

THAW'S CRIME ACT OF INSANE MAN, STATES FAMOUS ALIENIST

Dr. Wiley, Insanity Expert, Testifies Regarding Prisoner's Previous Action.

DEFENDANT RUSHED INTO CAR AND OPENED WINDOW

Considers Act Irrational—Thinks White's Murder Caused by Long Brooding on Fancied Wrongs That Unbalanced Thaw's Mind.

(Journal Special Service.) New York, Feb. 5.—Dr. D. C. Wiley of Pittsburgh, one of Thaw's family physicians, was the first witness for the defense called this morning in the trial of Harry Kendall Thaw for the murder of Stanford White last June. Thaw was the only member of the prisoner's family present when court opened. The defendant entered hurriedly and sat down precipitately. He wrote excitedly for some time on a pad of paper on the counsel table.

Wiley testified he was insanity specialist in the Minkoff insane asylum of Pennsylvania. "What happened in 1905 in connection with Thaw?" asked attorney Gleason.

"In 1905 I was a passenger on a car. Thaw entered and without apparent reason yanked the blind of a window down. It was evening. The conductor pulled it up. Thaw's action created a furore. His manner was vague, semi-defiant."

Gleason asked if the act was rational and the witness replied, "I should say not."

Thinks Thaw Insane. Gleason framed a hypothetical question embodying Thaw's acts just previous to the shooting and the manner of his remarks after the killing, and asked Wiley if in his opinion the man who committed such an act was sane or insane.

"My opinion is that the man in the car."

"I object," shouted Jerome. The battle of alienists was on. The doctor finally answered that in his opinion the man who acted as Thaw did after the shooting was undoubtedly insane.

Gleason asked, "If you knew that hereditary insanity was in the family, would this knowledge aid in your conclusion?"

The witness said, "I think it would."

Jerome began the cross-examination, and asked, "You do not know what the laws of the state provide in excuse for crime by the insane?"

Battle With Jerome. "Witness: 'Cannot say I do.'"

Jerome forced the witness to admit that he had formed an opinion on the hypothetical question from what he had been told of facts in the case, and what he had observed on the car in Pittsburgh in 1905.

"Now, as an expert," began Jerome, but Wiley interrupted, "I do not know that I am an expert."

"Do you mean you are not an expert," asked Jerome.

"If I have had some experience in insanity cases, I believe I am considered an expert," replied Wiley.

"What do you believe you are?" asked Jerome.



W. T. Jerome, Who Is Prosecuting Thaw.

"I have knowledge of the subject," replied the witness.

"Do you mean to tell me you came here and on the mere facts known to you in the case that you testify as an expert and give an answer to that hypothetical question?"

"Yes."

Answer Is Stricken Out. Gleason asked the witness if he thought that Thaw knew at the time of the shooting that the act was wrongful and that he knew its nature.

"He did not," replied Wiley.

After a wrangle upon Jerome's motion it was ordered that the answer be stricken from the records. The answer was not in accordance with the rules of evidence laid down by the court of appeals in the opinion on a hypothetical question which is in accord with the rules.

Wiley answered that he believed the act was that of an insane man. Again Jerome went at the witness, asking him what he believed.

"I believe that he was suffering from a delusion," said Wiley.

"Of what nature?" asked Jerome.

"They were the impressions reached by faulty conclusions," said Wiley.

"Do you know anything about Christian Science?" asked Jerome.

"I have some friends who believe in it."

"Do you believe them insane?"

"No."

Then Jerome and the witness wrestled with the medical difference between pathological conditions and perverted functions.

Among the alienists who it is said will testify as to Thaw's insanity besides Dr. C. C. Wiley, who was for six years superintendent of the Pennsylvania state hospital for the insane and recognized as one of the highest authorities on afflictions of the brain, are Dr. C. F. Bingham, for 12 years the Thaw family physician, and Henry Hutchinson of Dismont, Pennsylvania, a celebrated authority on the treatment of the insane.

