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RALEIGH, N. C., MONDAY, FEBRUARY 4, 1907.

INSANITY IS THE PLEA MADE IN BEHALF OF HARRY THAW, SLAYER OF STANFORD WHITE

The State Rests its Case at a fair verdet might be reached.

Tragedy of the Roof Garden as garden. Unfolded in the Testimony of Those Called for the State-"He to the Latter's Statement-Thaw Gave the Witness This Explanacution Rests.

(By the Associated Press,) the people against Harry K. Thaw, charged with the murder of Stanford White, was presented to the jury today in less than two hours of the morning session of the trial, and this afternoon Attorney John B. Gleason ing the eye. began the opening address for the de-

Attorney Gleason began his address to the fury by saying the defense would be based upon "the con-stitution and the law of the imperial state of New York."

ould be one of insanity. He declared Thaw believed he was acting upon the word of providence when he killed Stanford White; that he acted without malice and did not know the nature or quality of his act.

New York, Feb. 4.-There was a delay in resuming the trial of Harry K. Thaw before Justice Fitzgerald today, owing to the formalities attending the postponing of the February term of court which was schedber, crowded the court room to over- Jerome at one blow disclosed that flowing. Thaw's trial having been Mrs. William Thaw and Mrs. Harry

of the reports was possible be-

udge's desk.

A' appeared a trifle flushed as oak his place at the end of the assigned to his counsel.

Back of him ant his mother, Mrs. William Thaw; his sister, Mrs. Car-negie; Evelyn Nesbit Thaw and May MacKepulo, Edward and Josiah Thaw also were present, the only family absence being the Countess of Yar-

month.

All the witnesses for the prosecution were in court this morning. They were only the eye-witnesses of the traifedy on the Madison Equatoroof garden. Sonin witnesser said by nave been nummoned by the defense also were in court, although the list

with "premeditation and intent to kill," one Stanford White. He then briefly outlined the movements of Mr. White, beginning with the Saturday preceding the trial and ending with the actual scene of the shooting on the Madison Square Garden.

Mr. Garvan told how Stabford White had on the 25th of June last taken his son, Lawrence and a schoolmate of the latter to dinner at he Care Martin. The boys had bought tickets to the New York frightened." This Means That They Are to Ap- theatre roof garden and declined an

"Stanford White," said Mr. Gar-van, "went to Madison Square roof garden and sat alone at one end of Itnined My Wife," Said Thaw to the small tables there, watching the One of the Witnesses, According first production of a play called Mamselle Champagne. The defendant was there with his wife and two friends, Truxton Beale and tion of the Shooting Which Had Thomas McCaleb. The defendant Then Just Occurred-The Prose walked constantly about the place. In the middle of the second act the defendant's party started to leave New York, Feb. 4.—The case of party go ahead and he lagged be-ruined my wife-or life."

In people against Harry K. Thay, hind. Passing the table where Stanford White was sitting this defend- said wife or life?" ant wheeled suddenly, faced Mr. White and deliberately shot him through the brain, the bullet enter-

> "Mr. White was dead.
> "The defendant did not know this. He feared he had not completed his that they might again be called to the work, and he fired again, the bullet stand.

work, and he fired again, the bullet entering White's chest. Still, to make sure, he fired a third time.

"Mr. White, or rather the body of Mr. White, tumbled to the floor. The defendant turned, and, facing the audience, he held his revolver aloft with the barrel upside down to indicate that he had completed what he had intended to do. The big audience understood. There was four bullets, which were then marked

Mr. Garvan concluded by giving dictment by the prosecution.

Mr. Garvan spoke less than ten hage, the result of the pistol shot minutes, always in a conversational Thaw sat with head down-

cast and face flushed. Mother and Wife to Testify.

begun in the January term, that term will hold until the case is disposed of.

