

THAW'S VAGARIES MANY

STORIES OF WITNESSES.

Tale of a Stakeless Whist Game Enlivens Murder Trial.

The defence spent all yesterday in building up its structure of evidence to show that H. K. Thaw was mentally unbalanced in some degree from childhood to the night he killed Stanford White. Several physicians testified to insanity in the Thaw and Copley families. The butler employed for some times by the Thaws, told of erratic acts of Thaw, and a telephone girl in the Grand Hotel told of acts committed in the hotel.

Ten members of the coroner's jury which sat at the inquest into Mr. White's death, were called, and all swore that from their observations on that day they thought Thaw was "irrational." Two newspaper writers gave similar evidence, and the steward of the Whist Club, which Thaw frequented, said that the defendant had displayed certain erratic traits there.

The first witness of the day was Dr. Horatio C. Wood, jr., of Philadelphia. In spite of objections by Mr. Jerome the witness finally was allowed to state that Harriet Alice Thaw, a sister of William Thaw, was of unsound mind. He said that she had been committed to the Friends' Asylum at Frankfort, Penn., suffering from dementia. Her age was given on the previous day as eighty years, but the witness estimated it as being about sixty at the time of her commitment.

"Is your diagnosis of her mental condition as accurate as your estimate of her age?" asked Mr. Jerome.

"I believe it is," answered the witness, as he was excused.

Christopher Baggin, steward of the Whist Club, one of the most important witnesses for the defence yet produced, followed the physician. He said he had known Thaw about fourteen years. He said Thaw was a regular attendant at the club when in town, and had been there the day before and the day of the shooting.

"What was his appearance the day before the shooting?" asked Mr. Littleton.

"His eyes were glaring and he was intensely nervous," the steward said. "He kept staring about him from one side to the other as he sat in his chair. He complained of being chilly, although it was a warm day. There was no draft at any time, but I closed the windows when he complained. He complained about the electric fans, too, although they were not near him."

Thaw visited the club just before noon the day he shot White. Of his appearance then the steward said: "He was highly nervous. He said, 'This is awful.' He went out on the stoop, and just as he got there rang the bell and came back with a small package wrapped in tinfoil which he asked my assistant to put in the safe for him."

The steward put the package into a drawer instead of the safe, and opened it the following day. It contained three Turkish cigarettes. As evidence of eccentricity, the steward said that he had seen Thaw try to throw an envelope up two flights of stairs. When he was asked to go to the telephone the afternoon of the shooting Baggin said the witness jumped suddenly and was intensely nervous. He said Thaw was decidedly irrational that day.

On cross-examination some amusement was caused by the witness's story of a stakeless and refreshmentless, excepting mineral water, game of whist, in which Thaw, John B. Gleason, his former counsel; John W. Gates, Charles M. Schwab, Captain Wharton and others were playing. The cross-examination did not shake the witness's story.

The next witness, Miss Matilda C. Stein, was a telephone operator at the Grand Hotel when Thaw, she says, was living there under the name of Carr, although his real name was known to the house staff. Evelyn Nesbit lived there at the same time. She said that in the two months Thaw was there he was highly nervous, with bulging, staring eyes. Twice, she said, he gave three different orders for breakfast inside of twenty minutes. One day in three or four hours he had her call about seventy-five numbers, only not to answer them when she got them. She described his conduct as irrational.

On cross-examination she said she did not know that Thaw's room was connected with the barroom. She said that the seventy-five calls were not made on the day that Evelyn Nesbit temporarily left the hotel.

Miss Carolyn Lowrie, a reporter, and William A. Johnston, a newspaper man, testified to Thaw's actions on the roof garden the night of the shooting. Both agreed that he appeared irrational. Lionel Straus, who was in the garden roof that night, said that Thaw's eyes "bulged and stared peculiarly. His face was drawn and his body twitched." His behavior he would call irrational.

On cross-examination Mr. Jerome read extracts from the testimony of the witness at the first trial, showing that the witness had modified his description somewhat, although the material facts were the same. The succeeding three witnesses were members of the coroner's jury in the inquest over the body of White. All said that they thought Thaw's actions that day irrational. Mr. Jerome's cross-examination was aimed chiefly at their ability to tell what constituted an irrational purpose, and whether or not the nervousness displayed by Thaw the day after the shooting was not natural in a man accused of murder. Recess was then declared, and as each of the witnesses left the courtroom he was served with a subpoena from the District Attorney's office.

