MOTHER BARES FAMILY SECRETS TO SAVE THAW

but if he became excited it would revert to a speech that could not be understood.

Q. During the three years he spent under you did he mingle with other children? A. He was generally an isolated child.

Q. Was he precocious in the things in which he took an interest? A. Yes, unusually so.

Q. Did you ever make a note in regard to any suggestion to be made to his mother? A. Yes.

Here the witness identified her school diary. On page 2 she found an entry under date of March 21, 1877, relating to Thaw. With her memory refreshed Mrs. Laurence said:

"I told his mother at that time that I thought he was a child with a peculiar brain which could be stimulated at home. I also told her that his mind did not seem capable of any strain."

"Did his acts during this period impress you as rational or irrational?" was asked.

"Irrational," said Mrs. Laurence with great promptness.

Thaw's Aged Mother on the Stand to Prove His Insanity.

Mrs. William Thaw, the prisoner's mother, arrived for the afternoon session accompanied by Mr. and Mrs. George Lauder Carnegie and a maid. If anything, she looked a little frailer and a little whiter than when she was on the stand last week. A nurse with a bottle of smelling salts followed the white-haired, tottering woman to the stand. Mr. Littleton at once took up the examination.

Q. When was your son born? A. On Feb. 12, 1871.

Q. Please tell of an occurrence in your life shortly before the birth of Harry K. Thaw? A. I had another child. It lived two days. It's heart was weak. One day I put my hand upon the child's face and found it cold in death. This shock left me in a nervous state and in a bad physical condition for a long time. For several months I was sleepless. Besides insomnia I was greatly troubled with pains in my head. I think my whole nervous system must have been involved. Much of the time I was an invalid. The back of my head and neck troubled me greatly. I suffered from congestion also as a result of this shock.

Q. How long before you recovered? A. It was fully six or seven months. My son Harry was born about thirteen months after the finding by me of my dead child.

Nervous and Wakeful.

Q. What was Harry Thaw's condition of health after birth? A. He seemed normally healthy until he was three months old. Then he had an attack of congestion of the lungs, involving his brain. He was troubled with sleeplessness. He was very nervous. Sometimes he would go without sleep so long a time on a stretch that he would wear out both his nurses and myself. His eyes were wide open and staring.

Q. When awakened after a sleep, what would he do? A. He would scream and throw up his hands and his limbs would twitch. His nurse, a strong young woman, was worn out and so was I.

Q. How did he behave at nights when awake? A. He would sit motionless for hours on my knees. This condition lasted for two or three months. Later he suffered from a wretched digestion and became pale. His head was unusually large. When he was seven years old he had measles. Both before and after that he suffered from St. Vitus dance. From the age of three he was of very frail appearance. His head was so large and his body so small that when he ran he had a very unsteady gait. He was very nervous, slept badly and was easily excited. When excited he would scream loudly and throw himself on the floor. His forehead would become very much flushed and he would hide his face on a couch.

Attacks Continued for Years.

Q. After such an attack describe his appearance? A. I don't recall. These attacks occurred very frequently. Almost anything would make him very nervous. He had these periods of excitement until he was twelve or thirteen years old.

Q. When did he start for school? A. He entered Miss Belle Morehouse Laurence's kindergarten class at the age of six. Later he went to school at Worcester, O. When he returned from Worcester he being then fifteen years of age, he was strong physically, but nervousness was still very much marked. When he came home from Wooster for the Christmas holidays I kept him at home. After several months he entered a preparatory school, where he stayed for some time—about two years. I should say.

Victim of St. Vitus's Dance.

Q. Did he not attend Mr. Abram Beck's school? A. Yes; he was there for several months. I can't say for many. I recall writing to Mr. Beck while he was there, but I can't recall what I wrote him.

Q. After leaving the preparatory school of the Western University where did he go? A. He went to Harvard but remained there only for a few months.

Q. Was he of a nervous temperament during all his school life? A. He has been nervous more or less throughout his whole life. He has had many attacks of St. Vitus's dance?

Q. Was this condition of nervousness very noticeable about the time of his marriage? A. Yes it was. He worried because he feared the mother of Evelyn would not give her consent. He worked continually upon the will and codicil. He was in a great state of excitement.

Both Brothers' Minds Tainted.

Q. Did you have a brother named Henry Copley? A. Yes, an older brother. He died fifteen years ago. He was weak-minded from the age of six. He was subject to just such attacks that my son Harry has. He was weak-minded until his death.

Q. Did you have another brother named Josh Copley? A. He is now alive in Salt Lake City at the age of seventy. He had brain fever as a child and was thereafter very nervous. At one time he had three days of acute and violent mania at my house. He was then twenty years old. He was taken to an asylum, where he stayed seven months. Later he was discharged as cured and he served as a soldier in the civil war. Since then his health has been good except for great nervousness.

