HEARST HIS TARGET

Bailey Says New Yorker Is Fighting Him and Bryan.

DENIES EDITOR IS DEMOCRAT

In Speech to Legislature After Ratification of Election Senator Commends Roosevelt's Policy as to Negro Troops—Representative Cocke Files Additional Charges.

Austin, Tex., Jan. 23.—Senator J. W. Bailey, upon the ratification of his election as United States Senator, addressed the legislature and thousands of cheering friends in the galleries. He made a caustic speech, in which he assailed W. R. Hearst, declaring that he is "no Democrat," but a man who had "drank the liquor of the trusts," and had promised to get William Jennings Bryan and himself (Bailey) out of the political life.

Campaign Starts in Cosmopolitan.

"It is customary for a man on an occasion of this kind to thank his friends and to forgive his enemies," said the Senator, "and I will observe this custom.

"Hearst inaugurated this campaign against me last June, when he published an article in his Cosmopolitan Magazine."

Mr. Bailey scored Hearst in strong words for his methods. He also said: "While I differ as widely as the poles with Roosevelt on all political questions, he, nevertheless, has my hearty indorsement for his action in discharging the negro troops at Brownsville."

Bailey devoted some of his remarks to the negro question and said that the white race would always be the superior.

Cocke Files Additional Charges.

Representative Cocke this evening filed with the Bailey investigation committee, which will hereafter meet jointly, additional charges against the Senator, as follows:

"That while the Senator from Texas, Bailey, appeared before the War Department and procured the payment of a bill rendered by F. J. Hall, for furnishing beef to the agent at Anadarko, Ind. T., for which Hall paid Bailey well; that in 1901 Bailey represented S. B. Burrett, of Fort Worth, to secure the lease of lands in the Kiowa and Comanche reservations; that in 1900 Bailey procured similar leases for the firm of Sugg Bros.; and that in 1903, when the Department of the Interior ordered certain stockmen to remove their stock from Indian lands, Bailey had the order modified." Cocke alleges in his charges that for all of this Bailey received "good and substantial fees."

JERSEY DEADLOCK CONTINUES.

Senator Dryden Again Fails to Get Enough Votes.

Trenton, N. J., Jan. 23.—Joint balloting for United States Senator to succeed John F. Dryden began in the New Jersey legislature to-day. Two ballots were taken, which resulted in Mr. Dryden receiving thirty-six votes, while eight of the Republican legislators who have been opposing his re-election persisted in holding out against him and caused a deadlock.

After two ballots had been taken the legislators adjourned to meet next Tuesday.

NO CHANGE IN RHODE ISLAND.

Two More Ballots Fail to Break Senatorial Deadlock.

Providence, R. I., Jan. 23.—Two more ballots by the joint assembly to-day not only failed to elect a United States Senator, but wrought no change in the line-up of the Senatorial deadlock. The vote was as follows: Goddard, 41; Colt, 38; Wetmore, 31; Utter, 1.

Representative Kearney, of Providence, introduced in the house to-day a bill providing for a direct popular expression on candidates for United States Senator.

Tillman Re-elected.

Columbia, S. C., Jan. 23.—B. R. Tillman was to-day elected by the general assembly to succeed himself as United States Senator. John S. Watson, of Clarendon County, was elected judge of the Third judicial circuit, to succeed R. C. Purdy, resigned.

Gamble Gets 100 Votes.

Sioux Falls, S. Dak., Jan. 23.—The State legislature in joint session to-day re-elected Robert J. Gamble, Republican, to the United States Senate. His new term will commence March 4.

Curtis' Election Ratified.

Topeka, Kans., Jan. 23.—The legislature to-day, in joint session, by a strict party vote, ratified the election of Charles Curtis as United States Senator for the long term.

CADET CLASS IS REINSTATED.

Virginia Military Institute Officials Rescind Former Action.

Special to The Washington Herald.

Lexington, Va., Jan. 23.—The board of visitors of the Virginia Military Institute passed an order this afternoon reinstating the third class, who early in January displayed fireworks from the roof of Smith's Hall in violation of regulations. The boys will be heavily penalized. Official notification of the action of the board has not been made public, but will be announced probably to-morrow evening.