During the wait for Thaw's trial to go on, rumors continued to circulate as to the possibility of two more jurors being removed before District Attorney Jerome would be content to have the case proceed. No confirmathase the stand for sweet all other witnesses. May Mackenzie was included in the list and accompanied Mrs. Thaw into the this gun" or put it out of firing condition, and hold it aloft. Just after distormey Jerome would be content to the man in the stand for sweet Mrs. William Thaw and Mrs. Harry tention was attracted by the firing of the three shots, he saw Thaw standing with all other witnesses. May Mackenzie was included in the list and accompanied Mrs. Thaw into the this fireman Brudi took the man in the stand for sweet all days with all other witnesses. William Thaw and Mrs. Harry tention was attracted by the firing of the three shots, he saw Thaw standing with all other witnesses. May Mackenzie was included in the list and accompanied Mrs. Thaw into the processes was recalled and the stand for the three shots, he saw Thaw standing with all other witnesses. May Mackenzie was included in the list and accompanied Mrs. Thaw into the the tenter shots, he saw Thaw standing with all other witnesses. May Mackenzie was included in the list and dition, and hold it aloft. Just after the three shots, he saw Thaw standing with all other witnesses. May Mackenzie was included in the list and dition, and hold it aloft. Just after the court clerk's office. Mrs. William Policy of the three shots, he saw Thaw standing with all other witnesses. May Mackenzie was included in the list and dition, and hold it aloft. Just after the three shots, he saw Thaw standing were Mr. White.

He then saw the defendent "break his gun" or put it out of firing to the prover Mr. White.

He then saw the checken was a transition was attracted by the firing of the three shots, he saw Thaw in the three shots, he saw Thaw standing were Mr. White.

Thaw, who does not expect to take the stand for saveral days, what at once to her hotel. Thaw's mother is expected to testify to the prison-er's eccentricities as a youth.

The prisoner seemed greatly down-cast at the exclusion of his mother and wife. His only relatives left in the room were his brothers and his sister, hirs. Curnegle.

Henry S Plaise, superintendent of the publishing company that owned the rights of "Mamselle Champagne" the night of the killing in the rear of the garden, opposite the centre aisle.

After the first act he next kin Thaw just previous to the shooting. White just previous to the shooting. White was scated facing the stage. There was no conversation when Thaw ap-proached White and the former immed-

tely began firing.
That then retreated toward the rear
the garden with his right hand eleited 'the barrol of the pistol being
dated upward."
The witness then described the arrest

ervance of the law in order that said Brudi, in relating the events of the evening of the tragedy "when I

said, that on the night of June 25, his arms uplitted."

"Did you hear the defendant my anything after the shooting?," asked Assistant Attorney Garvan.
"Yes," the witness replied, "He said:

Mr. Delmas took up the cross-exami-

"What did Thaw do when he White's side?" "He looked back over his left shoulder. It was a staring look."
"A staring look, you say?"

"Yes, sir." Was he pale?" "He looked like a man who was

"I did not nak you that," quickly inpear later on the stand as Wit- invitation of Stanford White to actuary increases for the Defence—The pany him to the Madison Square roof he was pale. Was he pale or was he

"He was pale."
"And his eyes appeared to be star-

"Yen!

exhibits.

Thaw?" asked Mr. Garvin.
"I did." he replied. "I asked the prisoner if he had shot Stanford White, and Ing he said 'I did.' I then asked him why the roof. The defendant let his he shot him, and he said Because he

> "No." At the conclusion of Policeman Do-bes' testimony it was ordered by the court that all witnesses who had been examined must also remain out of the court room because of the likelihood

olg audience understood. There was four bullets, which were then marked and entered as evidence.

"In your opinion, Doctor, what caused the details of Thaw's arrest and in-dictment by the presention Mr. Garvin. "Death was due to cerebral hemorr-

wounds I have described." There was no cross examination.

Dr. Sylvester Pechner, who was with a party on the Madison Spuare roof As Mr. Garvan took his seat, Dis- garden the night of the tragedy, next uled to begin this morning. The reg-uled to begin this morning. The reg-ular panel of 100 February jurors cided surprise by asking the court to White soon after he fell and pronouncadded to the last of the special jurors exclude all witnesses in the case ex- ed him dead. The architect's death in the They case some 756 in num-

Dr. Pechner said that when his at-

he witness.
Young White said he was niceteen rears of age and a student at Harvard Iniversity. His mother, he said, now esides at Cambridge, Mass.
White was on the stand but a few

minutes. He told of accompanying als father to the Cafe Martin for din-

"He Ruined My Wife."

