THAW'S MOTHER ON THE STAND

Testifies to Acts of Son That Point to Insanity.

CROSS-EXAMINED BY JEROME

The Aged Witness Twice Breaks Down During the Course of the Questioning.

New York, March 6.—Another dramatic chapter was added today to the history of the trial of Harry K. Thaw for the murder of Stanford White when the gray-haired mother of the defendant took the witness stand to do what she might toward saving her wayward boy from the danger which faces him. Mrs. Thaw's stay before the jury was brief. When Delphin M. Delmas had deftly limited her examination to the change she noted in her son's condition following his return from Paris in 1903, after Evelyn Nesbit had told him her life story, and when District Attorney Jerome had, with the greatest respect and consideration, conducted a short and ineffectual cross-examination, the mother-love welled strong in Mrs. Thaw and she felt she had not done her all. She was loath to leave the witness chair.

"There is the question of heredity," she protested, when both Mr. Delmas and Mr. Jerome told her she might step down.

"I have asked you, madame, all that is considered necessary," said Thaw's attorney, with the utmost deference.

Mrs. Thaw half rose, hesitated and was about to begin again when the leading counsel for the defense offered her his hand to assist her from the stand.

Witness Breaks Down

Twice during her recital of the events which caused her to fear all was not right with her son, Mrs. Thaw broke down and was unable to proceed. Her face flushed and she made an effort to speak, but the words would not come.

If Harry Thaw's fate is placed in the hands of the twelve men in the jury box who today heard his mother's story there seems little doubt that what she said will carry wonderful weight with it. But Mr. Jerome gave the impression that he may use the mother's testimony in another direction in his fight to have a commission appointed to test the present state of mind of the defendant.

While the elder Mrs. Thaw was on the stand today the district attorney became involved in a wordy dispute with Mr. Delmas, during which he uttered publicly for the first time the threat as to a lunacy commission.

In upholding the principle that the presumption of insanity continues, Justice Fitzgerald seems to place the burden of proof as to the present sanity of the defendant entirely upon the defense.

Thaw Nervous.

With the completion of Mrs. William Thaw's testimony today Thaw's attorneys announced that they would have but two more witnesses—experts—who will be called upon to answer a newly-framed hypothetical question covering the entire case from beginning to end. These experts are said to be Drs. Graeme M. Hammond and Smith E. Jelliffe. Harry Thaw during his mother's stay upon the stand seemed unusually pale and extremely nervous. For a time he would stare fixedly at her, then look away and bite his finger nails. His two brothers, Edward and Josiah, sat near him, but neither the Countess of Yarmouth nor Mrs. George L. Carnegie, his sisters, were in court.

Mrs. William Thaw, mother of the defendant, was the first witness called after the luncheon recess.

Mrs. Thaw was dressed in the same black frock in which she appeared the first day of her son's trial. With head erect and veil thrown back over her head, she walked to the witness chair.

Clerk Penny administered the oath and as the witness sat down, the crier announced:

"Harriet Copley Thaw."

Harry Thaw was all interest. He sat facing his mother and seemed extremely nervous. He rested his cheek on his hand and then bit his nails.

Mrs. Thaw repeated her name in response to a question by Mr. Delmas, speaking in a low tone.

Mr. Delmas stood immediately at her left.

Mrs. Thaw said that in the fall and winter of 1903 she was living in Pittsburg. Harry came home, she said, on the 16th or 17th of November, a day or two before his brother, Josiah's wedding.

Jerome Threatens.

During the time Harry was at home, did you notice anything unnatural about his conduct?" asked Mr. Delmas.

"I certainly did."

"Will you please describe what took place."

"That day when he first came to the door there was a look of absent-mindedness on his face, a despairing look."

"Did the impression of a change in your son grow on you?"

"Yes, he seemed to have lost all interest in everything. His room was next to mine. Often in the night from his room I heard smothered sobs. Sometimes when I was awake late at night I would see light under his door and often found him sitting up at 3 or 4 o'clock in the morning."

Justice Fitzgerald overruled Mr. Jerome's objection to Mrs. Thaw's telling conversations with her son in 1904. He said the question of the appointment of a lunacy commission was not before the court. Mrs. Thaw proceeded.