When court was resumed Mr. Littleton turned back to the establishment of the insanity of Thaw's relatives. He called first Alfred Leo Thaw, of Richmond, a third cousin of the defendant. His father's name was William S. Thaw. Witness said he was one of eleven children. One of his brothers was Horace S. Thaw, and Harriet Alice Thaw was a half-sister of his father. Witness said that his father was confined in an institution for fifteen years and died in 1885, when sixty-nine years old, in Williamsburg, Va. Horace S. Thaw died in the Western State Hospital, in Virginia, in 1884, when he was twenty-three years old. He said that Harriet Alice Thaw so far as he knew had been mentally unbalanced for about twenty-five years. He had visited her in the asylum five or six times. He had testified at the first trial but a court ruling cut his testimony short at that time.

Members of the staff of the Eastern State Hospital at Williamsburg were then called to describe the condition of Horace and William S. Thaw when they were confined there. Four more members of the coroner's jury, all certain that Thaw had been irrational that day, were then called and quickly excused, when a recess of ten minutes to air the court was declared. A second interruption was caused by the report of the grand jury returning two indictments against William R. Montgomery, former president of the Hamilton Bank, and another one when he pleaded.

Two more members of the coroner's jury said they believed Thaw irrational, and August Weber, one time a butler for the Thaws, was called. He said Thaw always appeared highly nervous to him, and often gave him \$5 for slight services. Sometimes he would order dinner for 6 o'clock and not come in until 9 o'clock, when he would want to know why dinner was not ready. Another time he ordered his carriage, and when the butler went back to him Thaw was on a couch "trembling and his hands clenched" and his body rigid. A few minutes

later Thaw begged the butler's pardon. He told several other similar incidents, and was still on the stand when the session ended.

Mr. Littleton does not expect to call any expert witnesses before Monday, the remainder of this week being taken up by testimony as to Thaw's queer actions.

BOYERTOWN DEAD 170.

Villagers Identify Bodies in the Improvised Morgues.

Boyetown, Penn., Jan. 15.—The figures compiled by Coroner Strasser at nightfall show that there are 170 dead as a result of the fire in the Rhoades Opera House. The list includes one fireman, who lost his life fighting the fire, and one man, Jacob Johnson, who died to-day from injuries received in the blazing playhouse. Three charred bodies were recovered from the ruins of the building to-day, and of the 163 bodies, or remains, that lie in the improvised morgues 115 have been officially or partially identified by relatives or friends.

Chairman Irvin T. Ebst of the relief committee says that he believes that all the bodies are out of the ruins, and that as far as he knows no other persons are missing.

The morgues in which the bodies were placed and arranged for identification were opened to the public to-day. As far as physicians and undertakers could ascertain from the charred bodies and clothing, 110 of the dead were women and girls and forty-three were men and boys. The other bodies were so badly burned that it is probable they will all be buried in one plot in Union Cemetery. Of thirty bodies identified none were known by the features, but were identified by relatives by means of jewelry or clothing.

Before any of the bodies were removed from the morgue Coroner Strasser empaneled the following jury to view the remains and the scene of the fire and to sit at the inquest: Edwin Schultz, president of the Farmers' National Bank, which was destroyed with the opera house; Levi Becker, William H. Fox, Irvin P. Ebst, William J. Levan, all of Boyertown, and Daniel K. Hoch, of Reading.

After the jury had been sworn in they made an inspection of the ruins and went through the morgues. No date has been fixed for the inquest.

BIG TRADE IN FAKE ART.

F. E. Elwell Tells of Some Frauds Practised on Collectors.

F. Edwin Elwell, formerly curator of ancient and modern sculptures at the Metropolitan Museum, told yesterday at his studio in Weehawken something about the effort being made to protect collectors from those who make it a business to pass off fake paintings as the work of old and modern artists. He said that in one season in this city nearly \$2,000,000 had been returned by art dealers to their patrons rather than face the courts for decisions as to the genuineness of works that had sold as originals. He said:

At the time interest was revived in Egyptian art in Europe some years ago, when the travel set in toward Egypt in the winter, certain enterprising Englishmen found there was an opportunity for a great sale of Egyptian grave ornaments in blue and green jade and blue and green terra cotta. It was discovered that they could be produced at Birmingham, England, with such apparent exactness that no difference was experienced in disposing of large quantities of these imitations to tourists.