Q. Was he violent at the time of his insane attack? A. Very. It was necessary to have the aid of physicians and neighbors in controlling him. I did not see him while he was in the asylum.

Q. Did your husband have a sister named Mrs. Hirsch? A. Yes. She was an epileptic from the age of six. She had epileptic attacks until the time of her death.

Grows More Distressed.

Through the examination Mrs. Thaw showed increasing signs of weakness and distress. Her head trembled visibly, although she tried bravely to hold it erect, and she constantly mopped her thin, worn face with a black-bordered handkerchief.

Q. You wrote to his teacher when he was ten years old that you feared that his mind was unbalanced? Have you since had that apprehension?

Mr. Jerome objected and was sustained.

After a perfunctory question or two, Littleton wanted her to describe Thaw's facial expression as a child.

A. It was not natural she said. He seemed depressed. He seemed melancholy.

Contradicted by Affidavit.

Mr. Jerome said he would waive cross examination if he were allowed to read the affidavit which Mrs. Thaw made last year in opposition to the plan of Jerome to stop the first trial and put Thaw into an asylum.

When Mrs. Thaw left the stand Mr. Jerome helped her to descend and passed her over to Mrs. Carnegie, who led her from the courtroom.

Jerome, by consent, read the affidavit. It stated that in the direct line of descent of her son, numbering four generations, there was no sign of insanity or epilepsy.

Mrs. Thaw had sworn that Thaw's grandfather, John Thaw, Pittsburg's first banker, and his father, William Thaw, had been men of strong frame and great mentality. She said that the epilepsy and insanity among Thaw's paternal uncles were caused by illness and not hereditary influences.

Speaking of the insanity in the collateral branches, she had stated that Josh Thaw's brain attack resulted from overstudy and not from any other cause. She went on to say that after recovering John Thaw served through the civil war withstanding privations and horrors, which drove others mad. She also asserted that she set forth that Henry Copley had been driven insane in youth by two other boys who pursued him while wearing hideous masks.

It Pleases Jerome.

She also stated that Thaw's two insane cousins inherited their insanity from the maternal side, and not from the Thaw branch. Referring to John Ross's insanity, she had said that this might be attributed to an epileptic taint on the maternal side, to which might be added a contributory cause, an attack of sunstroke sustained at the age of eleven years.

Jerome read with peculiar emphasis and satisfaction the clause of Mrs. Thaw's affidavit of a year ago in which she stated emphatically "that there were no family secrets to be hidden and no family skeletons to be guarded" and that she welcomed this opportunity of controverting the false report regarding insanity in her family and the use of a plea for her son's insanity. The Court took a recess for ten minutes.

Vice Crusader Witness in the Defense of Harry Thaw.

of my assistants could stay there and watch what was going on. I made application for a room, but learned there was no immediate prospect of getting any.

"I met Mr. Thaw on the street several days before the shooting," concluded Mr. Comstock.

Mr. Jerome began his cross-examination by getting Mr. Comstock agitated over the identity of one of the papers he had brought to the courtroom, which, he said, he had received from the defendant.

Describes "Dens."

Mr. Littleton read the paper. It proved to be Thaw's description of the three "dens of vice" he wanted Comstock to investigate.

The paper was written in disjointed sentences and jumbled words. It described in detail the Twenty-fourth street rooms over the toy store as a place where a rich gang of criminals held orgies with drugged young girls.

"Pictures on walls are indecent, but perhaps not illegally obscene. Workmen have heard young girls scream here. It is the custom to drug the victims, usually fifteen years old. There is no escape except by window. There is a secret stairway to a mirror room and in the top room a swing. Three years ago workmen got police to inquire there, and two years ago it was closed for a while after pie girl was there.

"The twenty-sixth street house appears closed, but it is not. It is owned by Henry Poor, and there are many indecent pictures there. In the front room is a picture of a nude woman which is peculiar infamous suggestivity."

Suggests a Plan.

Then Littleton read another letter as follows:

"Dear Mr. Comstock.—I hope you have fully recovered. With this you will find a paper full of information. If you want a copy for Mr. Jerome I will send it. Meanwhile, I shall not mention this in any way. These ravishers have lots of money and some influence. Also many criminals and lawyers, like Hummel, to assist them. Of course they would much regret for their society friends to know of their relations with Hummel.

"A clerk named Carr, in White's office, named Hartnett, to look after this matter, but I would have nothing to do with him. A faithful plumber could get you testimony of all these crimes. A workman on the roof might drop some tools through the skylight and see the picture of the woman artist's model on wall. Last year a woman brought a suit in Paris, and it was brought out that she was the original of this picture.