Senate Committee

cenator Foraber Takes Charge of the Summin ing of the Witnesses to the Stand—The Sory Told by the Negrots of the "Shooting Up"

(By the Associated Press.)
Washington, Feb. 4—The investiga tion by the means committee on mili-tary affairs of the Brownsville, Texan affray was beaun today. A score of negro coldiers of the 26th infantry, discharged from the 4rmy without honor because of their dileged partic-ipation in the shooting up of the Texas Policemen Anthony L. Debes, who are rested Thaw identified the pistol, bullets and empty shells introduced as exhibits.

room as a whole, but were assigned to an unused end of a corridor near the room and only a limited number were permitted to sit in the room durngs. There was only The attendance of members of the committee at the hearing today was large, but it is expected that after the investigation is well under way it will be necessary for the chairman to appoint a sub-committee to take testipoint a sub-committee to take testi-mony. Attorneys were barred from the committee room, the negro soldiers under investigation having no repre-

members of the committee. It is un-derstood that Sepator Foraker, au-thor of the resolution of inquiry, will look after the interests of the men if they are placed in feopardy. Before the proceedings spened them charged bettaden of the 18th infantry; Mingo Handers, where 25 years service has been talked of in debate in the senate; W. H. Miller, El L. Daniels. L. T. Thornton, C H. Madison, Israel Haris, A. H. Roland, T. L. Altman,

Wallington, Elmer Brown, Franklin, Dessaure, Jackson and Winter Washcalling of witnesses and first summoned Harris to the stand.

In reply to questions he said: "On that night we had some distur-Some shooting I I was asleep in D barracks, and at 12 to extend limit of "grandfather" o'clock I was aroused by the noise of clause from 1908 to 1920. Harguns. I put on my trousers and shoes, but no blouse or leggings. Then there was the sound to arms, and D company got dressed and we started for

in the dark, after the racks had been merely provides that if any contractor showed that there is but one key to a rack and that this key will unlock only one ruck, and that the keys are in possesion of non commissioned officers. Said None Were Absent.

The witness said that when the comoany formed outside Captain Lyon of D company was present and imme-diately called the roll and personally counted his men, and that more were absent. He declared that no could have fired from D barracks, without having been detected, and told of the return from the patrol and the surrender of arms and the locking of the arms in the racks. It was found.

p. m. and a recess then was taken till 2 p. m., when Attorney John D. Glesson opened for the defense.

Son of White First Witness.

The prosecution gave the court room another surprise when Lawrence without the regulation rod, and that only four rods are furnished each company. He also said it would be im-possible to clean a gun in the dark It developed that the Krag was fur-slahed with a cleaning rod, the Spring-

field not.

Senator Warner developed the fact that trouble had previously occurred by tween the negro troops and people in Texas, and that Harris, when he heard the shooting feared that members of his company might be involved. Harris stated that he had talked with soldiers who had alapsed to have the had the

HEARING COMPLAINTS OF SOME SHIPPERS

LIQUOR AT DUNN INQUIRY INTO FLUCTUATIONS IN DISPE AGITATES HOUSE

Negro Soldiers Before the Bill For Vote on Dispensary To Probe the Methods of Drewry Insurance Passes 39 24

HARRIS FIRST CALLED FOR A. & M. COLLEGE RESOLTUION BY HOUSE ILLICIT

and Power Plant-Plan for Bormitories in Measure by Mr. Yount. Wake County Commissioners' Bill Passed-Terms to Vary in Length.

The twenty-second day's session of the house was called to order this morning at 10:30 o'clock by Speaker Justice, and prayer was offered by Rev. J. C. Massee, pastor of the Tabernacle Baptist Church, this city. Messrs. Julian, Park and Rector

were named as the journal committee for this week.

Bills Introduced. Amend charter of Canton, Haygood county. Boyd. Regulate pay of regular jurors in

Haywood county. Boyd. To enable citizens engaged in fishing shad and other migratory fish to sue for damages incurred by building bridges and other obstructions over streams. Winborne.