Gratification is expressed here that the boys will not be compelled to leave the institute.

The board also ordered the erection of the new library building, work to begin at once, so that the books can be moved into the new building during vacation in order to begin the work on remodeling the old library for cadet barracks. The contract for the new building has been let. Work on the new lighting and power building is now in progress.

MAY ADOPT ICE CODE.

Navy Department Considering Advisability of Using the Signals.

The adoption of the "ice code signals" is being considered at the Navy Department for use generally throughout the United States navy and revenue service.

For a number of years, vessels of the navy whose business carries them into Northern waters, have used this flag signal code for reporting the presence of the drifting icebergs to other passing vessels and to lightship and telegraph stations.

The ice code signals are similar to the weather signal flags, and have proved invaluable in lessening the danger from moving icebergs, which become detached from the main mass in the arctic and slowly drift southward with the Atlantic currents, menacing liner and trap alike, especially on dark nights. This method has been used by Lloyds, and nearly every European navy, in addition to numberless tramps or foreign boats, but has never been adopted as a permanent code by this government.

HE WAS STUDYING FROGS.

A Whole Bureau Slaughtered for Its Chief's Fancied Error.

The House Committee on Appropriations has refused to renew the appropriations for the Bureau of Biological Survey, which last year amounted to $80,000. The purpose of the bureau was to study the geographic distribution of animals and plants, and to map the natural life zones of the country. It investigates the economic relations of birds and mammals, and advises as to the beneficial and injurious species.

One reason for refusing to continue the existence of the bureau was that the committee was informed that Dr. C. Hart Merriman, its chief, had been devoting his time to making charts as to the distribution of the different breeds of frogs in the United States.

FREAKS AT POULTRY SHOW

Tailless Rooster Is the Proudest of Them All.

Naked Necked Chickens Are Popular Also, but They Do Not Care for the Cold Weather.

With hundreds of chickens worth $50 to $200 each, prize winners from all over the country, the exhibit given by the Columbia Poultry and Pigeon Association in Masonic Temple is not without its freaks. There is a leghorn rooster that never had a tail. When he was young he was bitten in the back by a rat, his spine injured, and as a consequence tail feathers have never sprouted. But the tailless rooster is just as proud as any of the others. He did not win a prize, however.

Another display is that of two jungle fowls from India. These look much like the ordinary bantam, but they are supposed to be the species from which all chickens originated. The jungle pets were brought to this country by Homer Davenport, the famous cartoonist. Those at the chicken show are owned by Morgan Stinemetz.

The naked necked chickens are about the funniest sight at the show. In cold weather red flannel has to be wrapped about their necks to prevent their taking cold. The chickens look like any others, except that their necks are absolutely bare. This is the first time any of this variety has ever been on display in Washington.

The attendance yesterday was unusually good, and the officers of the association say that all previous records will be broken during the week.

The following awards were made:

Light Brahma cocks, Friendship Heights Poultry Yards; hens, Mrs. G. C. Winans; buff Cochin, Louis P. Graham; black Langshan hens, P. H. McCormick; black Langshan cockerels, D. J. Hoge & Son; pullets, R. W. Holland; barred Plymouth Rock cocks, C. L. Blanton; hens, Henry D. Riley; cockerels, W. L. Elsea; pullets, C. L. Blanton; white Plymouth Rock cocks, J. F. Defandorf; cockerels, C. C. Burroughs; buff Plymouth Rock cocks, Daniel Dayhoff; hens, Exmoor Farm; cockerels, Exmoor Farm; partridge Plymouth rock, Hillcrest Farms; silver-penciled Plymouth rock, Hillcrest Farms; pullets, William R. Bowers; silver Wyandotte cockerels, H. L. Bacon; pullets, C. F. Fix; golden Wyandotte cocks, Mrs. S. McLaren Spencer; cockerels, William H. Edeler; pullets, C. F. Rothenhoefer; white Wyandotte cocks, M. E. Rose; hens, Ola E. Remsen; cockerels, Friendship Heights Poultry Yards; black Wyandotte hens, G. H. Boyd; pullets, Hillcrest Farms; buff Wyandotte cocks, Calvin Hicks; pullets, Silverside Poultry Yards; Columbia Wyandotte cock, J. D. Sumner; hens, Friendship Poultry Yards; cockerels, Mrs. T. W. Turner; Rhode Island red cock, G. W. Sweeting; buff Orpington cocks, R. J. Kinsley; hens, Col. Lewis Perrine; pullets, W. C. Gray; brown leghorn cocks, Burt Chrisenden; hens, Sophia C. Pitchlynn; black Leghorn cock, C. E. Rothenhoefer; white Leghorn cocks, Glenolden Poultry Yard; duckwing Leghorn, Exmoor Farm; buff Leghorn pullets, W. L. Rutherford; R. C. buff Leghorn, John W. Silcott; black Minorca cocks, F. H. Fulford; hens, Charles R. F. Rothenhoefer; cockerels, O. H. Remsen; cocks, J. E. Weaver; Cornish Indian games, N. B. Warner; silkies, M. Stinemetz; naked necks, E. S. Schmid; buckeye red, Mrs. C. M. Robinson.