"If you wish to see the letter supposed to have been written and received in New York, write to me. Miss Helen Gould might assist you."

Saved One Girl, He Wrote.

The next letter was marked "Personal," and was dated Nov. 11, 1904. It read as follows:

"Dear Mr. Comstock: Edna Chase lives with her mother at No. 414 West Twenty-second street. Telephone 1448 R. Thirty-eighth street, a music hall. She is dark, well groomed, has fine features, sixteen years and two months old. A year ago the blackguard went after her, but I saved her when she needed help. Had supper several times but never alone. Introduced her to Lispenard Stewart. He said he would look after her. She was so innocent.

"In the spring some paper said he was devoted to some girl not in society, but it was probably a jaw. But he took less care of Edna Chase when he left for Europe than he did when he went away.

"The blackguard became a great friend of her mother's as in all these cases. Thaw was certainly no man like him. The blackguard will be found out. It may be the end of his crimes. He would not attempt to try to convince any court of his innocence. Poor—destroy this."

This letter was signed Ferguson. Juror Clary asked if Ferguson and Thaw were identical and Mr. Comstock said the name had been used by the defendant in the letters being in Thaw's handwriting.

The next letter was written on a letter head of the Waldorf-Astoria. It ran as follows:

Tells of Other "Victims."

"Dear Mr. Comstock: Besides the four victims I spoke of, within fourteen months there is another. She is a young manicure girl in Twenty-third street, I think. The blackguard asked her to marry him and then he left her. This all got out, and it is spoken of in the newspaper offices. In a few days I hope to send you her name. The blackguard went to her house and sent her sister to Europe. I will tell you all about this as soon as I can get down to see you. Please destroy this. Fergusson is secret service fund with number. Yours sincerely H. K. T."

In a letter written at the Hotel Wolcott Thaw said: "There are two more victims—one is a girl fifteen and a half years old, in Casino Theatre, and the other was sixteen last Sept. 20, but she looks six or eight years. H. K. T. Enclose check $100 for Ferguson. Hope you are well. I have learned that the suggestive picture—naked woman—is in Twenty-second street. Received interesting report work last year. H. K. T."

More for Secret-Service Fund.

Here are the other letters:

"Dear Mr. Comstock—I trust this will find you very well. Inclosed is $100 more for the secret service fund.

H. K. T."

"Dear Mr. Comstock—Inclosed is $100 for the secret service fund. I used the name Ferguson. If you have a square man let him follow this gang and a very young girl will be found who has the top room of the Casino Theatre."

This ended the examination in chief. On cross-examination Jerome asked:

Q. Your society has for its purpose the suppression of vice? A. Yes.

Q. You first saw Thaw in 1907? A. Yes.

Q. You had never met him before? A. No.

Q. Had you received letters from him prior to meeting him? A. Yes. He sent me a check for $100 signed with his name. Later he came and I met him.

Q. How many personal interviews did you have with him? A. Six or eight. They extended over a period from February, 1904, until a few days before he killed White. Shortly before the shooting I met him on the street and we had some conversation.

Q. Did you know what Thaw meant by his mention of the pie girl in one of these letters? A. Yes; he had told me of a certain pie dinner.

Never Visited Dens.

Q. Did you visit the alleged dens of which Thaw spoke in Twenty-second and Twenty-fourth street, and in the tower? A. I did not.

Q. Did Thaw ever say White and his friends were guilty of perverted crimes? A. Yes.

Q. Did Thaw ever mention a girl named Ethel Thomas? A. No.

Q. Did you know whom Thaw meant when he referred to the blackguard in his letters to you? A. Yes. I knew he meant Stanford White. We had no understanding on the subject, but in his conversations he always spoke of White as the blackguard.

Q. What did you do in regard to Thaw's complaint? A. I told him if he would get any one to give testimony regarding the so-called lewd pictures I would get a search warrant and raid the rooms. I also told him that in regard to abuses of little girls he ought to go to the Society for the Prevention of Cruelty to Children and ask for warrants. We could not act without direct proof of some sort, and this proof we could not get.

Q. What were the addresses given you by Thaw as being places frequented by White's friends? A. The Twenty-second street and West Twenty-fourth street studios and the tower of the Garden.

Q. Did you ever take up Thaw's charges with any one else? A. I sent a letter to the Society for the Prevention of Cruelty to Children telling them of the things Thaw had told me. I subsequently spoke to Thaw about my action.

After Comstock had promised to bring his letter files back with him this afternoon, court took a recess.

Former Counsel in Court.

John B. Gleason, who made the opening speech for Thaw at the first trial, and whose dramatic production of the will was one of the sensations of last year's legal battle, sat next to the defendant when the afternoon session began. He was summoned to identify the will to enable the present attorney for the defense to get it in as evidence.

