

DELMAS MAKES THAW'S CASE LOOK BRIGHTER

District Attorney Jerome Has Found in California Man a Foemen Worthy of His Steel.

WITNESSES TELL OF THE SHOOTING

Evidence Given That Thaw Kissed His Wife Immediately After He Had Murdered Stanford White—Believed That the Mother of the Accused Man Will Go on the Stand Today.

(By Associated Press.)

NEW YORK, Feb. 6.—The defense of Harry K. Thaw, under the direction of Attorney Delphin M. Delmas, began to take definite shape today. When adjournment was taken 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 District Attorney Jerome has this note, and refused, on the demand of the defense to introduce it in evidence. So far, indeed, had Thaw's defense progressed that at the close of today's proceedings the announcement was made by Mr. Delmas that either the wife or the mother of the defendant would be the first witness on the stand tomorrow morning. The threat against Thaw's life was made two years and a half before the tragedy occurred.

District Attorney Jerome objected to the introduction of the evidence, declaring the defense was not understood by him to be one of self defense. Mr. Delmas replied that the defense intended to take advantage of every legal defense allowed in the State of New York. This was but the first of a series of tilts between the District Attorney and Mr. Delmas during the day and it was agreed that Mr. Jerome had found Thaw's new leading counsel a foeman worthy of his best efforts. The two men are of widely different types—Mr. Jerome, quick, passionate, forceful, sarcastic and brilliant at ridicule; Mr. Delmas, calm, courteous, resourceful, witty, crafty and ethical, to whom the district attorney was always "the learned district attorney." There was never a deviation from this method of address.

Threatened to Kill Thaw.

Benjamin Bowman, formerly at the stage door at the Madison Square theatre, was the witness who told of White's threat. Bowman was offered as a witness yesterday, but the district attorney was at that time taking the evidence by objections. Mr. Delmas today withdrew the objectionable questions and Mr. Jerome in turn withdrew his protest against the witness. Bowman declared that on Christmas eve 1903, Stanford White came to the stage door about 11:15 P. M. and asked for Miss Nesbit. The doorkeeper told him the actress, who was then playing in "The Girl from Dixie," had gone home. White at first accused him of a falsehood and then asked who had been her escort. "Mr. Thaw," the witness said he replied: "That Pittsburger," commented the architect, who to make sure the actress had gone, went to her dressing room on the stage. Not finding her there, White, according to Bowman, walked rapidly out of the theatre with a revolver in his hand and muttering "I'll find and kill that before daylight."

The witness said he believed the threat to be directed against Harry Thaw, and told him of it several days later, when they chanced to meet on Fifth avenue. He told a detective sergeant about the incident.

Couldn't Shake the Testimony. District Attorney Jerome cross-ex-

amined the witness for more than an hour, but Bowman adhered strictly to his story in every detail. Once or twice the witness became a trifle confused as to dates and as to his movements during the past five years and said he had not been regularly employed during that period.

"Have you been paid any money by this defendant or his attorneys," demanded Mr. Jerome at the close of his examination?

"No," came the emphatic reply from the witness.

"Have you been promised anything?"

"No."

That Hastily Scribbled Note.

Thomas McCaleb, the young Californian, who was with Thaw's party the night of the tragedy, was a witness during the afternoon session. It was he who testified that on the evening Mrs. Thaw had suddenly asked her husband for a pencil, scribbled a few words and passed a folded piece of paper to him. What was in this note the witness did not know and he was not allowed to, because of an objection by the district attorney to testify as to what change of manner, if any, it produced on Thaw. It has been reported from time to time that it was this note that young Mrs. Thaw, referring to White, wrote to her husband: "That black murderer is here." "We," said Mr. Delmas (referring to the note in possession of the district attorney) "want to get at the contents of that slip of paper, it being evidence. We demand that the learned district attorney produce it."

Mr. Jerome sat silent. He tugged at his short, stubby moustache. There was a dramatic stillness in the courtroom as Mr. Delmas stood waiting, and all eyes were turned on the district attorney. He continued to look at the floor. After waiting some little time, Mr. Delmas resumed "I take it that the silence of the learned district attorney is not intended as a discourtesy, but a conception of what he feels to be his duty in the matter. We will attempt later to prove the contents of the note."

Thaw Kissed His Wife.

McCaleb detailed, so far as he could, the incidents of the night of the tragedy. He was leaving the roof garden with Mrs. Thaw and thought Harry was following, when the three pistol shots were heard. Mrs. Thaw exclaimed "My God, he's shot, and then, "Oh Harry, what have you done and why did you do it?"