WEATHER CONDITIONS.

U. S. Dept. of Agriculture, Weather Bureau, Washington, Wednesday, Jan. 23, 1907—8 p. m.

Special River Bulletin.

The Ohio River is now falling for some distance below Louisville. A further slight rise may be expected at Evansville, but the crest stage will be but little above 46 feet, the stage to-night. At Cairo the stage to-night was 43.4 feet, a rise of 0.6 foot since Tuesday night. Stages at 8 a. m. Wednesday in the Lower Mississippi were as follows: Memphis, 33.2 feet, 0.2 foot above flood stage; Vicksburg, 43.1 feet, 0.1 foot above flood stage, and New Orleans, 17 feet, 1 foot above flood stage.

Advices received since the above was written state that the sand-bagging of the embankment of the Cotton Belt Railroad Company at Bird's Point, Mo., opposite Cairo, will likely prevent the overflow of several thousand acres of land in that vicinity, and at the same time increase somewhat the flood plane at Cairo, so that indications now point to a crest stage of between 49.5 and 50 feet at the latter place within two or three days.

General Forecast.

Low temperatures prevail to-night east of the Mississippi River, except on the Gulf coast, ranging from 5 to 28 degrees below the seasonal average. It is warmer throughout the greater portion of the West, decidedly so in the Missouri Valley, the Dakotas, Kansas, and Nebraska. With the exception of local snows in the Lake region, the Upper Mississippi Valley, and portions of the extreme Northwest, the weather was generally clear.

There will be snow Thursday in the Lake region, the Ohio, Missouri, and Upper Mississippi valleys, continuing Friday in the Lake region and the Ohio Valley, and extending into the Middle Atlantic States and probably New England. There will also be rain or snow Thursday and Friday in the North Pacific States; elsewhere the weather will be fair Thursday and Friday.

Temperatures will rise Thursday from the Mississippi Valley eastward, and also on Friday in the Eastern States. It will be colder Thursday in the Northwest, and colder Friday in the Central Rocky Mountain region and the Missouri and Upper Mississippi valleys, and possibly the Upper Lake region and Ohio Valley.

The winds along the New England and Middle Atlantic coasts will be fresh north to northeast; on the South Atlantic coast light to fresh northeast; on the Gulf coast light to fresh east to southeast, and on Lake Michigan fresh to brisk east to southeast, shifting to westerly Friday.

Steamers departing Thursday for European ports will have fresh north to southeast winds, with fair, cold weather, to the Grand Banks.

Local Temperatures.

Midnight, 24; 2 a. m., 21; 4 a. m., 18; 6 a. m., 15; 8 a. m., 14; 10 a. m., 15; 12 noon, 20; 2 p. m., 23; 4 p. m., 21; 6 p. m., 19; 8 p. m., 18; 10 p. m., 15; maximum, 25; minimum, 14. Relative humidity—8 a. m., 56; 2 p. m., 35; 8 p. m., —. Rainfall, 0. Hours of sunshine, 9.2. Per cent of possible sunshine, 100. Temperature same date last year—Maximum, 71; minimum, 42.

Temperatures in Other Cities.

