Witnesses of the Roof Garden Tragedy Again Tell the Story of How the Accused Young Millionaire Shot Down His Enemy

suddenly faced Mr. White and deliberately shot him through the brain, the bullet entering the eye.

"Mr. White was dead!

"The defendant did not know this. He feared he had not completed his work and fired again, the bullet penetrating White's chest.

"Still, to make sure, he fired a third time.

"Mr. White, or rather the body of Mr. White, tumbled to the floor.

"The defendant turned and, facing the audience, he held his revolver aloft, with the barrel upside down, to indicate that he had completed what he had intended to do. The big audience understood. There was no panic."

Mr. Garvan concluded by giving the details of Thaw's arrest and imprisonment by the prosecution.

Thaw sat with head downcast and face flushed.

"CRUEL, MALICIOUS, PREMEDITATED."

Not once did Mr. Garvan mention, save casually and in order to make the narrative compete, any name save the names of the two principals—White and Thaw. In plain, but impressive, manner, without waste of adjectives, Garvan sketched the main lines of the big tragedy. These were the last words:

"Gentlemen of the jury, we expect to show you this crime was the cruel, malicious premeditated taking of a human life."

Neither Harry Thaw or any of his people showed by any outward sign that they heard Jerome's assistant.

As soon as Garvan stepped down Mr. Jerome made the usual request of Justice Fitzgerald that all the witnesses on both sides except the experts should be barred. All over the room persons arose and filed out. Mingled with them were the talesmen who had been ordered to come back to-day in the event that some of them should be needed to complete the jury.

The rule barred Thaw's mother, his wife and May McKenzie.

"Do I have to go?" said Evelyn Thaw audibly to one of her husband's lawyers. Dan O'Reilly nodded an assent.

The moment arrived to call the first witness. Mr. Jerome consulted a typewritten slip.

"Lawrence Grant White," chanted Clerk Penny, methodically. There came forward at the word a handsome youth, tall and slender, and having about him the air and jib of a college student. It was Stanford White's nineteen-year-old son and heir. He settled himself calmly in the witness chair and faced Mr. Garvan expectantly.

Quietly old Mrs. Thaw, the young wife and May McKenzie were led away by the side door. As they passed out Harry Thaw leaned far back in his chair, gripped Evelyn Thaw's gloved little hand and squeezed it. He smiled reassuringly—a compassing smile it was that took in his mother as well. Edward and Josiah Thaw closed up ranks, as it were, by moving into the empty chairs on either side of Mrs. Carnegie.

As the three women filed out, with them there went a strange woman in brown who had been seated on the other side of the room. She was said to be Evelyn Thaw's maid, although Harry Thaw told the reporters he didn't know her at all.

SON'S STORY OF THE CRIME.

Young White spent six minutes on the stand. He told only of his movements on the night of the tragedy in his father's company—how he went with his father and a college chum, LeRoy King, to Martin's; how afterward his father took the two boys to the New Amsterdam Theatre, in an electric cab, and then went himself to Madison Square Garden.

"When did you next see your father?" asked Garvan.

"On the roof, after he was dead," said the young fellow, without visible emotion, gazing straight at Garvan.

"We do not care to cross-examine this witness," said Delmas, from San Francisco, who had moved forward to the seat usually occupied by the lawyer who puts the questions in a trial in this court.

ENGINEER REPEATED STORY.

Walter Paxton, engineer of Madison Square Garden for sixteen years, took Laurence White's place on the stand. Paxton, a stoutly built, full-faced man, with the heavy jowl and big mustache of a police sergeant, was the first man who laid hands on Harry Thaw after the shooting. He had testified at the White inquest, and he now repeated the story he told then, almost without the changing of a word. He was not cross-examined either. It wasn't necessary. He had simply seen the thing, which there was no denying had happened just as Paxton said it had happened.

But little of Paxton's testimony was significant. Here is the only part of it that created any visible impression in the eagerly listening court-room:

"I was holding Thaw a prisoner," stated Paxton, in a matter-of-fact tone. "He had been turned over to me by two men who had arrested him and disarmed him. Thaw said to me, 'We've got to go down in the elevator, anyhow. Suppose you take me down now, so as not to annoy these people.' I said, 'It's a good idea.' So I took him down in the elevator.

WAS EVELYN THAW IN DANGER?

"As we entered in dashed a lady and gentleman. The lady was crying and excited. Thaw said to me, 'I did it because he ruined my wife.' Then the lady said, 'But look at the fix you've got yourself in.' Thaw answered her as follows: 'All right, dearie; I have probably saved your life.'"

