EVELYN JILTS THAW

WIFE OF WHITE'S SLAYER ASKS A DIVORCE.

HUSBAND DEFENDS SUIT

Though Now Confined to Asylum He Will Fight Separation, According to Announcement — Couple Agree to Remain Apart.

New York.—Evelyn Nesbit Thaw Wednesday instituted proceedings for the annulment of her marriage to Harry K. Thaw. The action was based on the allegation that the defendant was insane when the union was contracted. Thaw planned to defend the suit. The papers in the case were served and an early trial is expected. In the meantime the two, by mutual agreement, will remain apart.

Evelyn Nesbit Thaw.

In official statements, by counsel for both parties, was confirmed the long-suspected culmination in the wedded lives of Stanford White's slayer and the woman whose story in his defense brought her an unhappy notoriety as wide as the reading world. For weeks it had been gossiped that a divorce was imminent, and even during Thaw's last trial, throughout which his wife stood gamely by him, it was pretty generally believed that, whatever the outcome for the prisoner, the two would never again live together. These reports were frequently based on rumored opposition to the young woman on the part of the Thaw family. It is understood that the attorneys for Mrs. Thaw will depend practically upon the evidence of insanity introduced at the last trial of Thaw to prove that he was mentally incompetent at the time to legally contract a marriage. Should this be established the case would be won for the plaintiff, providing there was not introduced the defense that Thaw subsequently recovered full possession of his faculties and by continuing the marriage relation gave validity to the original contract. This point the attorneys would not discuss. It was, however, pointed out that Thaw though committed to an insane asylum as having been insane at the time he killed White, had not been declared insane at the present time. Whether the matter of his insanity will be determined before the trial for annulment is not known.

Harry K. Thaw.

Jerome Denies All Charges.

Albany, N. Y.—District Attorney Jerome of New York filed Monday with Gov. Hughes his answer to the charges preferred against him. Action was taken by William F. King, former president of the New York Merchants' association and a committee of minority stockholders of the Metropolitan Street Railway company in which the governor is asked to remove Mr. Jerome from office. The answer is a general denial of the charges. The governor said he would announce the procedure to be followed after he had examined the document.

Capt. Winslow Talks.

Washington.—That there are serious defects in the construction of American battleships was charged Tuesday by Capt. C. McR. Winslow, assistant chief of the bureau of navigation of the navy department and Commander A. L. Key, former naval aide to President Roosevelt.

Kills Four and Himself.

Tenino, Wash.—Warren McKay, a native of Canada, killed his wife and three children at his home here and then committed suicide.

HIGH COURT FREES SCHMITZ

SUPREME TRIBUNAL CALLS 'FRISCO MAYOR FAULTLESS.

Refusal of Rehearing Consequently Sustains Opinion of Appeals Body —To Apply for Release.

San Francisco.—The state supreme court Monday refused a rehearing in the case of former Mayor Eugene E. Schmitz, convicted of extortion from French restaurant proprietors and sentenced to five years in the penitentiary. The opinion was unanimous.

This sustains the decision of the district court of appeals, which decreed that the judgment and order of the lower court here, sustained the demurrer to the indictment and ordered the discharge of the defendant on the ground that under the law no offense had been committed.

Abraham Ruef, who was jointly indicted with Schmitz, pleaded guilty, and his sentence is now pending.

Monday's decision of the supreme court also applies to him.

It is believed that Schmitz will immediately apply for release from the county jail, and Ruef may do likewise.

The prosecution proposes to at once bring to trial some of the many other charges proferred against them.

The court sustained the appellate court in its decision that the indictment upon which Schmitz was convicted was defective in that it did not aver that Schmitz was mayor, that Ruef, his co-defendant, was a political boss practically in control of the city, that as such they were in a position to exercise power and undue influence over the police commissioners and that it did not show that Schmitz resorted to unlawful means in threatening to have liquor licenses withheld.

The decision practically nullifies Ruef's plea of guilty, invalidates the remaining four extortion indictments against the former mayor and Ruef and will enable Schmitz to gain his liberty on bail after eight months' confinement in the county jail.

Counsel for Schmitz announced Tuesday that steps would immediately be taken for the former mayor's release.

"The decision demonstrates," said ex-Mayor Schmitz, "that the highest court in the state believes what I have always claimed, that I was removed from office and railroaded to prison."

San Francisco.—Eugene E. Schimtz was released from jail Tuesday night after presenting bonds in the sum of $150,000.

The charges of extortion against him on which he had not been tried were dismissed.

In the superior court Tuesday afternoon Judge Frank H. Dunne made an order dismissing Schmitz from custody on the indictment on which he was convicted in pursuance of the decision of the supreme court.

NAVY ARMOR BELT TOO LOW?

That Is Gist of Testimony Before Senate Investigating Body.