In arguing on an objection by District Attorney Jerome, Mr. Delmas said he would invoke the rule of law that Thaw being insane in 1903 continued insane in 1904.

"If that assumption is sound," said the district attorney, "there is no reason to believe defendant is not insane today and it becomes the duty of the court to suspend the trial."

Jerome said he was not suggesting the appointment of a commission in lunacy at this time, but was advancing the point as an argument on the question as to whether Mrs. Thaw should be allowed to repeat all conversations with her son.

Harry Thaw's Story.

"He told me he could not sleep," continued Mrs. Thaw, "and there was no use going to bed. I am not of a prying disposition, but I asked him to tell me what the matter was. He said it was impossible."

"Did he at any time freely or in answer to your questions tell you the story?"

"He freely told me one night when I insisted on it."

Mr. Jerome objected to the repetition of the story until Mr. Delmas stated that the time at which it was told was covered by the testimony of the alienists as a period when Thaw was insane.

Then Jerome withdrew his objection and allowed the witness to give the purport of the conversation.

"He told me the story," said Mrs. Thaw, "but not definitely. He said his troubles were caused by something a wicked man had done in New York, probably the wickedest man in New York. He said it had ruined his life and he never could be happy. That was all I could get from him for a week."

Mrs. Thaw, as she told of her son's condition, almost broke down. Her lips quivered and she covered her mouth with a handkerchief. But her emotion did not last long and the white-haired woman, with an apparent effort, controlled herself and continued:

"Harry seemed absorbed, as if he was working with a great problem. He was fond of music and often he would leave the table and go into the parlor. Then I would hear loud music on the piano, which would gradually grow softer and softer. And then he would come back to the table as if nothing had happened. He did this often, even when there was company at the table, and he was engaged in the conversation.

"The week before Thanksgiving I understood more. I did not know the girl's name. I did not ask it. I did not want to know it, but I did know that his condition had something to do with a young girl. He had told me about the wicked man in New York, but it was only later I found out that this man had ruined a young girl.

"I asked him why he should allow his life to be ruined," continued Mrs. Thaw. "I told him it was not his duty to look after the girl, and tried to influence him in another direction.

"But he protested that his life had been ruined. He told me the girl had the most beautiful mind naturally of any person he ever knew.

"He told me this about Thanksgiving time, and it caused me to look at matters in a new light.

"Harry said the girl had been neglected by her mother, or that she had no mother, or this awful thing would not have happened. He said there was still a chance for her to be good, and so on. I don't recall all that he said.

"On Thanksgiving Day, Harry and I were alone during the day when all the rest of the family were away." Here Mrs. Thaw's voice again failed. Her face flushed and her eyes filled with tears. Justice Fitzgerald asked if she could proceed. She nodded, but remained silent.

To relieve the situation, Justice Fitzgerald ordered that Mrs. Thaw's testimony up to this time be read to the jury by the stenographer. Mrs. Thaw's voice had been so low her words could not be heard distinctly.

"It was the first Thanksgiving in our large and beautiful new church," said Mrs. Thaw finally. "Harry and I went to church, and it was so crowded we had to sit well back under the gallery, I was glad it was so later. When the choir was singing Kipling's Recessional to De Koven's beautiful music, I heard Harry sob, and looking at tears falling upon the programme he held in his hands. I put out my hand and touched him. He was trembling all over, but I quieted him.

"As we drove home I asked him how he come to forget himself. He said this dreadful thing had suddenly come over him, and if it had not happened she might have been with us then."

Mrs. Thaw told of Dr. Gingaman having been called in and prescribing a nerve tonic for her son. Thereafter Harry often talked of the young woman.

"When did you first learn who the young woman was?" asked Mr. Delmas.

"I think it was in the spring of 1904."

"Do you recall the conversation you had with your son at that time?"

Mr. Jerome objected on the ground that there was nothing in the evidence to show that Thaw was insane at that time. The conversation, he declared, should be confined to the periods of insanity, as testified to by the experts.

Mr. Delmas replied that Dr. Wagner had testified that Thaw's insanity began in 1903, when he heard Evelyn's story. Mr. Jerome interrupted.

