



PHYSICIAN ON STAND

Noted Alienist Testifies to Thaw's Insanity.

GRILLED BY JEROME

Prosecuting Attorney Shows Long Preparation for Insanity Plea.

QUESTIONS BAFFLE WITNESS

Defense Defeated in Attempts to Introduce Testimony Showing Tendency in Relatives of Thaw, and Attorneys Quarrel.

NEW YORK, Feb. 5.—The task of proving Harry K. Thaw insane through heredity and mental stress when he shot and killed Stanford White was taken up today by the defense, but when adjournment occurred it was the general opinion that little progress had been made. Thaw's attorneys endeavored in vain to place before the jury evidence tending, it was said, to prove a vein of insanity in a collateral branch of the defendant's family, but they were blocked at every point by District Attorney Jerome, whose objections were upheld by Justice Fitzgerald. The defense did, however, get before the jury the testimony of an expert. In his opinion Thaw was suffering from insanity on the night of the tragedy. Jerome attempted to down the evidence of the alienist, Dr. C. W. Wiley of Pittsburg, and for three hours put him through a cross examination as severe as was ever heard in any court. The prosecutor was relentless in his attack and before he finished, Dr. Wiley protestingly declared:

"I didn't come here as an expert. I came as a witness to a fact and I have been converted into an expert without being prepared for it."

The district attorney astonished everyone by his intimate knowledge of medicine and its technical phraseology, demonstrating the care with which he had prepared himself to meet the very defense which Thaw's counsel have entered in his behalf. Jerome searchingly inquired into Dr. Wiley's record as a physician and as an expert on insanity. He hurled volleys of technical questions at the witness who at times sat mute and at other times declared he could not answer, or gave evasive replies. Often he brought upon himself a sharp warning from Jerome to make a reply and not an argument. Wiley said he predicted his opinion as to Thaw's insanity upon his actions on the night of the tragedy, as described to him in a hypothetical question put to him by the defense, and on an incident which he witnessed in a Pittsburg street car in 1905. Thaw, he said, acted irrationally on the car, coming in suddenly, jerking up one of the blinds, slamming it down again and then lifting it up again, all the while quarreling with the conductor. Wiley admitted to Jerome he had never examined the defendant with any recognized tests of insanity and that he had never conversed with Thaw. Jerome drew an admission from the witness that no single act of Thaw's at Madison Square garden was one of insanity, but when considered collectively constituted an evidence of insanity.

At times Wiley seemed entirely baffled by the questions. He hesitated at each and before he could answer, Jerome had framed another question,

replete with impressive scientific terms and apparatus. It was a problem no less difficult than its predecessor. Jerome, however, seemed never to run dry. He carried his cross examination through practically the entire morning session and for an hour and twenty minutes after luncheon. Thaw's counsel sat silent and without protest as Jerome grilled the first witness for the defense. Thaw himself seemed to take little interest in the cross examination at the outset, but later began to take notice and was often in earnest conversation with those of his counsel who sat nearest him. Before the close of the examination, however, Thaw seemed to worry. His attorneys appeared puzzled at first, but were evidently determined to give Jerome the widest liberty.

At the close of Wiley's examination, an attempt was made to introduce testimony tending to show a strain of insanity has existed in certain branches of the Thaw family. Among the witnesses called was Albert Lee Thaw, of Richmond, Va., who said his father and Harry Thaw's father were first cousins. The defense stated its purpose to draw from the witness the fact that his father died in an insane asylum, to which Jerome objected. He declared that the relationship of the witness and his father were too far removed from the defendant to be competent.

"And the law," he added, "is not satisfied that a man is insane merely because he died in an insane asylum. The fact that a man dies in such an institution as that conducted by Dr. Wiley, the eminent specialist we had upon the stand today, for instance, is no proof he was insane. There must be competent testimony to the fact."

Justice Fitzgerald upheld this view of the matter, saying his ruling was subject to revision if the attorneys for the defense could cite authorities on the subject.

Gleason of counsel for the defense, promised to have authorities in court tomorrow.