Mr. Comstock had brought his letter files showing the time of the receipt of some of the undated letters sent to him by Thaw. Examination of the file showed that he first wrote an answer back to Thaw on Feb. 22, 1904. Jer me offered this letter in evidence. It was sent to Thaw, then lying here with Evelyn Nesbit at the Grand Hotel. It was an acknowledgment of Thaw's first check of $100.

On the following day Comstock had written Thaw that he would make an appointment to discuss Thaw's complaints, which at that time Comstock had never heard. After that Comstock wrote to the S. P. C. C. a letter in which he said he understood Thaw had got within the inner circle's degraded orgies, and at a dinner or gathering had learned much of the alleged nefarious practices.

Thanks Him for Pointers.

In a long letter, addressed to Thaw, Comstock thanked him for his valuable information [illegible] able to utilize it." At about the same time Comstock wrote once more to Secretary Jenkins of the S. P. C. C. saying he believed Thaw's stories worthy of investigation, and urging the cooperation of the other society in running down the alleged offenders named by Thaw.

There was a letter written to Thaw when he was in San Francisco with Evelyn Thaw on his wedding trip. It acknowledged the receipt of another check and extended congratulations on the wedding.

Mr. Littleton asked Comstock this question:

"Do you recall that Thaw suggested to you that it would be a good thing for your society to keep open at night in order to prosecute its inquiries?"

"I don't remember," said Comstock.

John B. Gleason, Thaw's old counsel, came forward. Gleason, looking a little older and a little more jaunty, took the stand, smiling urbanely. He stated that he had received Thaw's will from his custody Dec. 11, 1906, it had been sent to him by Thaw's Pittsburg bankers.

Will Not Admitted.

Before Gleason proceeded further Justice Dowling went through the formality of asking Thaw personally if he would waive any professional privileges existing between him and Gleason. Thaw, at a signal from Mr. O'Reilly, half rose and nodded his assent.

Then Gleason was permitted to proceed. He took from his pocket a brown paper.

"This was received by me in this wrapper," he said. "It is now in the same condition as when it was when I first got it, except that identification marks in pencil have been put on it here in this court. It came to me by registered mail. It passed out of my possession at the time of the last trial."

Jerome objected again. Justice Dowling said he would sustain the objection because there was no proof to show that the will had not been touched or tampered with between the time when Thaw made it in 1906 and the time when it reached Gleason in December, 1906. This kept the will out of evidence until the defense could produce Banker John D. Lyons, of Pittsburg.

Mr. Jerome asked Mr. Gleason a few questions.

Q. Did Evelyn Nesbit Thaw ever deliver to you as her husband's counsel any letters written to her by Stanford White? Littleton objected on the ground of professional privilege, but was overruled. A. She did not.

Jerome Balked.

Jerome struck a similar obstacle when he wanted to know whether he got any letters from Thaw written by Stanford White. Jerome insisted that he had a right to have the present ownership of certain letters which Evelyn Thaw said she had turned over to Gleason and Hartridge.

"I decline to answer," said the witness, "on the ground that I was formerly counsel for Harry K. Thaw."

Jerome was persistent.

Q. Did you ever have in your possession a bundle of letters belonging to Harry K. Thaw, a bundle which contained letters written by Stanford White? A. I never had any letters except those which were delivered to me in my capacity as Thaw's former counsel.

Jerome had been balked again in his effort to get to the jury letters which are known to have been written by White to Evelyn Nesbit, May McKenzie and others.

As Gleason passed out he shook hands warmly with Harry Thaw.

Codicil to Thaw's Will In; Aids Women to Sue White

When Justice Dowling mounted the bench no time was lost by the defense. Mr. Littleton led off by offering in corroboration of the testimony which Evelyn Nesbit Thaw gave on cross-examination yesterday and the day before.

He called as his first witness Miss Frances Pierce, a middle-aged woman, well dressed and full of confidence. Miss Pierce testified at the last trial.

It was she who gave Evelyn Nesbit a temporary home in the spring of 1905, when the chorus girl returned from Europe with Harry Thaw and after the Hotel Cumberland had refused to shelter the pair.

She also accompanied the young woman to Pittsburg for the wedding, was present at the ceremony and as a witness signed Harry Thaw's eccentric will, which he drew up on the day of the marriage.

Saw Them Married.

Miss Pierce said she first met Mrs. Harry Thaw at No. 48 West Ninety-seventh street in 1904.

"I accompanied Miss Nesbit to Pittsburg when she was married to Mr. Thaw," said Miss Pierce.

Miss Pierce said she was present at the execution of Thaw's will. She identified her signature when Mr. Littleton showed her the paper. She also identified her signature on the codicil, which played so important a part at the last trial.

"Does this will look the same as when you signed it?" asked Jerome on cross-examination.

