and the central west in the re-organization of the isthmian canal af-fairs. The president's attention is called to the fact that New Orleans is 591 miles nearer to Colon than is New York, and that the entire Mis-souri, Pacific and Mississippi valleys and the central west would be bene-fitted by having some of the isthmian ships sail from New Orleans. Mr. Godchaux says that the Union favors the president's ship subsidy bill but not in its present form because it eliminates the guil ports from a line to the east coast of South America.

TERRIBLE RAIN DROWNS A HUNDRED CHINAMEN.

Hongkong, Jan. 28.—A terrific rain squall broke over Hongkong this morning and in the space of 10 min-utes sank over 50 Chinese craft in the harbor, more than 100 natives being drowned. There were no casualities among the white people. Launches from the shore rescued many occu-pants of the swamped boats. The harbor was littered with wreek-age from the sunken junks. During the squall the river steamer Paul Bean broke adrift but was brought to an-cher without sustaining any damage.

COL. R. BLUE DEAD.

Bartlesville, I. T., Jan. 28.-Col. Rich-ard Blue, formerly a well known Kau-sas politician and attorney, died sud-denly at his home here today, aged 65 ars. In 1894 he was named as repro-ntative at large to Congress from Kansas.

PROF. W. S. JACKMAN DEAD.

Chicago, Jan. 28 .- Prof. W. S. Jackman, dean of the school of education at the University of Chicago, died today after an filness of less than 24 hours.

EXPLOSION IN ARMOUR PLANT KILLS FOUR MEN.

Chicago, Jan. 28.-Three men were killed and 16 others scriously injured to-day as the result of the explosion of an ice machine in the powerhouse of Armour & Co. at Forty-fourth and Packers

Avenue Twenty men were working in the room when the head of a cylinder upon the lee machine blew off, filling the room with ammonia fumes. The strength of the fumes was so great with great difficulty and for a time thereafter it was necessary to abandon the building until the ammonia had evap-orated. The men who were killed were near the lee machine, and it was impos-sible to get them out before they died. All the victims were Austrian and Hungarian laborers.

for the recovery of the land and qulet-ing his title to it. This judgment is now affirmed by the supreme cours. The opinion of the court was written by Justice Frick and concurred in by Chief Justice McCarty and Justice Straup.

MRS. MAXWELL DEAD.

Mother of Bishop of Twenty-seventh Ward Passes Away.

Mrs. Martha Maxwell, mother of Bishap James Maxwell of the Twenty-Bishap James Maxwell of the Twenty-seventh ward, died Sunday at her home in E. T. City, Tooele county, death occurring at 3:30 o'clock p. m. The deceased was born Feb. 18, 1829, at Newton, Derry, Ireland, and was bap-tized into the Church April 21, 1841. Her parents were Scotch, but were tem-porarily residing in Ireland at the time of her birth. Mrs. Mawell came to Utah in 1872. She is survived by three sons and one

She is survived by three sons and one daughter. Her husband, Tavin Max-well, died 10 years ago. The funeral will be held from the E. T. meeting-Wednesday, commencing at 1 p. m.



Curtis McCoy Pleads Not Gullty to "Shoving the Queer."

Curtis McCoy, charged under United States statutes with having had in his possession, on Jan. 5, 1907, certain counterfeit silver coins, which, it is alleged, he endeavored to pass in Og-den, was arraigned today in the federal den, was arraigned loday in the federal court. A plea of not gullty was en-tered, and McCoy was remanded to the custody of the sheriff of Salt Lake county, in default of ball. Two cases were argued before Judge Marshall this forenoon, and submitted just before the noon adjournment. They were the cases of Gill versus the Union Decide Pailway company and Corec

were the cases of Gill versus the Union Pacific Railway company and Corey Brothers, and the Ogden Waterworka company against the same two defend-ants. The suits are similar in charac-ter, both plaintiffs asking for an in-junction against the defendants, re-straining them from using certain waters claimed by complainants. certain



Will be Held in Salt Lake Next Month For Good Positions,

There will be civil service examina-tions in this city Feb. 27. for the posi-tion of chief engineer, custodian ser-vice, at \$1.800 per annum. In the federal building at St. Louis, and elsewhere, and the examination. All honorably dis-charged United States soldiers and sall-of the examination without regard to the maximum age limit. Per-sons who have suffered the loss of an arm or a leg, who are ruptured, or who have other serious disability are considered physically disqualified for this position of engineer and black-smith, at \$260 per annum. Fort Lewis, colo., and for the position of public document cataloguer in the govern-ment printing office, at \$900 per an-uma. There will be civil service examina-

mine employes.

BRYAN IN LOS ANGELES.

At Banquet Tomorrow Night Will Speak on "The Nation.

Speak on "The Nation. Los Angeles, Jan. 25.—Hon. W. J. Bryan, accompanied by Mrs. Bryan, arrived in Los Angeles at 9:30 this morning from San Francisco for a three days' visit. Mr. Bryan was met at the depot by a reception committee of 25 headed by Mayor Harper and was taken immediately to the resi-dence of Nathan Cole. Jr., whose guests Mr. and Mrs. Bryan will be during their stay here. This after-noon the party took an automobile ride through the city and surrounding country. Tonight Mr. Bryan lectures under the ause los of a charitable or-ganization. ganization.

under the absolution of a Charlands of ganization. Tuesday a private party of 50, com-prising members of the various com-mittees having to do with Mr. Bryan's entertainment, and their wives, will accompany Mr. and Mra Bryan to Catalina Island. The chief event of Mr. Bryan's visit is the banquet to be given in his honor on Tuesday night at which 600 covers will be laid. On this occasion, the distinguished Nebraskan will de-liver his principal address, having for his subject, "The Nation."

COMPLAINTS AGAINST SOUTHERN PACIFIC RY.

San Francisco, Jan. 28—dimensione Commerce Commissioner Franklin W. Lane today began an investigation of the complaints of jobbers and manu-fecturers that the Southern Pacific company is collecting a toll of 5 cents a ton on all freight received here whether it comes over the wharves of the state or not. The state charges this toll when goods pass over the wharves, but it is alleged that the railroad com-pany collects this toll from shippers-even on freights that come up the coast road and that never reach the wharves. The jobbers and manufacturers claim that this toll should not be collected by the railroad when it is not paid by the that this toll should not be collected by the railroad when it is not paid by the railroad to the state. Commissioner Lane will also continue the inquiry into the facts connected with the so-called Harriman merger. Among those who arrived to attend the hearing are J. C. Stubbs, vice president of the Harriman lines, and traffic di-rector of the Southern Pacific and other companies; Atty. C. A. Severance of St. Paul and R. S. Lovett, one of the Southern Pacific's legal advisers in New York. The hearing opened at 10 o'clock in the rooms of the United States cir-cuit court of appeals.

cult court of appeals.

MILLION DOLLAR FIRE

IN SPRINGFIELD, MASS.

Springfield, Mass., Jan. 28.-The plant of the Phelps Publishing company was destroyed by fire early today. The loss is estimated at \$1,000.000. The com-pany published Good. Housekeeping, a monthly magazine: the Monthly Ameri-can Agriculturist, the Orange Judd Farmer, the New England Homestead and Farm and Home. Arrangtements are being made for the publication of these journals in other cities.