Amend Revisal, 3471, relative to countries. shipping wild fowl out of the state. Provide adequate power, light and

water plant at the A. & M. College. Davidson of Iredell. (Appropriates \$150,000 for installation and maintenance for next two years.) Provide dormitories at A.

Incorporate Virginia and East Car line Railroad Company, Morton, Protect game in Union, Price Amond charter of Hendersonville.

Prevent public drunkenness and profanity on public highways and lands of another. Avery. Regulate primaries and other elec-

tions in Mitchell. Bowman. Authorize payment to Miss Myrtle Pope of Craven amount due her late FINANCE OLIVER'S father, oyster inspector for port of New Bern. Brewer. '(About \$600.) Amend constitution of state so as

A. & M. Dormitory Bill.

Mr. Yount's bill providing for dor-The witness then told of getting guns not carry any appropriation, but to erect dormitories, the same to be 000,000; the company will begin busipaid for out of the rents that may be ness with \$1,500,000. charged the occupants of them.

More Liquor Talk. Mr. Clifford's bill to authorize the town of Dunn to establish a dispensary by a majority vote started some discussion, as usual with liquor mat-ters of this kind. Mr. Clifford ex-Robert A. Chester, Patrick J. Brenplained that Harnett was under a special act, that it now had prohibition and "blind tigers."

Mr. Douglass said he would vote against the bill, and called for the ayes and noes. He took the ground that this would be a backward step, and the platform had pledged that the party would take no backward sten.

the attitude of some of the members of this house on these local questions. board of the league on Saturday The only guide the house had was the night, demanding that the United position of the representative duly States and the state of California elected by the majority of his county. maintain the right to exclude Japoutside of the town of Dunn.

gate as to how everybody stood on it. school question was tantamount to enactment, and not by vote of the Roosevelt was severely criticized.

The bill was put on third reading, ANSWER FILED their votes, among them being Mr.

ing Mr. Douglass if the people of Greenville, S. C., was in the city Wake county were allowed to vote. day to confer with Messrs. Shepherd Mr. Douglass said they were not in the localities where there was prohibition.

A Shepherd and Major Pruden, of the localities where there was prohibition.

Edenton, with reference to filing the answer of R. E. Johnston et al. and

Bill Calling for \$150,000 for Heat This Resolution Calls Upon the Secretary of Commerce and Labor to Investigate the Causes of the Changes in the Price of the Great

Southern Staple.

Cotton Exchanges

(By the Associated Press.)
Washington, Feb. 4.—The house day passed a resolution calling upon the secretary of commerce and labor, through the bureau of corporations, to investigate the causes of the fluctuations in the price of cotton and the difference in the market price of the various classes of cotton. The investigation is to be conducted with the particular object of ascertaining whether or not the fluctuations in the prices have resulted in whole or in part from the character of contracts and deliveries thereon made on the cotton exchanges dealing in futures, or is the result of any combination or conspiracy which interferes with or hinders commerce among the several states and territories or with foreign

Mr. Burleson of Texas, in explaining the purpose of the resolution. said it was to ascertain whether the contract sold on the New York and New Orleans exchanges brings about a violent fluctuation in the price of cotton and whether or not the contract sold on the price of the contract sold exchanges brings about the contract sold exchanges brings about the contract sold exchanges brings and the restrict sold exchanges brings and the sold exchanges brings and the sold exchanges brings and the sold exchanges brings about the contract sold exchanges brings about the sold exchanges and the sold exchanges brings about the sold exchanges brings abo tract sold enables the members of By Mr. Blair: To amend the the exchanges by combination among ter of Greensboro Female Continues to bring about a deprestract sold enables the members of themselves to bring about a depression by reason of the fact that unwould be authorized to deliver any would be authorized to deliver any dead people. Judiciary Committee By Mr. Turner: To repeal sec tween the price of spots and futures items. Revisal Committee. one of thirty grades of cotton. It la claimed that the difference beat New Orleans at this time is more than \$7.50 per bale and that this difference exerts an injurious influence on the price paid for cotton.

