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TWENTY-SEVENTH YEAR — FOURTEEN PAGES — WEDNESDAY MORNING FEBRUARY 6 1907 — FOURTEEN PAGES — ONE CENT

Senate Reading Room
Jan08—20122
SENATE P O

THAW'S FIRST EXPERT
HELPS DEFENCE PLEA BUT LITTLE
HAMMERED BY JEROME

Pittsburg Alienist Bases Theory of Prisoner's Insanity on a Street Car Episode and Reported Actions on Night of Tragedy — District Attorney Bombards Him With Queries and Sarcasm.

OTHER EVIDENCE ON INSANITY IS BLOCKED BY OBJECTIONS

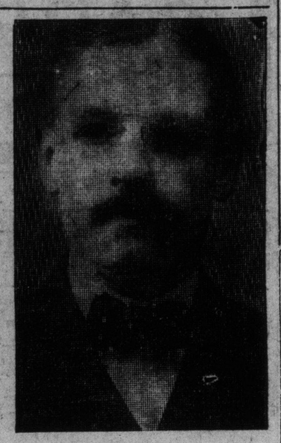
New York, Feb. 5.—The task of proving to a jury that Harry Thaw was insane—thru heredity and mentral stress—when he shot and killed Stanford White, was taken up to-day by the defence in this famous case, but when adjournment was announced later in the afternoon it was the general opinion in the court 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 a strain of insanity in the collateral branches 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 defence 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 undertook to break down the evidence of the alienist—Dr. C. C. Wiley of Pittsburg—and for three hours put him thru a cross-examination as severe as was ever heard in a New York court. The district attorney astonished every one by his intimate knowledge of medicine and its technical phrases, demonstrating the care with which he had prepared himself to meet the very defence which Thaw's counsel have entered in his behalf.

Thaw Lawyer Displeased.

Thaw's counsel sat silent and without protest as Mr. Jerome grilled with the first witness for the defence. Thaw himself seemed to take but little interest in the cross-examination at the outset, but latter began to take notice and was often in earnest conversation with those of his counsel who sat nearest him. At times Thaw could not altogether suppress the suggestion of a grin at the keenness of some of Mr. Jerome's questions and the subtle humor they so thinly concealed. But before the close of the day Thaw seemed worried.

Scarcely had court adjourned when there was a conference of the defendant's counsel and it became known that certain of the attorneys were not well pleased with the day's developments. Delphin M. Delmas, upon 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 defence, for the day, had been intrusted to John B. Gleason rather than to himself. Dr. Wiley should not have been put on the stand to-day, Mr.



JEROME.

Delmas said, and perhaps should not have been put on the stand at all.

To Show Insanity.

It was at the close of Mr. Jerome's cross-examination of Dr. Wiley that the attempt was made to introduce testimony to show the strain of insanity said to have existed in certain branches of the Thaw family. Among the witnesses called to the stand was Albert Lee Thaw of Richmond, Va., who said that his father and Harry Thaw's father were first cousins. The defence stated its purpose to draw from witness the fact that his father died in an asylum for the insane, when Mr. Jerome objected. He declared the relationship of both the witness and his father too far removed from the defendant to be competent.

"And the law," he added, "is not satisfied that a man is insane merely because he dies in an asylum or a retreat for persons suffering from mental disorders. The fact that a man dies in an institution such as that conducted 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."

The defence next introduced as a witness, Benjamin Boman, 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.

Dr. C. H. Bingaman of Pittsburg, who has been a family physician of the Thaws for 30 years, took the stand and testified that he had known Harry Thaw ever since his infancy. He treated him once for St. Vitus' dance. He seemed to be a lad of highly nervous temperament and slept badly at night.

"How old was the defendant when he had St. Vitus' dance?" asked Jerome. "Seven."

Dr. John F. Deemer of Kittanning, Pa., the family physician of the Copleys, mrs. Wm. Thaw, the prisoner's mother having been a Miss Copley, was the last witness of the day. He was called to testify as to the mental condition of John Rose, a cousin of Harry K. Thaw, when Mr. Jerome objected.

EXPERT VIEW OF THAW'S SANITY BASED ON A HYPOTHETICAL CASE

Dr. C. C. Wiley of Pittsburg, the Thaws' family physician, was the first witness for the defence. Dr. Wiley told Attorney Gleason of Thaw's counsel, that he had devoted much of his life to a study of insanity, and that he had served as an expert in many cases.