"Are you invoking the rule which I pointed out yesterday?" he asked, "that the presumption of the defendant's incanity continues until otherwise proved?"

Mr. Delmas answered affirmatively, whereupon Mr. Jerome, for the first time, mentioned publicly the possibility of a suspension of the trial for the appointment of a commission in lunacy.

Mrs. Thaw then told of Thaw's engagement to Evelyn. She said he first secured her mother's consent.

Jerome Cross-Examines.

Mr. Delmas here announced that his direct examination of Mrs. Thaw was concluded, and Mr. Jerome at once began his cross-examination. He asked Mrs. Thaw if she were not for a time after her husband's death a trustee under his will.

Mr. Delmas objected. "This is not proper cross-examination," he said. "This matter was not gone into, and I can hardly conceive that it is the purpose of the learned district attorney to attempt to discredit the witness."

"I would like to show," replied Mr. Jerome, 'that this defendant's income was at one time after his father's death increased."

Mr. Delmas said he would not press his objection if the district attorney wanted to show the increase took place subsequent to June, 1903, when Thaw was first declared insane.

Mr. Jerome turned to the witness and asked: "Was this defendant's income fixed at a stated sum in his father's will?"

"Yes."

"Was it subsequently increased by you?"

"No, not in the way——"

Mr. Delmas interrupted to insist upon his objection. Justice Fitzgerald said he would sustain the objection, as to any occurrence before June, 1903.

Mr. Delmas added the words, "after 1903" to one of Mr. Jerome's questions and the district attorney turned to him with a bow, and said, "I trust, that the learned counsel for the defense will allow the learned counsel for the people to form his own questions in his own way, and when they are improper I am sure the learned counsel for the defense will object, but until he does so, the learned counsel for the people would like to form his questions in his own way."

Mr. Delmas apologized to the "learned counsel for the people."

Mr. Jerome was profoundly respectful in his attitude toward the defendant's mother in his cross-examination. He asked the witness if she would kindly state what Harry's income was subsequent to June, 1903.

"I am not able to say exactly. It was certainly not what the newspapers have said."

"Was the income from his father's estate?"

"It was from his own estate inherited from his father."

Mrs. Thaw said the income was "a moderate one."

"When," asked Mr. Jerome, "did the defendant first inform you of his relations with the young woman who became his wife?"

Mr. Delmas objected.

He said the question assumed was not in the evidence.

Mr. Jerome changed the form, and asked: "Did the defendant ever disclose to you the fact that he had sustained relations with the young woman before she became his wife?"—"He did not."

"When your son returned to Pittsburg, in the fall of 1903," asked Mr. Jerome, "he expressed a desire to you to marry Miss Nesbit?"

"He did."

"Did he ever express a fear that others would prevent her from accepting him?"

"He said that she had told him it would be a very unsuitable match. I said if she came to me her past would be a closed book. The man's name was never mentioned in my presence."

"I did not understand, madame, what you said that the defendant said to you about Miss Nesbit's mother being of no help to him."

"He said she would not help him to raise the girl out of her condition."

After one or two unimportant questions, Mr. Jerome closed his cross-examination.

Mr. Delmas had no other questions.

"Is that all I am to say?" asked Mrs. Thaw.

Mr. Delmas said there was nothing more.

"I wanted, if permissible, to say something about heredity," said Mrs. Thaw, rising in her seat and speaking earnestly.

In a low voice Mr. Delmas explained that there was nothing more she could say, and led her from the witness chair.

Mr. Delmas then stated that the defense would call only two more witnesses—experts who would be requested to answer a hypothetical question covering the whole case from beginning to end, and embracing every fact which has the remotest bearing on the case.

The two alienists to be called are Drs. Hammond and Jelliffe.

Justice Fitzgerald announced, owing to a death in his family, he would not hold court tomorrow. Adjournment was then taken until Friday.

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SUE THE G. T. R.

Toronto, March 6.—The first damage action as a result of the accident to the Chicago express on the Grand Trunk near Guelph a week ago, in which Mayor O'Donohue, of Seaforth; Charles Rankin, and the child of H. C. Walker, of Peterboro, were killed, was issued at Osgoode Hall today.

