

Noted Legal Authority Gives His View on the Statutes Involved.

THERE IS NO UNWRITTEN CODE

Yet York Does Not Allow Juries to Be Judges of the Law Bearing On a Case.

In view of the importance of the trial of Harry K. Thaw for the killing of Stanford White and the great interest it excites, not only locally but throughcut the country, and even abroad, a statement of the law by which the fullt or innocence of the accused must be determined, will be of interest not enly to lawyers who make no special study of the criminal law, but to laymen as well. A statement of the law men as well. A statement of the law on the subject has been pro-but to laymen as well. A statement of the law on the subject has been pro-cured from Mr. William L. Clark, re-viewing editor of the Cyclopedia of Law and Procedure, known and cited as critic and the author of well known works on the criminal law. For the been of our readers who may be in-terested in the case and wish to follow the testimony as it is published from day to gays:

The says: math. He says: "It would be both improper and un-fair to the defendant to express any oppinon as to his guilt at this time. Whether he is guilty or innocent must be determined, not on the facts which have been published in the newspapers, but on the facts as they appear from the evidence which may be given at the trial, and the question will be de-cided by the jury on this evidence un-der the court's instructions as to the jaw. They cannot convict unless they are conduced of the defendant's guilt beyond a reasonable doubt, and a rea-sonable doubt as to his sanity at the time of the killing will require an ac-quittal.

quittal. "With respect to the law there can be little question. In the first place, it is perfectly clear that the so-called "unwritten" or "higher" law, in the sense in which the terms have been used in connection with this case has no place the law of New York. The innocence connection with this case. The innocence is the jaw of New York. The innocence or guilt of one who kills another de-pends entirely upon the application to the facts of the law established by the statute and judicial decisions of the the facts of the law establishes of the statute and judicial decisions of the state. Of course it is possible for a jury to disregard the law as laid down for their guidance in the charge of the court, and this is all there is to the idea wolved in this use of the term 'un-wolved in this use of the term 'un-written law,' but in this state jurors are not the judges of the law, but of the facts only, and under their oaths of the facts only, and unlest tuck taken to they are required to decide according to the law as given them by the court. (N. Y. Code Crim. Proc., section 419.) If the law is harsh as applied to the facts of any particular case, then the nedy is by application for executive meney. People vs. Silverman, 181 N. Y. 236. MALICIOUS KILLING.

"Independently of statutory provi-sions, if a same man intentionally kills another, he is guilty of murder, unless he circumstances are proven to have en such as to justify or excuse his been such as to justify of excuse his act, or to reduce it, by reason of provo-cation, to manslaughter; and if a per-son intentionally fires a pistol at an-other, an intention to kill is presumed. As it is conclusely said in the Cyclopedia of Law and Procedure, malice is im-piled in every intentional and premedi-tated homicide, if there are no circum-ciances serving to militance avouse or stances serving to mitigate, excuse, or justify the act. 21 Cyc. 708. Under the New York statute, assuming that Thaw was same, his killing of White was

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out deliberation or premeditation. N. Y. Penal Code, section 184. While it is necessary to murder in the first degree, under the statute, that there shall be both deliberation and premeditation, in addition to the intent to kill, all that the law requires is that the killing in addition to the intent to kill, all that the law requires is that the killing shall not be the instant result of im-pulse, and it is sufficient if there is some thought and reflection on the act, and a choice and determination as the result of such mental action. People vs. Hawkins, 109 N. Y. 408; People vs. Bar-berl, 149 N. Y. 256; 21 Eucy. 726.

MANSLAUGHTER AT LEAST.