Thaw replied: "I have saved your life," and then kissed her.

On cross-examination, Mr. Jerome went briefly into the past history of the witness.

One On Jerome.

Mr. Jerome again took the witness. "You say, you met me at the Union Club; now how many drinks had you had that night?"

"I don't know—I had one with you," came the reply, and it was some time before the bailiffs could restore order in the courtroom. Justice Fitzgerald threatened to remove any person who again created a disturbance. The courtroom was crowded at the time, many gaily dressed women having been admitted by the court officers during the luncheon recess. For the first time since the trial began the court officers seemed to have let down the bars to the idly curious.

Dr. Deemar on the Stand.

Dr. John E. Deemar, who was on the stand yesterday, but not allowed to testify, was recalled today and testified that Henry W. Copley, the defendant's uncle on the maternal side, had been insane. Mr. Jerome had declared early in the day that he would not object to the testimony as to insanity in the family, provided that proper foundations were laid for it. When Dr. Deemar started to testify attending a cousin of the defendant, Mr. Jerome said he felt he must object again. He declared it should first be shown that Harry was insane by competent evidence and it must first be proved that the character of his insanity is hereditary. Justice Fitzgerald sustained the district attorney and Mr. Delmas said he

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ONE MORE PROTEST AGAINST EXPOSITION

Protestant Episcopal Bishops Do Not Favor Military and Naval Display at the Fair.

SAY ITS UNWORTHY OF PEOPLE

Make the Protest Because the Triennial Convention of the Church Which Will be Held at Norfolk During the Coming Season is Not in Harmony With Exposition.

(By Associated Press.)

BOSTON, MASS., Feb. 6.—In view of the fact that the triennial meeting of the general convention of the Protestant Episcopal church is to be held this year at Jamestown, Va., a number of Episcopal Bishops have joined in formulating a protest against the alleged intention of the management of the Jamestown Exposition to make that Exposition "the greatest military spectacle the world has ever seen."

"The primary motive of these features in our judgement," says the protest, "makes the present plan of the Exposition disconnect with the character of our religious commemoration at Jamestown, incongruous with the historical event which is its occasion, unworthy of this peaceful American republic, and a gross anachronism at a time when our nation is to unite with the nations of the world in deliberations in behalf of the supplanting of the wrongs and vanities of war by the rational and worthy methods of international justice."

"We solemnly protest against it." The signers of the protest are: Bishops Francis Key Brooks, of Oklahoma and Indian Territory; Ellison Capers, of South Carolina; Joseph Mount Cheshire, of North Carolina; George D. Gillespie, of Western Michigan; Junius M. Horner, of Asheville; William N. McVicker, of Rhode Island; William N. Niles, of New Hampshire; Sanford Olmstead, of Colorado; Charles D. Williams, of Michigan; and Bishop Conduitt Arthur L. Williams of Nebraska, and Bishop Charles E. Woodcock of Kentucky.

DEAD AT THE THROTTLE

Engineer of Congressional Limited Killed Evidently by Signal.

RUSHED THROUGH PHILADELPHIA

The Terrific Speed in the City Attracted the Notice of the Fireman Who Climbed Into Engineer's Cab and Stopped the Train.

(By Associated Press.)

PHILADELPHIA, PA., Feb. 6.—The Congressional limited train on the Pennsylvania railroad which leaves Washington for New York at four o'clock ran through this city tonight at a terrific speed, with the engineer dead at the throttle.

The train which was made up of seven buffet, dining and parlor cars, makes two stops in this city, one at West Philadelphia and the other at North Philadelphia.

Shortly after the train left West Philadelphia the fireman Harry Michner, noticed the speed of the train was unusual but the engineer gave no signals, Michner called to him but received no answer and when the train rushed through Fairmont park and neared North Philadelphia the fireman climbed over the big boiler into the engineer's cab to find the engineer dead with his hand on the throttle. His head was hanging out of the cab window, and had been crushed by striking some object along the road.

Michner supported the dead engineer on his arm and brought the train to a stop at North Philadelphia where a new engineer was secured and the train proceeded to New York. Engineer Toms, the dead man, lived in Newark, N. J.

GREATEST FIGHTING MACHINE EVER BUILT

Brief Description of the Battleship to be Constructed by the United States.