In Italy it has since been found that the reproduction of antique marble statuary is also a very lucrative business, and the New York public has doubtless not yet forgotten the statue of Aphrodite shown at the National Arts Club some time ago, which was an excellent example of this form of reproduction. This particular work was manufactured in Florence, and would have passed muster if the error had not been made in not mutilating to some extent and discarding the use of aniline dyes for the discoloration.

In this country the faking of pictures has been going on for a good many years. A story is told of a poor artist, of Boston, who was hired by one of the famous Dutch painters to reproduce some of the famous Dutch paintings on boards such as were used among the Dutch painters. In a moment of momentary weakness he placed a picture in the upper left hand corner of a picture. He had been so shabbily treated by the swindler who manufactured these pictures that on the day of their sale he accused the man of being a fraud. There was a great excitement among the buyers, who asked him to prove his statement. He told them they would find a one-cent piece of a certain date in the upper left hand corner of "that beautiful Rembrandt." It proved to be a one-cent piece of the swindler was forced to leave Boston hurriedly.

New York has not been as fortunate as Boston in this line of these swindlers, but undoubtedly some day it will be led to believe that a great deal of art it buys as original is nothing but cheap copies. I have had several instances of this, as on a number of occasions I was sent by the late General di Cesnola, director of the Metropolitan Museum of Art, to act as an expert. In one case a Greek bass-relief was offered for sale to the museum. I found it was slightly smaller than the original, and after examining it with the magnifying glass I discovered a trace of the modern marble file.

To the unaccustomed eye this bass-relief of "Achilles Returning from the Wars" was a wonderful "find." It was cracked, badly stained, and shipped from Athens to New York. It was needless to say that while I was at the museum it was not purchased.

There is no doubt that at the present time there are places where antiques in painting, sculpture, architectural ornaments and furniture are manufactured by wholesale for art dealers pretty much all over the United States. It is difficult to say whether this is a very grave crime, in view of the fact that all the work so imitated has first class artistic value. The crime, if any, is in misrepresenting their origin, but there can be no crime in the sale of the objects themselves. Oleomargarine looks and sometimes tastes like real butter, and no crime is committed until it is sold as butter. Why, then, should the law protect the creative artist in an attempt to prevent the sale of an imitation sculpture or an original, but to try to do away with the imitation of really fine works of art. There is no higher or more sincere compliment to an artist than that some one should be willing to pay well for a good copy, but the location of the original, its owner and its history should be known to the buyer. The state to protect its citizens from a form of swindling that has become very daring and very clever in its methods, and to begin to appreciate the value of art in their lives."

HOOVER HEIRS WIN CONTEST.

Surrogate Sets Aside Will Leaving Large Estate to the United States.

Rochester, Jan. 15.—Surrogate Selden S. Brown has handed down a decision setting aside the will of Captain James H. Hooker, who died on February 2, 1897, leaving an estate of \$1,000,000 to his nephew, Frederick Benjamin, and \$20,000 for the erection of a monument to himself, to the United States, to be used in the building of a military academy at Galesburg, Ill. President Roosevelt was named as executor.

Captain Hooker died at his home in the town of Irondequoit, at the age of seventy-four years, and at the time of his death he possessed of an estate valued at from \$100,000 to \$150,000. For years he had been known to be eccentric, and when his will was offered for probate and it was found that his next of kin had been cut off entirely and his property left to the United States the nephews and nieces immediately began a contest, alleging that Hooker was incompetent at the time he made his will, and that the will was the result of a delusion. The contest was heard in the Surrogate Court, and much sensational testimony regarding the alleged eccentric acts of the captain was adduced.

The letter was addressed to Theodore Whitmore, the printer. It was postmarked Newark, and it urged him to confess, the writer declaring that if he did not, a woman would tell all she knew. The letter added that one of the women witnesses was pleased at Whitmore's arrest, and that she was withholding valuable evidence in the case. Sallie Williams, who lives in Whitmore's Adams street home in Brooklyn, is missing, and the police officers have been urged in an anonymous letter to investigate a story that there was a woman in the 24th street house in this city on Christmas night who was extremely nervous before retiring, and who left word to be awakened if a message came stating "Three persons know it all."

Art Exhibitions and Sales.



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WASHINGTON, D. C., and a number of

Very important works in Oil

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Albert Bierstadt, N. A.,

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to be sold by order of the Executors of the late Edward Bierstadt.