That was substantially the last of Paxton's testimony. He examined a diagram of the roof garden, showing where White had been seated when Thaw shot him to death. Mr. Jerome had the big diagram "marked for identification." It became "Exhibit A" in the case.

Then came Meyer Cohen, a song writer and publisher, who had an interest in the play "Mam'zelle Champagne," which was playing at Madison Square Garden roof the night of the murder. Cohen, a stoutly built man, with grayish hair, described the shooting, which he witnessed from a few tables away. Leaving the stand, Cohen moved down into the open space in front of the jury box and described the killing as he saw it.

Illustrating with graphic, well-ordered gestures and measured steps he told how Harry Thaw strolled back and forth in the aisle, how Thaw finally came to a halt in front of White's chair, drew a revolver and shot him three times, then held the weapon aloft and started toward the elevator to be seized and disarmed.

In describing the distance covered by Thaw as he nerved himself for the deed he meant to do, Cohen pointed to Mrs. Carnegie.

"Mr. Thaw walked about as far as from here to that lady yonder."

Thaw's sister flushed and half turned her head in confusion at being made an exhibit, so to speak, with the witness's testimony. Cohen also identified Mr. Garvan's big charted drawing.

FIRST CROSS-QUESTION.

Mr. Delmas pushed his pudgy form half way across the railing in front of him, holding in one hand a fountain pen and in the other his nose glasses. He put the first question in cross-examination:

"Did you keep your eyes on Mr. Thaw, following him with your glance from the time he first attracted your attention until he fired the shot?"

"Yes," said Cohen.

"Did you follow him constantly with your gaze from where you sat?"

"I did."

"Did Thaw at any time go past an imaginary line drawn from White's table across the Garden from north to south?"

"I think not."

The next witness was Henry F. Blaese, Cohen's partner in the song publishing business, who had charge of the orchestration of "Mamzelle Champagne," and who sat with Cohen at the opening performance. Mr. Blaese, a good-looking man with a keen eye, described the shooting much as Cohen had described it.

WILL THAW PLEAD SELF-DEFENSE?

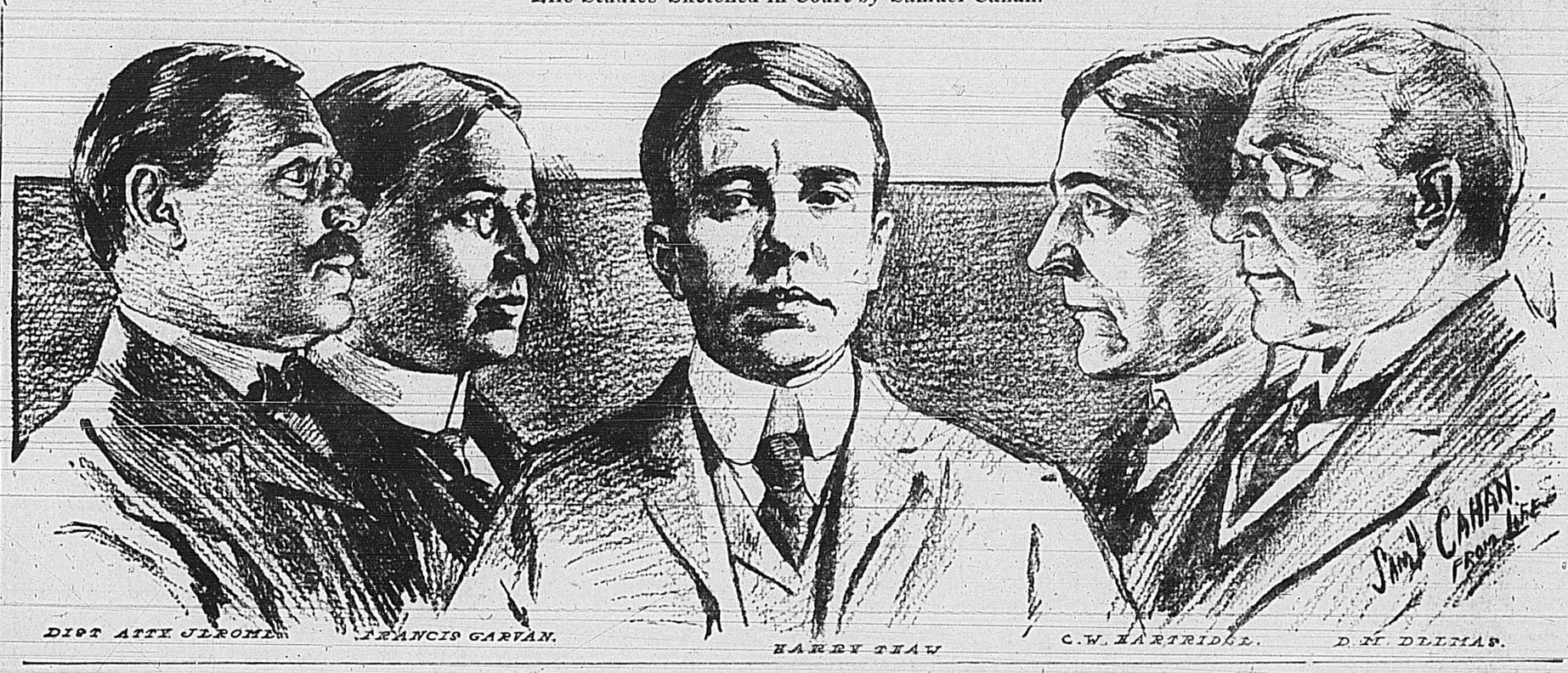
In just six minutes he was turned over to the defense for cross-examination. And now for the first time something happened which might be inferred to mean that Thaw's lawyers were actually preparing to declare that Thaw had not fired until he saw White make a threatening demonstration.