"In the summer of 1905," he said, "I was a passenger on a street car of the Fifth-avenue line in Pittsburg, when Harry Thaw came in. Without any apparent reason, Thaw rushed for one of the blinds to a window, drew up the blind, slammed it down again, and then drew it up once more. He had a quarrel with the conductor. Thaw's manner was irrational."

Mr. Gleason outlined Thaw's act of killing White and coupled with it the hypothetical interrogation as to whether the witness could express an opinion of such an act committed by the person he saw in the Pittsburg street car.

"I can," said Dr. Wiley. "I believe that that man——"

District Attorney Jerome objected. "You must not state a belief," said Mr. Jerome. "You must give an opinion."

"My opinion is that the man who committed the act described was suffering from insanity."

The witness was asked to define hereditary insanity, which he did, but when a question by Mr. Gleason as to the influence of hereditary insanity was asked an objection by Mr. Jerome was sustained.

Cross-examined by Mr. Jerome, Dr. Wiley said that in hereditary insanity the common blood flows thru brothers, and, therefore, a cousin, the son of an uncle of the defendant, might follow the same hereditary influence.

"Are you acquainted with the form of insanity which the law of this state defines as excuses for crime?" asked Mr. Jerome.—"Not entirely."

"Then your opinion on the hypothetical question you have answered was given as a scientific and medical man, and you had in mind the various forms of mental aberration which scientific men meet together and discuss?"—"Yes, and from my own application of the medical knowledge on the subject."

Mr. Jerome then asked the witness if he really considered himself an expert.—"I feel I have had the experience."

"Are you an expert?" thundered Jerome.—"I am an authority," Dr. Wiley replied.

A Quick Change.

Dr. Wiley was asked if he was willing to go on record, after merely witnessing Thaw's action on the street car in Pittsburg, and from a description of his killing of Stanford White, as saying Thaw was insane. He replied "Yes." Asked by Mr. Gelason if, in his opinion, the defendant, at the time of the deed, knew that it was wrong, the witness replied, "Yes," and started an explanation, which was stopped quickly by Mr. Jerome and Mr. Gleason. When the question was again put he answered, "No," but explained that a person might know what he was doing, and yet be utterly in the control of an irresistible impulse.

"In other words," commented Mr. Jerome, "we have a sort of volitional insanity?"

"That is possible, coupled with a morbid impulse."

Mr. Jerome asked the witness to give the substance of the hypothetical question on which he based "so important an opinion in this case." The witness here inadvertently admitted that he had taken into consideration his knowledge of the case outside of the question.

Mr. Jerome moved that the entire

Continued on Page 5.

COUNSEL MAY DESERT

New York, Feb. 5.—It was said late to-night that at the conference this afternoon five of the defendant's counsel informed Mr. Gleason that unless he desisted from conducting Thaw's case, individually and irrespective of their wishes, they should withdraw from the court room at the opening of the session to-morrow and sever all connection with the case.

Mr. Gleason insisted, according to the author of the report, that he had not usurped the position of senior, but had taken the initiative in the proceedings at the request of Thaw himself, under whose guidance he understood all the counsel were acting.

Mr. Gleason stated that the wishes of their client were paramount with him and he supposed, with the others. Under these conditions the council broke up.

TRUER LIBERAL THAN LAURIER

Armand Lavergne Declares That He Has Always Been Consistent With Principle, If Not With Party.

PUNISHED FOR INDEPENDENCE

His Four Votes Against the Government He Need Not Apologize for He Says—Refuses to Resign Seat.

Ottawa, Feb. 5.—(Special.)—Mr. Armand Lavergne, upon a motion to go into committee, called attention to the recent sensational reports respecting the scene between himself and the premier.

He read from Le Soleil an account of the interview which he characterized as incorrect.

It was true, however, that Sir Wilfrid Laurier had announced that he (Lavergne) was not a ministerial supporter.

Mr. Lavergne insisted, however, that he was still a Liberal. He had been elected as a Liberal and not as a ministerialist. He had not supported the Laurier government in its attitude during the Boer war, and upon this platform he had been returned for Montmagny.