MANSLAUGHTER AT LEAST. "Under the supposed facts and cir-cumstances of the killing it seems clear that there can be no question as to manslaughter. At common law, a homicide is not murder, but man-slaughter only, although intentionally committed, if it is committed in the heat of passion caused by adequate provocation; but passion, however great, is not sufficient to reduce the killing to manslaughter, if the provo-cation is not in its nature adequate in the eye of the law, or if there has been time after the provocation was given time after the provocation was given for the passion of a reasonable man to cool, whether it does in fact cool or not, since the safety of the community requires that persons shall reasonably control their passions. And, although there has been some tendency to leave the question in such cases to the jury, the question in such cases to the jury, the law has long been settled that mere suspicion, or even actual knowledge, on the part of a husband of past or even continuing illicit relations between his wife and another man is not such provocation as will reduce his killing of the man from murder to manslaugh-ter. 21 Cyc 751-753. A fortiori, sus-picion, or even knowledge, on the part of a man that his wife is being pur-sued or annoyed by another would not be such provocation as to reduce a homicide to manslaughter. Further-more, under the present statute in New York, a homicide cannot be classed as manslaughter, except when

New York, a homicide cannot be classed as manslaughter, except when there was no design to effect death; when that purpose is present the crime is murder in one of its degrees, unless it is excusable or justifiable. N. Y. Penal Code, sections 188, 189, 193; People vs Beckwith, 103 N. Y., 360.

NOT EXCUSABLE.

"Nor was the homicide excusable or justifiable either at common law or under the New York statute, for, to be excusable, it must have been commit-ted by accident in doing a lawful act, and to be justifiable, it must have been in the lawful defense of Thew or his and to be justifiable, it must have been in the lawful defense of Thaw or his wife, when there was 'reasonable ground to apprehend a design on the part of the person slain to commit a felony, or to do some great personal injury,' etc., and when there was 'im-minent danger of such design being accomplished.' N. Y. Pen. Code, sec-tions 203, 205. See 21 Cyc, 794, 812, 826.

INSANITY PLEA.

INSANITY PLEA. "With respect to the defense of in-sanity, if Thaw was insane when he killed White, he not only cannot be punished, but he was guilty of no crime, and this is true although he may have been same before he com-mitted the act and may be same now. 12 Cyc 165; 21 Cyc 663. Whether or not he was insane is of course a ques-tion of fact which must be determined by the jury from the evidence; but there are certain tests established by law in this state, as elsewhere, for de-termination of the question whether, if he was to some extent insane, his in-



"This view has been adhered to in the later cases, as in Feople vs Fer-raro, (161 N. Y. 365, 377), and Peo-ple vs Silverman, (181 N. Y. 235). In ple vs Silverman, (181 N. Y. 235). In the latter case a conviction of murder in the first degree was sustained, al-though the evidence showed that the defendant had been eccentric, morose, and of bad temper, and had been treated in a sanitarium a little more than a year before the homicide, and although some physicians testified that he was insane. The court, in an opinion by Judge Cullen, held that whatever may be the opinions of med-ical experts as to the insanity of a per-son charged with crime, but one test of responsibility is known to the law, namely, that found in section 21 of the Penal code, above quoted, which is but a statutory declaration of the law as it had long prevailed, and that when the evidence affords no reason for doubt that the defendant knew both the nature and quality of the act done by him, and that the act was wrong, he is justly held by the jury to be responsible for his crime, what-ever may have been his eccentricity of conduct, or however abnormal his disposition. "The learned judge suggested that while the defendant's 'previous mala-dy and infirmities of temper' were in-sufficient to affect his legal responsi-bility, they might warrant a mitiga-tion of his punishment and his relief from suffering the supreme penalty of the law." In latter case a conviction of murder

from suffering the supreme penalty of the law."

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WORK OF HUMANE OFFICER.

Report for the Year 1906 Shows That 1,437 Animals Were Destroyed.

