

LITTLETON WILL MAKE PLEA TODAY

Taking of Evidence in Thaw Case Ended, Jerome Declining to Call Experts.

ASYLUM IS LOOMING UP

MANIC-DEPRESSIVE INSANITY IS RECURRENT.

New York, Jan. 28.—With no attempt on the part of the state to combat with scientific testimony the claim of insanity urged in behalf of Harry K. Thaw, the taking of evidence in the second hearing of the Madison Square Garden murder trial ended today.

Ignored the Experts.

Contrary to his policy of last year, when he called nine experts in insanity to the witness chair, Mr. Jerome this year utterly ignored the scientific phase of the rebuttal case. He produced several eyewitnesses to the tragedy and several police officers who handled Thaw the night of the homicide, and placed on record their opinion that the defendant's acts and manner were rational.

Jerome's Change of Front.

Mr. Jerome's elimination of expert testimony from the rebuttal case occasioned much talk. Based upon his assertions of last year that Thaw was an incurable paranoiac, rumor had it that the prosecution might not be displeased with a verdict of guilty on the ground of insanity, with an ensuing committal of Harry Thaw to the asylum for the criminal insane at Mattewan. Throughout the trial, however, Mr. Jerome has attempted to belittle and discredit all testimony having to do with Thaw's irrationality.

Frustrated Plans of Defense.

Mr. Jerome's move today also frustrated a plan of the defense to call in rebuttal several of the experts who testified against Thaw at his last trial, but who, when Mr. Jerome switched to the appointment of a lunacy commission, made affidavits setting forth the opinion that Thaw was so insane as to be incapable of understanding the nature of the proceedings against him or of intelligently advising his counsel.

Burden of Proof on State.

He will again call attention to the law and the burden of proof it places upon the state in a case where insanity is pleaded as a bar to responsibility for a criminal act. He will contend, and he asks Justice Dowling to do so, that once the defense has produced evidence of insanity, it becomes the duty of the

Prolonged Life

There are many persons living to-day, whom doctors have given up to die. Dr. Miles' Heart Cure has added years to their lives. It strengthens the heart nerves and muscles, restores normal heart action, so that it can send the blood through the veins to nourish and sustain life.

"I am glad to recommend Dr. Miles' Heart Cure and Nervine for they have been of great benefit to me. The doctors said I was liable to die any time, my case was incurable. I was told this by doctors in this village and Southern Minnesota. I have used four bottles of Miles' Heart Cure and Nervine, and although not a young man, having passed through the war, I feel younger than I did before. I am feeling better in every way and sleep like a healthy six year old boy. I was advised to see a doctor, and he said I had heart trouble, twelve years ago after the doctors had given him up to die."

CHAS. E. MURPHY, Verndale, Minn.

Dr. Miles' Heart Cure is sold by your druggist, who will guarantee that the first bottle will benefit. If it fails he will refund your money.

Miles Medical Co., Elkhart, Ind.

prosecution to remove every reasonable doubt of insanity. In other words, Mr. Littleton will ask for an acquittal unless the jurors are convinced that every reasonable doubt as to Thaw being insane at the time of committing the homicide has been removed by the state's case. Mr. Littleton has made no claim of present sanity for Thaw. In fact, the experts for the defense have testified that in manic-depressive insanity, the diagnosis now applied to Thaw's condition of mind, the patient is very apt to have attacks of increasing frequency and violence.

RAILROADS ASK A HEARING

Fulton Bill Regarding the Increasing of Rates Raises Storm of Objections.

(Special to The Herald.) Washington, D. C., Jan. 28.—The senate today passed Senator Heyburn's bill granting leave of absence to settlers on government irrigation projects who have made substantial improvements in their land but are unable to get water for irrigation, such leave to last until water is turned into main canals. The senate also passed Heyburn's bill appropriating \$25,000 to resurvey the Washington-Idaho boundary.

BIG PACKING PLANT BURNED

Nelson Morris & Co. Sustain Loss of Nearly a Million at Kansas City.

Kansas City, Jan. 28.—Fire of unknown origin started in the canning department on the second floor of one of the twin main buildings of the \$2,000,000 packing plant of Nelson Morris & Co., near the Kaw river in Kansas City, Kan., tonight, threatened destruction of the entire plant and caused a loss estimated at \$500,000 before it was controlled. All effort to save the east main building, in which the fire started, and the box factory, was abandoned within a half-hour after the flames were discovered, and the firemen devoted themselves to the work of saving the rest of the buildings. The building in which the fire started contained the canning department, the dressing room, the wholesale department and killing beds, and the contents supplied the fire with fuel which made the flames difficult to control. The fire had gained great headway before the fire department arrived, and the heat was so intense that it was impossible for the firemen to make any progress in checking it except to prevent its spreading. The box factory in the rear of the main buildings was entirely destroyed. The flames also spread to the cattle chutes, many of which were burned.