Jerome made Wiley admit that the opinion that Thaw was insane was based upon the streetcar incident, but not until after he had read of the shooting, and further admitted that his opinion was partly formed by what he had read in the newspapers. Jerome returned to the question of pathological conditions and perverted functions, and asked Wiley if he applied the Romborg test.

"I don't know what the Romborg test is," replied the witness.

"What—you an expert on mental and nervous diseases, and don't know what the Romborg test is?" sharply asked Jerome. "Have you read Haeckel's book?"

The witness said he had, but did not recall the Romborg test.

Jerome kept the witness under a withering fire of medical questions, causing him to fret continually. He was still under fire at the recess hour. The court asked if he would be very long, and Jerome said, "Yes; I find the witness is interesting."

will testify as to Thaw's insanity besides Dr. C. C. Wiley, who was for six years superintendent of the Pennsylvania state hospital for the insane and recognized as one of the highest authorities on afflictions of the brain, are Dr. C. F. Bingham, for 12 years the Thaw family physician, and Henry Hutchinson of Dismont, Pennsylvania, a celebrated authority on the treatment of the insane.

Jerome made Wiley admit that the opinion that Thaw was insane was based upon the streetcar incident, but not until after he had read of the shooting, and further admitted that his opinion was partly formed by what he had read in the newspapers. Jerome returned to the question of pathological conditions and perverted functions, and asked Wiley if he applied the Romborg test.

"I don't know what the Romborg test is," replied the witness.

"What—you an expert on mental and nervous diseases, and don't know what the Romborg test is?" sharply asked Jerome. "Have you read Haeckel's book?"

The witness said he had, but did not recall the Romborg test.

Jerome kept the witness under a withering fire of medical questions, causing him to fret continually. He was still under fire at the recess hour. The court asked if he would be very long, and Jerome said, "Yes; I find the witness is interesting."

Then Jerome and the witness wrestled with the medical difference between pathological conditions and perverted functions.

Among the alienists who it is said will testify as to Thaw's insanity besides Dr. C. C. Wiley, who was for six years superintendent of the Pennsylvania state hospital for the insane and recognized as one of the highest authorities on afflictions of the brain, are Dr. C. F. Bingham, for 12 years the Thaw family physician, and Henry Hutchinson of Dismont, Pennsylvania, a celebrated authority on the treatment of the insane.

Jerome made Wiley admit that the opinion that Thaw was insane was based upon the streetcar incident, but not until after he had read of the shooting, and further admitted that his opinion was partly formed by what he had read in the newspapers. Jerome returned to the question of pathological conditions and perverted functions, and asked Wiley if he applied the Romborg test.

"I don't know what the Romborg test is," replied the witness.

"What—you an expert on mental and nervous diseases, and don't know what the Romborg test is?" sharply asked Jerome. "Have you read Haeckel's book?"

The witness said he had, but did not recall the Romborg test.

Jerome kept the witness under a withering fire of medical questions, causing him to fret continually. He was still under fire at the recess hour. The court asked if he would be very long, and Jerome said, "Yes; I find the witness is interesting."

Then Jerome and the witness wrestled with the medical difference between pathological conditions and perverted functions.

Among the alienists who it is said will testify as to Thaw's insanity besides Dr. C. C. Wiley, who was for six years superintendent of the Pennsylvania state hospital for the insane and recognized as one of the highest authorities on afflictions of the brain, are Dr. C. F. Bingham, for 12 years the Thaw family physician, and Henry Hutchinson of Dismont, Pennsylvania, a celebrated authority on the treatment of the insane.

Jerome made Wiley admit that the opinion that Thaw was insane was based upon the streetcar incident, but not until after he had read of the shooting, and further admitted that his opinion was partly formed by what he had read in the newspapers. Jerome returned to the question of pathological conditions and perverted functions, and asked Wiley if he applied the Romborg test.

"I don't know what the Romborg test is," replied the witness.

"What—you an expert on mental and nervous diseases, and don't know what the Romborg test is?" sharply asked Jerome. "Have you read Haeckel's book?"

The witness said he had, but did not recall the Romborg test.

