MANY WOMEN AT THAW'S TRIAL

Warning That Sensitive Persons Might be Shocked Seemed to Increase Their Number.

RUBBERED WHEN HE CAME IN.

McCaleb, One of Thaw's Companions On Night of Tragedy, Tells Story of It.

New York, Feb. 6.—The defense of Harry K. Thaw, under the direction of Atty. Delphin M. Delmas of California, began to assume definite shape today. When court adjourned testimony had been placed before the jury to the effect that Stanford White had been heard to make a threat to kill the defendant, coupling the threat with the display of a revolver; that Thaw's actions following the killing of White on the roof of Madison Square Garden was considered by several eye-witnesses to have been "irrational;" that an uncle of the defendant was insane; that Evelyn Nesbit Thaw passed a note to her husband during dinner at the Cafe Martin the evening of the tragedy; that Dist. Atty. Jerome has this note and refused, on the demand of the defense, to introduce it in evidence.

At the close of today's proceedings it was announced by Mr. Delmas that either the wife or the mother of the defendant would be the first witness tomorrow morning.

Martin Green, a newspaper man, was the next witness.

Mr. Green was sitting at a table near Stanford White on the night of the tragedy.

"When did you first see Harry Thaw that night?"

"After the shooting; he was standing over Stanford White."

"What was his manner just after the shooting?"

"He held the pistol high above his head," said Mr. Green. "He was very pale, his eyes seemed about to pop out of his head and his hair was hanging well down on his forehead."

"In your opinion, was his action rational or irrational?"

"I object," shouted Mr. Jerome.

Mr. Delmas quoted an authority to support his question, but the district attorney contended that the decision quoted had been superseded by later opinions.

For the first time since the beginning of the trial the courtroom this afternoon was crowded to its capacity by the general public, a large portion of the audience being women, Justice Fitzgerald warning of the morning that there might be testimony which might shock their sense of propriety seemed to increase rather than decrease the number of women who sought entrance. Women who came from idle curiosity had no difficulty in passing court officers, to whom they gave a friendly nod, while reporters and others whose business called them to the trial had trouble in getting within the doors.

The matinee finery displayed every color of costume imaginable.

As Harry Thaw entered, accompanied by his guard, the women craned their necks to obtain a sight of his pallid face, and a whisper and a rustle passed around the room which brought forth a sharp rap of the bailiff's gavel.

Justice Fitzgerald's orders that no person not having business in the courtroom should be admitted during the trial had evidently been disregarded.

Mr. Jerome took up the argument against allowing the witness, Green, to answer the question as to whether in his opinion, Thaw's manner after the shooting was rational or irrational. The district attorney cited several decisions which he declared upheld his contention that Green was not a proper witness to testify as to Thaw's mental condition.

Justice Fitzgerald overruled Mr. Jerome's objection and Mr. Green was directed to answer the question.

"Thaw's actions were irrational."

Mr. Jerome took up the cross-examination.

"Have you ever had any experience with insane persons?"

"No, sir."

"By your testimony were you characterizing Thaw's mental state or his conduct?" asked Mr. Jerome.

"His conduct."

Mr. Green said he was at the garden for pleasure, but that he wrote a story of the tragedy, which was published in his paper the following afternoon.

Mr. Green stated that he was attempting to give his impressions as they were formed at the time of the shooting. He had a very pronounced opinion but did not think it had influenced his writings. He said that he wrote but one article on his own information.

"Did your stories contain any statements which were neither based on facts from your reporters nor from your personal knowledge?"

"No, sir."

"Did you ever receive information from any one besides reporters?"

"Yes."

"Who?"

"I don't recall their names."

"Do the names appear in the articles?"

"No."

Mr. Green was released.

Thomas McCaleb, who was one of Thaw's companions at dinner the evening of the tragedy, was called to testify. He said he was from San Francisco and is 36 years of age.

He said he was with Thaw on the Madison Square roof garden.

"Who were in the party"

"Mr. and Mrs. Harry Thaw, Truxton Beale and myself."

"What time did you reach the roof garden?"

"About 9:30 p. m."

"When did you leave the roof?"

"During the second act. I was walking out with Mrs. Thaw and just as we reached an archway three pistol shots struck upon my hearing—"

"Was Thaw in the lead of the party?"

"No; he was behind."

"Tell us what you saw," said Mr. Delmas.

"Well, the next thing I saw was Harry Thaw standing with a pistol held over his head. The butt of the pistol was up."

"Which hand was the pistol in?"

"I don't remember."

"What else?"

"Mrs. Thaw exclaimed: 'Oh, Harry! what have you done? Why did you do it?' He said: 'I have saved your life.'