SECOND NEWLANDS DINNER

W. J. Bryan Discusses Policies in the Matter of Legislation With Democratic Senators.

Washington, Jan. 28.—William J. Bryan was again the chief guest at a dinner given in his honor tonight by Senator Newlands of Nevada, at "Woodley."

PINCHOT WANTS \$2,000,000

Congress Asked for Appropriation for Forest Service.

Washington, D. C., Jan. 28.—Chief Forester Gifford Pinchot, who has been before the house committee on agriculture for the past two days explaining estimates made by his bureau for required appropriations for the coming fiscal year, today furnished the following statement of receipts and expenditures of the forest service for the current year:

FLAGMAN KILLED.

Tacoma, Wash., Jan. 28.—Karl Klunkmann, flagman at the Eighteenth street crossing of the Northern Pacific railroad in Tacoma, while watching a southbound freight train, was run down and killed this morning by an incoming engine as he stepped to the track.

WARD'S ESCAPE RAISES STORM

Straw Bond Was Accepted by Judge Diehl Apparently Without Question.

JUDGE PROMISES INQUIRY

NEWTON'S PERNICIOUS ACTIVITY MAY PROVE HIS UNDOING.

Rigid investigation is to be made into the manner in which J. C. Ward, an alleged pickpocket, escaped from the hands of the law by means of a "straw bond," which was a laughing stock among the courts of Salt Lake.

The manner in which Ward eluded trial is almost incredible. His success was attributed to the assistance of a police court lawyer, Bill Newton, who, at the time he was successful in inducing the police court to accept the "straw bond," was himself awaiting examination upon a criminal charge.

Ward's bondsmen were unknown in the police court. They were accepted because they were introduced by Lawyer Newton, despite of the fact that Newton's position at that time was that of a man charged with receiving stolen property.

Police Judge Diehl, when asked about the "straw bond" yesterday afternoon, said:

"It is my intention to make a careful investigation so as to get at the facts. I remember accepting the bond. The bondsmen qualified before the clerk of the court, Mr. Gutch. When the bond was submitted to me, I supposed that the fitness of the bondsmen had been established, as the bond bore the seal of the court. My recollection is that one of the men claimed to own property here, and that the other said he had property at Eureka, or some other place in the state. If the men are found, and are the owners of property anywhere in the state, the amount of the bond can be collected.

Intends to Investigate.

"I have not yet questioned Lawyer Newton concerning what he knows of the bond. But it is my intention to get at all the facts."

George M. Gutch, clerk of the police court, when asked about the bond, had an indistinct recollection of the matter. "One of the men," he said, "informed me that he owned a saloon building and other property in Salt Lake, valued at \$10,000. I do not recollect what statements were made by the other man. I do not remember whether Lawyer Newton vouched for the men when he brought them to the court to sign the bond."

When asked who had assured him that the two men were actually the persons they represented themselves to be and how it was that the representatives of the pair that they were property owners were accepted, Clerk Gutch replied that a number of bonds are accepted in the police court, after the prospective bondsmen have taken the oath that they are owners of sufficient property to act as sureties. "My duty is to administer that oath," he said. "That is as far as my authority goes."

Calls for an Inquiry.

The escape of Ward, the alleged pickpocket, was brought about so quietly that even yet the authorities have not yet been stirred to energetic action in fixing the blame where it belongs.

"Had Ward been sent to the county jail," said a prominent attorney yesterday, "and had he saved his way to freedom after the attempt by Joe Sullivan, the highwayman, who successfully adopted by Ellis, the burglar, there would have been a stir. Every man even remotely connected with the case would have been questioned and, doubtless, someone would have got into trouble."

"But it was another matter with Ward. This alleged criminal was able to give a 'straw bond' about four months ago. Before the trick was discovered, the man could have gone to the uttermost end of the world and back again.

"The escape of the man charged with crime calls for as stern an investigation as a jail break. The man was saved through, inquiry is made as to how the criminal got his tools. And steps are made to strengthen the jail, so that other offenders may not get away as easily as the first."

"This 'straw bond' matter calls for the punishment of someone who was careless or criminal. "If two strangers are able to act as bondsmen for a supposed crook, what is to prevent numerous other crooks from adopting the same method of evading the law after capture? It is better than jail-breaking, and gives the offender more time in which to get far away."

Caught With the Goods.

Ward, the pickpocket, was arrested during the state fair at the corner of Main and First South streets. He had picked the pocket of Simon T. Beck, a visitor to the fair. The stolen purse, containing \$60, was found in his possession. It is claimed that the evidence against him was sufficiently strong to make certain a long-term of imprisonment.

When First Arraigned in the Police Court.