The annual report of City Humane Officer T. A. Heringer for the year 1906 has been filed with Mayor Thompson. shows that 1.457 animals were destroyed

shows that 1.457 animals were destroyed during the year. A total of 460 cases of inhuman treatment of animals were in-vestigated by the humane officer and of these 315 were reported by the Humane society and citizens. The cases handled by the department during the year were disposed of as fol-lows: Worn out horses destroyed, 53; horses taken out of service for rest and treat-ment, 377; arrests made for general cruei-ty, 14; convictions secured with fines, 8; dogs humanely destroyed, 534; animals destroyed-accident and otherwise, 559. The total expenditures of the depart-ment amounted to \$1,020. In conclusion Mr. Heringer recommends that the city purchase an ambulance for the removal of dead and disabled animals. He also recommends the placing of additional watering troughs througnout the city to relieve the suffering of animals during the summer months. He acknowledges many courtesies shown him in his work by the Humane society, and also by all of the municipal officers.

HONE IS AFTER UTAH GAMBLERS IS BLOCKADED Big Stretch of Union Pacific's Representative From Benjamin Main Line is Washed Would Put the Ban on Out. Games of Chance. SUBMERGED FIFTEEN FEET. INCLUSIVE AND COMPLETE. Trains Moving Via McCammon-All Proposed Law Would Take in Pool-

Western and Northwestern Railroads Having Trouble.

DESERET EVENING NEWS MONDAY FEBRUARY 4 1907

Devil's Gate, in Weber canyon and about 20 miles east of Ogden is the scene of one of the worst washouts suffered by the Union Pacific for some time. Floods, landslides and washouts have swept away 200 feet of tracks and dug into the roadbed for a depth of 15 feet. In stretches the road is many feet under water. Trains can not be operated over main line of the Union Pacific as a result of these washouts so the tle-up has resulted. This has been relieved to some extent by the company's prompt action in catching the west bound overland lim-ited before it reached Granger, Wyomited before it reached Granger, Wyom-ing and diverting it at that point to-wards McCommon. From the Idaho city Ogden can be reached with no difficulty. Nos. 3 and 6 eastbound trains, scheduled to leave Ogden this morning have been combined and will go cast via McCammon this afternoon. Service will be maintained over this route until the main line has been cleared. This work, it is not expected, will be completed before midnight to-night. night.

WASHED OUT BADLY.

The washouts occurred about 4 o'clock yesterday afternoon. The thaw and recent heavy rains loosened the snow on the side hills and commencing show on the side hils and commencing yesterday when the day was warmest it began to slide down the tracks on one side of the canyon and into the river on the other. The slides brought large quantities of debris and dirt with them as they plunged into the canyon and these blocked the culverts, carry-ing the Weber beneath the valicoad tracks. With snow and dirt from one side locaenting the tracks and the wa tracks. With show and dist from one side loosening the tracks and the wa-ter being forced higher and higher on the other it was but a short time only, when the tracks were both washed out and subherged. Trackwalkers discov-ered this and promptly sent warnings to Ogden and offices on the east. Traf-fic was stopped out of Ogden and to-wards. Orden from points on the east fic was stopped out of Ogden and to-wards Ogden from points on the east. Supt. E. Buckingham of the Oregon Short Line in this city and Acting As-sistant Supt. Botsford at Ogden left for the scene of washout in a special train and are now there direct-ing the work of repair. A gang of nearly 200 men was sent towards Devil's Gate aboard a work and wrecking train. The local offices of the Oregon Short Line received a re-port shortly before noon today which

of the Oregon Short Line received a re-port shortly before noon today which says the water has been drained off in fairly good shape and temporary track-laying is to be commenced this after-noon. The rails will be laid on tempo-rary trestles and filling in will be done later. In addition to the track washed out, word from Ogden says a bridge is gone gone

R. G. W. HAS SLIDE ALSO.

A snowlide occurred Saturday after-A snowlide occurred saturday atter-noon in Provo canyon. The Rio Grande Western's Heber train had just passed the spot when the avalanche of ice, snow and debris came tearing down the steep mountain side just below the Bri-dal Vell falls. The train was carrying a big load of passengers and crew. This side is the second one this season and a big load of passengers and crew. This slide is the second one this season, and further trouble is expected by the rall-road company. The Park City branch is piled high with snow and the cuts and guilles look treacherous. Careful

rooms and Playing the Races as Well as Common Faro Games.

