

IRRESISTIBLE IMPULSE GOADED THAN TO SLAY

Alienist Says He Is Sure Madness Was Behind Act

Jerome Makes Desperate Fight to Shatter Testimony

By Associated Press. NEW YORK, Feb. 5.—Scarcely had court adjourned when there was a conference of the defendant's counsel, and it became known that Delphin M. Delmas, on leaving the court room had declared flatly that he was dissatisfied with the day's proceedings and intimated that he was surprised that the conduct of the defense for the day had been entrusted to John B. Gleason rather than to himself.

Dr. Charles C. Wiley, the Pittsburg physician who testified for the defense and was so sharply cross examined by District Attorney Jerome, should not have been put on the stand today, Mr. Delmas said, and perhaps should not have been put on the stand at all.

"I expected to go on and conduct the case today," Mr. Delmas added. "I was surprised that Mr. Gleason should have done it."

By Associated Press. NEW YORK, Feb. 5.—The task of proving to a jury that Harry K. Thaw was insane through heredity and mental stress when he shot and killed Stanford White was taken up today by the defense in this famous case, but when adjournment was announced later in the afternoon it was the general opinion in the court room that but little progress had been made.

Thaw's attorneys endeavored in vain to place before the jury evidence tending, it was said, to prove aberration in the collateral branch of the defendant's family, but they were blocked at every point by District Attorney Jerome, whose objections were upheld by the rulings of Justice Fitzgerald.

The defense did, however, get before the twelve men in the box the testimony of an expert that in his opinion Harry Thaw was suffering from insanity the night of the tragedy. Mr. Jerome attempted to break down the evidence of the alienist, Dr. C. C. Wiley of Pittsburg, and for three hours put him through a cross-examination as severe as was ever heard in a New York court. The prosecutor was relentless in his attack, and before he had finished Dr. Wiley protestingly declared:

"I did not come here as an expert. I came here as a witness to a fact, and I have been converted into an expert without being prepared for it."

Jerome's Knowledge Astonishes The district attorney astonished every one by his intimate knowledge of medicine and its technical phraseology, demonstrating the care with which he had prepared himself to meet the very defense which Thaw's counsel have entered in his behalf.

Mr. Jerome searchingly inquired into Dr. Wiley's record as a physician and as an expert on insanity. He hurled volleys of technical questions at the witness, who at times sat mute and at other times declared he could not answer or gave evasive replies. Often he brought himself sharp warning from the district attorney to make a reply and not an argument.

Dr. Wiley said he predicted his opinion as to insanity upon his own each and before he could answer as described to him in a hypothetical question propounded by the defense and on an incident which he witnessed in a Pittsburg street car during the summer of 1905.

FEARS FOR GIRL WIFE CRAZED THAW

NEW YORK, Feb. 5.—The defense today began to forge the links in the chain of circumstances which it is said disordered the brain of young Harry K. Thaw and led to the mental explosion which claimed Stanford White as its victim.

The evidence promised to be introduced lends much human interest to the trial and there is an impression that Evelyn Thaw will tell a story the half of which has not yet been publicly known.

It is apparent that the defendant depends upon his frail little wife to turn the tide for him. It will be her wrongs, if there are any, which is to impress the jury.

Thaw believes he will show that any man placed in the circumstances where he found himself must have lost his mental balance and acted as he did.

Upon the effect of her story, barring the whole of her past life, the prisoner's fate in large measure rests, though the picture of his white-haired elderly mother taking the witness stand to save him from a felon's death is expected to have weight with the jury which only a man with a venerable mother can appreciate.

According to the claims of the defense Thaw's insanity began to be apparent three or four years ago. He met Evelyn Nesbit in 1901, so it is inferred that his mental disorder began at that time.

Hard to Prove Insanity "And the law," he added, "is not satisfied that a man is insane merely because he died in an asylum or a retreat for persons suffering from mental disease. The fact that a man dies in an institution such as that controlled by Dr. Wiley, the eminent specialist we had upon the stand today, for instance, is no proof that he was insane. There must be competent testimony to the fact."

Justice Fitzgerald upheld this view of the matter, saying, however, that his ruling was subject to revision if the attorneys for the defense could cite authorities on the subject. Mr. Gleason, who alone conducted the case for Thaw today, did cite some cases in which he promised to have more authorities in court tomorrow.