The same ruling was made in the case of other witnesses by whom the defense offered to prove collateral insanity.

Dr. C. H. Bingham of Pittsburg, Thaw's family physician, testified he had treated Harry for St. Vitus dance. Jerome drew from the physician that Thaw was seven years old when this treatment was given. Another attempt to prove collateral insanity was followed by an adjournment of court until tomorrow.

Scarcely had court adjourned today when there was a conference of Thaw's counsel and it became known that certain of the attorneys were not pleased with the day's developments. Mr. Delmas on leaving the court room declared flatly he was dissatisfied with the day's proceedings and intimated that he was surprised that the conduct of the defense for the day had been given to Gleason rather than to himself. Delmas said Wiley should not have been put on the stand today and perhaps not at all. Delmas said he had expected to conduct the case and was surprised that Gleason should have done it.

Thaw's attorneys were closeted in Attorney McPike's office well into the evening, but nothing definite as to what transpired was made public. All McPike would say was:

"You will have to wait until court opens and see for yourself what goes on."

He made the same answer when asked if Delmas would withdraw from the case and when asked if he (McPike) was satisfied with the manner in which the case had been conducted so far. McPike had a short conference with Thaw after court adjourned. Later tonight a note was sent to Thaw asking if his lawyers had disagreed. Thaw's reply was:

"No, there is no truth in the report. It is all nonsense."

GERMANS RE-BALLOT.

BERLIN, Feb. 5.—Re-ballots in Reichstag elections occurred in fifteen districts mostly in Savaria today. Clericals gained four seats from national liberals mainly with help of socialists. National liberals gained two seats, one from conservatives the other from the Guelphs. Returns show that in some districts clericals and socialists were helping each other.

WILLAMETTE RIVER FLOOD BECOMES WORSE

Rises at Rate of Two Inches An Hour at Portland and Much Damage is Done.

PUBLIC BATH HOUSE WRECKED AND BORNE AWAY

Madison Street Draw Bridge Buckles and Refuses to Work---Pontoon Collides With French Bark Fingot---Lower Level of Docks on Water Front are Flooded.

RISE ON COLUMBIA RIVER THREATENS TO BACK UP FLOOD

SHOULD FLOOD ASSUME SERIOUS PROPORTIONS UNTOLD DAMAGE WOULD RESULT IN PORTLAND — TEMPERATURE IS STEADILY RISING AND FALL OF RAIN CONTINUES UNABATED—IS WORST FLOOD OF YEARS.

PORTLAND, Feb. 5.—Creeping into dangerous places at the alarming rate of almost two inches an hour, the flood monster of the Willamette is advancing with unabating fury. Its present onslaught was unexpected, its frantic haste to destroy almost unprecedented. Its bosom is writhing in swirling eddies, with great masses of driftwood, timber, logs and uprooted trees wreaking havoc as they are borne madly, relentlessly, down, down toward the great calm sea. The bridges seem scarcely as if they can withstand the strain, yet their foreman say there is no cause for alarm.

Hundreds flock to the bridges to watch what is probably the most rapid rising flood in the memory of the oldest inhabitant, for during the record breaking freshet 17 years ago today, when the river reached the stage of 28.7 feet, it rose but an inch an hour, while now it is climbing, climbing without abatement, steadily, insistently, menacingly, at the unheard-of rate of almost two inches an hour. And as the great fields of snow in the mountains give up their torrents of water, this maddened pace is apt to be increased.

The warm, spring-like chinook is adding its destructive but gentle power to the probable havoc for this wind wipes out the snow even faster than the heavy rains. Coupling this with the mercury jumping one degree an hour, no wonder people entertain the gravest fear for the outcome of the freshet. So strong now is the sweep of the current that river steamers, even under full head of steam, are able to make little headway against it, while going down they are forced to spin at their best clip through the bridges for fear of being dashed against draw-rests, caissons or abutments.

The reading of the river gauge at the Morrison street bridge at 2:20 o'clock this afternoon was 17.2 feet. The Willamette, according to latest reports received this afternoon, is still rising slowly at Salem, but is reported to be falling gradually above that point. It is believed that unless there should be a renewal of heavy rains the river will continue to fall at lower points during the night and tomorrow.