"Then he kissed her. He also said other things, but in the excitement of the place I did not hear them. I turned to Mr. Beale and said:

"'He has killed a man.' I did not know who it was. At the sidewalk Thaw was turned over to a policeman. He said to me. 'Take my wife to the Hotel Lorraine and telephone Carnegie.' I could not understand the first name."

"From what you say and heard, was Mr. Thaw, in your opinion, rational or irrational?"

"Irrational."

McCaleb said that he and Mr. Beale had dined with Mr. and Mrs. Thaw that night at the Cafe Martin.

"During that dinner, did you notice any sudden change in the appearance of the lady?" asked Mr. Delmas.

Mr. Jerome objected and was sustained.

"Did you notice any communication between Mrs. Thaw and her husband at the table?" asker Mr. Delmas.

"I remember she asked him for a pencil and afterward passed him a folded paper."

"Did Mr. Thaw make any remark?"

"Not that I heard."

"Did you notice any change in Thaw's appearance?"

"I did not pay much attention."

"We understand," said Mr. Delmas, "that the note from Mrs. Thaw to her husband is in the hands of the learned district attorney. I now call upon him to produce the paper."

There was a dramatic silence in the courtroom. Mr. Jerome sat tugging at his short, stubby moustache. He did not move a muscle of his face.

"I take it, your honor, that the action of the learned district attorney in not replying is not an act of discourtesy, but his conception of what are his duties in this matter. I shall, therefore, have to try to get something about the note in evidence."

Turning to the witness, Mr. Delmas asked:

"Do you know anything of the contents of that note?"

"No."

"Was there any discussion at the restaurant as to whether you should remain there any longer, or whether you should go to the roof garden?"

Mr. Jerome objected and was sustained.

The cross-examination then began.

"How long have you known the defendant?" asked Mr. Jerome.

"Some years."

"Where?"

"In Paris and San Francisco."

"Did you know Miss Nesbit before she married Thaw?"

"No."

"What is your occupation?"

"My last occupation was as secretary to the Association for the Improvement and Adornment of San Francisco. I resigned because of ill-health."

"What else have you done?"

"Literary work."

"What sort of literary work?"

"I am the author of two books, and I have private interests."

"Were you not to dine at Sherry's the evening of June 25, instead of at the Cafe Martin?"

"The note of invitation was to meet at Sherry's—it was not intended that we were to dine there."

"When you say that Mr. Thaw was irrational, do you refer to his mental state or to his appearance?" asked the district attorney.

"I mean his appearance, his looks. It was so pronounced."

"Now wait a minute," called Mr. Jerome. "We have talked this over before. Listen to my questions: Did this man owe you any money?"

"No."

"Did you never try to borrow any money from him?"

"Never."

"Never?"

"Never."

On re-direct examination Mr. McCaleb was asked when he had first met the district attorney.

"Some months ago."

"Where?"

"At the Union club."

"Did you ever make a statement to him or his assistants?"

"I made a deposition."

"Did it remain in the district attorney's office?"

"So far as I know it is still there."

Mr. Jerome asked McCaleb if he thought himself qualified to pass upon a man's mental state, and he said he did.

When Mr. Jerome took up the recross-examination he introduced as people's exhibit No. 3 a document, and asked Mr. McCaleb if it was the document he had referred to. Mr. McCaleb read it carefully from beginning to end, then said that it was the paper he had signed.

Mr. Jerome offered the document in evidence, but it was withdrawn when Mr. Delmas objected. Mr. Delmas then asked McCaleb:

"When you had a talk with the district attorney at the Union club a few days after the shooting did you tell him that you thought Mr. Thaw was irrational?"

Mr. Jerome objected, and his objection was sustained.

Mr. McCaleb's lips moved.

Mr. Jerome sprang to his feet.

"What do you mean by answering that question after the court has ruled it out? I call the attention of the court to this literary man who comes here and acts in this manner. It is positively indecent."

Mr. Delmas protested that the witness had the misfortune to have to testify in the case, but was entitled to courtesy all the same.

"He is," remarked Justice Fitzgerald, who, however, admonished the witness not to answer questions in the future until the court had ruled on them.

"You say you had a conversation with me at the Union club then?" shouted Mr. Jerome at the witness.

"What time of night was it?"

"I don't recall."

"Was it late in the evening?"

"Yes."

"How many drinks had you had?"

"I had one with you."

The courtroom was in an uproar of laughter in an instant, and the bailiffs had to rap long and loud for order.

"If any one again laughs in this court room he will be removed," said Justice Fitzgerald.

"How many drinks had you had before you reached the one with me?" resumed Mr. Jerome.

The witness could not recall.