Acting for Edwin May and Ellen May, his wife, Robinette, Godfrey & Phelan have entered action to recover unstated damages for injuries received by Mrs. May. She was nurse in charge of the Walker child, which was killed. Mrs. May's back was injured, and she suffered severely, it is alleged, from shock.

The man who never made a mistake isn't fit to associate with those of us who have learned something.

RAILWAYS WILL EXTEND

Many Miles of Track to Be Laid in Northwest in the Spring.

Estimated That Over 6,000 Men Will Be Engaged in Construction Work in the West.

Winnipeg, March 6, 1907.—The advent of spring will witness the undertaking of an enormous amount of railroad work in the Northwest. In the contracts already awarded over 60,000 men will be employed, and even at this rate the railways will find it difficult to keep pace with the rapid expansion of the country. The Canadian Northern Railway will build the branch from Edmonton to Athabaska Landing, a distance of 100 miles, while on the western main line work will be prosecuted from Edmonton to the Yellow Head Pass, comprising 200 miles, in addition to the proposed extension from Brandon to Regina.

Contracts have been awarded for a large amount of work on the Grand Trunk Pacific, which will be carried from Portage la Prairie to Edmonton, continuing to the Yellow Head Pass, and on through to Prince Rupert. A branch line from Fort William, to connect with the main line, will also be built. The C. P. R. will build a number of branch lines, including the Wolseley-Reston Branch, while a big force of the company's men will be employed in the double tracking between Fort William and Winnipeg. Approximately the contracts awarded and upon which work will be started in the spring aggregated over 1,500 miles.

In the supplying of equipment for the prosecution of the work the Canada Foundry Company of Toronto is playing an important part. The Canadian Pacific Railway has placed an order with the company for four 90-ton Bucyrus steam shovels. This is a duplicatee order, testifying that this shovel has fully met the requirements of construction work. Three loads of the dipper of the Bucyrus more than fill a flat car. Mr. J. D. McArthur, the contractor, who is engaged on the Wolseley-Reston branch of the C. P. R., and on the National Transcontinental line from Winnipeg eastward, has given an order for a 70-ton Bucyrus steam shovel.

The Canadian Foundry Company has also received an order from the Canadian Northern Railway for fifteen locomotives, ten wheelers, weighing 140 tons each, and twenty-five locomotives of the consolidated type, weighing 150 tons each. Owing to the large storage capacity of the tenders, these locomotives are particularly adapted for the long runs crossing the prairie, where fuel is scarce and water, as a rule, not frequently met with.

In the construction of railway bridges the Canada Foundry Company has attained a reputation which has placed it in the forefront. Contracts for a number of big bridges for the Canadian Northern Railway have been entered upon. In the western section of the Canadian Pacific Railway system, wooden bridges have been replaced by the modern steel structures built by the Canada Foundry Company.

The Temiskaming and Northern Ontario Railway Commission recently placed an order with the Canada Foundry Company for several bridges, one a three-span structure over the Wabis River. This in conjunction with other large bridge orders which they have entered upon with the C. P. R. and other railroads is destined to keep the company pretty busy for some time to come.

FAREWELL PRESENTATION

Esteemed Residents of Tupperville Leaving for Dorchester.

A very interesting occurrence took place at Tupperville on Thursday evening of last week, when Mr. C. G. Smuck, chetsemaker for the Chatham Gore factory, and Mrs. Smuck, were invited to the home of Mr. H. C. Burrows. Here they found that a number of friends, including the directors of the cheese factory and also brother members of the Oddfellows' order, had gathered. Mr. William George, president of the company, took the chair and, after a few remarks, explaining the object of the gathering, called on Mr. A. McArthur, municipal clerk of the township, who read to Mr. and Mrs. Smuck a very kindly-worded address. The address voiced the high esteem in which Mr. and Mrs. Smuck are held by the community which they are leaving; the regret that they should be going away, and hearty good wishes for their happiness and success in their new home. Following the address, Mr. J. T. Holmes, on behalf of the assembled friends, presented the worthy couple with a very handsome sideboard in quartered oak, and also a purse of money. The address was signed for the friends by Mr. H. C. Burrows.

