

DELMAS' ELOQUENT PLEA

Terrible Arraignment of Stanford White and Mrs. Thaw's Mother

TRIAL NEARING ITS END

Jury is Ordered Locked Up Until Trial Ends and in View of This Justice Fitzgerald's Charge is Expected as Soon as the District Attorney Concludes, the Case Probably Reaching the Twelve Late in the Evening—Delmas Makes Striking Appeal to Sympathies of the Jurors, Basing Argument Solely on Story of Evelyn Thaw, Denouncing Her Mother in the Bitterest Terms and Dealing With White in the Most Scathing Terms.

New York, Special.—The trial of Harry K. Thaw, charged with the murder of Stanford White, is nearing the end. Attorney Delphin M. Delmas, the California advocate, Monday afternoon began his closing address to the jury and after he had spoken for more than two hours and a half, an adjournment was taken until Tuesday morning. Mr. Delmas expected to conclude before the luncheon hour is reached. District Attorney Jerome will make the closing address of the trial on Wednesday and Thaw's fate should be in the hands of the jury by Wednesday evening.

Justice Fitzgerald ordered the jury locked up until the end of the trial. In view of this, the judge's charge to the jury undoubtedly will be delivered immediately, the district attorney concludes. The latter says his speech will occupy not more than three or four hours.

Declaring he would not base his plea upon the "unwritten law" because his client found ample protection in the written statutes of the State of New York, Mr. Delmas made a striking appeal to the sympathies of the jurors and so far as he progressed the subject of Thaw's insanity at the time he committed the homicide was not even hinted at.

Mr. Delmas based his argument solely upon the story of Evelyn Nesbit Thaw. With flushed cheeks, but dry eyes, that young woman heard her life history repeated to the men who are to judge her husband and bowed her head as her mother was denounced in the bitterest terms and tones the eloquent lawyer could command.

"Even a beast protects its young," he declared with scornful emphasis, "but this unnatural mother deserted her daughter in this city of millions to be betrayed by a false friend, to be lured into a gilded palace and there left the victim of a gray haired man, wounded, bleeding and devoured."

Mr. Delmas went with great detail into the life Evelyn Nesbit had led up to the meeting with Harry Thaw. In all of his remarks he referred to her as "this child," for he said she was to-day. He told of Thaw's great love for her and his effort to rescue her from "the clutches of Stanford White," whose achievements in his profession, the attorney declared, were an aggravation of his crime.

Mr. Delmas before beginning his attack on Evelyn Thaw's mother poured out a torrent of denunciation upon the architect who became the victim of Thaw's pistol. He accused him of the "crime of rape," and then declared that President Roosevelt had

said in a message to Congress that such a crime should be visited with death. This was one of the suggestions which Thaw himself made to his counsel for his summing up speech—one of the suggestions which played so important a part in the proceedings before the lunacy commission.

Mr. Delmas declared that God heard the cry of the fated child upon which Stanford White had fixed his gaze and had determined should be his. He quoted from Scripture that "he who afflicts a fatherless child shall perish," and declared that Providence had sent Thaw to avenge the wrong.

The attorney declared that Thaw was his wife's only protector—that he came into her life when she was on the downward path, told her that no matter what the world thought of her she was to be his wife, ready to share the burdens that a mother had helped to place upon her daughter.

Mr. Delmas accused Mrs. Nesbit of having lived upon the wages of her daughter's ruin. He sought to picture to the jury what he termed the sinister surroundings in which the girl had been reared and in doing so he mercilessly attacked the mother. Mr. Delmas rose to the highest point of his address when he told the jury that the girl's mother was the one who had furnished District Attorney Jerome with the arrows with which to wound the daughter on cross-examination—a cross-examination which he declared would live long in the annals of criminal history, but which left the girl's story unshaken in all its essential details.

That Evelyn Nesbit's story was true and was told to Harry Thaw formed the subject of argument for more than an hour. Mr. Delmas declared the only evidence the district attorney had to bring against the girl was the "misplaced affidavit" procured by Abraham Hummel. Speaking of Hummel Mr. Delmas again drew heavily upon his bitterest invective declaring that it would require more than the word of a perjurer man to send Harry Thaw to an ignominious death.

Mr. Delmas then gave a resume of Evelyn Nesbit's life from her birth in 1884 to the time she met Stanford White. Continuing, he said:

"Brave and courageous, we find this child of 15 or 16 years of age, rushing in the day time from studio to studio, earning \$16 to \$18 a week, and at night appearing upon the boards and earning an equal salary.