Temperatures in other cities, together with the amount of rainfall for the twelve hours ended at 8 p. m. yesterday, are as follows:

	Max.	Min.	8 p. m.	Rainfall.
Asheville, N. C.	48	24	32	....
Atlanta, Ga.	50	30	44	....
Atlantic City, N. J.	20	12	12	....
Bismarck, N. Dak.	26	—2	16	....
Boston, Mass.	12	2	2	....
Buffalo, N. Y.	6	2	4	0.01
Chicago, Ill.	22	6	20	T.
Cincinnati, Ohio	22	12	22	....
Cheyenne, Wyo.	58	24	48	....
Davenport, Iowa	26	10	20	T.
Denver, Colo.	68	26	56	....
Des Moines, Iowa	26	8	24	....
Galveston, Tex.	62	52	60	....
Helena, Mont.	36	22	26	....
Indianapolis, Ind.	22	14	22	T.
Jacksonville, Fla.	62	44	50	....
Kansas City, Mo.	38	20	36	....
Little Rock, Ark.	52	32	48	....
Marquette, Mich.	18	—6	6	....
Memphis, Tenn.	46	28	44	....
New Orleans, La.	64	46	58	....
New York, N. Y.	14	10	10	....
North Platte, Nebr.	58	16	44	....
Omaha, Nebr.	32	12	30	....
Pittsburg, Pa.	14	6	10	T.
Salt Lake City, Utah	26	12	24	....
St. Louis, Mo.	30	18	30	T.
St. Paul, Minn.	8	—6	8	T.
Springfield, Ill.	24	14	24	T.
Vicksburg, Miss.	62	40	58	....

TRIES "HELLO" RUSE

Mrs. Tower Then Begs Husband to Return to Her.

HIS PLANS REVEALED IN SUIT

Lawyer Demands $2,500 of Mrs. Weis, Who Was Seeking a Divorce So She Could Wed the Millionaire Ironmaster of Poughkeepsie—Wife Prostrated When She Learns News.

New York, Jan. 23.—Mrs. Albert E. Tower, the telephone girl wife of the millionaire ironmaster of Poughkeepsie, is not willing to surrender her husband to Mrs. Minnie L. Weis, who is being sued by H. J. Hancock for $2,500, a fee claimed in an effort to secure her a divorce so she could wed the millionaire ironmaster. Mrs. Tower is prostrated at her home and under the care of a physician.

Mrs. Tower made one last appeal to her husband to-day when she called him to the telephone at the Metropolitan Club in Fifth avenue. She begged him to abandon Mrs. Weis and all of the friends for whose society the millionaire left her six months ago. Mrs. Tower cannot forget that it was over a telephone wire that her romance had its beginning some five years ago. Through a cunning little ruse she got Tower to a telephone at the club to-day and made a tearful plea for him to come back to her. But her plea was in vain. Tower informed his wife that she must present her case through her lawyer, and then he cut off the connection.

Separation Disclosed by Suit.

The disclosures of the estrangement between Mr. and Mrs. Tower came about through a suit brought by Hancock. According to his complaint he had tried to get a divorce for Mrs. Weis so that she would be free to marry. It was this complaint that carried the news to Mrs. Tower of her husband's secret efforts to terminate their romance. She instantly summoned her attorney, Charles Morshaus, and urged him to intercede in her behalf.

"I cannot give up the hope that my husband will be brought to his senses if only I can get him out of the power of this woman," Mrs. Tower told her lawyer. "In his blind infatuation for her he seems to have thrown every thought of his marriage vows to the winds. From what I have seen I can almost believe that this woman exercises some kind of a hypnotic power over him.

"From the day of our marriage four years ago until early last summer I never had a moment's unhappiness. My life was an ideal one, and I had only one thought, and that was to make my husband share to the fullest my cup of happiness. But my dream was one day rudely shattered while we were on a visit in New York. There my husband introduced me to Mrs. Weis, and instinctively I knew that she was not the kind of a woman who would conduce to our happiness.

"I came back to Poughkeepsie in a sort of suppressed terror. I could not shake off the presentiment that disaster would befall us through the machinations of this woman. When my husband informed me early in June that he was going on a long cruise in his yacht, the Erl King, the presentiment grew stronger. I insisted upon going with him, and took with me my sister, Grace Bogardus, and his aunt, Mrs. Butts.