The present rampage of the usually staid old Willamette is likely to go down in history as one of the most destructive and unexpected winter freshets of the past 20 years. Nothing can prevent inevitable damage to property along the streams which have been swollen by the melting snows in the mountains and have hurled their deluvian bulk into the broad Willamette, all within a few hours, giving property-owners scant warning of danger and little opportunity to save exposed possessions.

The river is rising today at the rate of two inches an hour.

The Madison street bridge, while not in actual danger of being weakened beyond safe usage, "bucked up" this morning and refused to work for a time. Foreman James Kelly and a gang of men worked like beavers, ripping out the timbers swollen by the heavy rains, which were responsible for the trouble with the draw. Mr. Kelly said he feared no serious damage to the structure.

The Portland public baths were torn from their moorings near the east approach to the Madison street bridge and went tossing down stream on the crest of the surging stream. The two pontoons were ripped asunder and one became lodged near the Steel bridge, fouling the French bark Turgot. Acting Harbor-master Smith was notified and secured cables and lashed the pontoon to the dock piling. The other half of the bath building swept on farther down until she swung into a safe berth at the O. & C. dock unassisted. This pontoon was also moored. The two pontoons suffered but little damage and can be repaired at slight expense.

Bundy's baths farther up stream also slipped their moorings and floated a half-mile down stream before they were stopped.

A houseboat belonging to Mr. Jones of Goble, but at present unoccupied, got away just above the Madison street bridge and raced down between the Burnside street and Steel bridges where the tug Agnes, Captain Dalaet, picked it up and moored it just above where one of the bathhouse pontoons is lying. The house suffered badly from collisions with driftwood and all the furniture is practically destroyed.

Tremendous activity marked the business operations along the river front from daylight this morning all through the day. Every dock, from Taylor street down, was filled with more or less valuable merchandise and at an early hour the lower docks had to be abandoned. The Ash street and O. R. & N. docks were first inundated and all freight was received at the upper dock. Every available truck, dray and express wagon that could be impressed into service was drafted to save the property on the lower decks of the various docks. A consignment of press paper for the Oregonian and the Telegram valued at \$15,000, lay at the Washington street dock and this was one of the first things saved because of its perishable nature. Horses and men splashed around in the muddy water to their knees as the floods continued to rise. The dock owners could have used twice the number of men they had to aid in the work of salvage, but they were not to be had.

The upper decks, the approaches to the docks, the streets for blocks along

the front are barricaded with freight of every sort, and so far as can be learned, little is damaged. Should the river keep up its mad sweep and continue to rise at its present rate for the next 24 hours heavy loss is inevitable. The only hope of evading such a calamity lies in the small chance the force of the flood along the tributary streams has spent itself, and that the rise will be more gradual in the next day or so.

There is little encouragement for this belief, however, for greatest anxiety is felt regarding conditions along the upper Columbia, where the heaviest snow fell and where untold damage has already been done to railroad right of way and bridges. Should the Columbia rise to the stage where it will back water up the Willamette none can venture a prediction as to what will happen. The wires are down and no reports have been received here as to the situation.

The dangerous features of the situation now are the unprecedented rise in temperature, the promise of continued rain, the rapidity with which the river is rising and the swiftness of its current.

The much hoped for news that the tributaries of the Willamette river had ceased to rise so rapidly as yesterday and at Eugene and Jefferson the water is falling, was received here tonight. The fall at Jefferson is significant, as the Santiam has its confluence with the Willamette near that place and the Santiam is the Willamette's largest tributary. It will be several days, nevertheless before the crest of the flood reaches Portland and while the local weather bureau believes there is water in sight sufficient to cause a maximum rise of 21 feet by Friday, with cooler weather in prospect for tomorrow, it is hoped the water will not go higher than this stage. Save the washout of the headgates of the Santiam canal at Lebanon and the approach to the steel bridge at Albany, reports of damage are confined to the loss of some livestock and fences. In Mackenzie bottom near Eugene, the water forced many farmers to seek the foothills for safety.