Washington.—Testimony was adduced Monday before the senate committee on naval affairs which is investigating the criticisms of battleship construction, showing that the location of the armor belt of American battleships was too low. On the other hand, a letter from Secretary Metcalf was read declaring it to be the opinion of the board of construction and Rear Admirals Evans and Brownson that the armor belt lines of the battleships Delaware and North Dakota were right. The secretary in his communication took occasion to declare that American battleships were superior to those of any other navy. The witnesses Monday were Lieut. Richard D. White, assistant inspector of target practice, and Rear Admirals George C. Remey and C. F. Goodrich.

CONVICTS KILL A WARDEN.

Effort to Break Jail Causes Murder at Deer Lodge, Mont.

Deer Lodge, Mont.—Warden Frank Conley of the Montana state penitentiary was dangerously wounded Sunday and his first assistant warden, John Robinson, was killed when three life convicts, George Rock, W. H. Hayes and another whose name is not given, made a dash for liberty. Robinson's throat was cut from ear to ear and the jugular vein was severed. Conley's throat was gashed and he was stabbed several times in the shoulder and groin before he was able to draw his revolver and shoot two of the assailants down. Convict Hayes and Rock were both shot down by Conley after the latter had been wounded. It is believed that the warden will recover.

Receiver for Electric Road.

Milwaukee.—The Fidelity Trust company was Monday appointed by Judge Tarrant as receiver in Wisconsin for the Chicago & Milwaukee Electric Railway company.

Rochester Has Big Blaze.

Rochester, N. Y. — A fire, which started in Dodge's block in Central Square, burned until Wednesday morning and reached such proportions as to threaten surrounding property. Assistance was asked from Dover and Somersworth. The loss was $150,000.

Seven Hurt in Funeral Crash.

New York.—Seven persons were injured in the runaway of a funeral carriage in Williamsburg Tuesday afternoon.

NEGRO AFFRAY IS UP

MILITARY COMMITTEE SENDS A REPORT OF TROUBLE.

WORD FROM PRESIDENT

Discharge of Three Companies of Negro Soldiers for Fracas at Brownsville, Tex., Involves Four Declarations.

Washington.—Reports from the committee on military affairs were presented to the senate Wednesday in regard to the investigation of the affray at Brownsville, Tex., which resulted in the discharge without honor of three companies of negro soldiers of the Twenty-fifth infantry.

At the same time a message was received from the president calling attention to the fact that the testimony taken by the committee sustains his position in discharging the negro soldiers. He recommends extension of the time for re-enlistment of the discharged men who might be found not to fail within the terms of the order. There were four reports from the committee, the majority being signed by Senators Warren, Lodge, Warner, Dupont, Tallaferro, Foster, Overman, Frazier and McCreary. A minority report was signed by Senators Foraker, Scott, Bulkeley and Hemenway.

The majority report found as follows: That in the opinion of the committee the shooting was done by some of the soldiers belonging to the Twenty-fifth infantry; that the testimony fails to identify the particular soldier or soldiers who participated in the affray. It is stated that there is considerable contradiction in the testimony, but that taken as a whole and reconciling it wherever possible it proves the case outlined in the majority's decision. The principal minority report was presented by Senator Scott and takes the position that it has been impossible to ascertain who did the shooting and makes the recommendation that the negro soldiers be restored. In addition to this minority report, Senators Foraker and Bulkeley joined in a supplemental report.

FLEET NEAR MAGDALENA.

Evans' Vessels Less Than 200 Miles Away on Thursday.

San Diego, Cal.—The American fleet, under command of Rear Admiral Robley D. Evans, was Thursday less than 200 miles south of Magdalena bay, lower California.

The men of the battleships' crews probably will be given a day or two of rest after the long run from Callao, Peru, which was left February 29, before the strenuous work of target practice in divisions, of which there are four, comprising four vessels each. It will rest with Admiral Evans as to whether the divisions are sent to the range in regular order or as circumstances dictate.

HERESY CHARGES LIFTED.

Dr. J. T. McFarland is Freed by Kansas Session.

Topeka, Kan.—The Kansas conference of the Methodist Episcopal church Wednesday exonerated Dr. J. T. McFarland of New York, editor of the Methodist Sunday school publications, of heretical charges preferred against him by Dr. George A. Cooke, a member of the Troy conference. Dr. J. T. McFarland was a former pastor of the First Methodist church of Topeka, and is now editor of the official Sunday school publication of the Methodist Church of America, published in New York. Dr. Cooke makes the complaint.

Kills Self and Schoolmate.

Boston.—Suffering from melancholia, due to overwork, Miss Sarah Chamberlin Weed of Philadelphia shot and killed Miss Elizabeth Baily Hardee of East Savannah, Ga., and then committed suicide at the Laurens school, a fashionable school for girls in the Fenway district.

Bank Head Indicted.