No man can be at his best with a poor digestion. If you have lost appetite and can't digest what you do eat, drop the usual heavy meats and gravies, puddings and pies, and live for a time principally on Grape-Nuts and cream.

If you've never tried it, there's a real treat in store for you. Grape-Nuts can be easily digested by the weakest stomach and soon strengthens the digestive organs so that a "variety" of food can be eaten with comfort. Be sensible. Don't put off the test: "There's a reason."

Read "The Road to Wellville" in pkgs.

"The Paris" Wednesday and Thursday

Big Specials in Knit Underwear

- One lot of Women's Cotton fleeced Vests and Pants, regular 35c quality, each 19c
Women's extra good quality fleeced Vests and Pants, cream or gray, regular 60c quality, each at 39c
Women's Union Suits of fine Wool and Cotton, silver gray, regular \$1.50 quality, at the suit \$1

Hosiery Corset Specials At Clearance Sale Prices

- Ladies' Fast Black Seamless Fleeced Cotton Hose, spliced heels and toes, regular 15c quality, to go at 11c
Children's Fine Ribbed Cashmere Hose, spliced heel and toes, regular 35c quality, at the pair 25c
Ladies' G. D. Justrite Corsets, short and medium length; value up to 75c go at 39c
G. D. and C-B. Corsets, long and short models, with or without supporters; regular 85c quality, special at 59c

Children's Headw'r Fascinator Special

- One lot of Children's Stocking Caps, worth 20c, to go at 10c
All-Wool Stocking Caps in fancy colors; regular 25c quality to go at 15c
Extra fine Wool Stocking Caps; values up to 75c, to go at 39c
One lot of Children's Bonnets, up to \$1.50. While they last, to go at 15c
Including Silk, Velvet and Bearskin, to close out quickly.
All-Wool Fascinators, in all colors: Regular 25c quality, to go at 19c
Regular 35c and 45c qualities, to go at 29c
Regular 50c quality, to go at 39c

The Big Sale of Waists--\$4.95

The wonder of the town. All day yesterday the waist counter was lined with crowds of people. Wednesday will be another big day. Lots of pretty waists in taffeta and lace, both in ecru and white. A large assortment of checks and plaids in the black and white. A beautiful line to select from, values from \$7.50 and up to \$12.00, at the above price.

Broadcloth Suits--One Half

ABOUT FIFTEEN IN ALL--BLACK ONLY--All handsome, beautiful SKIRTS, ranging in price from \$15.00 up to \$35.00, subject to one-half off.

court, Ward's bail was fixed at \$500. It was reported soon afterward that his associates were arranging to deposit the money so that Ward, who is alleged to be a crook, could leave the city and avoid the danger of going to the penitentiary.

When these rumors reached the ears of Police Judge Diehl, he at once placed the pickpocket's bail at \$1,000. This was apparently more cash than the man's friends were willing to pay to secure his freedom. They apparently decided that there were other ways, less costly, and equally effective.

Ward was finally held for trial in the district court. He was then released upon bonds of \$1,000, furnished by "Ambrose Byrnes and Charles Osborne." Where these two men came from and what positions in life they fill the authorities have not yet been able to learn. Although several weeks have passed since the nature of the "straw bond" was discovered, little has been done toward clearing the puzzling affair.

Ward Quickly Disappears.

After "Byrnes and Osborne" had secured his release, Ward disappeared. His departure from the city and the apparent certainty that he would never return were given considerable publicity. Yet no investigation was made into the standing of "Byrnes and Osborne."

Ward's lawyer up to the time of his disappearance was Bill Newton. This attorney accompanied "Byrnes and Osborne" to the police court, and it was apparently his presence with the men which caused little inquiry to be made into the truth of the statements made by the pair that they were property owners.

At the time Newton went with "Byrnes and Osborne" to the police court to secure the liberation of the pickpocket, he was himself charged with the offense of receiving stolen property. It was alleged that he had received property that had been stolen from a drunken man by a negro woman of the tenderloin. This charge was later dismissed by Police Judge Diehl, but at the time Newton, like

Pickpocket Ward, was in the position of an accused person. He was also in the shadow of the McWhirter scandal, and had been accused of complicity in a check swindle.

In the police court, prisoners are frequently released upon their own recognizance on the assurance of their lawyers that they will appear later to answer to the charges against them. This system may have had something to do with the ease with which the "straw bond" method was used in freeing Ward.

GIVES UP HER BABY GIRL

Closing Scene in Unique Adoption Proceeding Enacted in Judge Armstrong's Court.

The closing scene in a unique adoption proceedings, one of the strangest on record, was enacted before Judge George G. Armstrong of the district court yesterday.

As a result Dr. and Mrs. Arthur A. Bird of Murray claim as their child Maud Owen, 7 weeks old, the offspring of Mrs. Mary Owen of Seattle, Wash.

