

THREAT TO KILL MADE BY WHITE

Defense Gives Evidence of Provocation.

WITNESS ENRAGES JEROME

Causes Roar of Laughter at Prosecutor's Expense.

PROOF THAW IS INSANE

Doorkeeper Tells of White's Pursuit of Evelyn Nesbit—Eyewitnesses Say Thaw Was Irrational. Mrs. Thaw to Testify Next.

NEW YORK, Feb. 5.—The defense of Harry K. Thaw, under the direction of Delphin M. Delmas, of California, began to assume definite shape today. When court adjourned, testimony had been placed before the jury to the effect that Stanford White had been heard to make threats to kill the defendant, compelling the threat with the display of a revolver; that Thaw's actions following the killing of White on the roof of Madison-Square Garden, were considered by several eye-witnesses to have been "irrational," that an uncle of the defendant was insane; that Evelyn Nesbit Thaw passed a note to her husband during a dinner at the Cafe Martin the evening of the tragedy. District Attorney Jerome has this note, and refused, on the demand of the defense, to introduce it in evidence. At the close of today's proceedings, it was announced by Mr. Delmas that either the wife or the mother of the defendant would be the first witness tomorrow morning.

The alleged threat against Thaw's life was made two years and a half before the tragedy occurred. Mr. Jerome objected to the evidence, declaring the defense was not understood by him to be one of self-defense. Mr. Delmas replied that the defense intended to take advantage of every legal defense allowed in the State of New York. He is insane, self-defense or any other legitimate justification of the taking of a human life.

Contrast Between Lawyers.

This was but the first of a series of interesting tilts between the District Attorney and Mr. Delmas during the day, and it was agreed that Mr. Jerome had found Thaw's new leading counsel a foe worth fighting. The two men are of widely different types—Mr. Jerome quick, passionate, forceful, sarcastic and brilliant at ridicule; Mr. Delmas, calm, courteous, resourceful, witty, crafty and ethical, to whom the District Attorney was always "the learned District Attorney." There was never a deviation from this method of address.

Benjamin Boman, formerly a stage-doorkeeper at the Madison-Square theater, was the witness who told of White's threat. Mr. Boman was offered as a witness yesterday, but the District Attorney was successful at that time in blocking the evidence by objection.

Story of White's Threat.

Mr. Boman declared on Christmas eve, 1903, Stanford White came to the stage door about 11:15 P. M. and asked for Miss Nesbit. The doorkeeper told him the actress, who was then playing in "The Girl From Dixie," had gone home. White at first accused him of a falsehood and then asked who had been her escort.

"Mr. Thaw," the witness said he replied, "Oh! that Pittsburger," said the architect, who, to make sure the actress had gone, went to her dressing room on the stage. Not finding her there, White, according to Mr. Boman, walked rapidly out of the theater with a revolver in his hand, muttering:

"I'll find and kill that before daylight."

The witness said he believed the threat to be directed against Harry Thaw, and told him of it several days later, when they chanced to meet on Fifth avenue. He also told a detective sergeant about the incident.

Mr. Jerome cross-examined the witness for more than an hour, but Boman adhered closely to his story in every detail. Once or twice the witness became a trifle confused as to dates and as to his movements during the past five years, and said he had not been regularly employed during that period. The witness denied having been promised any money by Thaw or his attorneys.

Episode of Mrs. Thaw's Note.

Thomas McCaleb, the Californian who was with Thaw's party the night of the tragedy, testified that at dinner that evening Mrs. Thaw had suddenly asked her husband for a pencil, scribbled a few words and passed a folded piece of paper to him. What was in this note the witness did not know, and he was not allowed, because of an objection by the District Attorney, to testify as to what change of manner, if any, it produced in Thaw. It has been reported from time to time that it was in this note that young Mrs. Thaw, referring to White, wrote to her husband:

"That blackguard is here."
"We understand," said Mr. Delmas, "that this note is now in the possession of the learned District Attorney. We want to get at the contents of that slip of paper, believing it to be material evi-

denace. We demand that the learned District Attorney produce it."

Mr. Jerome sat silent. There was absolute and dramatic stillness in the courtroom and Mr. Delmas stood waiting and all eyes were turned on the District Attorney. After waiting some time Delmas resumed:

Jerome Roars With Rage.

Mr. McCaleb detailed, so far as he could, the incidents of the night of the tragedy. It came out during the indirect examination that Mr. McCaleb had met Mr. Jerome some months ago and discussed the case with him.

The witness answered a question to which the District Attorney had taken exception and which was upheld by the court.