"Which hand did Mr. White have his head resting on as he sat at that table?" asked Delmas.

"His right hand," said Blaese.

OPPOSING COUNSEL WHO BEGIN THE REAL BATTLE FOR THE LIFE OF HARRY THAW.

Life Studies Sketched in Court by Samuel Cahan.



"Are you sure?"

"I am."

"Could you see Mr. White's left hand?"

"I could not. His left hand and arm were hidden from me by his body."

The rest of the cross-examination was largely perfunctory.

A bulky figure that fitted snugly inside a blue uniform wedged itself into the witness chair. The bulky figure was that of Paul Brudi, fireman of the first grade, the man who grappled with Thaw and disarmed him three seconds after the killing.

THE DEADLY REVOLVER.

Mr. Garvan caused Brudi to go through a description of the scene as he witnessed it. Brudi, an intelligent-looking chap, who has been in the department sixteen years, did not vary in his account from the accounts of the two men who had preceded him. Brudi fingered a heavy, short-barrelled, wicked-looking, blue steel pistol which Garvan handed to him.

"That's the gun I took away from this here party, Thaw," said Brudi in a bluff professional tone, like a policeman testifying in a police court.

"He gimme the gun without any trouble.

"He had a staring look in his eye—I seen that much as I slipped up behind him and grabbed the gun.

"As I got my fingers on the gun, this here Thaw said to me: 'He ruined my wife,' like that."

THAW KEPT EYES AVERTED.

Thaw kept his eyes down as the pistol was being passed about. He evidently didn't care to look at the thing.

On cross-examination Delmas put questions which tended to emphasize the belief, which was now beginning to gain converts in the court, that Thaw meant to set up a plain and actual self-defense—something which had never before been even suggested.

Delmas, by a series of suave, skilfully pointed questions, induced Brudi to say that he had not seen Thaw draw the pistol until a moment before the first shot was fired, and that from where he (Brudi) stood he could not see White's left hand or arm until after the shooting took place. If it should now be shown that White was a left-handed man, the value of this evidence to the defense may be readily appreciated.

"Was Thaw's face pale or flushed when you seized him?" asked Delmas.

LOOKED AS IF HE WAS SCARED.

"He looked kind of frightened—like as if he was scared."

"I didn't ask you that. I asked you if he was pale or flushed."

"Well, he was pale."

"How about his eyes?"

"They was rolling up in his head."

As Brudi left the stand an Evening World reporter put this question to Clifford W. Hartridge:

"Do you claim that Sanford White was left-handed, or will you claim that later?"

"Mr. Hartridge hesitated a moment, then he said slowly: "I must decline to make any answer at this time."

Edward H. Condey, foreman of Madison Square Garden at the time of the shooting, spent less than a minute on the stand. He simply identified the revolver. Thaw still kept his eyes averted from the handful of blue steel.

Anthony L. Debes, the policeman who took Harry Thaw to the Tenderloin station, followed Condey. Debes, a well-fed-up young man, wore his full uniform. His testimony, summed up, was that he laid hands on Thaw at the foot of the elevator and walked him to the lock-up.