EQUAL TO ANYTHING THAT FLOATS

She Will be 518 Feet Long, With a Beam of 35 Feet and Draft 29 Feet and 5 Inches—Main Battery of Ten 12-Inch Guns, and a Secondary Battery of Fourteen 5-Inch Guns.

(By Associated Press.)

WASHINGTON, D. C., Feb. 6.—Senator Hale today presented to the Senate the detailed plans for the big battleship, which it is proposed shall be built as the equal of any fighting vessel now afloat or planned. The general information as to the dimensions of the proposed ship were made public several months ago, but very little has been known as to the strength of the battleship. This information will now be given to the public, including all foreign powers if they desire.

The plans call for a battleship 518 feet long, with a beam of 35 feet and 2 5/8 inches, and draft 29 feet, 5 inches, with everything on board. The armament will consist of a main battery of ten 12-inch breech loading rifles, mounted on five electrically controlled turrets on the center line; two forward above the forecastle deck, the second firing over the first; two aft on the main deck on the same level and one amidships firing over the two after turrets. There are to be two submerged torpedo tubes. The secondary battery will consist of 14 five-inch rapid fire guns, four 3 pounder galling guns, four one pounder semi-automatics, two 3-inch field pieces and two machine guns of 30 calibre.

The secondary battery of fourteen five-inch guns will be located on

JOKING ENDS IN DEATH

Italian Pulls Gun on His Tormentors and Shoots Four.

ONE MAN WAS INSTANTLY KILLED

Shooting Occurred While New York Central Men Were Waiting for Their Pay—Murderer Didn't Want to Be Jostled by Fellow Employees.

(By Associated Press.)

NEW YORK, Feb. 6.—Enraged because he had been made the butt of humor for fellow workmen, Gabriel Ferrara an Italian, suddenly turned on a score of men who were standing in line near a New York pay car at the Grand Central station here today and shot four men. One of the men, a trainman named Jones, was instantly killed.

This was pay day at the Grand Central and Ferrara joined the long line around the pay car to collect about \$64 which was due him. He declares that some of the men jostled him rudely and finally forced him out of his place in the line. Again the jostling began and in a few minutes the Italian was forced from the place once more. This time he turned on his tormentors and drawing a revolver fired four shots into the crowd. Every bullet found a mark and the four men fell. Ferrara started to walk away but he was seized by a policeman.

Murderer to be Hanged.

(By Associated Press.) NEWARK, N. J., Feb. 6.—Frank Banusk, who murdered Thomas Hoff at Montclair on the night of January 7, 1905, will be hanged in the county jail here tomorrow morning.

STORM SWEEPS COAST WRECKING SEVERAL SHIPS

gun deck, forming two broadside batteries of seven guns each; the corner guns will be equipped for head and stern firing respectively. Smaller guns will be located in commanding positions so as to give a large unobstructed range of fire.

KILLED ON WAY HOME FROM A CHARITY BALL

Freight Train Hits a Cab at Long Branch and a Young Woman Meets Instant Death.

(By Associated Press.)

LONG BRANCH, N. J., Feb. 6.—Miss Bertha Goothereil was instantly killed, Stewart Sherman was probably fatally injured, and George Morris, a hackman, was seriously hurt, when a cab was struck by a freight train here early today. The cab was smashed to splinters and the horses were killed. Mr. Sherman and Miss Goothereil were on their way home from a charity ball when the accident happened. There was no flagman at the crossing.

MORSE TRYING TO BUY ANOTHER NAVIGATION CO.

Makes a Big Offer for the Concern That Controls the Boats on Long Island Sound.

(By Associated Press.)

NEW HAVEN, CONN., Feb. 6.—A report has been in circulation here that the New England Navigation, which is controlled by the New York, New Haven and Hartford railroad company, has sold out to the Morse system of coast line navigation. Inquiry at the offices of the railroad company today brought out denials, but on the question of negotiations to that end, the officials were reticent.

There are trustworthy grounds for saying that an offer from the Morse company has been received for the New England Navigation lines, and property. The offer, it is understood runs up into tens of millions of dollars. The price offered is four times the price offered for the same property less than three years ago.

The New England Navigation Company controls almost the whole of the Sound steamboat traffic. It is capitalized at five million. The company has steamboats under contract to be used in the outside line to Boston, said to cost \$5,000,000. In addition it owns more than 20 sound steamers.