"At this time we find a man whose hair was tinged with gray, who had an excellent wife and an accomplished son, fixing his eyes upon the fated child and determining to make her his. To win her he had none of the graces or principles of the honorable suitor. He introduced himself to her family in the guise of an influential friend. He won his way into the confidence of the mother and established himself in a parental and protecting attitude in the family, and when his footing was sure he persuaded the mother to absent herself from the city, assuring her that the child would be safe in his hands and telling her how fortunate it was that there was such a protector to watch over her. In one of those dens fitted up with all the beauty and taste which this man of genius possessed; into one of these dens this child was lured and found herself alone with this man, old enough to be her father, the man who was her protector.

"The statute governing the plea of insanity was defined clearly, much stress being laid on the fact that an irresistible impulse to kill had no place in the law.

The judge also informed the jury that an illusion, unless the illusion of true might result in the injury of the man suffering it is not to be accepted as an excuse. Although the charge while consisting principally of a complete explanation of the law was considered by those who have followed the trial, as adverse to the defendant. The attorneys for the defendant took exceptions because the judge had failed to include any of their prayers.

Thaw was much depressed by the judge's words and could not suppress his feelings. He left the court room dejected.

The district attorney's summing up was a comprehensive and forceful review of all the evidence adduced. He declared at the outset that romance and sentiment did not enter into his issue; it was not a question of Stanford White's character, or Evelyn Thaw's sufferings, it was a plain matter of fact and homicide.

"A common, cowardly, tenderloin murder," as he termed it. The novel plea of "dementia Americana" made by Attorney Delmas at the very close of his argument was attacked by the district attorney and he repeatedly referred to it in terms of sarcasm.

IN HANDS OF THE JURY

Thaw Jury Fails to Settle Long Drawn Out Case

THAW GOES BACK TO PRISON

New York, Special.—Charged with the responsibility of deciding the fate of Harry Kendall Thaw, the jury which January 23 has been sitting in judgment on the young slayer of Stanford White, retired at 5:17 p. m. Wednesday to begin the consideration of their verdict. Six hours later they had failed to reach an agreement and shortly after 11 p. m. were locked up for the night in the jury room of the Criminal Courts building. Justice Fitzgerald, who had been waiting for some word from the jury room, became convinced at that hour that the chances of receiving a verdict were too remote to warrant his remaining up any later. Justice Fitzgerald had earlier in the evening gone to his club up town and had held an automobile in readiness to make a quick trip to the court house, should he be needed. His instructions regarding the locking up of the jury were given by telephone.

It was said that when Justice Fitzgerald's message was received at the court house the officers on duty there put the matter up to the jurors themselves, asking if there was any possibility of their arriving at a verdict within the next few hours.

The reply from the jury room was strongly negative. The jury was said to be almost hopelessly divided and none of those connected with the case would venture the hope of anything better than a disagreement as the climax of the long drawn out trial.

Harry Thaw sat in the prisoner's pen adjoining the deserted court room during the long hours of the jury's deliberations. By his side was his wife and his counsel, who remained with him until all hope of a verdict was abandoned. During the early evening all of the Thaw family were with the prisoner, but before 10 o'clock they made their way up town to their hotel.

One of Three Verdicts.
The judge's charge, lasting about an hour, was a concise outline of the law and gave to the jury the alternative of rendering any one of the following four verdicts—murder in the first degree, murder in the second degree, manslaughter in the first degree, or not guilty on the ground of insanity.

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WAS NO AGREEMENT

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In Dismissing the Twelve Justice Fitzgerald Declared That he, Too, Believed Their Task Was Hopeless.

New York, Special.—Hopelessly divided, seven for a verdict of guilty of murder in the first degree and five for acquittal on the ground of insanity the jury which since the 23rd of last January had been trying Harry K. Thaw reported after 47 hours and eight minutes of deliberation that it could not agree upon a verdict. The 12 men were promptly discharged by Justice Fitzgerald who declared that he, too, believed their task was hopeless. Thaw was remanded to the Tombs without bail to await a second trial on the charge of having murdered Stanford White, the noted architect.