Representative Hone, who halls from Benjamin, Utah county, has introduced his anti-gambling bill into the house. It is very comprehensive, and contemplates the doing away with not only the common forms of gainbling carried on in the saloons and resorts of the cities and towns, but prohibits the selling of pools on horse races and similar forms of gambling. The text of the bill provides that "every person who deals, plays or carries on, opens or causes to be opened, or who conducts either as owner or employe, whether for hire or not, any game of faro, monte, roulette, poker or any game played with cards, dice or any came played with cards, dide or any other device for money, checks, credit, or every person or corporation who cardes on, opens or causes to be opened or who conducts either as owner or em-ploye, whether for hire or not, any betting game on horses or who ex-bibits in say mace of business posits to betting game on horses or who ex-hibits in any place of business pools to be placed upon horse racing; and every person who plays, bets at or against any of said prohibited games or frequents places where such prohib-ited games are conducted is guilty of a nilsdemeanor."

DRY FARM WATER.

Aithough there was an agreement to postpone the special order for 3 o'clock until today, Jackson's H. B. 14. which was killed by parliamentary tactics Friday, came up for consideration and was acted upon Saturday afternoon. On account of a number of members being absent who were suitally interbeing absent who were vitally inter-ested in the bill, the decision to post-pone was arrived at; but a number of these came in before the session ad-journed, and the special order of the day was therefore taken from the ta-ble day ble.

THE COAL PROBERS

A message from the senate an-nounced that President Love of that body had appointed Senators Lawrence, Clegg, Hollingsworth, Johnson and Bullen as members of the joint com-mittee to act with five members from the house to probe into the cause of the ovisiting coal familie

the house to probe into the cause of the existing coal famine. Another communication from the senate announced the passage of S. B. 15, by Hulaniski, providing a penalty for the violation by any person of county ordinances enacted in harmony with the laws of the state relating to the regulation, control and use of any public roads or highways in this state. Indicare

the regulation, control and use of any public roads or highways in this state. Judiciary. Representative Croft of Morgan asked for the speaker's interpretation of rule 13, providing that the "litle of every bill and joint concurrent resolution shall express the subject to which the same relates, and if the bill proposes any amendment to ex-isting laws, its title shall also con-tain the section or sections, chapters and title, if possible, of the law which the bill proposes to amend." The speaker said the rule meant just what it said; whereupon Mr. Croft was al-lowed to withdraw his H. B. 45.relat-ing to census matters, as he explain-ed that it was not framed in accord-ance with the rule in question. VISITED STATE SCHOOL.

VISITED STATE SCHOOL.

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hence west to Jordan river; thence along he Jordan river to the point of beginogether or the measure reconstru The Jordan river to the point of begin-ing. The following teachers have been famed for this school: Evolvo Relly, p incipal: Nita Gerber, Clara Koner, Nord Reese, Adelaide Nel-ton, Marie Jennes, Gertrude Clayton. The Newman Sci di, in the Oakley Marie Jennes, Gertrude Clayton. The Newman Sci di, in the Oakley Marie Jennes, Gertrude Clayton. The Newman Sci di, in the Oakley Marie Jennes, Gertrude Clayton. The Newman Sci di, in the Oakley Marie Jennes, Bertrude Clayton. The Newman Sci di, in the Oakley Marie Jennes, Bertrude Clayton. The Newman Sci di, in the Oakley Marie Jennes, Bertrude Clayton. The Newman Sci di, in the Oakley Marie Jennes, Sci di, and Sci di Sci Bennes, aut the Les of teachers has not been made up in set, but will be an-nounced today by supt. Christensen, Tilis school will receive all eighth grade pupils living in the Jerdan district, also pupils first to seventh grade inclusive, residing in the district described as follows: Beginning at the intersection of North Temple street and Ninth West; thence north to Scoond North; thence east to Eighth West; thence north to Simondi avenue; thence east to C. S. L. tracks call residences on either side of the afore-numed streets being included); thence along O. S. L. tracks to south boundary of the Bonneville school district; thence west along this boundary to the Jordan river; thence along the Jordan river to North Temple street; thence east to the point of beginning: The chauges graued by the yearrange-