"Why did you answer it?" remanded Mr. Jerome. "I call the court's attention to this man—this literary person—coming here and answering questions to which there is objection. It is indecent."

Mr. Delmas said it was a misfortune to a man to have to testify in such a case, but he thought the witness was



D. M. Delmas, of San Francisco, Who Has Thaw's Active Charge of Thaw's Defense.

entitled to courtesy. Justice Fitzgerald agreed, but admonished the witness to be more careful.

"You say you met me at the club?" said Mr. Jerome to the witness. "Now, how many drinks had you had that night?"

"I don't know—I had one with you," came the reply, and it was some time before order could be restored. The courtroom was crowded at that time, many women having been admitted during the luncheon recess.

Must First Prove Thaw Insane.

Dr. John E. Deamar was recalled today and testified that Henry W. Copsey, the defendant's uncle on the maternal side, had been insane. Mr. Jerome had declared yesterday that he would not object to the testimony as to insanity in the family, provided the proper foundation were laid. Whenever, however, Dr. Deamar started to testify as to Thaw's cousin, Mr. Jerome said he must object, as it must first be shown that Harry Thaw was insane by competent evidence.

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PRODUCE CHILD WITH ALL WISDOM

Aim of Asher Gluck's Simple Life Colony.

HOW TO ATTAIN PERFECTION

Twenty-four People Adopt New Strange Cult.

STUDY BEFORE MARRIAGE

Men and Women "Architects" Undertake to Produce Perfect Children by Recreation, Vegetarianism and Other Fads.

CHICAGO, Feb. 6.—(Special.)—Asher Gluck, head of "The Architects," a "simple life" colony, will be with anyone from \$10,000 to \$30,000 that the child of any two members of his colony married under the rules of the colony will possess at birth all the wisdom desired for it by its parents.

Gluck made this offer today after completing the organization of the Ruling Council of his strange cult. The purpose of "The Architects" is perfection through recreation, he declares. The members of the colony are to make themselves over as nearly perfect as is possible through the conditions they have passed through, but for their children they shall have determined absolute perfection through training.

All Dress Alike, but No Meat.

The 24 members of the Gluck colony, 15 of whom are men and nine women, are engaged today in the manufacture of clothing that will distinguish them from the common herd. These garments, which are to be alike for both sexes, will consist of a pair of roomy trousers and a loose, double-breasted coat, made from unbleached linen.

The daily diet of the colony is fruit, cereals, nuts and vegetables, with oil as a beverage. No meat of any kind is allowed inside the house. Nothing of animal origin is permitted to members. Hair mattresses are tabooed, the members taking to hay for slumber. Brushes are made from fiber altogether.

Barbers, butchers and saloon-keepers are not admitted to the house. The members are bearded, as no shaving is allowed.

Study to Make Perfect Child.

Dr. Gluck, wearing a bathing suit and a huge watch-chain, explained today the object of his institution. "We give a livelihood to our members," he said, "We require no money from them. We ask no questions of their religion, but we all believe in God, who

is perfect. In order that God may find a worthy tabernacle in our bodies, we wish to make our bodies as perfect as possible.

"Parents among us have no more than two children, one male and one female. The father and mother study to have a perfect child."

On Probation for Marriage.

"We have now a young man and woman studying to marry each other. Miss Uarda Fyffe is to marry Richard Winder. They must study our philosophy of life for a year before they can marry, however."

"The married ones of our colony will not live separately from the other members. This induces slavery, and we do not believe in this. We have a Spar-



John B. McDonald, Builder of New York Subway and President of Panama Construction Company, which has bid for Panama Canal Contract.

tan system of having the men and women in separate parts of the colony."

FIGHT FOR NEW JUDGESHIP

Hanford for One, Montana and Idaho Both Want Other.

OREGONIAN NEWS BUREAU, Washington, Feb. 6.—If the House agrees to the bill passed by the Senate yesterday authorizing the appointment of two additional Circuit Judges in the Ninth Circuit, one will be from Washington, the other from Idaho or Montana. Senator Piles intends recommending Judge Hanford, of Seattle, Senators Heyburn and Carter are fighting for the other Judge, though neither has picked his man.

Venezuela's Condition Much Worse.

NEW YORK, Feb. 6.—The Tribune says a cable dispatch was received in this city yesterday from a high government official in Caracas, saying that the condition of President Castro, of Venezuela, had assumed a more alarming phase and that he was expected to die within 24 hours. The message was dated February 4-Monday.

Death of Veteran Actress.

