



TIES TO BE SUNDERED

Evelyn Thaw Applies for a Divorce.

HUSBAND WAS INSANE

Papers Will Be Served Tomorrow and an Early Trial Is Expected.

SHE STOOD BY HIM AT TRIAL

It Was Pretty Generally Believed That Whatever the Outcome, the Two Would Never Live Together Again—Divorce Talk Was Common

NEW YORK, March 10.—Evelyn Nesbit Thaw will institute proceedings for the annulment of her marriage to Harry K. Thaw. The action will be based on the allegation that the defendant was insane when the union was contracted. Thaw purposes to defend the suit. The papers in the case be served sometime tomorrow and an early trial expected. In the meantime the two, by mutual agreement will remain apart. In an official statement by the counsel for both parties tonight it was confirmed that the long suspected culmination in the wedded lives of Stanford White's slayer and the woman whose story in his defense brought her the unhappy notoriety as wide as the reading world. For weeks it has been gossiped that a divorce was imminent and event during Thaw's last trial throughout which his wife stood gamely by him, it was pretty generally believed that whatever the outcome, the two would never live together again.

These reports frequently were based on the rumored objection to the young woman on the part of the Thaw family. In their statements tonight however, counsel denied that Mrs. William Thaw, Harry's mother, had taken any part in the proposed separation.

Col. Franklin Bartlett, Mrs. William Thaw's attorney, made a statement in which he said there was no truth that Evelyn Thaw had been followed by detectives. Col. Bartlett also stated the Thaw family desired to be absolutely fair with Evelyn and to make a liberal provision for her support. Even more than that Harry had sought a reconciliation and has not desired his wife to leave him. She however desires a permanent separation.

A. Russell Peabody, Harry Thaw's lawyer, said he visited Harry at Matteawan, and told him of Evelyn's intentions. He is willing to defend the suit. Peabody said Thaw made no comment except he was sane at the time of his marriage and was willing to meet the issue.

Daniel O'Reilly, who will be counsel for Evelyn said Evelyn would take the stand during the annulment proceedings and several experts who testified in the murder trial will also be called. He said he did not think Thaw would put any serious obstacles in the way of a separation if for no other reason that the gratitude he felt toward his wife for the aid she rendered him when he was on trial for his life.

CHILD DIES FROM FRIGHT.

NEW YORK, Mar. 10.—Physicians yesterday declared that the death of Grace Seamans eight year old daughter, of Arthur Seamans which

occurred Sunday at Piermont, N. Y. was the result of fright over a "black hand" letter which she picked up at the doorstep of her home Feb. 20. The letter was addressed to Henri Schuster, landlord of the house in which she resided with her parents. Its lurid wording, spelled out by the child was enough to cause the highly strung young girl to go into hysterics. From that time until she died she was in a state of fear and excitement that puzzled the attending physician. Screaming and crying with terror over the evil she believed to menace her. Her one thought was that the "black hand" was after her life. Endeavoring to divert her mind and surround the child with new associations, Mr. Seamans moved his family to the neighboring village of Sparkville. This, however, resulted in no change in her condition. The father was arranging to move to Brooklyn when the end came.

WILL GO TO JURY TODAY.

DENER, March 10.—The prosecution in the case of Giuseppe Alia, charged with the murder of Father Leo, has nearly completed the presentation of its evidence today and the fate of the defendant will probably rest in the hands of the jury by tomorrow night. The developments today showed that of 80 or more persons in the church when the shot was fired, but two saw the shot fired.

SHOT DEAD BY BURGLAR.

VICTORIA, March 10.—Charles A. Fried, well known in sporting circles in this city, was shot and killed by a burglar about midnight. Friedman has just returned with his wife from the theatre and on going to the pantry found the burglar there. In the scuffle that followed, the burglar shot Friedman dead.

CORONER'S VERDICT

Steam Pipes Too Close to Wood Caused Fire.

A HORRIBLE RESPONSIBILITY

Poor Little Children Were Caught in a Veritable Trap and Held and Crushed Until Burned to Death—Someone is Responsible.

CLEVELAND, March 10.—"The loss of the lives of the little children in the Collingswood school fire was absolutely inexcusable," said Coroner Burke today, after making a thorough investigation. "The poor little children were caught in a veritable trap and held and crushed until burned to death. Some one is responsible for this and should be held. I am not prepared yet to say upon whom the blame should be placed. Before I can charge anyone with the horrible responsibility, I must review the evidence carefully and deliberately. I find that the steam pipes caused the fire by being placed too close to the wood. There is no doubt in my mind that the over-heated pipes caused the fire."

Another body was recovered today making a total of 166.

SHOPPING DISTRICT FIRE.

NEW YORK, March 10.—Fire early today practically destroyed a building at 41 West Seventeenth street which ran through to 38 West Eighteenth street near Sixth avenue, in the heart of the shopping district. Adjoining buildings were somewhat damaged and for a time it looked as if the fire might reach some of the big department stores in Sixth avenue. None of them suffered, however, except for the breaking of windows, cracked by the heat of the fire. The loss is estimated at from \$80,000 to \$125,000.