The presentation and address were a complete surprise for Mr. Smuck, who had not the least idea that such a thing was contemplated. In thanking the friends for their valuable gift and for the kindly sentiments expressed in the address, Mr. Smuck for himself and Mrs. Smuck said they reciprocated the feeling of regret at parting with so many good friends. Mr. Smuck spoke of the pleasant relations he had with the directors of the company with which he had been connected for twenty years past, and he in turn expressed his best wishes for his many friends in Tupperville and its vicinity. Before separating refreshments were served and an enjoyable social hour was spent by the assemblage.

Again on the evening of Monday, (March 4), at the instance of the members of the Union Sabbath School, in which Mr. Smuck had been a teacher for about fourteen years, there was a gathering at the home of Mr. James Hendershott. Mr. John McArthur presided, and, after a few well-chosen remarks, read to Mr. Smuck a very appropriate address, expressing, on behalf of the school and its officers, apreciation of his faithful work as a teacher and general co-laborer, and the regret they felt at losing his valuable services and his genial companionship. The address was signed for the school by Miss Maggie Ferguson, Miss Carrie Burns, and Mr. Charles Shaw, members of the class. Along with the address Mr. Smuck was given a very handsome Bible, the presentation being made by Miss Ewing. Mr. Smuck made a happy response, expressing full appreciation of the beautiful gift and the kind words of the address. Mr. Smuck has been engaged by the North Dorchester Cheese Factory, and enters upon his new duties at once.

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At the sale in London of the late Mr. Slater's library, the record price of £168 was paid by Mr. Sabin for an "immaculate" and uncut first edition of Shelley's "Queen Mab."

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There is a remarkable cure described in this letter which should prove of vital interest to anyone suffering from derangements of the kidneys.

Mrs. Dave W. McCall, Lombardy, Leeds Co., Ont., writes: I desire to acknowledge the benefits I have received from Dr. Chase's Kidney-Liver Pills I was troubled with kidney disease for eight years and doctored with several doctors to no avail until my husband got me Dr. Chase's Kidney-Liver Pills, and I began using them. Altogether I used ten boxes, and can truthfully say I would have been dead long ago only for Dr. Chase's Kidney-Liver Pills. Words cannot express my praise for them, for I believe there is no medicine so good for kidney and liver disorders."

Dr. Chase's Kidney-Liver Pills are unique in that they have a direct and combined action on both the liver and kidneys, and for this very reason, prove effective when other treatments fail. One pill a dose, 25 cents a box, at all dealers or Edmanson, Bates & Co., Toronto.

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Arrive from the west—*12:15 a.m., *3:20 a.m., *11:20 a.m., 1:25 p.m., *4:10 p.m., *6:25 p.m.
Depart for the east—12:20 a.m., *3:25 a.m., 8:10 a.m., *11:30 a.m., 2:05 p.m., *4:25 p.m., *6:55 p.m. (Eastern Flyer).
The trains leaving at 8:10 a.m., and 2:05 p.m. stop at all stations. The 8:10 a.m., local, and the 11:20 a.m., and 4:25 p.m. expresses have through coaches for Toronto. The Eastern Flyer at 6:55 goes through to Montreal without change.
Depart for the west—*4:15 a.m., 7:40 a.m., *11:10 a.m., *11:32 a.m., 1:55 p.m., 8:01 p.m.
The 7:40 a.m. and the 1:55 p.m. trains stop at all stations. The 4:15 a.m. 11:32 a.m., and 8:01 p.m., expresses run through to Chicago without change.

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GRAND TRUNK RAILWAY SYSTEM

The Only Double-Track Route

Via Grand Trunk and Lehigh Valley

To New York

At 12:20 a.m., daily, with through sleeper.

3:25 a.m., daily, with through sleeper.

4:25 p.m., daily, connecting at Hamilton with through sleeper to New York and cafe parlor car to Buffalo.

For tickets and information call on E. DE LA HOOKE, C. P. and T. A., corner Richmond and Dundas streets; E. RUSE, depot agent.

A Paris woman who was arrested for picking pockets, and who pretended to speak an unknown language, betrayed herself in her sleep. When brought before the magistrate she was interrogated by Turkish, Russian, Polish and Hungarian interpreters, but none could understand her. The magistrate ordered her to be kept under strict surveillance. In her sleep she talked fluent French, with the true Parisian accent.