Proof of Thaw's Insanity Is Demanded

JEROME FIGHTS TO GET TO MAIN ISSUE

Court Upholds His Position and Delmas Promises to Meet the Demand

FLIGHTY LETTERS ARE READ TO JURY

Continued from Page 2, Column 6.

Justice Fitzgerald said that because of the probable length of the trial he was disposed to continue court on Tuesday, Lincoln's day, although it is a legal holiday.

Mr. Delmas said the defense would agree.

Mrs. Thaw on resuming the stand in the afternoon said that when she told Stanford White of "Jack" Barrymore having invited her to a party he became very angry and said he would send her away to a school in New Jersey.

Mrs. Thaw detailed her relations with Barrymore and her being sent to school. She said:

It all came about through a quarrel between Mr. White, my mother and myself over Mr. Barrymore. One afternoon on Madison Square Garden Mr. Barrymore said to me, "Evelyn, will you marry me?" I answered, him and said, "I don't know." White asked me if I would marry Barrymore, and said: "If kids like you get married, what would you have to live on?"

Every day after that when I would meet my mother she would ask me if I intended "to marry that little pup Barrymore," saying Mr. White was afraid I would.

Mr. White then came to see me and said I would be very foolish to marry Mr. Barrymore; we would have nothing to live on would probably quarrel and get a divorce. He also said Mr. Barrymore was a little bit crazy, that his father was in an asylum, and he thought the whole family was touched. He was certain Mr. Barrymore would be crazy in a few years, and for that reason said I ought not to marry him.

IS SENT TO SCHOOL

Mr. Barrymore asked me a second time if I would marry him, and again I said, "I don't know," and he laughed. The upshot of the whole matter was that Mr. White came and said that I ought to be sent to school and I was.

At this stage of the trial one of the most dramatic features occurred. District Attorney Jerome made an earnest protest against "any further defamation of the dead."

Delmas had asked the witness: "After you told Mr. Thaw what happened between Stanford White and you in 1901, did you ever have any conversation with him in which he told you what happened to the other young girls who had met a similar fate at the hands of that man?"

"What man?" interrupted Jerome.

"Why, Stanford White," replied Delmas in a loud voice; "who else?"

"I appeal to your Honor," said the District Attorney, "that this has gone far enough. Are there no limits to the defamation to which the dead may go? The prosecution has no chance to controvert one word of this testimony and Stanford White is dead."

"Your Honor," replied Delmas, "we contend that in proving the state of this man's mind we have the undoubted right to introduce evidence which tends to show that fresh fuel was added to the fire in things the defendant heard from other sources. We will produce documentary evidence executed by Thaw himself showing his condition. I have no desire to defame the dead nor the living, and I believe my conduct of this examination has shown this. I have no desire to say one word against the memory of Stanford White that my duty does not compel me to say. My duty is to the living."

To this Jerome replied:

"So we have not the slightest evidence to show that the defendant was ever of unsound mind in his life. I submit that this is a matter which comes well within the discretion of the court. If there is evidence of the insanity of the defendant it should be introduced now before this loose tattle of the tenderloin goes on; tattle that under the law we are not allowed to controvert."

Justice Fitzgerald said:

"If the court has any discretion in this matter it is anxious to exercise it. The suggestion of the District Attorney seems a good one. I would suggest that this is the proper time for the introduction of the evidence counsel refers to."

Justice Fitzgerald then explained to the jury the law which, in cases where insanity is pleaded as a defense, prevents the prosecution from controverting any statements which have been made to this effect, whether true or not. Delmas then introduced a number of papers.

Among several handed to the witness to identify was Harry K. Thaw's will, in which he is said to have left all his property to his wife.

Mrs. Thaw identified the handwriting of the defendant on the papers. Mr. Jerome went over them with the witness in whispers. A full half hour was consumed in the examination of the papers, which finally were marked as exhibits.

Mrs. Thaw then was excused temporarily to allow Miss Frances E. Pierce to be called to the stand to testify to her signature as a witness to the papers.

It developed from Miss Pierce's testimony that one of these papers was the will of Evelyn Thaw. Both wills were executed the day of Harry Thaw's marriage in Pittsburg.

IDENTIFICATION HAZY

Miss Pierce said on cross-examination that she did not know whether all the matter in the wills was in them when she appended her name. She simply witnessed the signatures of Thaw and his wife.