NEW YORK, Feb. 6.—Mrs. Kate Denin Wilson, the actress, died yesterday at her home in this city. She had been ill for the past two months of rheumatism, and had to retire from the company of Eleanor Robson at the Liberty Theater. She was born in Philadelphia in 1827.

COUNCIL STANDS BY GAS COMPANY

Majority Lines Up on Corporation's Side.

SOLID NINE SHOW THEIR HAND

Vote to File Report of Special Investigating Committee.

NO REPEAL OF FRANCHISE

Friends of Intrenched Privilege Go on Record as Opposing Interference With Perpetual Grant Now in Operation.

HOW THE COUNCIL STANDS.

For perpetual franchise (the solid nine)—Councilmen Anand, Belding, Dunning, Gray, Masters, Preston, Sharkey, Shepherd and Wallace.
Against perpetual franchise (six independent members)—Councilmen Bennett, Kellaher, Menefee, Rushtlight, Vaughn and Wills.

A majority of the Council has gone on record as supporting intrenched corporate privilege in Portland. At a meeting of the Council yesterday afternoon it was voted to place on file the report of the special investigating committee that recommended the revocation of franchises held by the Portland Gas Company, thus in effect killing the movement to bring that corporation under proper control. Not only that, but the Councilmen who are allied with the corporate interests of the city voted direct refusal to indorse a bill to the Legislature repealing the perpetual franchise of the Portland Gas Company in order that the business of manufacturing and selling gas in this city might be brought under municipal supervision.

The portion of yesterday's session that was devoted to the consideration of the gas committee's report was one of the most stormy in the history of the Council. The line was distinctly drawn between those who favor perpetual franchises and stand by corporations that abuse their grants, and those who are fighting for just regulation of public utilities. In the latter case Menefee, Rushtlight, Kellaher, Bennett, Vaughn and Wills who supported the recommendations of the committee that the franchises of the gas company be revoked. In opposition to them were Anand, Belding, Dunning, Gray, Masters, Preston, Sharkey, Shepherd and Wallace, the "solid nine" who voted in favor of a motion that sets at

naught, so far as the Council is concerned, the entire gas investigation.

Report of Gas Committee.

The report of the committee, representing months of work and investigation, declared that the Portland Gas Company furnishes gas of a poor quality, and that it grossly overcharges for its product. In addition it was found that the methods of the company in dealing with the public are cumbersome and unsatisfactory. As a remedy the committee recommended that all franchises held by the company be canceled and that the Council take up this work immediately. The recommendation that the Legislature be asked to repeal franchises granted by the state and that the Council repeal franchises granted by it to the gas company, were based in their legal aspects upon a written opinion of City Attorney McNary. This is the report that was placed on file by passing an amendment to a motion that it be adopted.

In order to force the members who were responsible for the filing of the report to come out even more openly in their position, Councilman Bennett subsequently introduced a definite resolution that the City Attorney be requested to prepare a bill providing for the revocation of the franchises granted the



W. J. Olliver, who has submitted final bill for construction of Panama Canal.

Masters' Change of Front.

The report of the committee, which was printed in full in The Oregonian yesterday, was presented to the Council with the signatures of all the members of the committee—Menefee, Bennett, Kellaher, Masters, Rushtlight and Vaughn. By indorsing the petition with his signature and then opposing its adoption with his vote, Masters took a position that probably is without precedent in the entire annals of the Council. Masters voted both in favor of the motion to file the report and against the resolution to submit a bill to the Legislature.

"When the report had been read, Wills moved its adoption, Anand, who was himself a member of the gas committee but withdrew early in the investigation, moved as an amendment that the report be placed on file. The amendment was seconded by Gray. Much time on our findings," said Mr. Vaughn in support of the report, "and I believe that our recommendations are just. The action that we advocate does injustice to no one. Any unprejudiced person who should go over the records of the investigation could but arrive at the same conclusions."

Testimony Established Facts.

"If our findings are right there is only one thing to do and that is to bring about the repeal of the franchises held by the gas company. Under the charter, franchises are issued under certain restrictions and we should place the same regulations on all existing franchises. We have not expressed in full our sentiment. We say that the quality of the gas is poor, but we ought to say more. The company's methods in dealing with the public are cumbersome and unsatisfactory, according to our report, and this fact was established by an astonishing mass of testimony."
"I agree in that exactly," said Wills. "This committee was appointed for a purpose that it has well fulfilled. If we pay no attention to the report it is useless for this Council to appoint any such committees in the future. The franchises which the gas company holds might have been all right in 1859 when Portland was a village, but it has long been outgrown. The city certainly should be able to regulate the gas company."
"Personally I am not prepared to say the report is true," said Mr. Anand. "I cannot say the company is overcharging. I will say that the gas is not always good, but I cannot say that it is always bad."
"Me Too," Says Sharkey.