Mr. Delmas objected to a further examination along this line, and, when he had been sustained by the court, asked the witness:

"What did the learned district attorney drink with you?"

"The same that I did."

Lionel Strauss, a portrait painter, was called.

Mr. Strauss said he was on the Madison Square roof garden the night of the tragedy. He sat near Stanford White. The shots of Thaw's pistol attracted his attention.

"I first saw Thaw's face," he said, "and my whole attention was absorbed by it. It was imprinted on my memory and remains there still."

"Describe the appearance of his face."

"His face was very pale; his eyes gave one the impression of bulging. His mouth was set."

"Judging from what you say of his appearance and his acts, was he, in your opinion, rational or irrational?"

"Irrational."

Mr. Strauss on cross-examination said he was not an expert on mental diseases.

Dr. John E. Deemar of Kittanning, Pa., who was brought forward yesterday to testify as to an alleged strain of insanity in the family of Mrs. William Thaw, but whose testimony at the time was ruled out, was recalled by Mr. Delmas. Mrs. William Thaw was a Miss Copley. Dr. Deemar is the Copley family physician. Dr. Deemar is was asked concerning Henry Copley and John Ross, the former an uncle and the latter a cousin of the defendant, when Mr. Jerome objected.

He declared the relationship of the cousin was more remote than is contemplated by the law. Mr. Jerome also declared that he based the renewal of his objection on the ground that the character of the defendan'ts insanity had not been shown.

"I don't know that he is insane, or if he is that the insanity is hereditary in form. Let it be shown that he is insane, and then let the corroborative evidence as to the insanity in the family be taken," suggested Mr. Jerome.

Mr. Delmas then asked witness of Henry Copley was insane.

"Yes," he replied.

"What was the character of his insanity?"

Mr. Jerome objected and said the taking of the testimony should not proceed until the proper foundation had been laid.

Mr. Delmas then asked that the court adjourn, although it was before the usual time. Mr. Jerome consented on the understanding that Mr. Delmas would tell him who would be the first witness tomorrow. Mr. Delmas, after consulting with his associates, announced:

"The first witness we will call tomorrow will either be the wife or mother of Harry K. Thaw."

Adjournment then was ordered.

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ELEVATOR CHARGES.

Interstate Commerce Hearing Shows There Was Discrimination.

Kansas City, Feb. 6.—It developed today at the hearing before E. E. Clark, interstate commerce commissioner, to determine whether or not there has been discrimination in elevator charges here in handling grain, as compared with other points, that the local grain men in certain instances are given advantages by the railroads which are denied grain men in Atchison, Kan. It was disclosed that the Chicago Great Western was the pioneer in allowing local dealers free storage of grain, and that other roads were forced to adopt the same methods to get business. It was also made clear that among the great number of elevators here there are no uniform ways of doing business, and that elevators owned by railroads are used to bestow special favors on shippers using certain railroads.

It was brought out today that the Chicago Great Western, when it inaugurated a policy of liberality to local grain men, made no charge for handling or transferring grain, and that it even stored the grain 10 days free of charge. Atchison men are forced to pay for such services from the railroads, and some of the Atchison dealers claim they will be driven out of business if the alleged discriminations do not cease.

BANKER WALSH'S CASE.

His Attorneys Enter a Plea in Abatement of Charges.

Chicago, Feb. 6.—The attorneys of John R. Walsh, former president of the Chicago National bank and recently indicted on charges of mismanaging that institution, today entered a plea in abatement of the charges, the ground being that explanatory evidence offered by Walsh had not been taken before the grand jury. It is claimed that if this evidence had been given to the jury no indictment would have been returned.

NO FEMALE SUFFRAGE.

Guthrie, Okla., Feb. 6.—The constitutional convention today killed the resolution providing for woman suffrage by adopting a clause extending the right of suffrage to males only.

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The pamphlet of the D. D. D. Co. quotes scores of cases, similar to the above. Call at our drug store and you can get this pamphlet without charge; also full directions as to diet, exercise and bathing for eczema sufferers.

Constant torture, sleepless nights, days and days of agony, endless itch—

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The cure is the prescription of that well-known skin specialist, Dr. D. D. Dennis, D. D. D. Prescription, now made in the laboratories of the D. D. D. Co., and sold through drug stores throughout the United States.

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RID YOURSELF TODAY of that agonizing itch: call at our store and we will give you a bottle of D. D. D. Prescription; try it; put a few drops on the tortured skin and right then the itch will be allayed, and in a few minutes all itch will be gone. If you will continue treatment, we know D. D. D. will cure you. Is it not worth a trial?

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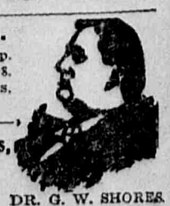

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