The defense next introduced Benjamin Bowman, who testified that in January, 1904, he had a conversation with the defendant. He was about to tell what the conversation was when Mr. Jerome interrupted, declaring a conversation so far back was not relevant or material. Justice Fitzgerald again called upon Thaw's attorneys for citation of authorities giving the testimony of the character of the case.

"We did not expect to reach this witness today," explained Mr. Gleason, "and I have not my authorities here."

Justice Fitzgerald sustained Mr. Jerome's objection and the witness stood aside.

Dr. John F. Deemer of Kittanning, Pa., the family physician of the Copleys, Mrs. William Thaw, the prisoner's mother, having been a Miss Copley, was the last witness of the day.

SALOONS WIN VICTORY FOR ALL NIGHT OPENING LAW IN SAN FRANCISCO

By Associated Press. SAN FRANCISCO, Feb. 5.—The saloons of San Francisco are to be permitted to run all night. At the meeting of the supervisors yesterday an amendment to the liquor license ordinance to this effect was introduced and passed to print without discussion.

This amendment removes the embargo imposed upon the saloons after the fire limiting the hours of traffic.

FALLS ON RAIL AND BREAKS NECK

John Ashman, United States Gauger, Dies as Result of Fall from Street Car at Temple Block

John G. Ashman, a United States gauger, living at 236 East Twenty-fourth street, was instantly killed as the result of a fall from car No. 371 of the Moneta Avenue line at 10:25 last night. The accident occurred at the Temple block.

According to the story told by several persons who were witnesses of the accident, Ashman had run from the corner to catch the car, which was moving. He reached the rail before the car was well under way, but when he placed his foot on the steps he missed his hold on the hand rail and fell backward. His head struck on the street car rail. The man was dead when picked up a few minutes later. Examination by the physicians at the receiving hospital, where he was taken, showed Ashman's neck had been broken by the fall.

The car was in charge of Motorman F. W. Riddle and Conductor J. C. Maas. Ashman had been employed as gauger in Los Angeles during the last year. He is said to be married, but there was no person at his home last night.

BAILEY HURLS LIE BACK AT WITNESS

Dramatic Scene Takes Place During Probe Into Alleged Trust Connections of Texas Senator. Starts to Fight

By Associated Press. AUSTIN, Tex., Feb. 5.—A dramatic scene was enacted in the Bailey investigation today shortly after the legislative committee resumed consideration of the charges against the senator.

E. N. Mentz of Houston was on the stand when Representative Coke asked Mr. Mentz if Col. Covert of Dallas went to New York to see Bailey while he was there, ostensibly to have his throat treated but really to attend to business of the Kirby Lumber company.

Senator Bailey arose and said that any one who said that Covert went to see him in New York was a liar. The witness, who had declared that Senator Bailey met him, arose in his seat and declared that he would allow no man to call him a liar.

COMMITTEE OPPOSES ANTI-VACCINATION BILL

By Associated Press. SACRAMENTO, Cal., Feb. 5.—The committee on public health and quarantine, composed of three physicians and an undertaker, made an unfavorable report today on the anti-vaccination bill, and recommended that it do not pass.

The bill makes it unlawful for school authorities to make vaccination a prerequisite to admission in the schools. A bill by Sackett repealing the entire vaccination law has been reported favorably by the committee on education and a hot fight will be waged on the floor when the two bills come up for passage.

WILL PRODUCE "SALOME" IN FRENCH CAPITAL

By Associated Press. PARIS, Feb. 5.—Preparations to produce the opera, "Salome," in Paris are in progress here.

STAMSHIP WRECKED IN DENSE FOG

National City Strikes on Shore at Redondo Crew Takes Refuge in Rigging While Sea Rages

Ineffectual Efforts Made to Pull Vessel from Dangerous Position on Beach—Cargo Jettisoned Without Avail

Pounded fiercely by the waves which are rapidly beating her to pieces, the two-masted steam schooner National City, which lay aground near Hermosa about 6 o'clock yesterday morning, is being buffeted to and fro and it is probable will go to pieces.

The vessel grounded during a dense fog early yesterday morning, after her commander, Capt. C. Frederickson, had made an unsuccessful effort to dock her at pier No. 2.

The vessel arrived at the outer end of that pier at 5:45, but drew up along the north side when wharfage room had been secured for her on the south side. Seeing his mistake, Capt. Frederickson drew the vessel back into the roadstead.

