

LOATH TO LEAVE CHAIR

Immediately after court assembled for the afternoon session, she was still dressed in the same black frock in which she appeared the first day of her son's trial.

Harry Thaw was all interest. He sat facing his mother and seemed extremely nervous. He looked at his check on his hand and bit his nails.

Mrs. Thaw repeated her name in response to a question by Mr. Delmas, speaking in a tone so low as scarcely to be heard.

Mr. Delmas stood immediately to her left.

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

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

"Certainly did," replied Mrs. Thaw. "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 deprecating look. It struck me at the time."

Mrs. Thaw's two sons other than the defendant, Edward and Josiah, sat just behind Harry during their mother's testimony. They seemed much affected by it.

"Did the impression of a change in your son grow on you?" asked Mr. Delmas.

"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 could see a light under his door and often found him sitting up at 3 or 4 o'clock in the morning."

"He told me he could not sleep 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 to tell me his story."

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

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

"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 BEGINS STORY. Mrs. Thaw as she told of her son's conduct 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. When she could again speak she said:

"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."

"After I found his condition was due to something which had been done to a young girl, I asked him why he should allow his life to be ruined. 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 a 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 can't recall all that he said."

HER VOICE FAILS AGAIN. "On Thanksgiving Day Harry and I were alone—the rest of the family were all away."

Here Mrs. Thaw's voice again failed. Her face flushed and her eyes filled with tears.

"It was the first Thanksgiving in our large and beautiful new church," said Mrs. Thaw when she was able to resume.

"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 'Possession' to Dr. Kuyper's 'I am full of music.' I heard Harry sob and I saw his face fall on the program which he held in his hand. 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 had come to be there himself. He said his mother had told him not to go to church, but he had not heeded her, he might have been with us then."

Mrs. Thaw told of Dr. Bingham having been told of the proceedings and a news item for her son.

After Harry once speaks of the young woman's condition cases of her. "When did you first learn of the young woman's case?" asked Mr. Delmas.

"I can't recall precisely. I think it was in the spring of 1904."

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

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

"If that assumption is sound," said the district attorney, "there is no reason to believe that the defendant is not insane today, and it becomes the duty of the court to suspend the trial until the matter of the defendant's present state of mind can be ascertained."

MR. JEROME OVERRULED. Justice Fitzgerald overruled Mr. Jerome's objections to Mrs. Thaw's telling of her conversations with her son in 1904. The question of the appointment of a lunacy commission was not before the court. Mrs. Thaw proceeded. She testified as to con-

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