Mrs. Weis Member of Party.

"I was in no degree astonished when Mrs. Weis came aboard the yacht at New York, and I felt certain that before the end of the cruise there would be trouble. We had been out only a few days when that woman's conduct became intolerable. With the utmost effrontery she usurped my privileges, and, strange to say, my husband appeared to abet her.

"She even took my place at the table and announced in the hearing of all that she was better qualified to fill it than I was. That was the last straw for me, and I simply told my husband that he must choose between Mrs. Weis and myself. If he did not request her to leave the yacht at the first port we reached then I should leave myself. He declined to accede to my request, and as soon as the Erl King arrived at Old Point Comfort I left, and with me went my sister and Mrs. Butts. Mrs. Weis remained on the yacht for some time and did not leave, in fact, until the Erl King stopped at New Hamburg, a few miles below Poughkeepsie."

Miss Grace Witherspoon, a friend of Mrs. Weis, who shares apartments with her at the Hotel Belmont, said to-day that Mrs. Weis had left the city because of the notoriety attending the matter.

"There is no truth in the statements that Mrs. Weis is trying to get a divorce so that she can marry Mr. Tower," said Miss Witherspoon. "The whole trouble grows out of the fact that Mrs. Tower is insanely jealous of her husband."

NO DISPUTE OVER PRIZE MONEY

Capital and Labor Fear No Friction Over President's $40,000.

In the work of adjusting the differences between capital and labor, the National Civic Federation and the administrators of the fund to be created by the $40,000 that came to the President through the award to him of the Nobel prize will work practically along the same line and in harmony with each other.

Bishop Henry C. Potter and Ralph M. Easley, of New York, and Samuel Gompers, of Washington, representing the federation, discussed the subject yesterday with Oscar S. Straus, Secretary of Commerce and Labor, who is chairman of the committee designated by the President to handle the moneys derived from the Nobel prize. This commission and the Civic Federation will co-operate in every possible way, the object sought by each being practically identical.

Secretary Straus said yesterday that there was no possibility of any friction between the two organizations.

Reception to New Secretary.

Miss Florence M. Brown, the newly appointed general secretary of the Young Women's Christian Association, was the guest of honor at a reception last night in the club rooms at Twelfth and F streets.

Headaches and Neuralgia from Colds.
Laxative Bromo Quinine, the world wide Cold and Grip remedy, removes cause. Call for full name. Look for signature E. W. Grove. 25c.

TO-KALON WINE CO. 614 14TH ST.
PHONE M 998
DUFFY'S MALT,
A pure, well-aged, and health-giving beverage; highly recommended for
Grippe and Pneumonia
$1.00 a Bottle.

TWO JURORS CHOSEN TO TRY HARRY THAW

CONTINUED FROM FIRST PAGE.

courtroom, and consequently the crush was not great in the early morning hours. At the time of the noon recess, however, the building was packed with curious persons wherever the small army of policemen would allow people to stand. The grand staircases afforded the best vantage points, and here hundreds stood jammed together for the sole purpose of getting a look at Mrs. Harry Thaw, the Countess of Yarmouth, and the other members of the defendant's family. When the Thaw party came out to go to luncheon there was a rush that for a few moments overwhelmed the police, and the women were a bit hustled until the police rallied and formed a line through which they walked to their waiting carriages.

Other Reasons for Interest.

There are, of course, other reasons than the prominence of Harry Thaw and his victim for the extraordinary interest displayed in this trial, despite the fact that the not unusual circumstances of mystery is here missing.

Here was no case in which the killing was to be disputed or any effort required to prove it. One had only to listen to the talk among the crowds in the corridors of the Criminal Courts building to know, if he had ever doubted before, that the questions that most persons were asking were, first:

"Will the wealth at Thaw's disposal command forces that will save him, when a poor man would go to the chair?"

Second: "Will the unwritten law prevail?"

The latter inquiry is likely to be answered within a fortnight. The other, if former murder trials are safe guides, may be much longer in obtaining a final reply.

Jerome First in Court.