In that contest he had been served with notice that he must sign a paper prepared by a minister of the crown declaring that he approved every act of the Laurier government and was running as a ministerialist. This he had refused to sign.

Consistent Liberal.

"As a member of this house," Mr. Lavergne declared, "I have been a consistent Liberal, if not always a government supporter."

He had voted against the government on the autonomy bills. IN SO DOING, HE HAD BEEN TRUE TO LIBERALISM. IT WAS SIR WILFRID LAURIER AND HIS FOLLOWERS WHO HAD CHANGED THEIR OPINIONS AND ABANDONED THEIR PRINCIPLES.

He also had voted against the government on the question of the North Atlantic Trading Company. In so doing, he had but adopted the views expressed by the present minister of the interior when he was a private member.

A third vote cast against the government was upon the Sunday bill, in his opinion the "Toryest" measure ever introduced into parliament.

Mr. Lavergne's fourth and last vote against the Laurier government was upon the French revision of the revised statutes. He had no apology to make for that vote.

As to matters outside the house he admitted that he had supported Mr. Robitaille. In so doing he had but defended the right of every riding to select its own member.

His Punishment.

Mr. Lavergne pointed out that his "excommunication" was quite recent. He had been asked by the government to take part in the Nicolet by-election last December. It was since then that the patronage of Montmagny had been taken from him and transferred to Senator Choquette. THIS WAS HIS PUNISHMENT FOR CASTING A FEW INDEPENDENT VOTES.

Why had not this step been taken long before? What was to be the future attitude of the government? It might defeat him in Montmagny, but public opinion would support him, and in time it would overthrow the government.

"Country above party" was the rule which had characterized his conduct, and he wished that it might become a more general rule in public life.

SIMPLE FUNERAL CEREMONY.

Ottawa, Feb. 5.—By the desire of the vice-regal family, the funeral of Lady Victoria Grenfell will be just a simple ceremony at Government House before the body is entrained for St. John for its voyage to Alnwick, the family seat of Earl Grey, in Britain.

Edwards, Morgan & Co., chartered accountants, 26 Wellington-st. East, will move Feb 15 to 18-20 King W.

"Stick to Made in Canada."

By encouraging all articles made in Canada we help each other.

Good Canadians will remember this, and feel glad we have a variety of articles really much better than foreign productions.

At the tip top of the list of these stands radnor, which gushes pure, sparkling and invigorating from the spring in the Laurentides, and bottled there with the greatest care, which comes to us, the best of all mixers.

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Do you want accident or sickness insurance? See Walter H. Blight, city agent Ocean Accident and Guarantee Corporation, Traders' Bank Building. Phone Main 2770 136

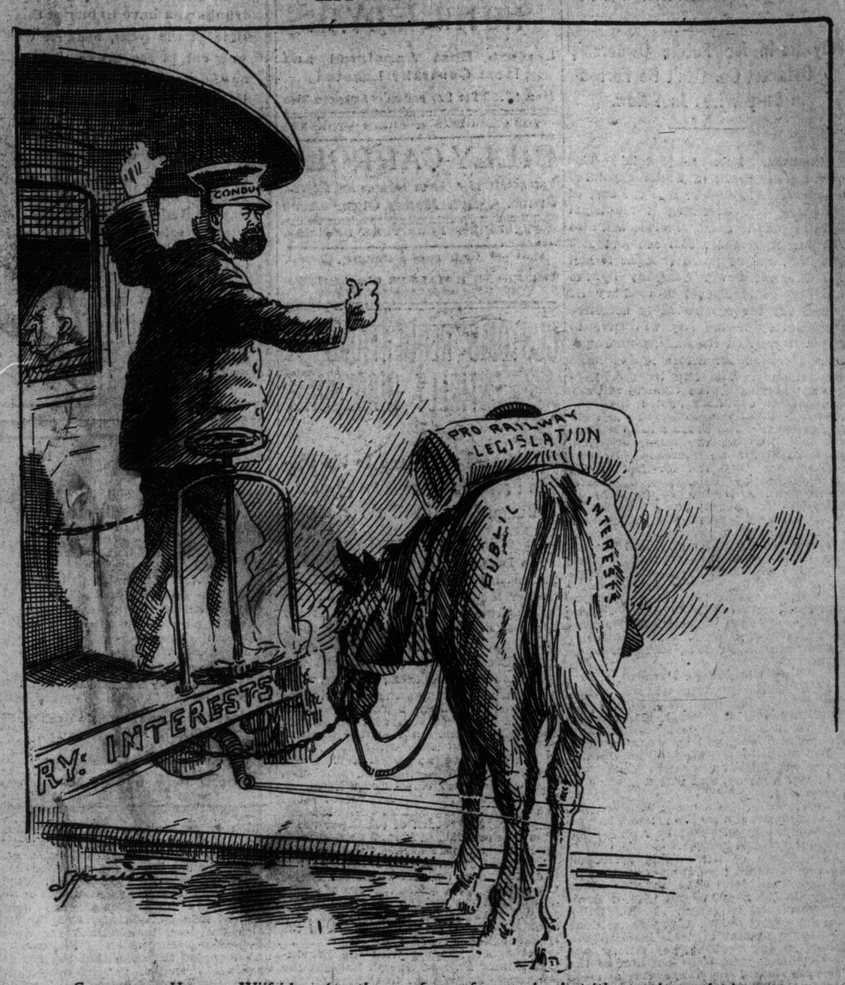
For Loose Leaf Supplies call M. 6874 Universal Systems, Limited. Ask for representative to call.