When this new trial would take place no one connected with the case could express an opinion. District Attorney Jerome declared that there were many other persons accused of homicide awaiting trial and Thaw would have to take his turn with the rest. As to a possible change of venue both the district attorney and counsel for Thaw declared they would make no such move. Thaw's attorneys will have a conference with the prisoner to decide upon their next step. They may make an early application for bail. Mr. Jerome said he would strenuously oppose it. He added the belief that as seven of the jurors had voted for "guilty" his opposition probably would be successful. In that event Thaw has another long summer before him in the city prison, for his case on the already crowded criminal calendar cannot possibly be reached until some time next fall.

Disagreement No Surprise.
The scenes attending the announcement by the jury of its inability to agree upon any sort of verdict were robbed of any theatricalism by the general belief that after their long deliberation and the reports of a wide division of sentiment, the jurors could make no other report than one of disagreement.

No More Sunday Excursions.

Lynchburg, Va., Special.—At a conference here between representatives of the Norfolk & Western, Chesapeake & Ohio and Southern Railway with an inter-denomination church commission, the railway people agreed to the discontinuance of Sunday excursion rates in the future. A sub-committee was named to formulate a bill to go to the next legislature looking to the prevention of cheap rates on Sunday and to give the State corporation commission authority to indicate what are necessary passenger and freight trains to be operated on Sunday. Another conference will be held here when the bill is ready for consideration.

Russia Assembling Troops.

St. Petersburg, Special.—Advices from the Caucasus says that Russia is assembling a body of troops on the Persian frontier for a demonstration which, it is thought, will be necessary soon. Newspaper correspondents are not allowed to telegraph news of the movements of the troops, but it is known that 20 railroad cars loaded with artillery and three regiments of Cossacks passed through Baku on their way south last week. The Russian diplomats describe the condition of Persia as complete chaos, but they hope that the moral effect produced by the massing of troops on the frontier will be sufficient to enable the Shah to restore order without an actual invasion.

The War is at an End.

Washington, Special.—The end of hostilities in Central America is recorded in the following cablegram received at the State Department Friday afternoon from American Consul Olivares dated at Managua, the Nicaraguan capital: "Amapala has been surrendered by Bouilla and the war is ended."

German Physician.

New York, Special.—The Red Star liner Vanderland, from Antwerp, was searched from stem to stern by the ship's officers and the immigration inspectors in the hope of finding a wealthy young German physician, who disappeared mysteriously from the smoking room Thursday night while the steamer lay at anchor outside the hook. The name of the missing man is George Boehme, and he left Antwerp for a visit to New York. According to several passengers, Boehme had \$3,700 on his person.

Jews Ordered to Leave.

Gomel, Russia, By Cable.—A band of reactionist rowdies, armed with revolvers and knives, paraded the principal streets here, entering all the Jewish stores and ordering the merchants under pain of death to leave the town within three days. Representative Jews have telegraphed to Premier Stolypin and the Governor of Mohilev, asking for protection against the excesses.

DAY'S SIGNIFICANCE

What Arbor Day Means to the School Children

THE PRESIDENT ISSUES ADDRESS

President Roosevelt Emphasizes Importance of the Celebration and Explains Why the Day Should be Observed.

Washington, Special.—President Roosevelt has addressed "to the school children of the United States" a message on the significance of Arbor Day which during the month of April is celebrated in many of the States. It follows:

"To the school children of the United States:
"Arbor Day (which means simply 'Tree Day') is now observed in every State in our Union—and mainly in the schools. At various times from January to December, but chiefly in this month of April you give a day or part of a day to special exercise and perhaps to actual tree planting, in recognition of the importance of trees to us as a nation, and of what they yield in adornment, comfort and useful products to the communities in which you live.

"It is well that you should celebrate your Arbor Day thoughtfully, for within the lifetime the nation's need of trees will become serious. We of an older generation can get along with what we have, though with growing hardship; but in your full manhood and womanhood you will want what nature once so bountifully supplied and man so thoughtlessly destroyed, and because of this want you will reach us not for what we have used, but for what we have wasted. "For the nation as for the man or woman and the boy or girl, the road to success in the right use of what we have and the improvement of present opportunities. If you neglect to prepare yourselves now for the duties and responsibilities which will fall upon you later, if you do not learn the things which you will need to know when your school days are over you will suffer the consequence. So every nation which in its youth lives only for the day, reaps without sowing and consumes without husbanding, must expect the penalty of the prodigal whose labor could with diligence find him the bare means of life.