ATTACKS BOND ISSUES.

NEW YORK, Feb. 5.—A suit was begun yesterday in the United States Circuit Court by James Pollitz, of New York, a bondholder in the Wabash Railroad Company, seeking to attack the recent issue of \$2,000,000 four per cent gold bonds, and 16,500,000 of preferred, and \$16,000,000 common stock of that corporation. It is alleged that issuances of certificates were illegal and in contravention to the road's by-laws.

JAPANESE PRESS SILENT.

Pay Little Heed to Excitement of the American Press.

TOKIO, Feb. 5.—The press is still silent over the war cry in some of the American papers. No excitement is apparent here today after the talk transmitted here and is generally ignored. It is believed that the anti-Japanese agitation in a portion of the American press will prove totally futile because of the profound confidence Japan reposes in Roosevelt and Americans generally.

REDUCE FREE TRANSPORTATION.

CHICAGO, Feb. 5.—General Passenger Agents of the Western Passenger Association have decided that hereafter no free nor reduced rate transportation shall be given officers or members of the Young Men's Christian and Young Women's Christian Associations, Womens Christian Temperance Union, Theological Students, Nuns, or Brothers of Roman Catholic Orders. Rating does not include ordained ministers, officers of Salvation Army and Volunteers of America, Deaconesses in garb, Secretaries of Y. M. C. A. Sisters of Charity engaged in Charity work.

MONTANA BLIZZARD SEVERE.

HAVRE, Mont. Feb. 4.—Weather in Northern Montana is more severe than it has been for 27 years. Not a wheel is turning on the main line of the Great Northern Railway. No freight train passed Havre for 48 days. In drifts west of that point several orient limited passenger trains are stalled, to the east five more are similarly situated.

WILL NOT BUILD HOME

Asylum for Feeble Minded Not Favored.

WOULD BE EXPENSIVE

Besides Building and Site Would Need Employes and Doctors.

COMMITTEE WILL SO REPORT

Ways and Means Committee Will Support Provision of More Money for Insane Asylum Instead—Compulsory Free Passes.

SALEM, Ore., Feb. 5.—The Ways and Means committee wrestled with a big delegation yesterday afternoon that appeared before it supporting the proposed new institute for the feeble minded. The delegation desired an appropriation of \$185,000 for a site and building, and assured the committee that a considerable saving would be made the state through patients of this class being taken from the penitentiary insane asylum and reform school.

The committee threshed out the question rather carefully and discovered that this appropriation was only the start, that a large corps of attendants and physicians would have to be employed and that the needs of the institution would probably require large appropriations every session indefinitely.

The committee did not return a definite answer to the delegation, but it will not favor the proposal. The committee since its visit to the insane asylum has been impressed with the urgent need of more room for the patients and for those who will come in the future and probably as great an appropriation will be needed for this purpose as is asked for the feeble minded institute. The committee will support a measure providing the \$150,000 or so asked by the management of the asylum and will turn down the request for the feeble minded site and building fund.

The judicial committee held a short session and decided to report favorably on the Freeman bill, providing for compulsory passes for state and county officers. The measure has some unfortunate provisions, according to the same members who have investigated it, but it has some provisions that are endorsed by the majority of the House, and these features will probably carry the bill. What is especially indorsed is that section of the bill making it compulsory for the railroads of Oregon to carry state officials free and cutting off all mileage graft. It is an open secret that for years the state officials have collected on an average of about \$1,800 each for mileage per annum and have traveled on passes given by the Harriman lines, thus adding a clear profit of \$1,800 to their salary. Present appropriation bills in the House provide for the same traveling expenses, but if the Freeman law passes these traveling appropriations will not be available to the state officials even if the bills are passed, for it will be illegal for any official to collect mileage under the new dispensation.

HOWBER-DOYLE VICTORY.

CHICAGO, Feb. 4.—Annual meeting of Portland Gold Mining Co., held here today resulted in complete victory for Howbert-Doyle faction over James F. Burns.