Court opens at 10:30 o'clock. At 9:45 the courtroom was well filled. At 10 it was crowded. Mr. Jerome was the first figure of importance to appear. He walked in at the private entrance at 10:20 and took his seat at the table reserved inside the rail for the prosecution. Five minutes later Dr. Carlos F. Macdonald, first of the alienists employed by the prosecution, arrived. He, too, got a seat inside the rail. He was soon followed by Dr. Mahon and Dr. Flint.

The next man in was no less a personage than Mr. Justice Phippen, of the Court of Appeals, of Manitoba, Canada. He said he expected to attend most of the sessions of court during the trial, in order to see how murder cases are run down here.

One minute before half-part ten, the doors leading to Justice Fitzgerald's chambers swung open, the attendants shouted "Hats off!" Justice Fitzgerald took his seat, and court opened with the customary "Hear ye! Hear ye! Hear ye!" intoned by the gray-haired clerk, William Penny. At the same time there was a stir at the judge's entrance, and Thaw's counsel, escorting the members of his family, came in and took their seats, while Assistant District Attorney Garvan followed them.

For a full minute every eye in court was fixed upon the Thaw party, in the endeavor to distinguish Mrs. Evelyn Nesbit Thaw, around whom the Thaw-White tragedy revolves. The ex-chorus girl wore a tailor-made gown of dark material, a black hat with wine-colored trimmings, and hid her face behind a white veil, which she never raised. About her neck she wore fur. She took her seat beside May McKenzie, the former Weber & Fields chorus girl, who has long been her friend, and in whose apartment she passed the night that followed the shooting of Stanford White by her husband.

Thaw's Wife with Miss McKenzie.

Miss McKenzie wore a purple gown and hat, and kept her veil raised. She looked cheerful, almost chirpy, and occasionally smiled and whispered to her friends, but though Mrs. Harry Thaw smiled back at her, it was a faint, wan, ghost of a smile, that scarcely felt its way through her veil.

Mrs. Thaw, the defendant's mother, sat on her daughter-in-law's right. She was clad entirely in widow's black, and was so heavily veiled that her gray hair was scarcely discernible.

The great gulf between Mrs. William Thaw and her two daughters, Mrs. Carnegie and the Countess of Yarmouth, was well demonstrated throughout the day. While the young actress-wife of the accused sat by the side of her mother-in-law, she did not betray any evidences that she realized what it all meant. The countess and Mrs. Carnegie followed the questioning of the prospective jurors and their answers with an almost breathless breath, but Mrs. Harry K. Thaw spent a great deal of her time whispering to her friend, the other actress, Miss McKenzie, and criticising the appearance of the female portion of the spectators.

Is No Longer Beautiful.

She is no longer the handsome young woman that, as artist, model, and player of "thinking parts" in Broadway productions, was the toast of the stage-door "Johnnies." Her countenance is beaken and thin, while crow's feet about her eyes and nostrils, which apparently have defied the expert massagists, indicate that the stories of her health not being of the best have some foundation in fact. The elder Mrs. Thaw and her two daughters followed the examination of prospective talesmen with the closest interest, and showed that they realized more than anything else just what the entire proceedings meant to their family name.

The women of the family were accompanied by Edward Thaw, Harry's brother, and George L. Carnegie. Howard Nesbit, Evelyn Nesbit Thaw's younger brother, was not with her.

He was in court, however, being under subpoena by the prosecution. He sat far back in the courtroom, and was recognized by scarcely anybody but the reporters. Not far from him sat about the only man in court who could be said to come anywhere near representing Stanford White's family. He was Charles Harnett, formerly Mr. White's private secretary.

Spectators Watch Counsel.

Satisfied with their scrutiny of the Thaws, the spectators turned their attention to the six lawyers who will fight for Harry Thaw's life. Several of them were comparative strangers to that courtroom. Clifford W. Hartridge, tall, clean-shaven, and with the physique and bearing of an athlete, headed the six. Opposite him sat John B. Gleason, short, elderly, stout, bespectacled, and benevolent in appearance. By his side sat Delphin Michael Delmas, away from San Francisco and looking the part—short, thick-set, grizzled, and very busy in looking like Napoleon. With him was Henry W. McPike. Opposite them were Daniel O'Reilly, whom even a murder trial cannot keep from looking rotundly jovial, and A. Russell Peabody, last of the six. Of the counsel at first engaged by Thaw, O'Reilly was the only one still employed by him when court opened.