"Yes," said the witness, "it was very voluminous. The will I signed had about the same quantity of paper as this one. I didn't read the will. I only saw the pages I signed.

Jerome Objects to Will.

Mr. Jerome objected to the admission of the will on the same grounds which he put forward when John B. Gleason first offered it last year.

"There is nothing to show," he said, "that these documents are the same which the witness signed, for she did not read them. Moreover, the appearance of this document is not such as to inspire confidence. The will, as you see, consists of a number of sheets loosely pinned together. It might be that this alleged will was tampered with after it came in the possession of the former counsel of this defendant."

Mr. Littleton suggested that the testimony given by John B. Cleason in the last trial be read for the Justice's information. He said this would show that Gleason swore he offered the will in exactly the same form in which it came to him. Jerome said he would prefer to have Gleason called as a witness.

"I saw only the last page of the will," explained Miss Pierce, "but I saw Mr. Thaw sign it and I witnessed his signature.

"I can only say that in its general appearance in bulk the will I signed looked like the will you now show me."

Q. You don't know whether or not any pages have been pasted in or torn out or altered since you saw it? asked Jerome. A. No.

At this answer Mr. Jerome renewed his original objection, but Justice Dowling said he would not hold the defense down to strict proof that the document now offered was the original will in its entirety, and that he would call on Thaw's lawyers to show that in its present form it was substantially as it left Harry Thaw's hands.

The disputed will, which Jerome waved about as he argued, was a whole sheaf of foolscap paper of various lengths and sizes, some typewritten and some written in pen and ink, all bound together by a single pin at one corner. It was such a document as one might imagine Harry Thaw compiling, but, like him it was loose jointed, unkempt and weird.

Justice Dowling took the will out of Jerome's hand and examined it closely, paying particular attention to the codicil, which, the defense claims, shows the trend of a diseased mind, and which was in a separate parcel.

Codicil Goes In.

Jerome wanted to rule out the codicil, but Justice Dowling said it appeared to be a straightforward enough document. He therefore excluded the will, but admitted the codicil to evidence.

The Court intimated that he would take up the question of the final admission of the will later, after Thaw's side had been given an opportunity to reinforce its claim that it never has been changed or tampered with since leaving the defense's custody.

Mr. Littleton then excused Miss Pierce. Jerome said he might want to examine her again, and that he supposed he had better serve her with a prosecution subpoena.

"You don't need to do that," spoke up Miss Pierce. "I'll come back—on my honor, I will."

This provoked a laugh. Miss Pierce departed, and then Littleton read to the jury the famous codicil. For the first time he was permitted to read out several names which last year were suppressed.

Aids Women in Codicil.

The codicil was dater April 4, 1905. It bequeathes $7,500 to Rody T. Marshall, a Pittsburg lawyer, to be used in obtaining redress for one Mary Courtney, formerly of No. 264 West Forty-sixth street, New York, who is mentioned in connection with Stanford White and another woman.

The codicil also recited that the money was to be used to obtain damages for other women of the stage.

The codicil made bequests of $500 to Richard Ross, the Rev. Dr. Parkhurst, Anthony Comstock and Frederick W. Longfellow. There was a clause in the codicil revoking all the bequests in the event that Stanford White died within three months after the testator's death.

Evelyn Thaw Made a Will.

Thaw sat in a huddle listening without change of expression to the reading of this peculiar instrument. As soon as Littleton was through with his reading Jerome brought Miss Pierce back and questioned her regarding the identity of the others who were present at the time of the signing of the codicil.

He brought out that at the same time Evelyn Nesbit Thaw had made a will, which she had also witnessed.

"Is that all?" she asked when Jerome sat down. "That's all," he said. Thereupon Miss Pierce stood up and gave a low bow and a smile which took in the judge, jury, the lawyers, the prisoner, the press and the audience, and slipped away, thereby depriving the trial of one of the few bits of really picturesque local color that it has had.

INSANE RAVINGS, H. W. POOR CALLS THAW'S CHARGES.

Henry W. Poor is the head of the brokerage firm of Henry W. Poor & Co., No. 35 Wall street. He has been a member of the Stock Exchange for twenty years. He said when told of the mention of his name in the Thaw codicil:

"The utterances of an insane man—and that I believe Thaw to be—either written or verbal, should not be taken seriously. Why he named me I cannot understand, unless it was because I was a friend of Stanford White and was with him very often.

"I never saw Thaw nor his wife, neither did I ever hear of this young woman he mentions in the codicil.

"Stanford White designed and built my house for me. I lived opposite him, and he was the most highly gifted, unselfish man I ever knew. I admired him very much, and I suppose Thaw's insane hatred for him must have spread to all his friends."