SENATOR DANIEL'S BILL FOR INDUSTRIAL PEACE

Virginia Senator Seeks to Have a Commission to Take Charge of Nobel Peace Fund.

(By Associated Press.)

WASHINGTON, D. C., Feb. 6.—Senator Daniel of Virginia has introduced a bill "to establish the foundation of the promotion of industrial peace."

The purpose of the organization is to receive the Noble peace prize awarded to President Roosevelt and by him devoted to forming the nucleus of a fund, the income of which shall be deposited for bringing together in conference in Washington representatives of labor and capital for discussion of industrial problems, with a view of arriving at a better understanding between employers and employees, thus promoting industrial peace.

The Chief Justice of the United States, the Secretary of Labor and their successors in office, together with a representative of labor and a representative of capital and two persons to be nominated by the President, are created trustees. The trustees are to invest and reinvest the principal of this foundation, receive gifts and invest them, and pay over the income from the investments to a committee of nine persons to be known as the "Industrial Peace Committee," to be selected by the trustees. The peace committee is to arrange for the conferences annually and special conferences in case of a great industrial crisis.

Rush Orders for New War Craft.

SAN FRANCISCO, CAL., Feb. 6.—Rush orders have been received here for work on several of the new war craft at Mare Island. Included in these instructions were orders that the submarines Pike and Grampus be made ready for commission as rapidly as possible. The orders also call for the repairing of the gunboat Yorktown at once.

Unknown Schooner Ashore Off Cape Hatteras and Believed Some of Crew Perished.

BARGES GO DOWN OFF NEW JERSEY

Believed That All on Board Perished—One of the Fleet Saved After Great Difficulty—Two Steamers Have Close Shave Off Cape Sable, But Get Into Port.

(By Associated Press.)

NORFOLK VA., Feb. 6.—Advice tonight from Cape Hatteras report an unknown schooner ashore on Diamond Shoals to be holding together but the fate of the crew in a matter of conjecture. Her yawl is missing and it is feared that some of the crew have perished in an attempt to reach shore in it.

The life savers saw men in the rigging, but are not certain whether the entire crew is there.

The life savers are preparing to make an attempt to reach the schooner in boats as soon as the sea calms, but when this will be is not known. Crews from the Hatteras and Creed's Hills stations joined forces in the attempt to save the seamen who could be seen lashed to the masts. It was more than human strength could do to pull a boat through the enormous waves.

The wrecked vessel is too far out to admit of a line being shot across her from shore. Tonight there is a heavy wind piling waves across the waist of the schooner. Her bow and stern are still above water and all masts standing but the midship section of the craft is submerged.

The cold on the coast tonight is extreme. The temperature is several degrees below freezing, and spray is striking the mast and rigging and turns to ice. No ciew to the identity of the wreck has been secured.

BARGE FOUNDS AND ALL HANDS PERISH IN SEA

NEW YORK, Feb. 6.—Early Tuesday morning during a heavy storm three coal laden barges, which were being towed from Norfolk to Boston by the tug Waltham, broke adrift from the tug off Barnegat, N. J.

One of these barges was the Gibson, of Fall River, Mass., whose captain and crew were rescued and brought to port today by the steamer Chalmette from Galveston. According to Captain Reed, of the Gibson, another of the barges, Bala, founded and all hands aboard were lost. Captain H. Boyd, of the Mallory Lister Chalmette, which rescued the Gibson's crew, said that Tuesday evening off Absecon, N. J., signals of distress were directed toward the signals and the barge Gibson was found to be the vessel in distress. Her captain asked to be towed to port. A boat was lowered and two hawsers were carried to the barge. After two hours work all was ready to proceed. For three hours some progress was made against the heavy seas, but the barge took a sheer across the Chalmette's stern and parted both hawsers. Captain Reed decided to leave the vessel and he and his crew of three men were taken aboard the Chalmette. The fate of the third barge is unknown.

The Gibson was a schooner barge of 736 tons net, and was owned by the Staples Coal Company, of Fall River, Mass.

TWO STEAMERS GET PORT AFTER HARD STRUGGLE

HALIFAX, N. S., Feb. 6.—The New York coal steamer Mystic, which was reported in distress off Ketch Harbor last night, with another steamer in tow, arrived at this port today. The steamer Nana which had been in tow of the Mystic also arrived, being brought into the harbor by tugs.

The Nana had a broken shaft, having become disabled off Cape Sable last week, and the Mystic, which struck on a shoal, but quickly floated, had a hole in her bottom. Captain

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