The fog had become so dense by that time he decided to wait until daylight, when he could dock with more safety. The vessel was steered northward to get sea room for anchorage, but worked too close inshore, with the result that fifteen minutes after leaving the pier she lay aground three-quarters of a mile from the dock.

The National City was loaded with railroad ties for the Southern Pacific company. There were about 18,000 railroad split ties on board. They had been piled on the upper deck of the vessel, and the heavy seas which swept over the vessel caused them to become dislodged from their fastenings and several thousand of them were at once swept into the sea.

This served to lighten the vessel considerably and she rose from the sands into which her keel had dug, but when the waves made to start the engines and back and off from her she was found that water had flooded the engine room, putting out the fires. There was no way for the officers and crew to fight the sea with the useless machinery, so, despite their efforts, the ship was driven further and further inshore, and when day at last broke the vessel was found to be pounding in the surf, scarcely ninety feet from the shore.

The sea at this time was extremely high, and although the distance to the shore was comparatively short, officers and men were afraid to attempt to reach it, and for several hours they clung to the rigging waiting until assistance could be sent them from some other ship in the harbor.

About 10 o'clock the steamer South Bay, Captain A. Sorenson, which had been unloading at pier No. 1, moved outside and worked a hawser aboard the stranded ship. This line was later attached to the tug Collis and an ineffectual effort was made to float the wrecked vessel.

While this effort was being made the captain and crew of the wrecked boat began the work of jettisoning the cargo and hundreds of ties were pitched into the sea. As these ties floated ashore they were picked up by Mexicans who had been hired for the work and piled along the beach. Hundreds drifted out to sea and it is probably several thousand dollars' worth will never be recovered.

After the Collis had tried to float the vessel it was decided to allow the wreck to remain where she lay until outside and worked a hawser aboard yesterday that they will attempt to raise this morning and endeavor to learn the amount of damage which was done her.

Owing to the water in the hold it was impossible for the captain or crew to learn yesterday why damage had been done the bottom of the vessel. It was said, however, that it was probable a hole had been stove in her just above the keel and the ties which had been piled in the hold were floating about.

Strikes in the Fog Th National City carried in addition to her captain, First Mate H. Isaacson and Second Mate C. Swanson, a crew of fifteen men. There were no passengers on board, although it was rumored yesterday that twelve women and two children had sailed on the vessel on the trip.

UTAHANS ENTER PROTEST AGAINST FEDERAL RECLAMATION SCHEME

SALT LAKE CITY, Utah, Feb. 5.—Asserting that the overflow of the Colorado river will produce an inland sea whose "evaporation would materially affect the aridity of the vast area of dry lands in the west," a memorial to the president and congress was introduced in the state house of representatives today. It asks that the attempt to control the Colorado river be abandoned by the government.

JAPANESE DENY WAR INTENTIONS

Imperial Government Tells Ambassador to Absolutely Disclaim Any Hostile Attitude—Say Rumors Are Without Foundation

Special to The Herald. TOKYO, Feb. 5.—The view taken here of the American-Japanese situation arising from the San Francisco school incident is illustrated by the following official statement which was issued today:

"Since the talk of war first transmitted from America we have carefully watched the development of feeling here. There has not been the slightest excitement anywhere in the country."

The talk of war is completely ignored here and implicit confidence is imposed in President Roosevelt and his government. The exhibition of the anti-Japanese press of America are powerless to shake Japanese cordiality toward the United States.

By Associated Press. NEW YORK, Feb. 5.—A dispatch to the Tribune from Washington says that in response to a direct cable to Marquis Saloni, minister of foreign affairs at Tokyo, the Japanese government yesterday instructed its embassy here, also by cable, to convey to the American people its disavowal of all inclinations toward war with the United States, and of the belief that the differences between the two countries are and always have been susceptible to pacific treatment.

The imperial government of Japan, which acted with similar frankness toward Russia before the war, realizing the belief that there was belief in the United States that there was belief in a war over the California school question took prompt steps to assure the people of the United States that the friendly feeling between the two nations had never been disturbed in the slightest degree.

Pronounce Rumors Unfounded The emperor's government thereupon sent the following cablegram in reply: "Answering your telegram to Marquis Saloni, I am directed to refer you to the Japanese ambassador at Washington for information concerning the absolutely unfounded rumors."