"And this reference to Stanford White; you don't know whether it was in the paper at the time you signed it or not?" said Mr. Jerome.

"No, sir."

Mr. Jerome declared the wills had many interlineations, additions, etc., in various handwritings. He thought all these changes should be proved before the papers were received in evidence.

Justice Fitzgerald upheld the objection and ruled the wills out.

Mr. Delmas argued that the document was admissible because the pages were fastened together with the signatures on the last page. Mr. Jerome said this was not sufficient identification. Justice Fitzgerald stated that the identification was not complete and Mr. Delmas then offered only the last page in evidence. Mr. Jerome again objected. Miss Pierce could not positively identify even that page.

Justice Fitzgerald ruled that as the will was to be used to show the unsound mind of the defendant it must be positively shown that it was in the same condition as when signed.

He repeatedly sustained Mr. Jerome's objections.

Mr. Delmas, stating he was not prepared to offer further evidence upon the wills then, had Mrs. Thaw recalled and asked her again if Mr. Thaw had constantly discussed with her, up to June 25, 1906, the fate of other young girls "similar to your fate with Stanford White?" and asked if in those discussions the defendant's manner was rational or irrational.

Mr. Jerome objected to the question as leading and was sustained.

"Did Mr. Thaw discuss with you the fate of any one?"

"Yes."

"Did he mention the names of one or more young girls?"

Here Jerome said he must again object upon the ground that this testimony was permissible only as tending to prove insanity, and as yet there was no evidence that the defendant is or was insane. Jerome said there seemed to be "no end of these tenderloin tales, brought here to smudge the memory of him who is dead."

"If we haven't been showing the insanity of this defendant ever since yesterday morning, what have we been doing?" asked Delmas.

"I contend that I could have objected yesterday," said District Attorney Jerome, "but I did not do so then because I thought we would have to have some of this sort of testimony, but I did not suppose we were going into the gossip of the tenderloin for several years. I know you can force it, Mr. Delmas, if you want, but the court has the right to direct in which order it is put in."

DELMAS SARCASTIC

"I admit that right in the court," replied Delmas, "but it was owing to the fact that no objection was made that there has been no better foundation made up to this time. As to the remarks of the learned District Attorney regarding gossip of the tenderloin, I am unable to understand his meaning, but I suppose it refers to some disreputable section of the city. I can only say, sir, if you had accepted the will which this defendant signed upon the night of his wedding and the codicil, in his own hand, you would understand what an impression these stories made on his mind.

"The court has repeatedly told the jury that this is not 'gossip from the tenderloin' we have been putting in evidence, but the story this girl related to her husband at the time he first asked her to become his wife, and the subsequent events in the life of these two young people.

"If the court feels it necessary to lay a broader foundation we will proceed to do so as soon as possible. In the meantime I will ask that adjournment now be taken until Monday morning."

The adjournment was ordered at 3:40 o'clock.

Thaw's counsel stated that Mrs. Thaw would again take the stand Monday.

GAVE HER AGE WRONG

Mrs. Thaw Said She Was a Year Older When Obtaining License

PITTSBURG, Feb. 8.—Many Pittsburgers are wondering if the marriage of Harry Thaw to Evelyn Nesbit was illegal because of the statement made by the bride in securing a marriage license here on April 4, 1905. At that time Evelyn and her mother both swore that she was born on December 25, 1885. On the stand yesterday Mrs. Thaw under oath stated that she was born on December 25, 1884.

It is evident that she was wrong in the statement made yesterday, or that the affidavit made when the marriage license was secured was false. If she made a false statement when taking out the license under oath, it is believed by many that it would annul her marriage.

MISS GOODRICH DENIES

Says She Did Not Introduce Miss Nesbit to White

MERIDIAN, Miss., Feb. 8.—Miss Edna Goodrich, leading woman with Nat Goodwin's company, denied that she was the medium through which Evelyn Nesbit met Stanford White for the first time. Miss Goodrich said: "Evelyn Nesbit and I were members of the same theatrical company at one time, and this was the only association I had with the girl. I was never a member of any social gathering that included Miss Nesbit.

"I know Harry Thaw and knew Stanford White only through seeing them around the stage doors of theaters. It is not true, as Miss Nesbit testified on the witness stand yesterday, that I invited her out to dinner for the purpose of meeting Mr. White for the first time."