"A people without children would face a hopeless future; a country without trees is almost as hopeless; forests which are so used that they cannot renew themselves will soon vanish and with them all their benefits. A true forest is not merely a storehouse full of wood, but, as it were, a factory of wood, and at the same time a reservoir of water. When you help to preserve our forests or to plant new ones you are acting the part of good citizens. The value of forestry deserves therefore, to be taught in the schools which aim to make good citizens of you. If your Arbor Day exercises help you to realize what benefits each one of you receive from the forest, and how by your assistance these benefits may continue, they will serve a good end. "THEODORE ROOSEVELT."

Three Killed, Fourth May Die.

Alexandria, La., Special.—Three men killed and one probably fatally injured is the result of what is believed to be the work of train-wreckers at Cheneyville, 30 miles southwest of here on the Texas & Pacific Railroad, when a westbound passenger train plunged into an open switch, while running at a high rate of speed. The wreckage caught fire and the mail car, baggage and express car and two passenger coaches were burned.

Ex-Governor Chamberlain Dead.

Charlottesville, Va., Special.—Daniel H. Chamberlain, who was governor of South Carolina during the turbulent times of the Reconstruction era, died Saturday at the home of William C. Chamberlain, near the University of Virginia. He was taken ill of cancer of the stomach last fall upon his return from a trip to Egypt. He had recently disposed of his properties in Massachusetts with a view to locating in Virginia. He was a graduate of Yale and of Harvard law school and was 72 years old.

Peary to Start on Second Expedition July 1.

Portland, Me., Special.—Commander Robert E. Peary, who has announced his intention of starting from New York on July 1 for another voyage to the far North in another attempt to reach the Pole, left for New York after passing two days at his summer home on Eagle Island, Casco Bay. He was accompanied by Mrs. Peary.

Birmingham Has Mid-Winter Frost.

Birmingham, Ala., Special.—Heavy frost was general throughout north Alabama Sunday morning. Reports from Huntsville say there was ice and all vegetables, early strawberries and much of the fruit was killed. The thermometer registered 27 in Decatur and all grapes were killed in that town. In Birmingham the frost was as heavy as ever seen here in midwinter.

EDUCATORS GATHER

Entertained at Southern Pines, North Carolina

WELCOMED BY THE GOVERNOR

Northern Members of Conference Not Likely to Go Away With Idea That North Carolina or Any Southern State Needs Help to Further Cause of Education If the Governor's Speech is Accepted.

Southern Pines, N. C., Special.—The great Southern Educational Conference met here on Tuesday, being attended by several hundred delegates from different parts of the country. The address of welcome was made by Governor Glenn, and was warmly applauded.

If the Northern members of the Conference of Education in the South came here with the impression that this State or the South needs help in the education of the people, they will not go away with that impression, should they believe what Governor Glenn told them in the address of welcome. For at least an hour he dwelt upon the State and the section, dwelling upon its glorious history, its resources, its wealth, the unparalleled growth of its industries and its advancement in education. When toward the close of his speech he paused, took a deep breath and said, "I wish I could brag on it." The packed house broke into a roar of laughter. "But the motto on her seal forbids bragging," he continued, raising another laugh. "Our motto is Esse Quam Videri," that is, I had rather be than seem. I have got another motto; I don't know whether the State will adopt it or not, but I am suggesting it. 'Possumus; that is, we can, we are able.' "But North Carolina is no applicant for contribution or conference," he declared vigorously, "if coupled with the idea that we are not to educate our children according to what we feel in our hearts. No state in our Southland would consider for a minute accepting any aid, and contributions of money, any counsel intended to bring about mixed schools." This statement was greeted with applause. The Governor did not make any direct statement that his State would resent the offer of Northern charity, but three-fourths of his extended speech was an indirect argument to that effect. He said that in the manufacture of cotton, North Carolina is now second only to Massachusetts and that in half a dozen years she will be at the head of the list. In several raw and manufactured products she is now at the head of the list.

Dr. Mitchell described the Governor's speech as not reverting to the "reconstruction," but as proclaiming "renaissance." He thanked the Governor for the "note of sympathy" in his address, "for when I feel lack of confidence in the purpose of the movement it cuts me to the heart." His argument was that the Southern Education Board should organize "neighborhood leagues" to the end that the school house rather than the court house or church should be made the nucleus of every neighborhood and the unifying force in it.

He emphasized the democracy of the movement in that it is not an official body, but seeks to create sentiment and exercise influence with the spirit that humanity is greater than government. "The genius of this movement," said he, "is cooperation and its genius should be extended to the local community. The movement in its appeal to the sense of brotherhood in the world around is responsive to the democracy of the South." Its objects are to create a sentiment that will result in aid for the education of the poor white children, such as mill hands; to cultivate a democratic spirit in the colleges and to train the negro.