Jerome kept the witness under a withering fire of medical questions, causing him to fret continually. He was still under fire at the recess hour. The court asked if he would be very long, and Jerome said, "Yes; I find the witness is interesting."

Then Jerome and the witness wrestled with the medical difference between pathological conditions and perverted functions.

Among the alienists who it is said will testify as to Thaw's insanity besides Dr. C. C. Wiley, who was for six years superintendent of the Pennsylvania state hospital for the insane and recognized as one of the highest authorities on afflictions of the brain, are Dr. C. F. Bingham, for 12 years the Thaw family physician, and Henry Hutchinson of Dismont, Pennsylvania, a celebrated authority on the treatment of the insane.

Jerome made Wiley admit that the opinion that Thaw was insane was based upon the streetcar incident, but not until after he had read of the shooting, and further admitted that his opinion was partly formed by what he had read in the newspapers. Jerome returned to the question of pathological conditions and perverted functions, and asked Wiley if he applied the Romborg test.

"I don't know what the Romborg test is," replied the witness.

"What—you an expert on mental and nervous diseases, and don't know what the Romborg test is?" sharply asked Jerome. "Have you read Haeckel's book?"

The witness said he had, but did not recall the Romborg test.

Jerome kept the witness under a withering fire of medical questions, causing him to fret continually. He was still under fire at the recess hour. The court asked if he would be very long, and Jerome said, "Yes; I find the witness is interesting."

Then Jerome and the witness wrestled with the medical difference between pathological conditions and perverted functions.

Among the alienists who it is said will testify as to Thaw's insanity besides Dr. C. C. Wiley, who was for six years superintendent of the Pennsylvania state hospital for the insane and recognized as one of the highest authorities on afflictions of the brain, are Dr. C. F. Bingham, for 12 years the Thaw family physician, and Henry Hutchinson of Dismont, Pennsylvania, a celebrated authority on the treatment of the insane.

Jerome made Wiley admit that the opinion that Thaw was insane was based upon the streetcar incident, but not until after he had read of the shooting, and further admitted that his opinion was partly formed by what he had read in the newspapers. Jerome returned to the question of pathological conditions and perverted functions, and asked Wiley if he applied the Romborg test.

"I don't know what the Romborg test is," replied the witness.

"What—you an expert on mental and nervous diseases, and don't know what the Romborg test is?" sharply asked Jerome. "Have you read Haeckel's book?"

The witness said he had, but did not recall the Romborg test.

Jerome kept the witness under a withering fire of medical questions, causing him to fret continually. He was still under fire at the recess hour. The court asked if he would be very long, and Jerome said, "Yes; I find the witness is interesting."

Then Jerome and the witness wrestled with the medical difference between pathological conditions and perverted functions.

Among the alienists who it is said will testify as to Thaw's insanity besides Dr. C. C. Wiley, who was for six years superintendent of the Pennsylvania state hospital for the insane and recognized as one of the highest authorities on afflictions of the brain, are Dr. C. F. Bingham, for 12 years the Thaw family physician, and Henry Hutchinson of Dismont, Pennsylvania, a celebrated authority on the treatment of the insane.

Jerome made Wiley admit that the opinion that Thaw was insane was based upon the streetcar incident, but not until after he had read of the shooting, and further admitted that his opinion was partly formed by what he had read in the newspapers. Jerome returned to the question of pathological conditions and perverted functions, and asked Wiley if he applied the Romborg test.

before this grizzly world is one day older. I would take Counsel Gleason tenderly, but firmly, by the buttonhole, lead him into some dark and secluded corner of the Tomb and whisper in his ear a fond goodby.

Attorney Gleason is doing his unconscious best to win his client's case for the prosecution. He thinks he is standing for Mr. Thaw, but what he thinks is far from being the fact.

Attorney Gleason popped into the foreground all day yesterday with so much of the appearance and the fussy regularity of the little wooden figure on top of a Swiss clock that it took quite an effort of will or the imaginative spectator to stop listening for the whirl of the wheels and the striking of the hour.

Pompous Little Man. Once out of the decent obscurity of the background, Mr. Gleason took the floor with all the pompous delight of a little man who loves to get on a platform that will make him look tall.