PARIS IS EXCITED

PARIS, Feb. 8.—The newspapers of Paris are devoting much space to the proceedings of the Thaw trial in New York, and as a result a number of persons are coming forward anxious to testify to Thaw's alleged escapades in Paris, which, they declare, can only be explained on the ground that he was insane.

A woman from whom Thaw rented an apartment in this city has visited Consul General Mason and recounted numerous episodes of Thaw's stay.

Another woman, who says that she is an American, has informed the newspapers that she figured in the "bathtub incident," to which reference was made in Evelyn Nesbit Thaw's testimony yesterday. This woman makes further allegations of maltreatment at the hands of Thaw, and declares that he gave her $2000 to compensate her for the injuries that she sustained.

BARRYMORE IS SECRETED

Actor Said to Be Lying Ill in Country Near Boston

BOSTON, Feb. 8.—The illness of John Barrymore has suddenly taken a mysterious turn, and definite information regarding his actual condition or precise whereabouts is carefully withheld by his confidents. Even his physician, Dr. Franz Pfaff, is not accessible.

In the Colonial Theater, where Barrymore was scheduled to appear this week, it was said by the manager, McVicar, that Barrymore was now near Boston, at a country place, where he was under the care of a physician and a nurse.

In Dr. Pfaff's office the information is given that Barrymore is very ill, but that his whereabouts cannot be stated.

AIDS IMPERIAL VALLEY MEN

WASHINGTON, Feb. 8.—The House public land committee today reported the bill to extend the time for proving public land entries in Imperial Valley two years from next spring. The committee accepted the Senate amendments to the measure providing that the extension shall apply to homestead entries as well as entries under the desert land act, which the bill covered originally. It only remained for the House to accept the amended measure in order to afford relief for settlers who have been unable to perfect their titles to land owing to the Colorado River flooding the valley.

Principal Points of Mrs. Thaw's Testimony

NEW YORK, Feb. 8.—The principal facts to which Evelyn Nesbit Thaw testified in the great Thaw murder trial today were:

1—Stanford White had pursued her and hounded her even after her marriage.

2—White, on pretense of telling her about her family, enticed her to a hotel, where he attempted to kiss her.

3—He begged her to come with him when he was alone and cried when she refused. He declared she was "not a human being." She replied, "I want nothing more to do with you."

4—She revealed a blackmailing plot against Harry Thaw; aided by "Abe" Hummell, the notorious lawyer, White tried to force or persuade her before her marriage to sue Harry Thaw for breach of promise. She refused and said, "I love Harry Thaw."

5—She was once in love with "Jack" Barrymore, the actor, but White parted them and prevented their marriage by sending her to school at Pompton, N. J.

6—Harry Thaw promised her before their marriage that his family would welcome her.

7—Harry Thaw once accused her of having improper relations with White when they returned to the United States after their famous automobile trip over Europe (before her marriage). She denied it: "It is a lie. I have not."

8—Stanford White lied to her to poison her mind against Thaw and sent emissaries to slander the young millionaire.

9—She told her husband that White had wrecked the lives of many other girls.

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A can of Royal Baking Powder contains many more teaspoons full of baking powder than a can of the heavy acid-laden phosphate or alum powders.

San Francisco Officials Reach Washington

Continued From Page 1, Column 1

want to see something definite in that line before we recede.

"So far as legal rights are concerned we are firmly of belief that the segregation of Oriental school children is a constitutional right which we can exercise if we choose. We concede that the treaty with Japan gives the Japanese in California all the rights pertaining to residence and travel which are enjoyed by other aliens. We concede that the right of residence includes the right to send children to school. Now, if we had attempted to exclude the Japanese from school, as the President declared in his message we had done, we would have been violating the treaty, but we have not excluded the Japanese children and do not intend to.

SCHOOL FOR ORIENTALS

"We have segregated them according to the law of the State. We have provided them with educational facilities which are superior to the schools attended by our own children, because in the Oriental school the scholars are given individual instruction in English. One of the Japanese students wrote to the President that he would not go back to the public school because he was learning faster in the Oriental school."

Representatives Kahn and Hayes had a long talk with Mayor Schmitz tonight, detailing to him what the President has told them regarding the necessity of placating Japan on the school question before an exclusion treaty can be negotiated. The Eastern press is almost a unit in poking fun at Mayor Schmitz and predicting that one whirl of the big stick will send him scurrying back to California.