After considerable discussion, he er, some of the more importa-nondments were incorporated in t 11. and it passed the house, all pres ever

amondments were incorporated in t bill, and it passed the house, all pres-ent voting in its favor.
House bills 7, 18 and 19 were placed at the foot of the calendar.
H. B. 12, by Clegg, making it un-lawful for any person to require the giving of surety bonds in corporations not authorized to income in houses in not authorized to transact business in the State of Utah, was road a third time, and after a warm debate, in which Tolton charged Clegg with a change of heart since leaving the committee roam in regard to the measure, it was recommitted to the judiciary committee. The house then road

p. m. Monday.

There's nothing so good for a sore throst as Dr. Thomas' Eclectric Oil. Cures it in a few hours. Relieves any pain in any part.

AMUSEMENTS.

Theater—"Forty-five Minutes From Broadway," Cohan's New York and Chicago triumph, comes to the Salt Lake Theater tonight with every prospect of scoring a big hit and pilling up the dollars in the boxoffice. A special matinee will be given tomorrow and the engagement will close with the Tuesday night performance.



Grand—At the Grand tonight, "My Wife's Family" will be the bill. It comes to an end in Salt Lake on Wednesday night, with a regular matinee on the afternoon of that day.

Lyric-At the Lyric "Among the Bush Rangers" is the offering this evening. It portrays the life and cus-toms of the class implied in its name, a class well known to all Australians.

Andelin-Clark Festival—The sale of tickets for the Andelin-Clark music festival that is to take place at the tabernacle on Thursday of this week commenced at 10 o'clock today at the leading music stores, the Smith drug company and at the Deserot News book store.

Nethersole's Manager-Mr. D. W. Hayes, business manager for Olga Nethersole, the renowned English ac-

tress, arrived in Salt Lake today, a week in advance of Miss Nethersole and

Ner: thence along the Jordan river to sorth Temple street; thence east to the solut of beginning. The changes caused by the rearrange-nent of the schools, gives Mr. Howard strarns of the Lowell school, whose class meters the High school, the principalship of the Jordan, while Mr. Mark Brown of the Jordan becomes principal of the Bon-neville school. FULL LINE RECORD CABINETS, olumbia Phonograph easy payments. Colu Co., 327 South Main. Incomparable Values

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NEW MAP OF THE CITY.

The new map of Salt Lake City, pub-lished by R. L. Polk & Co, and drawn from Official Records, will be ready for delivery in a few days. It shows all the new streets and avenues, as well as the recent changes in the names of a large number of streets as ordered by the City Council. It also shows the courts, alleys, etc. Size 45x56 inches. Price \$1.00. Send in your order for a copy. R. L. POLK & CO., Tel. 39-Either line. W. P. Cooper, Sec. & Mgr. 617-620 Dooly Bidg.

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urder in the first degree, unless it was murder in the first degree, unless it was justifiable or excusable, if it was com-mitted either (1) from a deilberate and premeditated design to kill, or (2) by an set imminently dangerous to others, and evincing a depraved mind, regard-less of humas life, although without a premeditated design to effect the death ef any individual. N. Y. Penal Code, section 183. The killing was murder in the second digree if it was committed with a desigr to effect death, but with-



Your Shmach is Lacking in Digestive Power, Why Not Help the Stomach Dr It's Work-Especially When It Coss Nothing to Try?

Not with drugs, but with a reinforce-men of digestive agents, such as are faturaly at work in the stomach? Frientije analysis shows that digestion Rearily analysis shows that digestion require pepsin, nitrogenous ferments, and the secretion of hydrochloric acid. When your food fails to digest, it is their positive that some of these reparts are lacking in your digestive reparts. Susri's Dyspepsia Tablets contain oning but these natural elements.