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On a Future Date

The Art Property

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Comprising

Valuable Portraits

and other Paintings by

ROMNEY, SIR THOMAS LAWRENCE, HOGARTH, LARGILLIERE, SIR PETER LELY, ALLAN RAMSAY, HUDSON, VAN LOO, BONNINGTON, INNESS, TOURNIER, GAINSBOROUGH DUPONT, AND OTHER ARTISTS;

Valuable Antique Furniture

Antique Flemish Tapestries

Renaissance Carved Mantels and Over Mantels, European Ceramics, Bric-a-Brac, Etchings, Hogarth and other Prints and many other objects.

FURTHER PARTICULARS AND CATALOGUES OF THE ABOVE SALES WILL BE FURNISHED BY

THE AMERICAN ART ASSOCIATION, MANAGERS,

6 East 23d Street, Madison Square South, New York.

LEADER IN EDUCATION

Annual Report of New York State Department Reveals Progress.

Albany, Jan. 15.—The fourth annual report of the Education Department, transmitted to the Legislature to-day, reveals the lead which New York has assumed in the educational progress of the land. The amount expended for the common schools was \$7,977,719.97, an increase of \$1,584,163.11.

The four items of largest expenditure were teaching salaries, \$2,522,285.72, an increase of \$1,311,444.23; buildings, sites, furniture, repairs, etc., \$2,395,548.19, a decrease of \$10,675.89; school apparatus, \$64,583.37, an increase of \$15,222.88, and school libraries, \$168,321.49, a decrease of \$34,964.14.

The average cost per pupil, based on registration in elementary schools, was \$7.39, an increase of \$1.16 per pupil. The average cost per pupil, based on attendance, was \$4.48, an increase of \$1.06 per pupil, which is small when compared with the increase of \$2.85 per pupil shown in the preceding year. Children between the ages of five and eight years residing in the state aggregated 1,841,638, an increase of 19,224. The average daily attendance was 970,570, or 77 per cent, due to increased efficiency in enforcement of the compulsory education law, the chief obstacle to its complete enforcement being the reluctance or perversity of local magistrates in punishing offenders.

The special theme of the commissioner, Andrew S. Draper, at the conclusion of the report is "Our Children, Our Schools and Our Industries." He particularly recommends the establishment of schools for teaching trade vocations, the work to begin at the end of the elementary school course and continue for three years. He would also have the trade schools open both in the day and evening; would establish continuation schools, open mainly in the evening; shorten the time in which elementary schools to seven years; if the child does not go to the high school, would provide that his school work may end with his seventeenth, and not in his fourteenth year; would put into the elementary schools from the beginning some phase of industrial work; as the child ends his elementary schooling would have him elect whether he will go to the high school, to a trade school or to work; would modify the child labor laws so that they would permit the child labor laws and enforce them; would have the trade schools supported by the town, but would give them also some state aid; would meet a demand in behalf of girls as well as of boys, and make it possible for one in a trade school to go to a manual training school, and vice versa, but would be careful to avoid the inference that one is to prepare for another. The commissioner concludes:

make our industries contribute not only to our wealth and to our strength, but to our manhood as well. Then we shall assure the free American citizen a new power, and we shall give a new interpretation and a new power to the essential factors of our common life.

BRIDE AT SHIP'S WHEEL

Steers Big Sailer Through Stormy Seas—Two Record Trips.

Two big sailing ships in which the Standard Oil Company sends oil to South Africa and the Orient are in port after making unusually good runs from their respective ports.

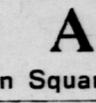
The three master King George arrived here yesterday, making the passage from Hong Kong in 166 days. Three days ago the modern steel clipper ship Glendond dropped anchor in the upper bay in thirty-five days. She had on board the skipper's bride, and according to "Honest Bill" Quigley, the Battery boatman, and the other old salts who congregate about the barge office, her unusual speed was due to the good luck brought aboard by the young woman. Asked what good spirit helped along the King George "Honest Bill" shook his head and said it was the tradition of his race to talk as little as possible of King George. He said, however, that he believed the report that the skipper had attributed his swift passage to the benediction bestowed upon the ship by a minister who accompanied the pilot that took her out of Hong Kong.

The King George kept up a speed that many steamers could not maintain in such a distance. When the wind was good, according to the official figures of the log book, she averaged for seven consecutive days a run of 236 knots. On November 13 she made 325 knots, which indicates an average speed of about thirteen and a half knots.

While the King George was cutting down her previous record the Glendond was trying conclusions with stiff gales with all canvas spread, and long before she dropped anchor off Sandy Hook the reports of her position had been reported to the Standard Oil office.