Mr. Poor was formerly senior member of the firm of Poor & Greenough, a firm that was organized during the Civil War. They were located at No. 18 Broadway for many years.

The present firm is one of the most conservative in Wall street.

PAPERS SERVED ON MRS. THAW IN ALIENIST'S SUIT.

As Mrs. William Thaw was leaving the Criminal Courts Building after having testified this afternoon at her son's trial, she was served by Deputy Sheriff McCourt with papers in a suit brought by Dr. Allan McLane Hamilton, the alienist, to recover $8,000 for services rendered before the first trial of Harry Thaw.

Dr. Hamilton was engaged by Black, Olcott & Gruber, the first counsel employed in the case, and made several examinations of Thaw in the Tombs. He put in a bill for $9,000. He received $1,000 on account and the Thaws protested against paying the remainder of the bill.

LAWYER PATIENT FOUND SHOT DEAD NEAR LOUD'S EDGE

SYRACUSE, N. Y., Jan. 22.—The body of Irving E. Salmon, of Morristown, N. J., a member of the law firm of Reed & Salmon, was found in the woods near the outskirts of this city to-day. He had committed suicide by shooting himself in the head. The deed was apparently committed this morning.

Mr. Salmon had been a patient since Jan. 2 at a sanitarium at Clifton Springs. A letter in his pocket from his brother, Joshua Salmon, of Boonton, N. J., stated that he would arrive at Clifton Springs on Jan. 26 to take him home.

In the dead man's pocket were certificates of membership in the Masons and Elks, $50 in cash and a New York draft for the same amount.

The physician in charge of the Clifton Springs Sanitarium, when asked by telephone regarding Salmon, said that he supposed that the patient was still in the place; that he had not been reported missing. He last saw him yesterday afternoon and concluded that he must have left the sanitarium during the night and had taken a train which reached Syracuse early in the morning. Salmon was being treated for nervous trouble.

HELEN MALONEY GETS A REFEREE

Augustin L. Hennes, of No. 24 Broad street, attorney for Helen Maloney, the Philadelphia heiress, applied this afternoon to Justice Newburger, in the Supreme Court, for the appointment of a referee to take testimony in an action entitled "Helen Maloney against Arthur S. Osborne." Justice Newburger decided to appoint Daniel F. Cohalen, of No. 2 Rector street, referee to "hear and determine."

There is nothing in the papers to indicate the character of the action. Mr. Hennes would not talk, and Charles T. Cowenhoven, whose name appears on the order as counsel for Osborne, was not in court.

The form of the title indicates that it is a suit to annul the marriage.

Mr. Cowenhoven says in his paper that the suit will be defended by Osborne in good faith.

COLDS CAUSE HEADACHE.
LAXATIVE BROMO QUININE removes the cause. Used the world over to Cure a Cold in One Day. E. W. Grove's signature on box. 25c.

KILLS MAN, SHOOTS HERSELF FATALLY IN CAFE AT MACY'S

(Continued from First Page.)

ger. Four of them struck Brady—three in the chest and one in the neck. He slid from his chair and rolled over on the floor, dead.

Less than five seconds elapsed, according to the witnesses, between the time she drew the pistol and the time Brady dropped. Mr. McPherson sprang from his seat and started toward her.

Dropping the empty pistol she pulled another from her breast, hastily pointed it at her head and fired. The bullet found lodgment near her brain. She fired two more shots, holding the muzzle close against her breast. One did not penetrate the body. The other entered the bosom and ranged downward to the abdomen, inflicting a fatal wound.

The murderess dropped just as Mr. McPherson reached her side. Half a dozen other men hurried to the table, the male employees of the restaurant closed the doors leading to the main restaurant and Mr. McPherson hurried to the telephone and asked the operator at the main switchboard to call an ambulance from New York Hospital and notify Police Headquarters.

Women Acted Admirably.

Considering the circumstances, the frightened women in the restaurant acted admirably. It was not long before they were down on the lower floors of the store. Those who left wraps and handbags behind were referred to the office of the firm, where they secured their property.

The woman was breathing when the ambulance arrived, and Dr. Foucan, the surgeon, thought she might be saved. He broke a record getting her to the hospital. She died there as the nurses were removing her clothing to allow the surgeons to probe for the bullet.

Policemen and detectives were soon swarming all over the store. They gathered in several witnesses, among them Benjamin F. Deideiman, who told a story of the shooting that agreed with that of Mr. McPherson.

From friends of Brady it was learned that he met the Clark woman about three years ago in a cafe in West One Hundred and Twenty-fifth street when he was connected with the Harlem branch of a newspaper. She was at that time living in East One Hundred and Thirty-second street, and Brady went to board at her house.

Caused a Divorce.

