

JEROME APPEARS IN THAW TRIAL AGAIN FOR STATE

Thaw and District Attorney glare at each other and then shake hands

THAW FEARS JEROME

The District Attorney Will Aid the State in its Fight to Keep Harry K. Thaw in an Asylum—Jerome and Thaw Glare at Each Other, Then Smile and Shake Hands—Thaw Shows Dread of Jerome Ordeal—Mrs. Thaw Believes the District Attorney is Persecuting Her Son—Thaw's Lawyer Objects to Jerome Appearing in the Case But is Overruled.

(By Leased Wire to The Times)

White Plains, N. Y., July 26.—Harry K. Thaw and District Attorney Jerome glared at each other today in the court room at White Plains, where Thaw is fighting desperately for his freedom and Jerome is combating with all the force at his command to keep the slayer of Stanford White in the asylum for the insane at Mattawan.

Each had to turn partially in his chair to see the other. From the eyes of Thaw darted hatred and defiance, while from those of Jerome there came that tantalizing, half-pitying gaze that seemed to say, "poor boy, I know you are crazy, and I am going to prove it."

Then both smiled, shook hands and said they were glad to see each other. They occupied seats side by side, and Thaw kept constantly turning to watch the effect of argument by his counsel.

Thaw's general demeanor after seeing Jerome clearly contradicted his declaration that he had no fear of his former prosecutor.

There was no doubt but that he dreaded the ordeal of the Jerome inquisition.

His mother, Mrs. William Thaw, appeared to share the dread felt by her son. She frequently spoke to him as if to take his attention from the district attorney. The gray-haired old woman honestly believes that Jerome is persecuting her son.

Physically the young millionaire looks to be in perfect condition. He has been exercising daily, preparing for the fierce heckling he expects to receive from Jerome. Josiah Thaw, accompanied by his wife, and Mrs. W. N. Millen, a friend of the Thaw family, were the first to arrive in the court room. They had to force their way through a jam of femininity that filled the room.

District Attorney Jerome and Assistant Attorney Murphy, with District Attorney General Clark, John E. Mack, district attorney of Dutchess county, Francis A. Winslow, district attorney of Westchester county, Dr. Carlos F. McDonald and Dr. Austin G. Flint composed the Thaw contingent.

When Justice Mills opened court District Attorney-General Clarke announced that at the request of the attorney-general, District Attorney Jerome had consented to appear. This called forth an objection from Charles Morgenthau, Thaw's attorney, who declared that in view of the fact that Mr. Jerome at the time motion was argued for a change of place of trial took oath that he would not and could not appear in the case unless the trial was held in New York, and he ought not to be allowed to appear.

Justice Mills held that there could be no valid objection to the appearance of District Attorney Jerome.

Mr. Morgenthau complained that he had not had access, as promised, to the minutes of the two trials of Thaw. He said he had tried to see them in accordance with an agreement with Mr. Clarke, but failed. Mr. Jerome promised to allow the attorney for Thaw to inspect some copies he had in his office.

Dr. H. Ernest Smith, of White Plains, was the first witness called by Mr. Morgenthau. He has been a physician since 1859. About 28 years ago he organized St. Vincent's hospital for the insane and for a long time attended that institution. He knew Harry K. Thaw, having met him on July 8, since which time he made daily observations of Thaw's mental condition. He examined Thaw's heart, lungs and other organs, his reflexes, all his senses and the result showed Thaw to be perfectly normal in every respect save his heart. From notes he made at the time of examinations the witness read the results of his observations. Thaw told the physician the history of his life, including the story of his disinheritorship by his father.

Speaking of White, Thaw said this to the witness:

"I wonder sometimes why I do not feel more remorse about the matter than I do. "I asked why he killed White," said Dr. Smith, "and he said White had threatened to kill him. He also said he had no idea of killing White when he went to the roof garden, but had made it a practice to carry a pistol

whenever White was in New York."

Q. What was the purpose of your examinations of Mr. Thaw?

A. I was asked by you to observe him and decide as to his mental condition. Also to make a correct report of it, whether favorable or unfavorable to your client.