Portains. Suart's Dyspepsia Tablets contain oning but these natural elements essary to digestion and when placed work in the weak stomach and small testines, supply what these organs at the sumulate the gastric glands at gradually bring the digestive or-as back to their normal condition. Nuart's Dyspepsia Tablets have been wheted to critical chemical tests at me and abroad and are found to con-in noting but natural digestives. Chenical Laboratory. Telegraphic dress, "Diffindo," London, Telephone 2. Ital Central. 20 Cullum St., Exclured St. E.C. London, 8th Aug., 1905. I have analyzed most carefully a box Fuart's Dyspepsia Tablets (which I with syspepsia Tablets (which I with syspepsia Tablets (which I the purpose), manufactured by the A. Stuart Co., Temple Chambers, ones, E.C., and have to report that isone find any trace of vesctable.or instel onsons. Knowing the ingre-nate of the tablets. I am of opinion is they are admirably adaptable for a purpose for which they are intend-inned)

John R. Brooke, F.L.C., F.C.S.
 John R. Brooke, F.L.C., F.C.S.
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he was to some extent insane, his in-sanity was sufficient to exempt him from responsibility.

"In the first place it is everywhere the settled law, in New York by express statutory provision, that if Thaw, at the time he killed White, was so insane that he did not know the nature and quality of his act, or that he did not know the act was wrong, he is not re-sponsible, and must be acquitted. N. Y. Pen. Code, sections 20, 21; 12 Cyc, 166; 21 Cyc, 663.

Pen. Code, sections 20, 21; 12 Cyc, 166; 21 Cyc, 663. "In the second place, it is equally well settled that mere moral or emo-tional insanity, or frenzy produced by anger, jealousy, or other like passion, is not such insanity as will exempt from responsibility, where the person knew the nature and quality of his act, and that it was wrong; and this is true, it has been held, although be may be unable to control his passion, and even though some mental defect makes him more liable to yield to pas-sion than if he were mentally sound. 12 Cyc, 170; 21 Cyc, 666. Proof of such a condition, however, by excluding the elements of the deliberation and pre-meditation, if the evidence shows that it did so, but not otherwise, will reduce the homicide to murder in the second degree. People vs. Barberi, 149 N. Y. 256; 21 Cyc, 752.

degree. People vs. Barberi, 149 N. Y. 256: 21 Cyc. 732. "Perhaps there may be such a thing as genuine insanity produced by an-ger, jealousy or revenge, and if there is, which is a question of fact to be determined from the evidence, then it is a defeuse to the same extent as in-sanity produced by any other cause; but it must be genuine insanity as dis-tinguished from 'turbulence of passion produced by a desire for revenge." (People vs. Foy, 138 N. Y. 666, 667), and it must, as is expressly required by sec-tion 21 of the penal code, have been such as to render the accused incapable of knowing the nature and quality of his act or of knowing that it was wrong. 'The heat of passion and feel-ing produced by motives of anger, hat-red, or revenge is not insanity' and affords no gronud of exemption from responsibility. People vs. Foy, 133 N. Y. 666, 667.

PHASES OF INSANITY.

"In some states a phase of insanity nown as insane irresistible impulse, "In some states a phase of insanity known as insane irresistible impulse, resulting from mental defect or disease, is recognized as a ground of exemp-tion from responsibility for a crime committed under its influence; it being held in these states that if an insane impulse so overmasters the will of a person as to irresistibly impel him to the commission of a homicide, he is not responsible, although he may know the person as to irresistibly impel him to the commission of a homicide, he is not responsible, although he may know the nature and quality of his act and may know that it is wrong. 12 Cyc. '169; 21 Cyc. 665. In other states, however, this doctrine is not recognized, and it has no place in the law of New York. In this state it is expressly provided by statute that a person is not excused from criminal liability as an insanc person 'except upon proof that, at the time of committing the alleged crim-inal act, he was laboring under such a defect of reason as either, (1) not to know the nature and quality of the act he was doing; or (2) not to know that the act was wrong; and further, that 'a morbid propensity to commit prolibited acts, existing in the mind of a person who is not shown to have been incspable of knowing the wrongfulness of such acts forms, no defense to a prosecution therefor.' N. Y. Penal code, mections 21, 23; and see 13 Cyc. 163; 21 Cyc. 664. "In the Carpenter case (162 N. Y. 238), where the defendant had killed ins wife by repeatedly stabbing her with a knife, in the presence of a

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TWO OPINIONS. Atty.-Gen. Breeden Returns a Couple

On School Districts and Lands.