Out of her friendship for Brady there grew a disagreement between the woman and her husband that resulted in a divorce. Then Brady's mother, Mrs. K. Brady, who had been living in New Jersey, moved to New York and took a residence at No. 307 St. John avenue.

Brady left the home of Mrs. Clark and went to live with his mother and his married brother at the St. Ann's avenue address. This move was made against the wishes of Mrs. Clark, and she succeeded in make it unpleasant for Brady from that time on. She called at the home of his mother and visited him at his office. While he denied to his friends that he ever saw her when he could avoid it, the woman said he used to call on her at her home. She often threatened to kill him, and he was really in fear of his life.

The woman continued to reside in Harlem, and in the past year has lived in at least three houses in West One Hundred and Thirty-second street. Last April she moved from No. 236 to No. 219, the latter a small apartment-house. She had a son seven years old and there was no one else in the household.

A Quarrel Last Night.

The neighbors complained of noisy callers in the flat of the Clark woman at night, and last Monday she was served with a dispossess notice. There was a quarrel in the flat last night until after 12 o'clock, and he and the woman had a long and violent quarrel.

Whether or not this was Brady is not known. His friends say that he gave her money at intervals up to about three months ago, when he told her that she had been blackmailing him long enough.

One her way downtown the woman stopped at the Empire City Savings Bank in One Hundred and Twenty-fifth street and opened an account, depositing about $150. The bankbook was found in her handbag after her death.

An Evening World reporter took the news of the shooting to the Brady home, in St. Ann's avenue, and told it to Mrs. John P. Brady, a sister-in-law of the victim. The elder Mrs. Brady, aware, through a mother's intuition that something had happened to her favorite boy, insisted upon knowing the truth, and it was broken to her as gently as possible.

Brave Under the Shock.

She was very brave under the shock. She said she had heard of the Clark woman, but had never seen her. Brady's sister-in-law had seen Mrs. Clark.

"She was always running after Frank," said the younger Mrs. Brady. "He didn't want to have anything to do with her and did all he could to avoid her."

Young Brady, it appears, was a lovable young fellow, deeply devoted to his mother. He was always a boy about the house and his mother sobbed as she told how he would insist upon helping her prepare the meals and wash and dry the dishes. Mrs. Brady carefully kept from the old lady the facts of the entanglement between Frank and the Clark woman until to-day.

John P. Brady, a brother of the dead man, is a bookkeeper in the National Bank of Commerce, at No. 31 Nassau street. He was notified of the tragedy by telephone and went to the scene of the shooting to look after the disposition of the body.

She Was Unhappy.

Inquiry in the neighborhood in which Mrs. Clark lived shows that she led a feverish, unhappy existence. She appeared to be deeply attached to her son, and the people in the house felt sincere sympathy for the little fellow.

At the time she rented the apartment at No. 219 West One Hundred and Thirty-third street, Mrs. Clark told the agent, C. M. De La Vergne, that she was a manicure, and at that time it is believed she was employed in a manicuring establishment in Harlem. Later she worked at the Alhambra Theatre in the wardrobe room.

She told Mr. De La Vergne that she was separated from her husband, who was a wealthy man and pid her $40 a month alimony. She paid $31 a month rent for the flat.

In her flat were found photographs of Brady and several of herself. There were papers showing business dealings with William M. Sanderson, a lawyer, of No. 235 Brook avenue, Bronx.

Mr. Sanderson said he knew Mrs. Clark, and that he has possession of her will, which she placed in his care a year ago. He said she was directed to him by a clergyman who knew both.

"I had not seen her until one day last week," said Mr. Sanderson, "when she came to me and said: 'I feel very bad; something serious is about to happen.' "I told her that she looked all right and that nothing appeared to be the matter with her, but she said again something is about to happen."

Mr. Sanderson said she was married, but was not living with her husband. He did not know Brady, nor had he heard of him.

Child Hears of Tragedy.

Mrs. Clark's little boy, whose name is Raymond, was at school until 3 o'clock this afternoon. He had heard nothing of the tragedy when he reached the house, and a policeman on guard at the door told him his mother was dead.

The boy began to cry. He said his mamma had been good to him, but he was afraid something would happen to her because she was worried about something. When asked if he knew Brady the boy said:

"I knew him very well. I used to call him 'Uncle.' He was kind to me and used to bring me presents. Every once in a while he would call on mamma. They always quarreled, and sometimes when they talked to each other they would put me out in the hall and I could hear them talking loud to each other. 'Uncle' Brady called mamma names."

Mrs. Cora Burdan and her husband Hans, reached the house while the policemen were talking to the boy. They had heard nothing of the tragedy. Mrs. Burdan said that she wasn't surprised.

"I was Mrs. Clark's closest friend," said Mrs. Burdan. "She often told me that unless Brady—who deserted her after she had taken good care of him when he was out of a situation and in trouble—came back to her she would kill him and herself in some public place in such a way that the whole world would know about it.