"The sentiments of Mr. Anand are the same as my own," asserted Mr. Sharkey, who admitted that he had not attended the sessions of the committee. "This investigation arose in the action of a newspaper that took a dislike to the gas company, and made its case so strong with the manipulation of politics that it got the Council into it. I do not deny that the charges of the gas company are too high and that the gas is of indifferent quality. I have paid no attention to our investigation, but I am ready to say before

STRANGE FACTS ABOUT GEOGRAPHY

Florida Boasts of Disappearing Lake.

FREAKS OF MISSISSIPPI RIVER

Most Crooked of Streams and Builds Islands.

DISMAL SWAMP NO SWAMP

One Place Where Nature Is Regular. Indiana's Hole Which Never Can Be Filled—Bridge Over Columbus Longest in World.

BY FREDERICK J. HASKIN.

WASHINGTON, Feb. 1.—(Special Correspondence.)—Some years ago a topographer was sent out from Washington to make a survey of what was then Payna Prairie, Florida, a bit of land about eight by five miles in extent. The survey was made and the prairie described. Three or four years later a new surveying expedition found that this land had been transformed into a body of water, and it was put on the map as Lake Alachua. It developed that this lake-prairie plays a Dr. Jekyll and Mr. Hyde a game with itself, sometimes appearing as one and sometimes as the other.

This freak is explained by the fact that a stream flows itself in a sink at the northern part of the prairie and, when this sewer can carry off all the water, the region is level land. When the sink cannot drain off the water, it accumulates until it becomes a lake. People living near and desiring to "neighbor" with the residents on the other side of the lake prairie are driven to the necessity of keeping a canoe at the front door and a horse in the stable to be ready for whatever conditions may arise. If a steady rain comes, the face of the landscape is liable to change any minute.

Ice Mountain of Virginia.

One of the natural curiosities of this country is the Hampshire Ice Mountain on the banks of North Creek, twenty-six miles from Winchester, Virginia. For about a quarter of a mile the west side of this mountain is covered with loose boulders and stones of light color, the mass extending all the way down to the river. By lifting these stones on any day in the year, crystals of ice can always be found securely hidden in the crevices beneath.

The shortest street in the United States is Hazen street, in New York. It is only long enough to accommodate two houses.

The Dismal Swamp is not a swamp at all. According to the usual definition of the term, it stands 15 or 20 feet higher than the surrounding country, and, instead of receiving drainage from rivers, is itself a source of supply to various streams, giving them the water it spongy soil catches and holds after rains. There is no decay of vegetable matter of any kind, logs and falling leaves being transformed into peat by the pure water. The purity of the water causes it to keep indefinitely and it was in great demand in bygone days for the casks of sea-going vessels. The climate is said to be pure and healthful, and on this account planters in older times were anxious to hire their slaves to lumber contractors working in the swamp.

Mississippi's Crooked Channel.

The northern boundary line of Delaware is circular in form. This has been explained by the fact that in colonial days William Penn wanted enough land along the western bank of the Delaware River to give him an outlet to the sea. He procured from the Duke of York a release of all title and claim to Newcastle, "twelve miles around it and to the land between this tract and the sea." This survey described a semi-circle and, when this particular colony became a state, it still retained the old circular boundary line.

A humorist has said that "the Mississippi River is so crooked in places that a steamer going south has been known to meet itself coming north, give passing signals and narrowly escape a collision with itself." Because man has never been able to make the Mississippi obedient and content to stay in one particular channel, many interesting geographical situations have arisen. There are innumerable old channels trending back and forth through the forests of the lowlands and, whenever there is an overflow of a particularly heavy freshet, the river is quite liable to wander off down one of these old channels and leave some shipping point high and dry. The town of Delta used to be three miles below Vicksburg, but a cut-off changed things so that it is now two miles above that point. Another little place called Blue's Point was formerly located in Mississippi, but one Spring when times were dull and the river needed a diversion it changed its channel and transferred Blue's Point over into Arkansas. If the big river had taken such a twist between Missouri and Illinois before the war, it could have remained slaves to one state to another and thus set them free.

River Build's Islands.

Another pastime in which the river indulges is island-building. A snag in the river, the wreck of an old boat or a submerged tree is all that is needed for a foundation for the brush and silt to settle upon. Chicken Island, near Mound City,

IT'S UP TO THE LEGISLATURE TO HOIST THE BLOCK OFF



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