ASSASSIN OF STEUNENBERG

Harry Orchard Pleads Guilty at Caldwell.

FAMOUS MURDER CASE

Plea Was Voluntary and Against Advice of Those Who Had Talked With Him.

ADVANTAGE OF LEGAL RIGHTS

Orchard Pleaded Guilty to Having Killed Former Governor Steunenberg by the Explosion of a Bomb at the Side Gate of His Residence.

BOISE, Idaho, March 10.—The last chapter in the famous Steunenberg murder case was begun this morning when in the district court of Canyon County at Caldwell, Harry Orchard pleaded guilty to a charge of murder in the first degree. After Pettibone was acquitted an opinion was expressed in many quarters that Orchard would take the advantage of every legal right he might have to obtain his own release or a light sentence. The stand he took this morning was a great surprise to most persons and his attorney says it was entirely voluntary and against the advice of those who had seen and talked with him.

There were few persons in court this morning when the case was called. Frank T. Wyman, Orchard's counsel, immediately notified the court that Orchard desired his plea of not guilty which had been entered in his case by the order of the court when Orchard at his first arraignment refused to plea either way. Judge Wood questioned Orchard as to whether he fully understood the status of case, what is meant for him to plead guilty and if he understood that to plead guilty to the charge in the indictment meant guilty to pleading guilty to first degree murder. Perfectly calm, with no indication of emotion in his face or voice, Orchard answered that he had gone over the matter very thoroughly with his attorney and had made up his mind definitely. Judge Wood allowed the plea to be changed and set March 18 at 10 a. m. as the date for sentence.

HAMILTON SPEECH.

WASHINGTON, March 10.—The consideration of the postoffice appropriation bill was resumed by the House of Representatives today. Although amendments were in order, the bill, when it was laid aside for the day, with 11 pages disposed of had undergone no material change. A noteworthy speech by Hamilton of Michigan, upholding the right of the federal government to control corporations and sustaining the President in his attitude toward them.

Small and Finley attacked the proposition to increase the pay for ocean mail service on the ground that it was but a subterfuge for the ship subsidy.

DISAGREES WITH STEVENS.

WASHINGTON, March 10.—Secretary Taft said today that he did not care to comment upon the statement attributed to the former chief engineer Stevens of the Panama Canal that the canal will prove an utter failure, except to say he did not agree with him and added with a smile, "I think I am with the American people in that view."

BREAKS THE RECORD.

Forrest Smithson of Portland Shows New Yorkers How to Hop Hurdles.

NEW YORK, March 10.—Forrest Smithson, formerly of Portland, Or., running in the colors of the New York Athletic Club, made a new world's record of 8 4-5 seconds over a 70-yard hurdle at Madison Square Garden tonight.

LANGDON-HENEY AFFIDAVITS

SAN FRANCISCO, March 10.—The affidavits of Heney and Langdon were filed today in refutation of those of Ruef and others in support of Ruef's motion for a vacation of his arraignment in the trolley cases on the ground that he had been promised immunity. Both Heney and Langdon deny that Ruef was ever promised full immunity, and declare that Ruef, has failed to live up to his pledge. Heney's affidavit is the longest document ever filed in any court in this city. It contains 65,000 words and by the side of it the rapid-fire of affidavits that Ruef has introduced, pale into insignificance.

Heney's affidavit will be followed tomorrow by one from Detective Burns which will corroborate all of Heney's statements. It will contain 40,000 words.

HITCHCOCK'S TRIAL BEGUN.

NEW YORK, March 10.—The trial of Raymond Hitchcock, the actor, who is under indictment on charges preferred by several young girls, will be begun in the supreme court today before Judge Blanchard. A special jury has been summoned for the trial. The case has been postponed a number of times, but it is said that no further excuses will be entertained by the court.

LYNCHED 4 NEGROES

Taken From Sheriff While Enroute to the Jail.

HAD BURNED WAREHOUSES

Four Negroes Were Lynched at Van Cleave, Miss., Twenty Miles North of Biloxi, Miss., by a Mob of Thirty Men Last Night.

MOBILE, March 10.—Dave Poe, Tom Ronston and the two Jenkins brothers, all negroes, were lynched at Van Cleave, Miss., 20 miles north of Biloxi, Miss., by a mob of thirty men last night. The men were en route to the jail in the custody of the deputy sheriff. The men confessed to having burned warehouses. The bodies of the negroes were found this morning hanging to the limbs of trees by the side of the road.

WHALE IN L. I. SOUND.

NEW YORK, March 10.—Old time whalers at Amagansett, L. I., were excited yesterday when for the first time in a year, a whale was sighted, about three miles off shore. A whale-boat manned by former experts at the business of whaling put off after the big fellow. The whale was wary, however, and after spouting three or four times, struck out for the open sea. Pursuit was abandoned toward dark.

BROWNSVILLE AFFAIR.

WASHINGTON, March 10.—The final reports of the committee on military affairs in relation to the Brownsville affair will be made in the Senate tomorrow. Senator Warner will present the report of the majority, sustaining the President's action in discharging the negro troops and Senator Foraker will present the report of the minority.