Albany, N. Y., Feb. 6.-The Panama Constructing Company, incorpor-ated to finance the Panama contract ville, Tenn., filed articles of incorporation today with the secretary

The company's principal office will be in New York City. The directors named are: John B. McDonald, John Peirce, Robert A. C. Smith, William H. Sayre, George F. Harriman, all of New York City: William J. Oliver, of nan of Washington: George Peirce, of Frankfort, Me.; Patrick T. Walsh, of Davenport, Iowa; and Robert Rusself, of Lynchburg, Va.

CRITICISM OF THE PRESIDENT.

San Francisco, Cal., Feb. 4 .- At the convention of the Japan and Mr. Stevens could not understand Korean Exclusion League yesterday resolutions adopted by the executive Dr. McNeill declared nothing had anese from public schools used by been heard from the country people white children, were unanimously adopted, after much spirited discus-Mr. Stevens wanted to know if the sion. The pith of the resolutions, couse should go to the county on which declared that the yielding of each of these questions and investi- the United States to Japan on the Mr. Clifford explained that Har-taking vassalage was dwelt upon by ett was prohibition by legislative governi of the speakers. President

IN BIG LAND SUIT.

Mr. Joseph A. McCullough, Mr. Harshaw did not believe that the East Lake Lumber Company in license of any on a moral question the people should the suit instituted by Edwards and provisions of be allowed to vote as to their governothers. The suft involves certain moved that the

Stronger and I

For the Elevation of Dentis

Law-Pure Food and Dr Providing for Inspect Liquor in Dispensaries Comes U Tomorrow Again. It was noon today when the lieutenant governor called the state senate to

Bumpas, pastor of the Edenton Street Methodist Episcopal Church of R

order, and the proceedings were

ed with prayer by Rev. Dr. R.

The journal of Saturday stood a proved on the certification of the comittee on the journal.

The lean calendar did not grow undue proportions after the standing committees had reported, for they die not do a great deal of work Saturday afternoon, the day of the week when some of the senators go home to spend the Sabbath with their families. The chair announced the following appointments on the committee on the state university: Senators Web

state university: Senator: Breese, Buxton and Howard. New Bills Introduce In the regular order, the following bills were introduced:

By Mr. Etheridge: To amend se

By Mr. Biair: To permit true Methodist church at Greensbort move and reinter certain rein

By Mr. Lovell: To appoint tax col-lectors in certain school districts in Watauga county. Counties, Cities and

By Mr. Efird: To amend road law of Stanly county. Calendar by request.
By Mr. Howard: To amend the charter of Conetoe, Edgecombe county.
Counties, Cities and Towns Com-

CANAL CONTRACT By Mr. Buxton: To amend so phone lines. Committee on Rallr By Mr. Reinhardt: A petition citizens of Lincoln county for an authorizing county to vote on be sue of \$200,000 to macadamise

By Mr. Webb: To amend the ch ter of the Citizens Trust and Say Bank of Asheville. Banking and Cu By Mr. Effrd: To amend charter of he town of Albemarie, Stanly county,

Counties, Cities and Towns Co By Mr. McLaughlin: To certain magistrates in Cumb county. Calendar, by request. By Mr. Buxton: Relating t State Normal and Industrial Schools for negroes in North Carolina (with By Mr. Thorne: To restore the pro-

By Mr. Thorne: To restore the pro-fession of dentistry to its former po-sition as a branch of medicine and surgery. Public Health Committee. By Mr. Fleming: Authorising Pitt county to levy special tax and issue hands for bridge building purposes. bonds for bridge building purpo Calender, by request.

By Mr. Ballinger: To improve plic roads of Henderson county.

ndar, by request. By Mr. Brown: To protect quali in Yadkin county. Game Laws Co By Mr. Brown: To regule

struction of public roads in Yadkin county. Public Roads Committee. By Mr. Dickey: To prevent pu drunkenness in Cherokee cour Proposition and Grievance Commit By Mr. Dickey: To amend see 1726 of the revisal, relative to surveys of lands shall be records Cherokee county. Judiciary Com

By Mr. Turner: To establish an schools in Elizabeth City. Common Education.