His nose and fell from heel to toe with his hands crossed behind him and his aggressive little chin well in the background.

"I see the sympathy writers are all out in force," said a man of the world to me in the courtroom this morning. "Tears, I suppose, and sighs and moans. Where do you creatures of emotions find them all?"

I looked at the man of the world and saw his sleek hair and his smooth face and the lines about his mouth that he tries his best to make cynical, and said to him:

"Tears? Well, what do you find in a place like this, kind sir of the superior mind, laughter?" And he looked at me and smiled cynically.

And I saw him chuckling wondrously to himself as he went some clever wit-titudes in which he called the man who is fighting for his life and the little girl-wife who is standing by him several very amusing and extremely cynical names.

Where Is Evelyn's Mother? Pale, little Mrs. Harry Thaw grows paler every day until you cannot look at her without wondering where she finds strength to sit through the long, long weary day in court.

I wonder where Evelyn Nesbit's mother is and what she is doing these days while her foolish, light-headed girl is wading deeper and deeper into the dark waters of grief.

Where does she send her daughter wandering into the life that meant shame and misery—comfortably at home in her easy chair?

NO DAZZLING LOVELINESS Evelyn Tortured by Doubts and in Agony of Fear.

(Best News Service.) New York, Feb. 5.—Yesterday morning, prompted by the hope of stealing an idea, I jealously read the Thaw trial in the daily papers. Every account, from the verge of ecstasy, laid stress on the beauty of Thaw's sister and mother, but more particularly on the dazzling loveliness of Evelyn Thaw.

I did my individual best to discover this transcendent beauty for myself, but failed. The faces of the Thaw sisters and mother, heavy rather than light, are best described as commonplace, almost dignified by trouble and manifest fortitude where they ought to be. As for Evelyn Thaw, she wears the look of one too worn and tortured to permit one to think of her in the same sentence with "beautiful."

What she was or will be, with brighter skies and hopes not held at bay by fanged perils, imminent and wide-mouthed, I may not say. As she sits in court, however, with her fear-struck eyes and pain-hollowed cheeks, there appears nothing of that "dazzling loveliness," unless agony, grief, and charm can dwell in woe.

Florence for Family. Women are more blindly loyal, more faithfully brave than men. They are more secret, more discreet, of closer counsel. Best of all, you cannot bribe a woman, nor frighten her love with a threat. And now, when jealous rashness has brought down the storm, Thaw's most hopeful fortune of all is found in that quartet of women who furnish in the dread picture which is the central figure a background of sympathy. It is they who will save him. The wife, the sisters, and beyond the rest the mother, have won for Thaw the good wishes of half the actors in this drama and every look-on.

In its material lines the story of the White killing is as well understood by all as though it had been told and heard a score of times. Thaw killed White and that one is dull who does not guess the reason. Every soul about the courtroom knows what Thaw did and why he did it. Likewise nine in ten would vote to set him free.

Fortified by Sympathy. This tolerance is not for Thaw. It is a tribute—if what is given generously and of free, unbought, undivided will should be called so—to the mother and wife and sisters who, in the cruel nature of events, live as much within the shadow of the motives of it. I also tell you that there exists no flesh and blood difference between the spectator and a jurymen. It is asking overmuch of the human heart to expect it to sentence a son to the chair while his mother or sister looks on.

Next to the defendant himself Evelyn Thaw, of those most nearly interested, betrays feeling. It is to be thought, too, that more deeply even than in the instance of Thaw himself, the iron of a terrible situation has entered her soul. Her eyes on nervous edges, but it is from anxiety, not sorrow, while she sits smitten in a kind of numbness of despair. Also she is fortified by an egotism much greater than hers. This saves him and upsets him. The number one habit is not always a bad habit, and has come to its owner's rescue on many a trying field.

Speaking of Thaw, one cannot fail to note how his eyes, when he is not white with terror, are full of fire.

THE BEST TEACHER Old Experience Still Holds the Palm.