Thaw Goes to Bar.

The roll call of talesmen ended, District Attorney Jerome arose, and, in quiet, straightforward words, stated the facts regarding the indictment of Thaw and moved his trial.

"Harry K. Thaw to the bar!" shouted Clerk Penny.

Everybody but the Thaws turned and looked at the door leading to the pen. There were, perhaps, ten seconds of dead silence. Then the door swung open and disclosed the defendant. He walked alone and unfettered, but close behind him came Prison Guard Delahanty. The prisoner had crossed the "Bridge of Sighs" from the Tombs handcuffed to the guard, but on arrival in the pen the handcuffs were removed.

Thaw walked quickly down the aisle to his seat, pausing for just the fraction of a second to bow and smile faintly at his wife, his mother, and his sisters. He was dressed in a black suit, wore a blue four-in-hand and a turn-down collar. Over one arm he carried a light overcoat of covert cloth. He took his seat between Mr. McPike and Mr. Peabody.

Persons who read various accounts of the Thaw murder trial will probably be told several times that Harry K. Thaw is a man whom any close observer would pick out of a crowd as a type of degeneracy. As a matter of fact, Harry Thaw is a rather good-looking young man, of a sort commonly seen in the Tenderloin.

Thaw Is Good Looking.

Taller than the average, closely shaven, with a clean-cut, but not prominent, chin; dark brown hair, carefully trimmed, and a nose a trifle snubbed, he looks much like any one of twenty amiable enough young spenders whom you may see any pleasant afternoon along Broadway between Thirty-fourth and Forty-second streets. The pallor that comes from months of prison life is upon him, but he looks in excellent health, and his bearing throughout the scene was quiet, dignified, and alert.

Most of the time he leaned forward, rested his chin upon his hands, and watched the proceedings closely, but he gave little or no advice to his counsel, and they seldom consulted him. He seldom looked toward his relatives. They, on their part, sat perfectly quiet, speaking to no one and addressed by nobody, save when Miss McKenzie and Evelyn Nesbit Thaw whispered a word or two to each other.

"Harry K. Thaw," said the court clerk, "if you desire to challenge any individual juror you must do so when he appears and before he is drawn."

Bryden First Man Called.

Charles W. Bryden, an engineer, was the first talesman called. With him Mr. Jerome followed a method he adopted with every talesman that followed him. He asked them all if they knew Thaw or his relatives, or Truxton Beale; had acquaintances in Pittsburg; knew any of the physicians mentioned in the case; knew Abe Hummel; had conscientious scruples against the death penalty, or had discussed the case since being drawn as talesmen.

Of course, all the talesmen had read about the case and almost all of them had formed opinions about the guilt of the prisoner. Most of them thought, however, that they could lay aside those opinions and give a verdict on the merits of the testimony adduced in court. To each of them the district attorney read that section of the criminal law which says:

"A person is not excused from criminal liability as an insane person except upon proof that at the time of committing the alleged criminal act he was laboring under such a defect of reason as either not to know the nature and quality of the act he was doing, or not to know that the act was wrong."

He further demanded of each of them if he recognized the fact that the only law in the case was the State law—not any so-called higher or unwritten law—evidently regarding this as a crucial point.

Mr. Hartridge asked all of the talesmen if they had known Stanford White or De Lancey Nicoll, or anybody in the district attorney's office. Having asked Mr. Bryden all these things, he peremptorily challenged him.

Smith Finally Accepted.

The second talesman examined was Deming B. Smith, and it took about 10 minutes' questioning before he was accepted.

"The clerk will swear the juror," announced Justice Fitzgerald. Everybody took a deep breath as Harry Thaw arose and looked upon the first of his future judges, Deming B. Smith, who also rose and faced the defendant, holding a Bible in his hand. Then said the clerk:

"Juror, look upon the defendant. Defendant, look upon the juror. You do solemnly swear that you will well and truly try and true deliverance make between the people of the State of New York and Harry K. Thaw, the defendant, whom you shall have in charge, and a true verdict give according to the evidence—so help you God?"