Q. From your examination of Mr. Thaw, is he sound mentally?

A. He is.

Q. Is he suffering from paranoia?

A. He is not.

Mr. Jerome grilled the witness in the fire of cross examination and drew from him admissions that greatly reduced the weight of his testimony. The physician said he knew nothing of the taint of insanity in the family of Thaw and based his opinion only on the physical examination of the young man and the statements made by him.

Mr. Jerome questioned the witness at length on the provisions of the will and codicil, on the charges made by Thaw against White, on the testimony of aliens as to the mental condition of Thaw and gained admissions that the physician had not considered these facts in arriving at his conclusion. He asked him if it were not true that physical examinations of a patient show nothing of the presence of paranoia.

"Yes. Frequently there are no responses to physical tests, yet the patient is a paranoiac," said the physician.

Mr. Morgenthau sought to straighten out the testimony of his witness, but the only purpose his efforts served was to arouse Mr. Jerome to further questions.

"You have sworn that this man is sane and should go free and that his being free would be no peril to the community. Is not that true?" asked the district attorney.

"Yes."

Q. And that he can roam at large without danger to me or any one else?

A. Yes.

Q. Even if he is full of liquor?

A. No; I would not say that of any one.

Adjourned until 1:30 p. m.

Clifford W. Hartridge, former counsel for Thaw, who is suing Mrs. William Thaw for counsel fees guaranteed by her for her son at his first trial, was called to the stand by District Attorney Jerome at the afternoon session.

Mr. Jerome asked him to produce reports by alienists on the condition of Thaw prior to the trial.

Mr. Morgenthau objected on the ground that any matter obtained by Hartridge as counsel for Thaw was confidential and could not be admitted.

Justice Mills allowed the papers to be marked for identification without regard to their competency.

The package, which was delivered into the custody of the court, contained several peculiar whips, with which Thaw is said to have beaten young women.

Dr. W. Myer, jail physician and a practicing physician and surgeon of White Plains, followed Lawyer Hartridge on the stand. He said he had made a special study of mental disease. As jail physician, he made frequent observations of Thaw in 1908 and also subjected him to an examination to see if he was insane. He was prompted in doing this by scientific curiosity. Later, from July 8 to the present date, he also observed him.

CLASHES WITH STEEL STRIKERS

Pittsburg, Pa., July 26.—A large crowd of strike sympathizers attacked the paint shop of the Pressed Steel Car Company at McKees Rocks this morning with bricks and stones and broke almost all the windows in the shop. While this was going on another band was stopping street cars and making a rigid examination to see that no strike-breakers were being brought in. In addition a party is said to have landed in a skiff near the pumping station of the plant and when met by a squad of deputy sheriffs a battle followed. One of the invaders is said to have been shot. All signs of business stopped when the state constabulary began to parade the streets. The trouble started over the repeated rumors that the company would make an effort to smother strike-breakers into the plant this morning.

MOTION TO POSTPONE BREESE TRIAL AGAIN

Asheville, N. C., July 26.—Another attempt was made to postpone the trial of the case of the United States against William N. Breese, et al, officers and alleged wreckers of the old First National Bank of Asheville, when the case was called for final disposition in the federal court this afternoon. The defense has asked for a continuation on the ground that the defense had not opportunity to examine the books of the bank except in the presence of the assistant district attorney. The motion was overruled. It is understood that Cashier Penland will not be tried now, but will be used as a witness for the government against President Breese and the other indicted officers.

CELEBRATION IN HONOR OF THE AVIATOR'S TRIP

M. Bleriot, the French Aero-naut Makes Successful Flight Across Channel

WILL QUIT FLYING MAY TAKE RECESS

Sleepy Old Cliff-built City Is En Fete Today, the Cynosure of the World's Eyes—Does Homage to Louis Bleriot, the Intrepid Aviator Who Flew Across the English Channel Yesterday From Calais to Dover—Bleriot Will Give Up Flying, it is Said—Regards the Business as Too Dangerous For Man of Family.