Fine funeral wreaths promptly made and delivered any time and anywhere. Jennings, 123 King-st. West. Phones Main 7246 and Park 1637. 135

For Sale—Two number seven Remingtons and one number five Underwood, latest models. Box 78, World.

Sound, ripened Ale like PORT HOPE PALE ALE agrees with any digestion.

HITCHED BEHIND.



CONDUCTOR HAYS: Wilfrid prefers the comforts of a coach—but it's rough on the horse.

PUBLIC OWNERSHIP LEAGUE.

I approve the formation of a public ownership league and am prepared to give the movement my earnest and personal support.

Name .....

Address .....

The membership of the Public Ownership League is growing rapidly, and nearly every section of the Province of Ontario is represented on the list. One of the most remarkable features of the approval of which the launching of the Provincial Ownership League has been received by citizens thruout the province is the fact that well-known party men, both Liberal and Conservative, have sent in their names, and they have also stated that they think the time is past for hard and fast party lines and citizens of both political parties should unite in a campaign for public ownership of public utilities.

Many enquiries have been received asking when the organization meeting would be held and to all of these we can say that in the course of a few days notice will be given of such organization meeting. It is intended that the first meeting shall be given wide publicity, and in order to insure success a small hall in the city will be rented for the occasion. It has been suggested that several prominent members of the League be gathered together before the meeting in order to draw up resolutions and to arrange for their proper presentation before the meeting. All the details relative to this are now under way, and the announcement of the meeting may be expected in a few days.

In the meantime it is desired that all citizens who are in favor of public ownership should send in their names and see that their friends send in their names. The league is essentially a people's organization, and it is to get the point of view of the people that the first meeting will be called.

What will be the ultimate goal of the league will have to be decided at that meeting. It is very possible that the meeting will result in the league becoming a permanent organization with a permanent secretary and with a permanent legal counsel to advise the members of the league in all matters pertaining to the public ownership of public utilities.

Many people have asked whether this league is to be solely a Toronto organization, and to all them we have to answer that the league knows no geography except Canada. The inaugural meeting of the league will be held in Toronto, but if the spirit keeps on growing, as at present, there is no doubt that other leagues will be formed in the principal towns and cities of Ontario and ultimately plans will be made for a grand gathering of the adherents of public ownership thru the province.

And again we request that you send in your name and have your friends send in their names.

TRAINS COLLIDE AT CURVE ONE MAN KILLED, 29 HURT

Newcastle, N.B., Feb. 5.—(Special.)—Docithe Thibideau, a train hand, was instantly killed, and twenty-seven others badly injured in the collision of a special freight and a working train here to-day.

The freight crashed into the working train as the latter was backing down the yard, smashing two cars to atoms and demolishing the engine.

In the cars were twenty-nine men, and only one escaped uninjured. The debris under which the men were pinned took fire and it was with the greatest difficulty that any were saved.

John Fogan, Cains McLellan, William Black, Alfred Witzell and John McCullum, all married men, received injuries which will probably prove fatal.

