

THE ROBESONIAN

VOL XXXVII NO. 15

LUMBERTON, NORTH CAROLINA MONDAY, APRIL 15

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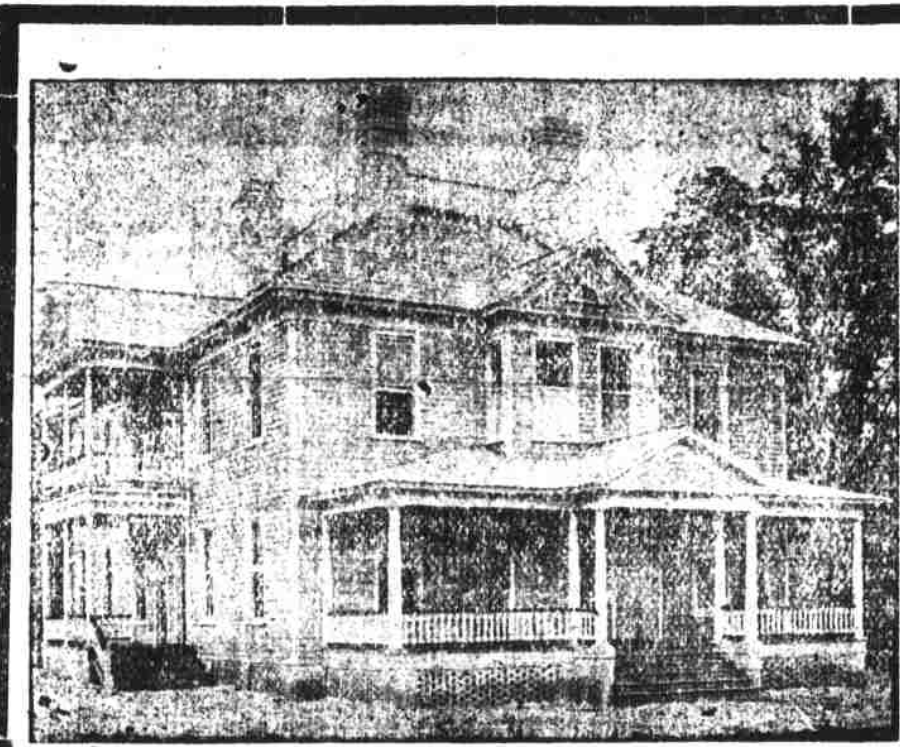
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February 14th

Advertise In

THE ROBESONIAN.

MISTRIAL OF THAW CASE.

Final Standing of Jury was Seven for Conviction and Five for Acquittal.

New York Dispatch, 12th.

Hopelessly divided, seven for a verdict of guilty of murder in the first degree and five for acquittal on the grounds of insanity, the jury which since the 23rd of last January had been trying Harry K. Thaw reported to-day after 47 hours and eight minutes of deliberation that it could not agree on 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 the new trial would take place no one connected with the case could to-night 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 to-morrow 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.

Thaw surrounded by the members of his family—the devoted aged mother, the pale young wife, the titled sister, the Countess of Yarmouth, Mrs. George Carnegie, and Edward and Josiah Thaw, the brothers—received the news in absolute silence. When it became known that the jury was about to make its report and that the case would be disposed of, Thaw called his wife to a seat by his side and sat with his right arm thrown about her until he was commanded to stand and face the jurors. Smiling and confident as he entered the court room, he sank limply into his chair when Foreman Deming B. Smith, in response to a question by Clerk Penny as to whether a verdict had been agreed upon, said: "We have not."

The mother, her features hidden behind a dense veil of black, sat stolid and motionless. In ill health, of late, she had felt severely the strain and stress of the long hours of anxious waiting. The wife, by her husband's side, gripped his hand tightly as the jury foreman spoke, and then when he sank down by her side, she tried to cheer him as best she could by saying that she believed he would now be admitted to bail and that a second jury would surely set him free. The mother, the sisters and the brothers, pale and well nigh exhausted by their tedious, nerve-racking wait for a verdict, smiled wanly at Thaw as he was led away again to the Tombs. They were permitted to speak with him for a few moments to bid him be of good cheer, before he crossed the "bridge of Sighs" to the cell in the prison which until a few minutes before he had hoped that he was about

to quit forever.

Thaw, when he had returned to the Tombs prepared and gave out the following statement:

"I believe that every man on the jury possessing average intelligence, excepting possibly Mr. Bolton, comprehends the weight of evidence and balanced it for acquittal. All my family bid me good-bye with courage. I trust (D. V.) we may all keep well."

To his attorneys Thaw said he was deeply disappointed.

"But I could hardly expect anything else in view of the events of the past few days," he added.