For real practical reliability and something to swear by, experience—plain old experience—is able to carry a big load yet without getting away from you. A South Dakota woman found some things about food from Old Experience, a good, reliable teacher.

She writes: "I have used almost every breakfast food manufactured, but none equal Grape-Nuts in my estimation."

"I was greatly bothered with weak stomach and indigestion, with formation of gas after eating, and it was many months before I but did not find relief."

"Then I decided I must diet and see if I could not overcome the difficulty that way. My choice of food was Grape-Nuts, because the doctor told me I could not digest star by food."

"It has been a great benefit to me, for I feel like a different person since I began to eat it. It is wonderful to me how strong my nerves have become. I advise everyone to try it for experience is the best teacher."

"If you have any stomach trouble, can't digest your food, use Grape-Nuts food for breakfast at least, and you won't be able to praise it enough when you see how different you feel." Name given by Postum Co., Battle Creek, Mich. Read the little book, "The Road to Wellville," in packages. "There's a Reason."

GLEASON VERY WISE Winifred Black Calls Attorney Pompous Little Man.

By Winifred Black (Best News Service.) New York, Feb. 5.—If I were in the place of the prisoner at the bar in the Thaw case, I know what I would do

pering to one of his counsel, dart hither and yon about the room. There is, too, a roll and a wildness and much showing of the whites, never seen by me, at least outside the branding pen. These are the signs visible when cattle feel the intense bite of the white hot iron.

Judge Fitzgerald. Thaw, as he is brought to the plowshare of actual trial, is not without elements of good fortune. For one mighty matter he is fortunate in his bench. Judge Fitzgerald not only has fame as one who knows the law, but his instincts themselves are for justice, while mercy and no bitterness lies at the base of his nature.

Physically he is big and heavy, and these characteristics are given an emphasis by his black robe. It is no bad thing for a judge to be big and heavy; his findings gain weight as emanating from sources most profound.

Best of all, Judge Fitzgerald has a sense of humor and a smile lies always waiting in the corners of his mouth. Where there is humor there is hope. For myself I fear nothing so much as the man who never laughs. Altogether from the Thaw viewpoint, in all that Judge Fitzgerald looks and seems and is, there should abide a comfort and much to feed the fire of confidence.

FIRE ALARM SYSTEM ON WEST SIDE IS IN ORDER

The entire west side fire alarm system was reported to be in perfect order by Superintendent Savariou of the fire alarm and police telegraph this morning. On the east side a number of stations are still suffering from the effects of the freeze-up. The electricians are working on these circuits, and Mr. Savariou expects to have all the stations in good order by tomorrow.

In getting the west side lines in shape, Mr. Savariou and his assistants and Ex-Superintendent George J. Walker and the firemen detailed by Chief Campbell worked night and day since the freezeup of January 28. The lines in the principal portions of the two sides of the river were repaired, first, and those that remain to be fixed are those in districts where there are no business houses and comparatively few residences.

TEACHERS TO INSTRUCT IN KINDLINESS

Course in Schools Proposed by Society for Ethical Education.

The Society for Ethical Education held a meeting last night at Mrs. Lucy Mallory's parlors, 193 Sixth street. The subject for discussion was "The Immortality of the Soul."

The society is pushing the claims of a bill before the legislature authorizing ethical instruction in the public schools of the state. It provides for the introduction of courses for elevating the principles of children and makes teachers responsible for the pupils' attitude toward one another and toward all of God's living creatures.

The object of the association is to teach the sacredness of human life and the full import of the commandment, "Thou shalt not kill." The principles of truth, justice, morality, patriotism and refinement are involved in the proposed course and the avoidance of idleness, falsehood, profanity, vulgarity and intemperance, and a recommendation is made for spending at least one hour a week in teaching the students kindness to one another and toward domestic animals and all living creatures.

Mrs. Lydia A. Irons is president of the society; Mrs. Lucy A. Mallory, vice-president; Ida Hulery Fletcher, secretary; E. De Young, treasurer; J. F. Irons, general delivery.

Crop prospects this time of year were never better in Morrow county.

JAPAN SPOOLS FOR NO FIGHT

Ambassador Aoki, Under Instructions, Issues Most Positive Denial.