William Stewart jumped from the train and had several ribs and both arms broken. Several others had arms broken, and Howard Jeffrey may lose his eyes. Thibideau leaves a widow and two children.

The place where the accident occurred is a dangerous curve.

MAY BURN FREIGHT CARS IF COAL DOESN'T COME

Davidson, Sask., Feb. 5.—(Special.)—The fuel situation in many western towns is growing worse instead of better, as the railway is tied up, and it is feared that things will be desperate in a day or so.

The supply of bridge timber and ties seized by the town authorities has been exhausted, and lumber supplies in local yards will be the next to go. People threaten to burn freight cars which have been standing in the yards here for months. One hotel is burning straw, and many families have closed their homes and are living at hotels.

The board of trade passed a resolution asking for the immediate co-operation of the Regina Board of Trade in appealing to the Dominion authorities and the railway commission, in urging that the Canadian Northern be compelled to make every effort to keep the Prince Albert Line open and to operate trains.

Pub Hotel, cor Yonge and Alice Sts. Remodeled under new management. First-class business men's lunch in connection. W. J. Davidson, Prop. 26

Harper, Customs Broker 5 Melinda

WHY THE PEOPLE SHOULD CONTROL

Espionage of the Corporations Intolerable — Public Should Own Telephones and Telegraphs.

Ottawa, Feb. 5.—(Special.)—W. F. Maclean (South York) called the attention of the house to-night to the exposures respecting the "listener" system in vogue upon the Bell Telephone Company, whereby a constant espionage is, or can be, maintained upon the conversation of any line selected.

"This espionage by the great corporations is intolerable," protested Mr. Maclean. "It is evident that the time has come for public ownership of telegraph and telephone companies.

"It is known that one of the great corporations authorized to transmit messages has been caught systematically tapping the private wires of its customers.

"The private telegraph companies have it in their power even more easily to betray the people.

"Let these great franchises be taken back by the people, and let them hereafter be administered as a trust for the people."

DEATHS.

BRENNAN—At her late residence, Woburn, on Feb. 5, Susan Kerr, widow of the late Lawrence Brennan, in her 76th year.

Funeral on Thursday, Feb. 7, at 9.30 a.m., to Highland Creek Cemetery.

DORSEY—Suddenly, at the residence of her daughter, Mrs. Phalett, Burnhamthorpe, Susannah Dorsey, wife of the late Robert Dorsey, on Feb. 5, 1907, aged 80 years.

Funeral Thursday, Feb. 7, 1907, at 2 p.m., from above address to Bethany Church, Elmbank.

SIMONS—At her residence, 68 Avenue-road, Toronto, on Tuesday, Feb. 5, 1907, Isabel, widow of the late John Symons of Toronto, and daughter of the late David Thorburn of Queenston, Ont., in the 79th year of her age.

Funeral (private) on Thursday, at 3 p.m.

SIMPSON—At the residence of his father, 14 Scho-street, on Tuesday, Feb. 5, 1907, William A., eldest son of William Simpson, planing mill, 314 West Queen-street, in his 34th year.

Funeral on Thursday at 2 p.m., to Mt. Pleasant Cemetery.

SILVESTER—At her late mother's residence, 116 Grace-street, Toronto, on Monday, the 4th February, 1907, Emma (Tottie), graduate nurse of St. Mark's Hospital, New York, and recently from New York.

Funeral Wednesday, the 6th February, at 3 o'clock. Interment in St. James' Cemetery.

The F. W. Matthews Co., Phone M 2571. Private Ambulance Service 36

IRRIGATION IS RATHER COSTLY

Government Grant of Land to the Alberta Land Company Creates Some Suspicion in the Minds of Western Members.

SETTLER WHO PAYS FOR IT

Land Sold to Company at $1 an Acre is Now Disposed of at $15 and More—Why Was Not Maximum Stipulated?

Ottawa, Feb. 5.—(Special.)—In the house to-day, Mr. McCarthy (Conservative, Calgary) precipitated a debate upon going into supply, by submitting an amendment in criticism of the Robbins irrigation grants. The grants were loaded down with promoters' profits, and the scheme, if successful, would lay a heavy burden upon the settler. Various companies had been organized, but they were apparently consolidated as the Alberta Land Company. Mr. McCarthy pointed out that the area thus granted by the government was vast, convenient to Medicine Hat, and adjoining the main line of the C.P.R. There were some provisions in the grant as to irrigation, but in effect the land was sold at $1 an acre. To-day it was easily worth $12 or $15 an acre. Was there a rake-off, and who got it?