Saw Her Last Night.

"I was passing up Broadway last night on my way to my home at No. 418 West Forty-fourth street, when I saw Mrs. Clark walking up and down the sidewalk in front of the Herald office. She said she was waiting for some one.

"After we had talked a few minutes she said she was glad she had met me because she was going to be away from home to-day. She asked me to come to the house at 3 o'clock when I promised returned from school and take care of him. That is why I came up this afternoon."

Raymond was taken into the flat of Mrs. Charles Riebel, directly above that occupied by Mrs. Clark. Mrs. Riebel made the complaint which earned Mrs. Clark a notice to leave the house, but the feeling she held toward the mother did not extend to the child. Late this afternoon little Raymond was turned over to the custody of the Children's Society.

Mrs. Burdan says that Mrs. Clark was a widow. Her mother lives somewhere on Long Island.

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Comstock Tells of Thaw's Charges Against White.

The surprise of the day was the calling to the stand of Anthony Comstock. He came briskly forward and took the oath. He said he was the secretary of the New York Society for the Suppression of Vice, and had been so engaged since March, 1872.

Q. (By Mr. Littleton.) Do you know Harry Thaw? A. Yes. I met him in February, 1904. He came to my office in Nassau street. He told me that a man whose name he did not give was making a practice of enticing young girls to an address in East Twenty-second street and drugging them and outraging them. He then went away. In October of the same year I received a registered letter from Thaw, who was then in Paris. I was requested to return the original and I did so, but I made a copy of that letter which I now have.

Thaw's First Call.

"Mr. Thaw came to me in December and showed me a diagram of the studio in East Twenty-second street," said Mr. Comstock. "He complained particularly of Stanford White and Henry Poor. He stated that he was positive that in the 'den' in the tower of Madison Square Garden, as he called it, there were many obscene pictures.

"He said these men were taking young girls there, filling them with wine, showing them the pictures and then outraging them. Some of these victims were no more than fifteen or sixteen years old, he said. He also said the cries of the victims had been heard many times by neighbors living in East Twenty-second street.

"I told Mr. Thaw I would detail two men to watch these places. He said if I did I would see old men enter with young girls. He claimed that young girls were taken into the tower nearly every night by old men. He said he knew of a number of young girls who had been to these places. I told him to get a witness for me—some one who had seen these pictures—and I would get a search warrant and take the people into custody.

Mind Unbalanced, He Thought.

"Mr. Thaw told me," continued Mr. Comstock, "that he was being shadowed. 'I have been followed to this office,' he said. 'I thought his mind was unbalanced, and sent a man out to search the corridor for the shadower.'

"We investigated the Twenty-second street house," continued Mr. Comstock, "but found it vacated. Then Mr. Thaw suggested that I try to engage a room in the tower so that one of my assistants could stay there and watch what was going on. I made application for a room, but learned there was no immediate prospect of getting any.

"I met Mr. Thaw on the street several days before the shooting," concluded Mr. Comstock.

Mr. Jerome began his cross-examination by getting Mr. Comstock agitated over the identity of one of the papers he had brought to the courtroom, which, he said, he had received from the defendant.

Describes "Dens."

Mr. Littleton read the paper. It proved to be Thaw's description of the three "dens of vice" he wanted Comstock to investigate.

The paper was written in disjointed sentences and jumbled words. It described in detail the Twenty-fourth street rooms over the toy store as a place where a rich gang of criminals held orgies with drugged young girls.

"Pictures on walls are indecent, but perhaps not illegally obscene. Workmen have heard young girls scream here. It is the custom to drug the victims, usually fifteen years old. There is no escape except by window. There is a secret stairway to a mirror room and in the top room a swing. Three years ago workmen got police to inquire there, and two years ago it was closed for a while after pie girl was there.

"The twenty-sixth street house appears closed, but it is not. It is owned by Henry Poor, and there are many indecent pictures there. In the front room is a picture of a nude woman which is peculiar infamous suggestivity."

Suggests a Plan.

Then Littleton read another letter as follows:

"Dear Mr. Comstock.—I hope you have fully recovered. With this you will find a paper full of information. If you want a copy for Mr. Jerome I will send it. Meanwhile, I shall not mention this in any way. These ravishers have lots of money and some influence. Also many criminals and lawyers, like Hummel, to assist them. Of course they would much regret for their society friends to know of their relations with Hummel.

"A clerk named Carr, in White's office, named Hartnett, to look after this matter, but I would have nothing to do with him. A faithful plumber could get you testimony of all these crimes. A workman on the roof might drop some tools through the skylight and see the picture of the woman artist's model on wall. Last year a woman brought a suit in Paris, and it was brought out that she was the