"I asked him," said Debes, "If he shot Stanford White. He said, 'I did.' I asked him, 'Why did you do it?' 'Because he ruined my wire—or my life,' Thaw said. I couldn't make out whether the last word was life or wife."

Nobody for the defense asked any questions of Debes.

THE THREE FATAL BULLETS.

Dr. Timothy Lehane, a stout, plump Coroner's physician, with a red, round face, said he performed the autopsy on the body of the murdered man at an undertaker's establishment on the morning of June 26. Harry Thaw, still curiously flushed, bent his head low as Lehane rattled through a lot of professional terms, names of bones and names of nerves and of muscles and the like, describing the course of the three bullets that entered Stanford White's head, face and shoulders. Then Garvan produced three soiled envelopes and from them Lehane took three flattened lumps of lead.

"These are the bullets that came out of Stanford White's body," he said reminiscently, almost fondly, as he rolled the misshapen chunks of lead in the palm of one hand. "Two of them I got out of the body and the third the undertaker gave to me."

Thaw's lawyers had to have a look at these slugs. They passed the bullets from hand to hand. Thaw deliberately turned his eyes away so that he could not see the things. He seemed to have developed an almost feminine aversion to looking upon the inanimate objects with which he had taken a life.

Dr. Marvin Techner, a physician, of No. 84 West One Hundred and Eighth street, had been a member of Cohen's and Blaese's party on the night of June 25. He was a small, dark man. The doctor said he saw Thaw pass his chair and stride down the aisle. There was nothing about Thaw to attract his attention, he said. A moment later he heard the three shots, saw White slide out of his chair, saw Thaw moving away with his smoking gun held high in the air.

AGAIN THAT LEFT HAND.

Answering Mr. Delmas, Dr. Techner said he didn't see White at all until the moment of the shooting, and he knew nothing, of course, of the position of White's left arm or his right during the few seconds that elapsed between the time he noticed Thaw passing and when he heard the first shot and glanced up.

"We want Policeman Debes recalled," said Mr. Jerome. Debes came back to the stand as the physician left it.

"Did the prisoner's wife say anything to him when he was turned over to you," asked Garvan.

"Yes," said Debes. "She ran up and cried out: 'Harry, why did you do that?' He replied, 'Never mind, it will be all right.'"

"May it please Your Honor, the State now rests its case,' said Mr. Jerome in almost an undertone. It was 12.45 o'clock. It had taken the District-Attorney a little less than two hours to offer his evidence in chief in New York County's greatest murder case.

Court adjourned for a recess. In the crowd as it filed out were three well-dressed women, all evidently members of the same party, and two Chinese Consuls, who, it was explained, had secured admission in order to study the American system of presenting a big murder trial.

"We will be ready to begin the defense as soon as court convenes this afternoon," said Mr. Hartridge. He would not say whether he expected to make Harry Thaw his first witness. It was learned that John B. Gleason would make the opening speech for Thaw.

MR. GLEASON'S SPEECH OUTLINING THE DEFENSE

Mr. Gleason—If Your Honor please, and gentlemen of the jury: The circumstances of this case have occupied public attention to an extraordinary degree. Never before in the history of any capital case has the amount and extent of ingenuity been expended on theories with reference to the defense of this case as here. It is important, therefore, gentlemen, at the outset that your minds should be absolutely disabused of any idea or impression that this defendant here can come before you and defend himself against this homicide charge by anything except by the law.

"The defense, gentlemen, rests entirely upon the constitution and the laws of this State of New York. To these, gentlemen, we confidently appeal. Upon these laws we alone rely and we dismiss entirely from our thoughts, and ask you to dismiss entirely from your contemplation, that this defendant or his lawyers claim the protection of any other law or higher law than those of the State.

"Now, gentlemen, it is proper that I should call your attention to one fact before going any further, that one of the laws of the State of New York is on trial here now.

Jury Law Is on Trial.

Only a few years ago, within the recollection of every one of us—in the almost immediate recollection of every one of us—there existed a law whereby nearly every one would be precluded absolutely from judging of the guilt or innocence of this defendant, because by the common law of England and the law of this State the fact any one had formed an opinion was regarded as conclusive as showing that he could not give that man a fair and impartial trial.