"Private Secretary to the Minister of Foreign Affairs." This was followed by a dispatch to Vicente Sizu Aoki, ambassador extraordinary and minister plenipotentiary to the United States.

In response to an inquiry sent direct to the imperial government as to the attitude of Japan in the present situation you are authorized to give out categorical declarations of the absolutely pacific intentions of the Japanese."

SURE OF "NO WAR"

By Associated Press. OTTAWA, Ont., Feb. 5.—"There will be no war. I would wager my whole fortune, if I had one, that there will be none between the United States and Japan," said Tazuo Core Sosen, Japanese consul general to Canada, yesterday after reading press dispatches suggesting the possibility of such a contingency over the San Francisco school question.

WILL ATTEMPT TO RAISE J. C. ELLIOTT

Special to The Herald. LONG BEACH, Feb. 5.—Active preparations have been begun to raise the steamer J. C. Elliott, which was recently sunk in San Pedro harbor. The vessel can be repaired and the contract for this work has been let to the Fulton & Iversen company.

EAST IS IN ICY CLUTCH OF FIERCE STORM KING

SMILES OF SUN GLADDEN CITY

With the sunshine recorder at the local weather man's office working overtime to keep pace with the sunny smiles of El Sol, Los Angeles residents as well as tourists are congratulating themselves that it has pleased a kind fate to cast their lot in such a pleasant place, "God's own country," as hundreds of them are willing to aver.

The brief season of rain seriously frightened a few pessimistic tourists who at once began to criticize California's most boasted product—her weather. These few pessimistic ones will be found behind fences and in small hidden spots where the fiery rays of the smiling sun cannot reach them, and contradict their doleful tales of a climate that dared to rain.

A trolley ride out into the suburban and country districts is enough to convince even the most disgruntled rain hater that the showers of the past few weeks are well worth the temporary discomforts they caused. All over the foothills and fields tiny blades of green are springing up, and the alfalfa fields are almost ready for the haymakers.

Visitors to the Golden State are impressed as much by the variety of climatic offerings as by the delightful character of the local brand. Angelenos do not deny that there has been snow within fifty miles of the City of the Angels. On the contrary, they rejoice at it and consider it a point of particular pride to be able to invite their friends from the east to such climate as the tourists have left but this species of weather cannot be found within the portals of Los Angeles.

He who would snowball or frost his fingers will have to travel far up the mountain side to Mount Lowe or Mount Wilson, where the trolley company keeps a large supply of snow on tap for the accommodation of the natives who have never seen the fleecy flakes except on the mountain tops.

MAN WHO BUILT SUBWAY WILL HEAD CANAL WORK

By Associated Press. NEW YORK, Feb. 5.—John B. McDonald of this city, the contractor who constructed the subway, was today elected president of the Panama Canal Construction company. This company was formally organized today for the purpose of building the Panama canal in the event that the contract is awarded by the government to William J. Oliver, one of the contractors, and his associates.

Convict Men of Robbery

SALINAS, Cal., Feb. 5.—After deliberating seven minutes, the jury in the superior court returned the verdict of guilty against Dyer Hellan and T. M. Keeby on the charge of robbery with violence.

The two men, who claimed to be railroad brakemen, held up R. Wigney in the railroad yards about three weeks ago, robbing him after threatening to kill him if he resisted.

Woman Suffragette Dies

By Associated Press. ROCHESTER, N. Y., Feb. 5.—Mary S. Anthony, sister of and lifelong co-worker with Susan B. Anthony, died at her home in this city today. Miss Anthony would have been 80 years old in April. She had never been well since the death of her sister eleven months ago.

Schooner Goes Ashore

By Associated Press. ASTORIA, Ore., Feb. 5.—The schooner Solano, from San Francisco to Grays Harbor, went ashore on North beach at 4 o'clock this morning near the entrance to Shoalwater bay. All hands were saved by the life-saving crew. The vessel is high and dry at low water.

Great Blizzard Rages in Unabated Fury

Intense Cold and Heavy Snow Causes Much Suffering

By Associated Press. ST. PAUL, Minn., Feb. 5.—Twenty-two degrees below zero was registered by government thermometers today. Most of the other thermometers went to thirty below. Zero weather has prevailed for seventeen days. For three days past the temperature has been nearly as low as today.

In North Dakota thirty degrees below has been common and there has been much suffering. Railroads have been badly demoralized. There have been reports of many people freezing to death, but these reports have been denied from North Dakota sources.