Jackson, Miss.—N. T. Anders, president of the Commercial bank of Jackson, and former director of the Central bank of Mississippi, has been indicted by the Hinds county grand jury on the charge of embezzling $25,000 from the latter institution.

King Gets Safely Away.

Barcelona.—After two days' visit to this city King Alfonso left for Madrid Wednesday evening. Great crowds gathered on the streets and at the station to bid him farewell, and the royal train moved away to the cheering of the multitude.

Acquitted of Bribery Charge.

McArthur, O.—John B. Lindsey of Meigs county was Wednesday acquitted of the charge of having attempted to bribe Prosecuting Attorney Miller in connection with the prosecution of suits over the alleged wrecking of the Middleport bank.

Thaw and Mother Served.

New York.—Harry K. Thaw was served late Wednesday with a copy of the summons and complaint in the proceedings brought by his wife, Evelyn Nesbit Thaw, to annul their marriage. A messenger delivered the papers to Thaw at the Matteawan insane asylum, and Mrs. William Copley Thaw was served.

Prussian Blast Kills Five.

Dortmund, Prussia.—An explosion of fire-lamp in the Lukas mine, near here, Wednesday killed five men.

WHAT WINTER WHEAT IS DOING FOR SOUTHERN ALBERTA.

Splendid Crops on the Former Ranching Plains of Canadian West.

That portion of the country in Western Canada formerly recognized as ranching country has developed into one of the best winter wheat districts in the continent. Yields are quoted running from 30 to 60 bushels to the acre, and giving a return to the farmer of from $25 to $50 per acre. These lands are now selling at from $12 to $20 per acre, and pay well at that figure. H. Howes of Magrath, Alberta, Western Canada, had 50 acres of land in wheat, which averaged 45 bushels to the acre; his yield of oats was 35 bushels. The value to him per acre of wheat was $35.00. J. F. Haycock of the same place, says: "I had 65 acres of wheat, 35 acres of oats and four acres of barley. My average yield of oats to the acre was 80 bushels; wheat—winter—60 bushels and red fyfe, 33 bushels, and barley, 50 bushels. The value to me per acre was, wheat, $28.00; oats, $32.00, and barley, $24.00." J. F. Bradshaw of Magrath, had 1,030 acres of wheat in crop that averaged 39½ bushels to the acre, his oats, 32 bushels; barley, 53 bushels. He threshed 31,000 bushels of wheat from 540 acres. He also had 250 tons of sugar beets from 25 acres worth $5.62½ per ton. W. S. Sherod, of Lethbridge, says: "I came to Lethbridge from Souris, North Dakota, in April, 1907, having purchased 900 acres of land in this district last fall. I had 128 acres of Alberta Red winter wheat which we had put in on breaking in the fall of 1906, which yielded 41½ bushels to the acre, for which I received 87½ cents per bushel, which paid me $36.30 per acre. I had 190 acres "stubbled in" that is disced in on the stubble, which yielded 22 bushels to the acre at 87½ cents per bushel, which paid me $19.25 to the acre. I also had 350 acres of strictly volunteer crop, which it was intended to prepare in the summer; but when it was seen that it was a good looking crop, it was allowed to go. From this we threshed 15 bushels to the acre, which paid us at the rate of 87½ cents per bushel or $13.12 per acre. Our total crop yielded us 14,742 bushels of first-class wheat. Taking it as a whole, I consider that I had a first-class crop all through; and, taking into consideration the fact of part of the crop having been "stubbled in," and part strictly volunteer (which was never touched at all until the binder was put into it), I consider I had a heavy crop. I might say that I was in North Dakota five years, and I never grew as heavy a crop during that time. This is the 25th day of November, and my teams are still ploughing, and, from the appearance of the weather, will be for some time yet." R. W. Bradshaw of Magrath, says: "I had this year 400 acres in crop, viz.: 200 acres of wheat and 200 acres in oats. My average yield of oats to the acre was 50 bushels, and wheat, 22½ bushels. The value to me per acre for wheat was $19.00, and oats, $17.00. The highest price obtained by me this year or offered me for my grain was for wheat 82 cents per bushel, and $1.05 per hundred for oats. I also had 100 tons of hay worth $12.00 per ton, and will say my wheat was all volunteer this year. Lots of wheat is averaging from 50 to 60 bushels per acre on summer fallow, and on new breaking, when the breaking was done early in the spring." Writing from Spring Coulee, Alberta, W. L. Thompson says: "I had this year 3,000 acres in crop, viz.: 2,000 acres of wheat and 1,000 acres of oats. My average yield of oats to the acre was 30 bushels and of wheat 35 bushels. The value to me per acre for wheat was $27.00 and for oats $15.00."

(Information regarding the districts mentioned, best way to reach them, low rates, certificates, etc., can be secured from any agent of the Canadian government, whose advertisement appears elsewhere.—Ed.)

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