The agreement which culminated in the adoption was made by Mrs. Bird and Mrs. Owen at Seattle Dec. 9, 1907, before the babe was born. Mrs. Owen, in consideration of having her hospital bill paid, agreed to allow Mrs. Bird to take her child, and the contract was filed with the recorder of Salt Lake county.

The child was born seven weeks ago, and Mrs. Bird shortly afterwards went to Seattle and brought it here with her.

The contract was introduced in evidence as tending to show that Mrs. Owen had relinquished all claim on the child and was willing that Mr. and Mrs. Bird assume control over it. The little one was brought into court by its new parents. It is a pretty child and cooed continually during the proceedings which took it from its mother forever.

The agreement was made by Mrs. Owen because of her extreme poverty and her inability to care for the little one. She was the wife of a well-to-do contractor. Last summer he was erecting a building in Seattle when it collapsed, killing him and wiping out all his savings and compelling his wife to give up her home to pay the loss. Left destitute, and with a child about to be born to her, Mrs. Owen readily assented to the proposition of Mrs. Bird, who was visiting Seattle at the time the agreement was made, and before the birth of the little one the mother had given it away.

GRACE USES HER FISTS.

Beats Jim Burns for Intimating She Is No Lady.

Grace Fuller, the Commercial street woman who attempted to commit suicide on Sunday night, figured in a different sort of adventure last night. Because of some offensive action of Jim Burns, a man who was recently released from the city jail, she attacked Burns and gave him a beating.

When Policeman Seager arrived Burns was glad to escape from the infuriated woman.

Genuine Carter's Little Liver Pills

Must Bear Signature of Aunt Sood

SEE FACSIMILE WRAPPER BELOW.

Very small and as easy to take as sugar. FOR HEADACHE. FOR DIZZINESS. FOR BILIOUSNESS. FOR TORPID LIVER. FOR CONSTIPATION. FOR SALLOW SKIN. FOR THE COMPLEXION.

A Little Better Quality For the Price You Pay

In the way this story treats you. Right now we're giving some excellent values in Sponges and Sponge Bags.

There are dozens of uses for sponges in a home and it's well to have plenty on hand. We sell sponges for all purposes—5c and more.

Halliday Drug Co. Between Salt Lake and Orpheum Theatres.

The Press Club OF Salt Lake City

Presents Mr. PARLEY P. JENSON

AS Ophelia

IN A REVIVAL OF UNCLE TOM'S CABIN

Supported by the following extraordinary cast:

- Tom John D. Spencer
Topsy Jack Held
Eva Walter W. Little
Eliza George L. Geiger
Harry, Eliza's baby M. E. Mulvey
Legree John S. Critchlow
Marks E. C. Penrose
Phineas George E. Carpenter
Skeggs, an auctioneer, D. C. Dunbar
Jack Mixen, a bartender, J. C. Royce

Salt Lake Feb. 3 THEATRE ONE PERFORMANCE ONLY

SALT LAKE THEATRE

SOUVENIR MATINEE TODAY Tonight and all week, Saturday Matinee, 2:30 p. m.

MAN OF THE HOUR

By George Broadhurst A Story of Present Day Conditions. Seats now selling. Prices: Nights, 50c to \$2.00; Matinees, 25c to \$1.50. Souvenir albums to ladies at the today's matinee.

Opheum THEATRE

ADVANCED VAUDEVILLE. ALL WEEK. Girdard & Gardiner, Fetching Bros., Geo. Helene & Co., James H. Cullen, Howard Bros., Carletta, Edmondson, Orpheum Orchestra.

Every evening (except Sunday), 8:15, 50c. Box seats, \$1.00. Matinee daily (except Sunday and Monday), 2:15; 50c, 25c, 10c. C. Box seats, 75c.

Grand Theatre

Direction Pelton & Smutzer. C. W. Anderson, Res. Mgr. Matinee Today 2:30 P. M. BEN HENDRICKS in

VON YONSON

(At the Saturday Matinee Mr. Hendricks will present holders of lucky numbers with the Teddy Bears now on exhibition in Keith O'Brien's windows.)

Lyric Theatre

"CAMILLE" TONIGHT Prices, 10, 20 and 30 cents.

AUDITORIUM

If you would be graceful, learn to roller skate. Ladies taught free at all seasons. Open mornings, afternoons and evenings. Held's Band.

SYMPHONY ORCHESTRA

11TH CONCERT Sunday Night, February 2 ORPHEUM THEATRE.

Soloists, Miss Elizabeth Eggleston and Mrs. Helen Shearman (soprano). Conductor, Arthur Shepherd. Box Office open Thursday, Jan. 29, 10 a. m.

Concert Master, George E. Skelton Manager, J. D. Spencer

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