It is, however, admitted by railroad managers that the opening of spring will tell some gruesome tales of suffering, starvation and death.

By Associated Press. NEW YORK, Feb. 5.—For thirty-six hours New York has been in the grip of a fierce northeast snowstorm. The snowfall exceeds the amount which has fallen in any similar period for several years.

In Broadway and all the avenues and cross streets containing surface lines the snow was piled six feet high between the car tracks and the sidewalks, but by hard work with snow plows and shovels, most of the surface lines were kept in operation.

Most of the elevated lines in Manhattan were run on their usual schedules, but those in remote sections of Broadway were badly delayed. Through trains and suburban locals on nearly all the railroads were greatly delayed. Harbor traffic moved very slowly.

An army of snow shovelers, estimated at 5000, was at work on the streets today.

Twelve Below in Omaha

By Associated Press. OMAHA, Neb., Feb. 5.—The coldest weather of the present winter was felt here at 3 o'clock this morning when the thermometer registered 12 degrees below zero.

Sixty-Mile Blow on Atlantic

By Associated Press. HIGHLAND LIGHT, Mass., Feb. 5.—The worst storm of the winter period here today, a gale of sixty miles an hour with a thick snow, stopping all traffic on land and sea.

Gale Sweeps New England

By Associated Press. CHATHAM, Mass., Feb. 5.—A blinding snowstorm, driven by a sixty-mile northeast gale, is making wild weather conditions on this coast. Until observation can be taken little will be learned of the fate of the shipping which left Boston yesterday.

Woman and Children Frozen

By Associated Press. BISMARCK, N. D., Feb. 5.—A telephone message from Goodrich, a town on the Carrington branch of the Northern Pacific, is to the effect that an unidentified woman and five children were frozen to death there last night.

Fuel Shortage Is Serious

By Associated Press. BAKERSFIELD, Cal., Feb. 5.—The lack of fuel caused by the inability of (Continued on Page Nine.)

THE DAYS NEWS

FORECAST For Southern California: Fair Wednesday, light north wind. Maximum temperature in Los Angeles yesterday, 71 degrees; minimum, 47 degrees.

- 1-Irresistible impulse goaded Thaw. 2-Makes burial robe and dies. 3-Hewitt acts civic bodies to help. 4-Auction fakers get black eye. 5-Wilson case to be tried today. 6-Editorial. 7-City news. 8-Sports. 9-Southern California news. 10-Classified advertisements. 11-Markets. 12-Railroad news.

Editor Received by Pontiff

By Associated Press. ROME, Feb. 5.—Colonel Harvey W. Scott, editor of the Portland Oregonian, Mrs. Scott and Miss Scott were received in private audience by the pope today. The pontiff showed great interest in conditions on the Pacific coast.

Jury Probes Grafting

By Associated Press. SAN FRANCISCO, Feb. 5.—The grand jury today returned an indictment against W. Mattingly accusing him of bigamy. The jury investigated alleged graft of certain lawyers in connection with city patronage but no action was taken.

Workman Suffocated

By Associated Press. SAN JOSE, Feb. 5.—Manuel Sylva, while engaged in digging for a cesspool on the West ranch on Shallenberger avenue, just before noon today, was suffocated by the dirt caving in.

Wins in Fifth Round

HOT SPRINGS, Ark., Feb. 5.—Ryan was in fifth round on a knockout from Barry.

Steamer Wrecked off Hermosa beach.

Wilson case will be argued today as the jury is complete. Chief Kern orders that all suspicious characters be arrested. Judge sustains petition asking injunction against liquor selling at Ascot park. City Attorney Hewitt advises civic bodies to rally to protection of city interests at Sacramento.

TABLE OF TEMPERATURES City. Weather. Temperature. Min. Max. Los Angeles, clear... 47 71 St. Paul, clear... 20 -4 Omaha, snow... 4 18 St. Louis, snow... 12 10 Buffalo, snow... 10 16 Boston, snow... 10 20 Chicago, snow... 12 18 Cincinnati, snow... 14 20 Denver, pt. cloudy... 16 48 New York, snow... 16 22 Pittsburgh, snow... 16 22 Spokane, snow... 18 20 Little Rock, pt. cloudy... 26 28 Atlanta, snow... 28 44 San Francisco, cloudy... 54 56 -Below zero.

(Continued on Page Two.)