"The activity along these three lines of advancement constitute one of the grandest efforts for education the world has ever seen."

Virginia State Librarian Sustained.

Richmond, Va., Special.—After a long controversy and legislative inquiry resulting from charges of undue favoritism in the purchase of books for traveling libraries and of the use of official position for private pecuniary gain, State Librarian John P. Kennedy was sustained by the library board. His resignation, which had been tendered, was by formal resolution declined, and in a report to the Governor he was completely exonerated.

Snow Storm in Virginia.

Winchester, Va., Special.—A terrific snow storm prevailed in the valley of Virginia early Tuesday. Telephone and telegraphic service is almost paralyzed, poles and wires down in all directions. The electric light and power plant in Winchester is completely out of service, and it will be several days before prevailing conditions can be remedied.

Harriman Unable to Appear.

New York, Special.—E. H. Harriman was unable to appear in police court to testify against Frank W. Hill, his former secretary, who is under arrest charged with making public the now famous Harriman-Webster letter, and the hearing which had been set for Monday was adjourned until next Saturday. Hill's bail was reduced from \$2,500 to \$1,000.

Current Events.

At a special meeting of the Roosevelt Republican Club a Hamilton county, Ohio, resolutions were passed endorsing the Roosevelt administration and pledging support to the candidacy of William H. Taft for the presidency in 1908.

Demurrers filed by the New York Central and Pennsylvania Railroads against the indictments charging them with granting concessions to the Standard Oil Company by an arrangement in violation of the Elkins act are overruled in the decision handed down by Judge Hazel in the States Court.

The Southern Pacific Railroad has announced, through its general superintendent, that union men may expect no promotion.

John D. Rockefeller, Jr., will not give up his Bible class.

The circuit court of Taylor county, West Virginia, has confirmed the action of the lower court in naming G. M. A. Kunst, of Grant, receiver for the personal estate of the late Adolphus Armstrong, who left a \$500,000 estate. He bonded in \$100,000.

A Mistrial Ordered.

Wilmington, Special.—After being out 56 hours, and three times having notified the court that it was impossible for them to reach a verdict, a juror was drawn and a mistrial was had in the case of Lonnie Snipes, charged with the killing of W. L. Williams in this city last September. It is learned on high authority that the jury stood 11 to 1 for acquittal.

By Wire and Cable.

The strike of longshoremen at Norfolk has tied up shipping.

An effort is being made to induce Prof. Andrew M. Saulte to reconsider his resignation as director of the Virginia Experiment Station.

The threatened strike of the trainmen and conductors on Western railroads was averted by arbitration.

Bishop James N. Fitzgerald of the Methodist Episcopal Church, died at pleurisy at Hongkong.

Andrew Carnegie and 27 other famous Pittsburghers were guests of honor at a banquet in that city.

A striker was shot by shipyard guards at Lorain, Ohio.

T. O. Bullock, special master appointed by the United States Court, began at Romney, W. Va., the final hearing of the evidence in the case of P. W. Rehder, receiver, against the Coal and Iron Company, involving more than \$250,000. P. W. Rehder is receiver for the construction company which built the coal and iron railroad and suit is a result of disagreement over the settlement.

The Royal Meeting Terminates.

Cartagena, Spain, By Cable.—The royal meeting terminated Wednesday. The British squadron, escorting the royal yacht Victoria and Albert, with King Edward and Queen Alexandra on board, departed and King Alfonso later left Cartagena for Madrid. The Kings conferred for over an hour previous to separating.

To Give Hearing April 18.

Washington, Special.—The inter-State commerce commission has set for hearing in this city on April 18, the cases of the Enterprise Manufacturing Company against the Georgia Railroad Company and others, alleging unreasonable and discriminating rates on cotton from various Southern points via Pacific coast terminals, to Shanghai and other points in China and Japan, and also practically similar case against the same railroad filed by the China and Japan Trading Company and others.

Gen. Christmas Killed.

Mobile, Ala., Special.—Octavius Gallardo, collector of customs and postmaster at the captured town of Trujillo, Honduras, arrived here on the steamer Belize from Belize, British Honduras. Just as the steamer left Belize four days ago, a letter was handed Gallardo, stating that Gen. Lee Christmas, the American army officer in the service of Honduras, had been cut to pieces by Nicaraguan soldiers.