Mr. Oliver replied with considerable vigor. It was true that this land was not far from Medicine Hat, and had been crossed by two railways for many years. The C.P.R. might have selected this very land, but considered it worthless, and no settler had ever been willing to homestead upon it. It could never have any value except thru irrigation. The government had no apology to make. Nothing was to be gained by leaving lands idle and worthless when syndicates would take them over and turn them into fertile and populous areas.

Settler or Speculator.

Mr. Roche (Conservative, Manitoba) rejoined that Mr. Oliver had not discussed the real subject. The record showed that 380,000 acres of land had been granted to a knot of speculators. Was this carrying out the old Liberal platform of the "land for the settler?" An expert who examined this area at the time of the grant had stated that it was fully as good as the lands then being irrigated by the C.P.R., and, when irrigated, would be worth $25 an acre.

Mr. Knowles (Liberal, Assiniboia) deprecated reckless charges of graft; great fortunes had been made quickly in western lands. He urged that the

Continued on Page 5.

JAS. WALLACE ILL.

James Wallace of Woodbridge was operated on for appendicitis at the General Hospital yesterday.

He is reported to be resting easily.

MILDER.

Meteorological Office, Toronto, Feb. 5.—(8 p.m.)—A disturbance which has moved up the Atlantic coast, and is now centred off Nova Scotia, has caused northeasterly gales and a heavy snowfall in the Maritime Provinces. Light snow has also fallen in southern portions of Ontario and Quebec, and the weather continues cold. In the west the temperature has moderated a little, and the indications are for gradually rising temperature.

Minimum and maximum temperatures: Dawson, 36 below—30 below; Atlin, 32 below—16 below; Port Simpson, 12—28; Victoria, 32—38; Vancouver, 27—30; Calgary, 20 below—6; Edmonton, 40 below—8 below; Winnipeg, 30 below—10 below; Port Arthur, 20 below—8; Parry Sound, 2 below—8; Toronto, 6—10; Ottawa, 12 below—8; Montreal, 6 below—4; Quebec, 16 below—4; St. John, 2—10; Halifax, 8—18.

Probabilities.

Lower Lakes and Georgian Bay—Fair and a little higher temperature.

Ottawa and Upper St. Lawrence—Fair and continued cold.

Lower St. Lawrence and Gulf—Strong northerly winds; fair and very cold.

Maritime—Decreasing northerly to northwesterly winds; fair and cold.

Lake Superior—Fair and cold; some light snow by night.

Manitoba, Saskatchewan and Alberta—More moderate temperature, with light local snowfalls.

THE BAROMETER.

Time.	Ther.	Bar.	Wind.
8 a.m.	7	.....	.....
10 a.m.	8	29.79	18 N.
Noon	9	.....	.....
2 p.m.	9	29.76	14 N.
4 p.m.	7	.....	.....
8 p.m.	6	29.78	8 N.
10 p.m.	8	29.78	.....

Difference from average 12 below; highest, 10; lowest, 6; snowfall, .1.

Empress Hotel, Yonge and Gould Sts., R. Dissette, Prop. $1.50 and $2.00 per day.

STEAMSHIP ARRIVALS.

Feb. 5.	At	From
Noordland	Philadelphia	Liverpool
Caledonian	Manchester	Boston
Rhein	Bremen	New York
K.W.d.Grosse	Genoa	New York
Calabria	Palermo	New York
K.Wilhelm II.	New York	Bremen

TO-DAY IN TORONTO.

Feb. 6.

Telephone commission, city hall, 10.

Dominion Swine Breeders, Shorthorn Breeders, Holstein-Friesian Association, annual meetings, 10.

Massey Hall—Mendelssohn Choir, 8.

Prisoners' Aid Society, annual meeting, College-street Presbyterian Church, 8 p.m.

Ontario Vegetable Growers' Association banquet, St. Charles, 8.

Browning Club—"Study of Julius Caesar," Unitarian Church, 8.

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