The Glendond, in command of Captain Horace Robinson, who is not a day over thirty-five, cleared from New York on September 12, 1897, with 22,900 gallons of case oil for Cape Town, South Africa.

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Antique Chinese Porcelains,

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A Large Number of Imperial and Mandarin Robes

Including Valuable Fur Lined Garments Original Rolls of Rich Brocades made for the Imperial Household

Valuable and Interesting Relics

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Collected prior to and after the Siege of Peking, 1900, by

Mrs. E. H. Conger,

widow of the late

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For a number of years Envoy Extraordinary and Minister Plenipotentiary to China.

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The Valuable Private Collection

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John La Farge, N. A.,

comprising

Rare Antique Japanese Art Objects

Ancient Chinese Porcelains and Pottery

Rare and Fine Old Screens

Large Collection of Color Prints

and Kakemono's Textiles and Embroideries.

—Also—

to be sold in the near future

The Private Collection of

Mr. James G. Tyler

OF THIS CITY

American and Foreign Paintings

including examples of his own work,

RARE ORIENTAL PORCELAINS

European Ceramics and miscellaneous objects.

NOT LIMITED TO COURTS.

Wide Scope Given Railroad Shippers by Judge Pritchard.

Richmond, Va., Jan. 15.—Judge Pritchard decided in the United States Circuit Court of Appeals to-day that the remedy by mandamus afforded by Section 23 of the interstate commerce act is cumulative and does not exclude any other remedy provided by the interstate commerce act.

In the case of the Pitscan Coal Company against the Baltimore & Ohio Railroad Company and others a mandamus proceeding was filed in the Circuit Court of the District of Maryland seeking to enjoin the Merchants' Coal Company and other operators on the Connellsville division of the Baltimore & Ohio from instituting proceedings before the Interstate Commerce Commission under Section 13 of the interstate commerce act. This section relates to the equal distribution of the remoter provided in Section 23, they may also proceed under Section 13 and invoke the remedy provided therein. The opinion reverses the decision of the lower court and remands the case, with directions to dismiss the bill.

BOYS HUNT WALL STREET BEARS.

In search of the bears in Wall Street eight Glen Cove boys left their homes on Monday and the Glen Cove shoe business picked up soon after they returned yesterday, footless and weary. All of the boys are under ten years old, but they walked more than thirty miles in their search for bears.

Willie Lamb, John Sprague, John O'Keefe, Richard Britt, Frederick Ziegler, William Rushmore, Joseph Britt and Jeremiah Reed held secret counsel and decided to leave school and Glen Cove and hunt bears, which they heard were cornered in Wall Street. The pooled funds of the eight amounted to a little more than 25 cents.

The eight were attacked by a goat, but continued in search of the bears. When Long Island City's broad boulevards were almost within reach the boys decided to submit to Glen Cove rather than walk further. Their parents, it is said, met in the "drygoods block" in Main street, when they were purchasing shoes, and agreed that the boys had been punished enough.

NICKEL UNDER HUDSON

W. G. McAdoe Tells Hobokenites Tunnels Will Be Ready by Feb. 1.

William G. McAdoe, builder of the tunnels connecting New York with New Jersey, and Governor-elect J. Franklin Fort were the principal speakers at the third annual dinner of the Hoboken Board of Trade in Hoboken last night. Mr. McAdoe gave a brief history of the building of the tunnels and told his hearers that the tubes between Hoboken and New York would open in the first week of February and that the fare from that city to New York would be 5 cents. Mr. McAdoe said:

I am unwilling to take credit accorded to me for the building of the tunnels between Hoboken and Manhattan and between Jersey City and Manhattan. When this great work was begun in 1874 I was a lad in Georgia, thinking more about anything else than General Sherman said, "War in any event before February 15, the tunnels will be opened between Hoboken and 14th street, and later other stations along Sixth avenue will be opened as quickly as possible. The fare, gentlemen, will be five cents between your city to any station on the Sixth avenue route or to Cortlandt street and Broadway. When the tunnels are in operation it will be possible to go from Hoboken to Cortlandt street and Broadway in any twenty minutes, and there will be frequent trains in the rush hours of each day. What does this mean to Hoboken and New Jersey? They are a part of the metropolitan area, but have not been on a parity with Brooklyn and Long Island, owing to the physical barriers which have existed between Manhattan Island and the Jersey shore. This physical barrier has been overcome by the tunnels, and Hoboken, I think, will have a greater advantage from the tunnel project than any other part of the tunnel system. If you allow Hoboken's light to be hidden under a bushel it will be your fault.