Oddly enough, the press ignores the fact that the President sent for Schmitz and appears to think that Schmitz has come here of his own motion with the expectation of arranging a treaty of peace between the United States and California.

DEFENDS STATE RIGHTS

Senator Frazier Indorses the Attitude of California

WASHINGTON, Feb. 8.—Federal encroachments on State rights with the Japanese school question as the principal illustration was the subject of an address to the Senate today by Senator Frazier of Tennessee.

He said that it was not a question that concerned California alone, but the right of every State to control its domestic affairs. If the federal government by treaty could rob a State of control of its own school system, the last stronghold of local self-government was destroyed. If a treaty could force Mongolian children into the white schools of California, a treaty could force the negroes of Cuba, Santo Domingo, Hayti and the Congo into the schools of Tennessee in defiance of the laws for the separation of the races.

The Senator expressed the highest admiration for the Japanese, but said that the action of California furnished no pretext for a quarrel with that country. The school board of San Francisco had simply executed a State law providing for the education of white and Japanese children in separate schools. It had been decided over and over again that States had a perfect right, he asserted, to make such separation and that California was but exercising a legal and constitutional power.

He denied with emphasis that this government had ever executed a treaty to interfere with the constitutional rights of California in this respect.

"I challenge any one to find in the treaty," he declared, "a word guaranteeing Japanese residents the right to enter public schools of the States at all, much less to enter them in defiance of State laws and regulations."

DEVLIN WILL PROCEED

Washington Orders Prosecution of Japanese School Cases

Evidently President Roosevelt and his advisers are not very hopeful that the coming conference between the President and the San Francisco officials will result in inducing the Board of Education to rescind its action in barring Japanese out of the public schools except the Oriental school, judging from instructions received yesterday by United States Attorney Devlin from Attorney General Bonaparte. These instructions were to proceed with the test cases now pending in the California Supreme Court and the United States Circuit Court for the Northern District of California, unless he should receive instructions to the contrary. Attorney General Bonaparte's telegram was in reply to an inquiry made a few days ago by Mr. Devlin as to whether he should ask a postponement of the Supreme Court case until the end of the conference at Washington. But the Attorney General, probably knowing the pulse beat of California, advised that the programme be carried through unless something altogether unexpected should turn up.

Devlin said yesterday that he had a good case and expected a favorable decision from the Supreme Court. His line of argument will be that the San Francisco school authorities have refused to the Japanese as a race residential privileges accorded to other aliens.

DECORATIONS OFFERED

Japan Wishes to Honor Americans in Diplomatic Service

WASHINGTON, Feb. 8.—With an expression of its high appreciation of services rendered to Japan during its war with Russia, the Tokio Government has asked for permission to confer upon the American Embassadors to Russia and Japan during the Russo-Japanese war various decorations, and the Secretary of State today forwarded the request to Congress. With Secretary Root's letter there was a communication from Viscount Aoki, the Japanese Embassador to Washington, expressing the desire of his empire to award to Robert S. McCormick and George von L. Meyer, former American Embassadors to Russia, and Lloyd C. Griscom, former Minister to Japan, the first class of the Order of the Rising Sun. Other proposed decorations are as follows:

Spencer F. Eddy, former secretary of embassy at St. Petersburg, and Huntington Wilson, formerly first secretary of legation at Tokio, third class of the Order of the Rising Sun.

Robert Wood Bliss, former secretary of embassy at St. Petersburg; Irwin K. Laughlin, former second secretary of legation at Tokio, and Thomas Smith, Vice Consul at Moscow, fourth class of the Order of the Rising Sun.

Paxton Hibbon, formerly third secretary at St. Petersburg, fourth class of the Order of the Sacred Treasure.

Ransford Stevens Millard, interpreter of the embassy at Tokio; Samuel Smith, Consul at Moscow; R. S. Green, commercial agent at Vladivostok, and George H. Schimmore, Deputy Consul General at Yokohama, fifth class of the Order of the Rising Sun.