"Now we have discovered, with the newspapers publishing events and theories as to the course of trial, that it is impossible to get a jury of fair-minded men except from people who read the newspapers. Men who read the newspapers naturally have to form some opinion, and the alternative of the law has been either to accept a class of jurymen who never read the newspapers, never make up their minds, or to rely upon the honesty and integrity of twelve men like you. You have all gone into this box, and most of you have said, 'Yes, we have formed some opinion.' Some of you must have formed some opinion against my client, for I cannot assume that you have all formed an opinion in favor of this defendant. Therefore there never was a case until this case right here where so many men have got into a jury box with an opinion beforehand, and I say that law is on trial right here.

"Now, gentlemen, what is to be the defense that will be introduced in this case? We will rely upon all defenses which we may be able to prove under the plea of "not guilty," upon all circumstances tending to show that the defendant acted without malice and without premeditation, and in the belief of self-defense, induced by the threats of White to kill the defendant. You will consider the evidence which will be presented in that regard. But the greater part of our evidence will be to prove to you that the defendant killed Stanford White under the delusion that it was an act of Providence, that he was the agent of Providence to kill Stanford White.

"The defendant for three years has been suffering from a disease of the brain which culminated in the killing of Stanford White, and which left its effect clearly observable after the homicide. When examined after the homicide he was not aware of his mental condition and insisted he was sane and that the act was an act of Providence.

"Now, gentlemen, we have here then, the principal defense which we will present to you. The defendant killed Stanford White because he did not know that act was wrong. Why did he not know? Because, gentlemen, he was suffering from a disease of the brain which induced that condition of mind, under the explosive operations of which he believed it was right to kill Stanford White, acting under the influence of his insanity.

"Now, what was the cause of this mental condition of the brain? Hereditary insanity in the family, the way of his life and the acts of Stanford White and the effects produced on the mind of the man, under which it finally gave way.

"Gentlemen, you are to pass upon the state of this man's mind at the time he killed Stanford White. Do you feel yourselves to be competent judges, and if so, why? Gentlemen, I propose to tell you why you are competent, and why the law in its prudence and wisdom has made you the sole judges of this question. The Court may lay down its opinion on the law, as will undoubtedly be done. Experts may give their theories before you and witnesses may testify, but upon this question, "Was this man sane when he killed Stanford White?" you are the sole and ultimate judges. That question is not committed to any one but to you. Upon your oaths you are bound to honestly decide it.

"We will show by the evidence that this young man had what is termed a psycopathic temperament, with a mind liable to disclose what we would ordinarily call highly nervous temperament. We will show that the young man had the taint of insanity by heredity and in temperament.

"Now he fell in love with a young woman in 1901, and he loved her with an honorable love. The young man planned to make the young woman his wife. He went to the mother of this girl and told her he planned to marry the young woman if he could gain her affections. The daughter underwent a severe operation in 1902. Mr. Thaw suggested that the mother should take her daughter to Europe to see if she could there regain her health. They went, and Mr. Thaw did accompany them, openly and avowedly as a suitor for the hand of the daughter, and that is all.

Wife Will Tell the Story.

"He took Miss Nesbit in London to visit his own sister, living there then. In June, 1906, this young man asked this young woman to be his wife. She refused. Now, gentlemen, what the circumstances were behind that refusal you will learn from her own lips.

"I do not consider it my province to state those facts here. I will not take time to go into the details. The reasons why she did not wish to marry him she will tell you with her own lips and her relations to Stanford White.

"He finally did marry the girl in April, 1904. From that time the character of Harry Thaw underwent a change. His mind took on an idea in reference to Stanford White. It was involved with other ideas, culminating in the idea that it was not wrong to kill Stanford White.

"We will show you by documents and letters that this defendant's mind was affected and that he did not know his act was wrong. From January, 1904, in consequence of the idea that filled his mind, Thaw began to carry a revolver, but he had no idea of killing White when he went to the roof garden on June 25 last.

"When he saw White he was acting under the delusion that it was an act of Providence, under the circumstances, for him to kill Stanford White.

"His diseased brain still guiding him, he still saw what was a demon glowering at him. Acting upon the impulse of the delusion that his act would be an act of Providence, he walked coolly and deliberately, as you or I would walk down the street, to where Stanford White sat, and still believing it was an act of Providence guiding him, he shot and killed him. He thought the act was right, and not wrong.

"Believing his act to be right, he had no idea of evading any of the consequences. Still regarding himself as the agent of Providence, he stood there, held his pistol aloft as if mutely to say, "It is done; it is right; it is not wrong."

SUES TROLLEY LINE FOR $50,000 DAMAGES.

Alfred and Charles Steckler brought to trial before Justice Erlanger and a jury in the Supreme Court his afternoon in behalf of Charles Reidlinger, an expert electrician, against the Westchester Electric Railway Company and the Westchester Electric Lighting Company for $50,000 damages for a curious accident that made a complete physical wreck of him.