Atty.-Gen. Breeden has returned an pinion to the county attorney of Iron

ounty, stating that the county commis-

county, stating that the county commis-sioners have power to divide school dis-tricts and from parts create an addition-al district; also, to apportion property and debts caused by such division, make the necessary revision and transfer of taxes, etc., for the benefit of the newly created school district. The attorney-general also has returned an opinion to the county attorney of Em-ery county to the effect that state lands sold to persons on the installment plan can not be taxed as long as the title re-mains in the state. But the installments paid on the cortificates received may be taxed as personal property, and the taxes collected the same as in regular personal property matters.

Where Credit is Due.

Our intimate connection for many years with the trappers of the northern wilds and European traders who are able to secure the pick of skins at first cost. These choice skins are transformed into the finest garments which we sell direct to you, saving you middlemen's profits. Mehesy the Fur-rier, Knutsford.

TWENTY-THREE ARRESTS.

Sunday Drunks Galore With the Lyric Bar Again Raided.

In spite of the claim that Salt Lake has dry Sundays, Sunday drunks continue to be hauled to the police sta-

tinue to be hauled to the police sta-tion and lodged in the drunk house, and saleons continue to be raided for violating the city ordinance. Yesten-day the skiddoo number, "23," intox-leated individuals were carefully rounded up and gently placed on the cement floor of the drunkhouse. The Lyric bar was the scene of a "raid" when Officers Harris and Ripley entered the place, and claim to have been served beer in cups. The pro-prietor has a restaurant in connection with the saloon, and the allegation is made that what was supposed to be coffee served there yesterday was real-ly beer. Harris and Ripley claim they tasted

ly beer. Harris and Ripley claim they tasted the stuff and proneunced it beer. Max Florence and his bartender were then placed under arrest and conducted to pelice headquarters. Both were released on bonds



"THERE'S A REASON"

operation is absolutely necessary

NORTHWEST SUFFERS.

NORTHWEST SUFFERS. From the northwest comes word that the worst freight embargo ever experi-enced in that territory is now in effect. Announcement was made by Northern Pacific officials at Tacoma Monday that no freight could be moved east, except immediately perishable, until the pres-ent congestion was cleared. How long these conditions will exist the officials could not state, as it will depend a great deal on the weather. The unusual fail of snow and cold weather in the Cascades, eastern Washington, Mon-tana and Dakota has completely de-moralized the freight traffic. It is esti-mated that there is an average of eight mated that there is an average of eight feet of snow in the Cascades and more falling. Should a chinook or rains set in, railroad men say that the floads which would result would surpass those of last November. Three thousand car-loads of freight are waiting on the western division alone for transporta-

A. G. BARKER IS DEAD.

Northwestern's Freight Agent Succumbs to Attack of Pneumonia.

tion east.

Portland, Or., Feb. 4.--A. G. Barker, assistant general passenger agent of the Chicago & Northwestern, whose headquarters were in this city, died at midnight last night of pneumonia. Mr. Barker was taken slok Friday last.

ILLINOIS CENTRAL CHANGES.

Several Freight Officials Step up at Various Points on System.