"I do," murmured Deming B. Smith, and sat down. He was at once taken to the jury box, where he sat in solitary state, guarded by two court attendants.

John C. Graul, a picture-frame dealer, of 434 Fourth avenue, told Mr. Jerome that he had expressed an opinion on the merits of the case, but hadn't formed one. Even the defendant and his white-faced relatives smiled at this, and Mr. Graul was challenged by the prosecution.

Frank P. Hill, the red-headed baker from Seventh avenue, reversed Mr. Graul's process. He had formed an opinion, but hadn't expressed it. He was chosen in ten minutes.

William P. Aldrich, who runs a bleachery at 25 North Moore street, said he voted in New Jersey, but it was decided by the judge that he spent enough of each year in this city to be eligible. He looked to have the qualities of an excellent juror, but the defense peremptorily challenged him.

Architect Is Challenged.

Morgan M. O'Brien, an architect, with offices at 135 Madison avenue, got off because he said he had known Stanford White. Oliver L. Jones, a real estate operator, of 116 West Seventy-second street, presented to Justice Fitzgerald an excuse which the court thought sufficient, and he, too, was excused.

It then being 1 o'clock, Justice Fitzgerald informed the two jurors of his intention to seclude them; warned them to inform him if anybody tried to talk to them about the case, and ordered a recess until 2 o'clock.

Right after the afternoon session started, a possible new witness in the case was brought out through the examination of Samuel K. Wilmurt, who has an iron and steel commission business at 29 Broadway. Mr. Wilmurt told Mr. Jerome that he had talked about the case with a friend on the roof of Madison Square Garden at the time White was killed. This friend, Mr. Wilmurt said, was William B. Ramoes, who lives in the Windermere apartment house in West Fifty-seventh street. He saw Thaw after the shooting.

May Be New Witness.

Mr. Jerome was anxious to find out if Mr. Ramoes had described to Mr. Wilmurt what Thaw looked like, but Mr. Wilmurt said he hadn't. Both Mr. Jerome and counsel for Thaw made a note of Mr. Ramoes' name and address, and then Mr. Jerome peremptorily challenged Mr. Wilmurt.

Benjamin T. Rogers, jr., the next talesman, made a queer slip in his answers. He said that he believed that it would be his duty as a juror to consider a defendant guilty until proved innocent. Twice the answer was read to him and he stood by it, but not until it had been read the third time did he realize that he had caused a mild sensation, and he corrected it to read that a defendant was presumed to be innocent until proved guilty. He was opposed to capital punishment, and it would take a lot of evidence for him to convict of murder in the first degree, so Mr. Jerome challenged him.

Fecke Chosen Quickly.

When George H. Fecke, who was selected as the third juror, was examined, he spoke in a mild voice, saying that he was manager of the second cabin department of the Cunard Steamship Line. There was no flaw to be found in him at all, and he was in the jury box in a jiffy. He was followed by Bernard Loth, a retired ribbon manufacturer, who looked like a sure juror. Mr. Jerome wanted to know if he knew any of Thaw's counsel.

"Is that all of them?" asked Mr. Loth pointing to the group around Thaw.

"I suppose so," said Mr. Jerome, with a laugh. Thaw's lawyers laughed, and Thaw, who hadn't been listening, wanted to know the joke. Lawyer Peabody, who sat at his elbow, told him, and Thaw showed his teeth in a smile.

Mr. Loth said he had a good reason why neither side would want him as a juror. The reason was not a technical one, he said, but sufficient to keep him out of the box, and Mr. Loth was excused by consent. It turned out that since he retired from business he has been practicing law, and while that did not disqualify him, he felt he didn't belong on the jury.

Court Adjourns at 5 o'Clock.

It was then 5 o'clock, and Justice Fitzgerald announced that he would adjourn court until to-morrow morning. Mr. Jerome said that Baker Hill, juror No. 2, had a personal message to deliver to the judge. Hill said that his business was small and just beginning to thrive; that he had no partner or helper, and that if he was tied up in the case for three or four weeks his business would go to smash. The lawyers agreed that it would be tough on Hill, and he was excused from serving. He went out a happy young man.

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