The trolley wire was crossed at Olin avenue, in the Bronx, by electric light wires. The trolley pole jerked the light wire and broke it. It fell upon an iron railing, short-circuited, and sputtered and threw off sparks.

Reidlinger, who was passing, was asked by a policeman, as an electrician, to remove the wire so as to make it safe for others. He undertook it.

The current knocked him sky-high. He was in the hospital for a year. One hand is shattered. He has only one finger and the thumb on the other hand. Pieces had to be removed from his skull and replaced with silver plate. A jury was chosen. The trial will go on to-morrow.

Crowd Rides on Subway to Get View of Evelyn Thaw.

Owing to the unusually early hour of adjournment, the electric brougham used by Evelyn Nesbit Thaw and May McKenzie was not at the Criminal Courts Building to take them back to the hotel. After several attempts to summon the vehicle by telephone, they decided to take the Subway, and left the witness-room with a police escort, accompanied by Lawyers O'Reilly, Hartridge and Gleason.

The party attracted much attention as they went through the building to the Lafayette street entrance. There the police left them and, under the escort of the lawyers, the two young women started for the Worth street subway station. Despite the storm fully 200 persons quickly gathered and followed them trying to get a glimpse of the women's faces through their heavy veils.

Most of the crowd stopped at the subway station, but a score or more followed them on board a train, where their identity soon became whispered about.

The prisoner's sister, Mrs. Carnegie, with Mr. Edward Thaw, went uptown by subway some time later, when the crowds had dispersed. Mrs. Thaw was spared this inconvenience, for she left the building when excluded from the court-room with other witnesses.

SLEEP BROKEN BY ITCHING ECZEMA

Skin of Whole Body Covered for a Year—Awful Itching Kept Sufferer Awake Half the Night—Tried All Kinds of Remedies but They Had No Effect.

CUTICURA REMEDIES A PERFECT SUCCESS

"I wish to let you know that I have used one set of Cuticura Remedies—one cake of Cuticura Soap, one box of Cuticura, but two vials of Cuticura Resolvent Pills—which cost me a dollar and twenty-five cents in all. For a year I have had what they call eczema. I had an itching all over my body, and when I would retire for the night it would keep me awake half the night, and the more I would scratch, the more it would itch. I tried all kinds of remedies, but could get no relief. A friend of mine told me to try the Cuticura Remedies which I did, and am very glad I tried them, for I was completely cured. If any of my friends should be troubled with the same disease, I will cheerfully recommend the Cuticura Remedies, and if I know any one who wants to know how I cured myself, I shall be glad to tell them. Walter W. Paglusch, 207 N. Robey St., Chicago, Ill., Oct. 8 and 16, 1906."

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Cuticura Ointment is, beyond question, the most successful curative for torturing, disfiguring humors of the skin and scalp, including loss of hair, yet compounded, in proof of which a single anointing with Cuticura Ointment, preceded by a hot bath with Cuticura Soap, and followed in the severer cases by a dose of Cuticura Resolvent (*Liquid or Pills*), is often sufficient to afford immediate relief in the most distressing forms of itching, burning, and scaly humors, eczemas, rashes, and irritations, permit rest and sleep, and point to a speedy cure when most, if not all, other remedies and even physicians fail.

Complete External and Internal Treatment for Every Humor of Infants, Children, and Adults consists of Cuticura Soap (25c.) to Cleanse the Skin, Cuticura Ointment (50c.) to Heal the Skin, and Cuticura Resolvent (50c.) (or in the form of Chocolate Coated Pills, 25c. per vial of 60) to Purify the Blood. Sold throughout the world. Potter Drug & Chem. Corp. Sole Props., Boston, Mass.

Mailed Free, A Book on Skin Affections.

DIED.

BYRNES—Sunday, Feb. 3, 1907, WILLIAM F. BYRNES, beloved husband of Harriet A., nee Newbauer, and son of Mary Hatherley.

Funeral from his late residence, 6 Weifer court, 169th st. and Washington av., Bronx, Wednesday, 1 P. M.

SCHUBEL.—On Feb. 3, 1907, ANNIE SCHUBEL (nee Lyons).

Funeral Wednesday from her late residence, 323 West 39th st., thence to Holy Cross Church, West 42d st. Interment Calvary.

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FIRST-CLASS WASHER at once. Fellows' Steam Laundry, 2316 8th av.

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