(By Cable to The Times)

Dover, Eng., July 26.—This sleepy old cliff-built city is en fete today, while it does homage to Louis Bleriot, the intrepid aviator who flew across the English Channel, arriving here from Calais, France.

M. Bleriot will soon be lost to aerial science, for he has promised his wife that, after a flight in the coming Rheims races he will abandon the dangerous sport of cloud-flying, and pursue his duties in some less exciting pursuit.

Hubert Latham sits weeping upon his aeroplane on the hills off Calais and Comte De Lambert is excitedly dancing about his Wright aeroplane, while awaiting for the wind to die down that they may emulate the flight of Bleriot.

The successful aeronaut returned to Calais by boat yesterday, but came back today for the official reception this afternoon tendered by the municipality. After the reception M. Bleriot will go to London to be honored some more. A great demonstration is being planned in London for the French flyer.

According to an interview with Bleriot published in London today, the aeronaut will soon abandon flying. He said:

"I have five children, and I have promised my wife that my coming attempt at the Rheims races shall be my last flight.

Asked of the possibility of a bi-plane making the journey across the channel under the same circumstances as those attending his journey, M. Bleriot said:

"It would have been utterly impossible. The increased surface of the planes would never have withstood such a wind as I experienced."

The little monoplane used by M. Bleriot (the smallest ever constructed for practical purposes) has been nearly destroyed by curio hunters. The portions left undisturbed are covered with signatures of those who fought their way past the police to scrawl upon it.

Mme. Bleriot, who came again with her husband today, is more than pleased.

"It was an anxious time for me after the aeroplane got out of sight," said she. "We were for half an hour without news. I was on the French torpedo boat destroyer which followed my husband and, although we had a three mile start he soon overtook and passed us. We ran at full speed and my anxiety was so intense that I could scarcely restrain myself."

Welcomed in London.

London, July 26.—Welcomed by a great assemblage, among whom was a representative from the French embassy and hailed as the conquering hero of the air, M. Louis Bleriot, the aviator who successfully negotiated the cross channel flight, arrived here today.

So great was the press about the Victoria station that police had to handle the crowds. Never was such a well come given to a Frenchman in England as Bleriot received today. As M. Bleriot and his wife left the train, the countless aviators lifted his hat in response to the cheers that went up.

The French colony of London was out in force and the voluble chatter of M. Bleriot's countrymen punctuated the cheering. The excitable French could hardly be restrained by the police. They wanted to rush forward and throw their arms about the neck of the aeronaut.

Mr. Bleriot today received the check for \$5,000 from the London Daily Mail, which carried through the channel contest, at a luncheon tendered him at the Savoy. It was the incentive in the \$5,000 prize which led to the keen competition to be the first across the channel in an airship.

Bleriot's machine is on exhibition today in Selfridge's American department store.

MANY WOMEN AT SUTTON HEARING AT THE OPENING

Expected to Hear Mrs. Sutton But Attorney Decides Not to Call Her

WILL QUIT FLYING MAY TAKE RECESS

Many Women Crowd Court Room Today in the Expectation That Mrs. Sutton or Her Daughter Would Take the Stand—Attorney Davis Said That He Had Decided Not to Call Mrs. Sutton, But Major Leonard Insisted That She be Put on the Stand, and Will Probably Gain His Point—Davis Wants to Adjourn Court for a Week.

(By Leased Wire to The Times)

Annapolis, Md., July 26.—Expecting that Mrs. Sutton or her daughter would take the stand to present their evidence to prove that Lieutenant Sutton had not ended his life, the wives of the naval officers crowded the court room at the opening of the second week of the inquiry.

Lawyer Davis opened the proceedings by addressing the court as follows:

"I would suggest that the court adjourn after today's session in order that Lieutenant Utler and Sergeant Cook may arrive from abroad and give their testimony. I would suggest that we adjourn for at least a week."

Judge Advocate Leonard surprised the defense by declaring that he wanted to examine Mrs. Sutton.

"I have decided not to call Mrs. Sutton, because she has no knowledge of the actual facts of the tragedy," Mr. Davis responded.