Various Points on System. Circulars announcing a number of changes in the offices of the Illinois Central have been received here to-day. Effective Friday D. W. Long-streat was appointed general freight agent of the southern lines with headquarters at Memphis. Tennessee, vice C. C. Cameron, promoted to the general freight agency at Chleago with jurisdiction extended over the entire system J. L. East has been appointed traveling industrial agent with headquarters at Memphis. W. E. Downing is appointed assistant general freight agent at Mashrille, vice William Smith. Jr., who succeed-ed D. W. Longstreet as general freight agent with headquartors at Louisville. P. W. Connor has been appointed commercial agent at Cin-cinnat to succeed W. E. Donning, Mr. Connor was formerly traveling freight agent at Cincinanti and has been suc-ceeded by F. L. Tullis. SPIKE AND RAIL.

SPIKE AND RAIL.

C. Davidson, general baggage agent of the Sait Lake Route at Los An-geles is in Sait Lake today.

geles is in Salt Lake today. D. R. Gray, district freight and pas-senger agent of the Harriman lines in this city, is out on a trip over his terri-tory. He will be gone about two weeks. Through trains—Oregon Short Line and R. G. W.—are running on schedule time today with a few exceptions.

Do you use an atomizer in treating Nassi Catarrh? Then you will appreci-ate Ely's Liquid Cream Baim, the mild-est, quickest, surest vemedy for this disease. In all curative properties it is identical with the solid Cream Baim which is so famous and so successful in overcoming Ca-tarrh. Hay Fever and Cold in the head. There is relief in the first dash of spray upon the heated sensitive air-passages. All druggists 75c, including spraying tube, or mailed by Ely Broz., 56 Warren Street, New York.

for the Deaf, Dumb and Blind sub-mitted their report, after having visit-ed the institution at Ogden. The comformances.

and embodied in its report a state-ment of the superintendent, recom-mending that the sum of \$\$5,450 be TWO NEW SCHOOLS OPEN.

mending that the sum of \$55,450 be appropriated to cerry on this institu-tion for the coming two years. The committee on private corpora-tions, which had under consideration H. B. 67, by Jensen, relating to cor-porations doing business under the laws of this state and not organized in accordance with the laws thereof, paraerial favorably.

The same conimittee also recom-mended that a new and more appro-priate title be given to H. B. 24, also by Jensen, making it a crime to pub-lish false or exaggerated statements concerning the affairs of corporations, and fixing the penalty therefor. The report was adopted.

NEW BILLS.

Bills were introduced as follows: H. E. 95, by Hone, proposing amendment to section 11, article 12 of the Constitution of Utah. Relating to the state and county board of equalization. Committee on judiclary.

FI, B. Sé, by Hone, prohibiting gam-ing and providing penalty therefor.
 Committee on judiclary.
 H. B. S7, by Clegg, relating to the sale of real estate for taxes and the distribution of proceeds. Committee on judiclary

In judiciary. H. B. 98, by Robinson, by request, requiring all property to be assessed for general taxes and preventing the introduction of evidence to recover for property not assessed. Committee n judiciary

H. B. 14 PASSED.

H. E. 14, by Jackson, creating a commission to ascertain the feasibility of procuring subternanean waters for culinary purposes in dry land farm-ing, and appropriating money for the expense thereof. This measure was taken from the table as per notice by Thompson. Amendments were pro-posed by several of the members, and it seemed for a time that the bill would be recommitted in order that all the amendments might be brought



her company, who are coming to fill an engagement of eight reportoire per



The completion of the Uintah and Newman school buildings has rendered neces sary the creation of two new school districts in this city. At a meeting of the school board the boundaries of these districis were defined, and teachers assigned for the various rooms of the new buildings. The Uintah school opens today and will receive pupils from the first to the sixth grade, inclusive, from the district to be known as Poplar Grove school dis-trict, residing as follows: (a) Those living west of the Jordan riv-er and south of the Lake Breeze district. (b) Those in the following described district: Beginning at the Jordan bridge, on Sec-and South street; thence east to Ninth West tooth sides of street) to Eighth South, thence east along Ninth West; thence south along South South (both sides of the street), to Seventh West; thence south along Seventh West (both sides of the street), to Tenth South) ings. The Uintah school opens today and





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