FAVORS THE JAPANESE

Isidore Jacobs Will Dispute Schmitz's Representations

CHICAGO, Feb. 8.—Isidore Jacobs of San Francisco, president of the California Canneries Company and chairman of the executive committee of the Commercial Manufacturers' Association of San Francisco, was in Chicago tonight on his way to Washington. There he will oppose Mayor Eugene Schmitz and the Board of Education of San Francisco in their efforts to have the Japanese segregated from American school children of that city.

Jacobs said that he represented the manufacturing and commercial interests of San Francisco and that all are a unit in opposing the stand taken by the Board of Education in the matter of the Japanese.

Jacobs is a cousin of Oscar S. Straus, Secretary of Commerce and Labor, and says that he will do all he can to preserve friendly relations between the United States and Japan.

REAR ADMIRAL MEAD RETIRED

WASHINGTON, Feb. 8.—Rear Admiral William Whitman Mead, who has been relieved of the command of the Portsmouth, N. H., Navy Yard by Rear Admiral George A. Bicknell, was today placed upon the retired list of the navy owing to age.

RECORD MADE IN PENSION BILLS

WASHINGTON, Feb. 8.—A new high record in the way of passage of private pension measures was made by the House today, when 725 bills were passed in an hour and a half.

The naval appropriation bill, carrying $95,426,000, was taken up and under the order of general debate speeches were made by Lamar of Florida on the railroad rate bill, Higgins of Connecticut favoring the creation of the White Mountain and Appalachian forest reserves, and Mondell of Wyoming on the "Limitations of Federal Authority" and the withdrawal of coal lands from entry.

The House at 5:05 p. m. adjourned.

INDIAN BILL PASSED

Senate Also Discusses Railroad Transportation for War Department

WASHINGTON, Feb. 28.—The Senate passed the Indian appropriation bill today and the army appropriation bill, carrying a total of $81,500,000, was taken up.

The army measure was partly read for approval of committee amendments and adjournment was taken shortly before 6 o'clock, when it became apparent that considerable debate was to be occasioned by an amendment to permit the Government to receive reduced rates from the railroads for the transportation of troops and supplies for the army and to allow army officers and their families to accept free transportation. The adoption of this amendment would be a modification of the railroad rate bill passed at the last session of Congress.

Senator Warren, in charge of the bill, gave notice that he would press its consideration tomorrow.

WANT $25,000,000 MORE ON CANAL

WASHINGTON, Feb. 8.—Secretary Taft appeared before the House committee on appropriations today to explain the appropriation of $25,000,000, which the Isthmian Canal Commission has asked to have included in the civil sundry appropriation bill.

The proposed appropriation is desired chiefly for the completion of the equipment on the isthmus. As the Government purposes furnishing the equipment to any contractor, it was explained by the canal officials that the allowance for this purpose should be liberal.

At the hearing it was said that under the percentage system the contractor would not get a percentage on the cost of supplies or equipment, but only on the estimated cost of labor, which has been estimated at $65,000,000, on which basis W. J. Oliver would be paid $4,387,500 by the Government in case the contract were to be awarded to him on his bid of 6.75 per cent, which he and his associates have submitted.

Chairman Shonts of the Isthmian Canal Commission today unqualifiedly expressed himself in favor of building the canal by contract.

He said that he was much surprised to read the statement that Chief Engineer Stevens had indicated his intention to resign should the work be done by contract. He said that Stevens always had favored the contract plan.

WILL EXCLUDE NEGRO SAILORS

RIO DE JANEIRO, Feb. 8.—The Brazilian Government has decided, in order to avoid possible disagreeable incidents, to exclude negro sailors from the Brazilian squadron which will visit the United States. The opposition newspapers attack the Government for this step.

Only One "Bromo Quinine"

That is Laxative Bromo Quinine. Similarly named remedies sometimes deceive. The first and original Cold Tablet is a White Package with black and red lettering; bears sig. E. W. Grove. 25c.

BIG SHORTAGE IN WILEY'S OFFICE

Continued From Page 1, Column 3

home in Martinez was mortgaged to the Bank of Martinez, and according to W. S. Tinning, its president, the Treasurer had been paying off the obligation at the rate of $20 a month.

Wiley was not given to speculation, so far as his friends can learn. It is recalled, however, that he used to take occasional trips to Nevada County, being absent for several days at a time. He might have been playing in the mining game, but that is not in evidence as yet.