The judge advocate pressed the point, but said that he would not call Mrs. Sutton until she had had an opportunity to consult with counsel.

"The court will sit from day to day while witnesses are available," Captain Hood ruled.

Lieutenant Osterman was called to correct his previous testimony and Lawyer Davis asked him the following:

"Did you see Sergeant DeHart on the night of this occurrence?"

"I have a faint recollection of seeing him," Osterman replied hesitatingly.

"He was somewhere near the scene of the shooting."

Mrs. Sutton, it is said, will probably take the stand today and tell the story of her relentless pursuit of the men whom she holds accountable for her son's death. Her narrative would be one of thrilling interest and more than one young officer implicated in the case shows signs of nervousness when the likelihood that she will be called today is brought home to him.

"Did you hand him a revolver?"

"I did not. I have some recollection that De Hart was handed a revolver or that he threw one away. I have no clear recollection of it. I don't remember whether this point was covered in the first inquiry. My recollection is very faulty," Osterman declared, evidently embarrassed.

Major Leonard interrupted the grilling of the witness, objecting that Davis was going over matters that had been sufficiently covered.

The court overruled the judge-advocate. Cornered when he admitted that he was covered with blood after the first fight and that he had bled very little, Osterman said that he felt he might have been injured more seriously than testified to.

The grilling Davis subjected the witness to caused Major Leonard to appeal to the court to prevent the repetition when the other lieutenants were called.

Lieutenant Willing was called and asked whether or not he handed the gun to De Hart.

"I got the impression the night after the shooting that De Hart was handed a pistol. I did not hand it to him," Willing insisted. "I know in a general way that I went to look for the gun with De Hart later on but I don't believe that I ever heard who handed De Hart the pistol."

Major Leonard's only query tended to excuse the witness for not seeing the gun passed to the sergeant. He made Willing say it was very dark at the scene of the tragedy and then excused him.

him to describe the character of the dead lieutenant.

Joe Franklin Anthony, the clerk on duty at Carvel Hall on the night of the tragedy, testified that Sutton ordered a quart bottle of whiskey wrapped up. "Shortly after midnight I saw Mr. Sutton in the assembly room with a young lady," said the witness. "I saw Lieutenant Adams about midnight. He asked me to direct him to a room the officers had reserved. I don't believe Adams got anything to drink from me. There were several officers in the room but I don't know who they were."

Anthony was still on the stand when recess was taken.

Major Leonard succeeded in getting in evidence this afternoon the death certificate of the physicians who performed the autopsy on Sutton. The report states that Sutton came to his death from a wound in the skull, self-inflicted by a .38 caliber service revolver following an altercation in which two of his companions were shot. Attorney Davis resisted the report and objected strenuously to that portion which stated Sutton had been guilty of careless handling of fire-arms on a previous occasion. The court also admitted the report of Major Fuller on Sutton's "shooting up" of the camp on May 20, 1907. Major Fuller's report said Sutton had threatened the lives of officers while intoxicated and related that on May 6, Sutton was in such a condition as to be unfit for duty.

SENATE HOLDS SHORT SESSION

(By Leased Wire to The Times)

Washington, July 26.—The senate was in session for half an hour today meeting at noon and spent the major portion of the time in consideration of Senator Brown's (Neb.) resolution directing the president to transmit to the governors of the states, for submission to the legislature, the income tax amendments to the constitution. The discussion related to the procedure in such cases. It was finally adopted, after Senator Brown had explained that a similar course had been taken in the case of other amendments to the constitution.

At 12:30 o'clock the senate went into executive session and within a few minutes adjourned until Thursday.

TAFT WILL COME TO NORFOLK CONFERENCE

(By Leased Wire to The Times)

Washington, July 26.—President Taft today accepted an invitation to attend the Atlantic Deep Waterways conference to be held in Norfolk, Va., November 17-20. He will be there but one day, the 19th, and will go from Norfolk to the Hampton institute, to address the negro pupils.