(Journal Special Service.) Washington, Feb. 5.—A Chicago paper having wired the Japanese minister of foreign affairs asking as to the attitude of the Japanese in the present situation, the minister referred the paper to the Japanese ambassador at Washington and ordered Aoki to "Convey to the American people the Japanese government's disavowal of all in-

elination toward war and the belief that the differences are susceptible of pacific treatment."

Aoki directed his counselors at the embassy to say: "Stories that Japan has made any demands or delivered any ultimatum to the United States are without foundation. There has never even been a clash of opinion between us and the state department. The department from the start conceded we were right and that Japanese children were treated in San Francisco in a manner in violation of treaty. We have the right of the matter and shall deal only with the federal government."

FAR AWAY EARTHQUAKE LASTS NINETY MINUTES

(Journal Special Service.) Vienna, Feb. 5.—Professor Bolat, at Laibach, says the seismograph recorded an earthquake Sunday lasting 90 minutes, for 400 miles from Laibach.

Married 51 Years

Mr and Mrs. F. A. Weiblen, of 567 Forest Street, St. Paul, Minn., who have been married fifty-one years, are hale, hearty and vigorous, Mr. Weiblen at the age of seventy-one and Mrs. Weiblen at the age of seventy-three, thanks to the great renewer of youth, Duffy's Pure Malt Whiskey.

Mr. Weiblen served in the United States Navy during the War of the Rebellion and was in business twenty-two years in Cumberland, Wis., before he moved to St. Paul.



MR. AND MRS. F. A. WEIBLEN.

"It is true we have been using your malt whiskey in small doses for some time for kidney trouble, and have found won-derful benefit from its use. We shall keep it on hand for use when occasion requires."—F. A. Weiblen and wife, 567 Forest st., St. Paul, Minn., July 11, 1906.

Duffy's Pure Malt Whiskey

Is an absolutely pure, gentle and invigorating stimulant and tonic. It builds up the nerve tissues, tones up the heart, gives power to the brain, strength and elasticity to the muscles, and richness to the blood. It brings into action all the vital forces, it makes digestion perfect, and enables you to get from the food you eat all the nourishment it contains. It is invaluable for over-worked men, delicate women and sickly children, as it is a food already digested. It strengthens and sustains the system, is a promoter of good health and longevity, makes the old young and keeps the young strong. Duffy's is recognized as a medicine everywhere, and is guaranteed absolutely pure. Skilled chemists, whenever they analyzed it during the past fifty years, have always found it pure and possessing properties of great medicinal value. Our guarantee is on every bottle.

Beware of dangerous imitations and substitutes. They are positively harmful and are sold for profit only by unscrupulous dealers. Look for the trade-mark, the "Old Chemist," on the label, and be certain the seal over the cork is unbroken. All druggists, grocers or dealers or direct \$1.00 a bottle. Doctors' advice and illustrated medical booklet free. Duffy Malt Whiskey Co., Rochester, New York.



Closing-Out Sale AT 131 FIFTH STREET

The most sensational values in our history are being offered now, as our new store will be ready about March 15, and we will not pack one single garment across the street to our new home.

Every Coat Must Go

COATS as Wednesday and Thursday Special, values up to \$12.50.....**\$2.95**

COATS as Wednesday and Thursday Special, values up to \$22.50.....**\$5.00**

COATS as Wednesday and Thursday Special, values up to \$27.50.....**\$9.75**

Suits of all descriptions and prices, and every one of them got to go. See Window.

REMEMBER, we own, operate and maintain a manufacturing plant of Ladies' Garments, and have the real man tailors to fit you. The garments you purchase in our store will be handled in an expert manner. You will find no such equipment elsewhere.

Petticoat Special

SILK PETTICOATS, values up to \$7.50, Wednesday and Thursday.....**\$3.25**

ABOUT 200 SKIRTS, values up to \$10.00, Wednesday and Thursday.....**\$2.25**

Thousands upon thousands of SKIRTS, and they have got to go. See Window.

The J. M. Acheson Co.