Earlier in the day Thaw had given out another statement in which he said he had desired that his fate should be judged on the "written laws of the State of New York." He declared that the evidence adduced had convinced even District Attorney Jerome of his innocence under the strict letter of the law.

Attorney Delmas, who conducted Thaw's case in court, and who in making his summing-up address to the jury, appealed directly to the "unwritten law" or "dementia Americana," as he termed it, was not in court to-day when the jury made its report and was discharged.

To-night Clifford W. Hartridge the attorney of record and warm personal friend of Thaw, gave the following statement to the Associated Press:

"Mr. Thaw has already expressed himself desirous of a trial under and in accordance with the laws of the State of New York. I can add nothing to that except to say that I entirely agree with him and hope that we shall have a new trial speedily and that the next time it will not be necessary for the presiding judge to have to charge the jury that we are living in a civilized community."

Mrs. Evelyn Nesbit Thaw said:

"I can't understand it. I don't see why they couldn't have come to some agreement."

A reporter said to Mrs. Thaw: "The jury stood 7 to 5 for conviction."

"I don't believe it," she cried emphatically. "They ought to have acquitted him on the evidence."

Mrs. William Thaw, mother of the prisoner, declined to say anything for publication at this time.

The story of the proceedings in the jury room as they were learned to-night far outranked in interest the brief court proceedings which brought the famous trial to a close. It developed that the jury had considered everything connected with the case except "the unwritten law." Basing their judgment entirely upon the evidence they voted either for or against murder in the first degree. The first vote was 8 to 4 in favor of conviction. Then the jury tried to reach a common ground upon a verdict of manslaughter in the first degree, the punishment for which ranges to a maximum of 20 years imprisonment. The men in favor of acquittal—largely on the ground of insanity, it is said, would not change their ballots and in the end won over to their side one of the eight who favored conviction. During the nearly 48 hours of deliberation, only eight ballots were cast.

The sessions of the jury were not altogether pleasant and peaceful. There were many stormy arguments and at one time charges of inconsistency

and breaking faith with the or-

ders of the court were made, but at no point of the deliberations did the foreman lose control of the situation. He successfully held the 12 men in check and was the first to suggest when it was seen that there was no possibility of a verdict being reached that they report the matter to Justice Fitzgerald and leave the further disposition of the case to his judgment.

Wilbur F. Steele, juror No. 9, said:

"We considered insanity in many phases, but did not give the subject of wronged womanhood any lengthy debate, in fact, scarcely any. The question which was considered at unusual length was whether Thaw was insane at the moment he shot Stanford White and whether at that moment he was responsible for his actions."

Juror Joseph Bolton said:

"There was no question of the unwritten law or of 'dementia Americana' in our deliberations. We considered the case from a purely legal standpoint. We were not swayed by emotion."

"The jury when considering the case took no stock in 'brain storms,'" said Juror George H. Fecke. "We did not pay any undue amount of attention to the testimony of alienists, either," Mr. Fecke added.

It was after Mr. Dennee had read some of Thaw's letters, that the latter decided that there was a reasonable doubt as to Thaw's sanity. Dennee then joined the four men who had stood for acquittal on the grounds of insanity.

Miss Townsend and Dr. Graham to Wed.

Invitations have been received here by friends to the marriage of Miss Minnie Townsend, of Rowland, to Dr. Robert Fulmore Graham, of this town, which will take place Thursday, April 25th at 9 o'clock, p. m., in the Baptist church at Rowland. Miss Townsend is a daughter of Mr. W. L. Townsend and is very popular among a host of friends. Dr. Graham is a promising young dentist of this place, and held in highest esteem. He is a son of Mr. and Mrs. W. H. Graham, of Rowland. The approaching marriage of these two popular young people will be learned with interest by many.

Death of a Little One.

Written For The Robesonian.

Died at 4 o'clock a. m. Saturday April 14, 1907, Mary Harris Parmele, the little infant daughter of Mr. and Mrs. A. T. Parmele, aged six months and two days. So soon has her precious little life fulfilled its sweet mission and ministry of love on earth, and it pleased God to withdraw this joy and pride of the home to Himself! His will be done! The deep sympathy of many friends goes out for the grief-stricken family.

"A Friend."

Mary Harris, the six months old daughter of Mr. and Mrs. A. T. Parmele died Saturday morning at 4 o'clock. Although the little one had never been robust, it was hoped by the fond parents and friends that she would gradually gain health and strength. But for several days prior to her death, she was very ill. The bereaved parents and relatives have the sympathy of their many friends in their bereavement.

Marriage licenses have been issued since April 6th to M. W. Singletary to Julia Britt; Jetter Stephens to Zephia Williamson; Hamer Britt to Margaret Ammons; M. J. Pate to Hattie Johnson; Frank Singletary to Noa King; David Turner to Emma Gibson.

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