The invitation was presented by Senator Simmons and Representative Small of North Carolina, Representative Maynard of Virginia and J. Hampton Moore of Pennsylvania.

The purpose of this year's conference is to further the project for an inland waterway from Boston to Key West, Fla. Work is now under way on a section of the waterway between Norfolk and Beaufort, S. C. The war department has granted permission for the cutting of a canal through Cape Cod.

SPECIAL RATES ARE DISCRIMINATORY

Washington, D. C., July 26.—The Interstate Commerce Commission today decided that an allowance of railroad or street car commutation tickets to school children, unless the same rates are open to all children within the age limits in which the tickets to the school children are sold, is discriminatory.

The commission made a similar ruling on October 12, 1908, but on petition of Philadelphia and New York schools, who objected to the previous ruling, the matter was reopened.

The commission also decided that the percentage of Chicago rates, adopted by the Grand Trunk Railway as a basis for fixing rates from Atlantic coast territory to Michigan points is not too high, and dismissed the complaint of the Saginaw (Mich.) board of trade which had filed a complaint against the rates.

Fined For Snoring in Church. Washington, July 26.—James Buxton, who had the mistaken idea that a church is to sleep and snore in, was fined \$5 by Judge Kimball this morning.

BONUS OFFER TO CANDIDATES ON NEW BUSINESS

Great Opportunity for the Contestants to Pile Up Their Votes

THE SPECIAL OFFER

Contestants who roll in their subscriptions during this week have a big advantage that will place the sleepy candidates under a handicap. Greatest opportunity of the contest to build up a strong reserve. How Candidates may Increase the Number of Their Votes.

Every candidate bringing or sending to The Evening Times office five new yearly subscriptions to The Evening Times by Wednesday, July 28th, will be awarded a voting certificate for 50,000 votes additional to the regular scale. One two-years subscription will be counted as two yearly subscriptions.

This is positively the largest bonus offer that will be made during the entire contest and each candidate may secure as many of these clubs as possible. In order to be absolutely fair and impartial, this offer will include all new yearly business heretofore turned in.

Candidates who have taken short term subscriptions for three months or six months, may secure credit for a full year's vote by getting the subscribers to increase the length of their subscriptions to one year, the contestant will be given credit for the difference between the number of votes issued on the short term subscription and the full number scheduled for a year, all subscriptions extended to a full year will be counted in this great bonus offer. Where contestants can increase the term of a subscription from one to two or more years this same rule will apply. Any one who has subscribed since this contest began will be considered a new subscriber throughout the life of the contest, and all payments made by such subscriber will be credited according to the scale of votes on new subscriptions.

It will pay every contestant and every prospective contestant in The Evening Times' great Canadian contest to read carefully every word in today's story of the race. A number of changes have been made with a view to affording every contestant a greater opportunity to improve his or her standing.

Fifty Thousand Extra Votes. The chief feature and absolutely the biggest bonus offer of this contest is 50,000 extra vote offer which means that a premium is being placed on new business and the candidates who seek for new subscribers are the wise ones.

This is positively the largest bonus offer that will be made during the entire contest and each candidate may secure as many of these clubs as they can.

Read the box at the beginning of this story carefully, and if there is anything you do not understand, advise the contest department. Here is an opportunity to "cinch" one of these fine trips. The bonus votes you lay away in reserve may be the means of winning for you one of these fine trips. Remember that nothing under a year's subscription will count in this bonus offer. This great offer expires Wednesday. Get busy and don't lose a moment's time from work.

The following rules and information will cover the contest.

- 1. This is only a subscription contest, and advertising will not be allowed to count for votes.
2. Anybody can enter for the race, boys, girls, men and women.
3. There are no districts to cut you out, and you can send in your subscriptions and have an equal chance no matter where you live.
4. The four people who have the highest number of votes will be awarded the trip.
5. Three Judges will be selected on August 26th to count the votes and award the trips to the four people who hold the highest number of votes.
6. Many are asking what will be given in the trip. The itinerary published last Saturday of the trip is what will be given FREE. That outlines the whole trip and tells what will be included.
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