E. E. SCHMITZ RELEASED

Judge Dunne Dismisses Ex-Mayor Schmitz.

DEMURRER IS ALLOWED

Pending a Decision of the Supreme Court Schmitz Has Waited Patiently.

HAD BEEN IN JAIL 9 MONTHS

Judge Dunne Directed Case Against the Former Mayor to Be Submitted to Another Grand Jury Last Indictment Did Not Constitute a Crime.

SAN FRANCISCO, March 10.—Eugene E. Schmitz, formerly mayor of San Francisco, will probably be set at liberty tomorrow after being confined for nine months in the county jail, during which time a decision by the supreme court was pending.

Judge Dunne this afternoon presided in his department of the superior court long enough to make an order sustaining the demurrer to an indictment and dismissing Schmitz from the custody in pursuance to the remittitur of the court of appeals, sustained by the supreme court yesterday afternoon, directing that the trial court take this action on the ground that the charge in the indictment did not constitute a crime because it did not aver that "Unlawful injury" was threatened by the mayor. Judge Dunne, however, being of the opinion that the objection on which the demurrer was allowed may be avoided in a new indictment, directed the case against the former mayor to be submitted to another grand jury.

Eugene E. Schmitz was released from jail tonight after presenting bonds in the sum of \$150,000. The charges of extortion against him on which he has not yet been tried were dismissed.

MULTINOUS CONVICTS.

CHICAGO, Mar. 10.—A despatch to the Tribune from Pontiac, Ill. says:

A rush of 700 mutinous convicts for the wall which stands between them and liberty, took place at the state reformatory yesterday. The guards put up a stubborn fight and the ring leaders, all Chicago criminals were herded into the top gallery. There, on a narrow platform forty feet from the main floor, they fought until finally quelled. Half a dozen guards and as many prisoners were injured in the fight.

Proof of a well outlined plot to overthrow the guards and free the 1,200 prisoners was discovered by the institution officials. An effort will be made to seek out the other ring-leaders and prevent further plans from materializing.

U. S. STEEL CORPORATION.

NEW YORK, Mar. 10.—Stockholders of the U. S. Steel Corporation, it was announced yesterday, have reached the vast aggregate of 95,000 the largest in its history. A considerable proportion of the total has been added to the stock books during the last nine months and the increase in the number of stockholders since last summer has been larger than in any similar period since the organization of the com-

pany in 1900. While the actual holders of record number 95,000 the steel corporation officials figure that a great many of the banking and brokerage houses and syndicates whose names appear on the records, carry stock for individuals who, if their holdings were transferred to their names, would bring the rest of shareholders nearest to 125,000 than 95,000.

NAST'S DRAWINGS ON SALE.

NEW YORK, Mar. 10.—Oil paintings and drawings by Thomas Nast, in addition to specimens of the work of other artists that were collected by Nast before his death, are the features of a sale which opens this evening. The sale will continue tomorrow night also. The final dispersal sale of Nast's pictures and includes water colors and pen and ink, and wash drawings and cartoons as well as the canvases in oil. The paintings include a canvass by Thomas Moran which has a peculiar history. It was bought by Mr. Nast in 1869, as the work of J. M. W. Turner, formerly a reputable dealer who had purchased it in London as a Turner.

CURRENCY BILL NEEDLESS.

WASHINGTON, March 10.—Cotton as a basis for the issuance of treasury notes in times of a stringency was the chief feature of a speech on the pending currency bill by Senator McLaurin of Mississippi. McLaurin thought there was no special need for currency legislation and claimed that the policies of the Republican party were responsible for the recent panic. Gallinger secured an agreement to vote on the ocean mail subsidy bill on the 20th inst. The Senate passed several bills on the calendar and adjourned.

JAPANESE IN JAIL

Wanted Drawings of San Francisco Fortifications.

EVIDENCE IS INCRIMINATING

Draughtsman Clinton Was Approached by the Japanese and After Making His Request Clinton Seized and Held Him Till Officer Arrived.

ELY, Nevada, March 10.—A Japanese, who refused to divulge his name when arrested at Riepetown, a few miles from this city last night after a hard struggle in which he almost completely chewing off two fingers of Draughtsman Clinton, who was trying to hold him until the officers arrived.

Clinton, who is an expert draughtsman, was approached by the Japanese while in a saloon. The Japanese after talking over various subjects finally asked Clinton to go with him to San Francisco and get the drawings of the fortifications, assuring Clinton that he would pay him well. Clinton indignantly refused and held onto the Japanese until the officers arrived.

The Japanese is now in jail and the police are looking for his possessions, hoping to find incriminating evidence.

WITNESSES SENT TO PEKIN.

HONG KONG, March 10.—In an interview today the Japanese Consul laughed at the naval activity in connection with the seizure of the steamer Tatsu Maru. He believes the steamer will be released in a day or so. A mass meeting has been called at Canton to protest against the release of the vessel. The viceroy of Canton shared in the general indignation. The witnesses of the seizure of Tatsu have been sent to Peking. The Tatsu is still held at Whompoa. The Japanese cruiser Idzumi has arrived here.