Wiley's relatives and friends have not given up hope that there is a serious mistake somewhere. They are looking for some source of information which may clear the name of the dead official. An inquiry has been started among the various banks to ascertain whether any county moneys are on deposit. It is thought that possibly no certificate was issued.

The relatives of Wiley declare that they are all at sea and completely baffled in their efforts to explain the disappearance of the cash.

According to the arrangement made last Monday, the official inquiry was begun this morning when the timelocks ran down. The vault was opened in the presence of a large delegation, including former County Auditor A. J. Soto, Supervisors J. H. Trythall, Ralph Harrison, P. Tormey, W. J. Buchanan and Vincent Hook, Sheriff R. R. Veale, County Clerk J. E. Rogers, Auditor A. N. Sullinger, District Attorney H. V. Alvarado, Henry Jones, Deputy County Treasurer E. E. Webster, Judge Charles H. Hayden, representing the Metropolitan Surety Company, D. V. Cowden of the same company, Frank L. Glass and James H. Borland of the United States Fidelity and Surety Company; Samuel Magnus, Wiley's brother-in-law, and W. S. Tinning, president of the Bank of Martinez and attorney for the Wileys.

From shortly after 11 o'clock this morning until 4 o'clock this afternoon, with little intermission, the records and cash in the Treasurer's office were gone over. The inquiry was carried on behind closed doors.

The shortage search has not been completed. There was money in Wiley's possession belonging to estates and left with him for safekeeping. These funds will be looked into further.

The $17,000 shortage is all the more extraordinary by reason of the fact that former Auditor Sato, who with the chairman of the Supervisors counted the money every month, declares that last month the cash was all in the treasury and that such had been the case for years. The Treasurer's books balanced with the Auditor's. The books were experted a month ago by Fraser Ridgway of this place and were found correct.

The inference drawn in some quarters is that from some source or another Wiley met his monthly balances, obtaining the temporary use of funds from some unknown place when cash-counting time came. The theory is also advanced that unexpectedly this source of supply was cut off. Wiley probably found exposure at hand. He appealed for time in which to prepare his accounts and District Attorney Alvarado granted the time, thinking nothing unusual of the request.

Pressed at last to the end, unable to meet the threatening conditions, runs the theory, Wiley killed himself.

For years Wiley as County Treasurer carried a large balance at the Bank of Martinez. Often the bank held $75,000 of the county's funds. This occasioned unfavorable comment, and as President Tinning explained, Wiley was requested last April to withdraw the money. This was done, the last of it, $7000, being taken on January 31 and placed in the county vaults. Tinning said:

Wiley was not in debt to the Bank of Martinez except for a mortgage on his house, which he was paying off by installments, and a note for $200 upon which he was an indorser. This bank made no advances to Wiley of any character other than what I have explained. The Bank of Martinez was not carrying him in any other way.

Anybody who accuses me of lending Wiley money to carry a shortage or for any other unlawful purpose will have to answer for the charge. There is no doubt in my mind that the officials whose duty it was to count the cash did not do the work correctly. They probably took too much for granted.

Former Auditor Sato, one of the officials whose duty it was, under the law, to count the treasury cash monthly, scorns the banker's insinuations. Says Sato:

Owing to political reasons my hands were tied to a certain extent while I was in office. Now that I am no longer under obligations to any one I desire to announce that if this situation results in a fight it will be a fight to a finish. The talk about failure to count the cash is tommyrot. The cash was counted every month, and when we went over it the cash was there, every dollar of it. If I had been carrying this man before his death wrongly, why, common sense would show that I would have protected him so that death would not have revealed his disgrace.

I cannot explain how Wiley got money enough every month to cover the shortage when the cash was counted.

Wiley was not an accountant. He left most of his clerical work to E. E. Webster, his deputy. Webster is regarded as a thoroughly honest man, and he appears to be at sixes and sevens by reason of the disclosures. Wiley was not illiterate, but he was far from being a gifted man with pen and pencil.

Trouble is ahead for the surety companies. The United States Fidelity carried Wiley up to January 1 last, when the Metropolitan was substituted, with a $100,000 bond. The question now arises, under which bond did the shortage occur?

ILLNESS CAUSES SUICIDE—Nogales, A. T., Feb. 8.—Jack C. Gates, a former City Councilman, well known in Sonora, committed suicide here today at his room in the Brickwood Hotel. He had been despondent because of illness.

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