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WAS THAW SANE WHEN HIS DESPERATE HAND STRUCK THE BLOW FOR VENGEANCE

Delmas Today Takes Up the Crucial Legal Point of the Case DEEPLY IMPRESSED BY A POWERFUL PLEADER

The Californian Draws Immense Crowds to the Court Room—Following on His Scathing Arrangement of Stanford White, Evelyn Thaw's Mother and Abraham Hummel, Delmas Also Paints Pathetic Pictures of Evelyn Thaw's Love for Harry Thaw and Her Spirit of Sublime Renunciation.

(By Leased Wire to The Times.) New York, April 9.—Delphin M. Delmas today resumed his address to the jury in behalf of Harry K. Thaw in the supreme effort to save him from punishment at the hands of the law for the killing of Stanford White.

An even greater crowd had gathered before the opening of court in hope of hearing at least part of the address of the famous Californian lawyer, and when the doors were opened the court room within a few minutes was crowded to its capacity.

For the first time since the trial began, Mrs. Edward Thaw, wife of Harry Thaw's brother, was present. She entered the court room with the rest of the family, which included Mrs. William Thaw, the mother; the wife, Evelyn; the sisters, Mrs. Carnegie and the Countess of Carmarthen, and their husbands and Edward and Josiah Thaw.

The jury filled the seats in the box at 10:25 a. m. Captain Lynch of the court squad forced a passage through the crowd in order to let them reach their places. Lawyer Gleason, looking resplendent in a blue tie of the type worn by Thaw, was the first one of the counsel for the defense to arrive.

He was quickly followed by Peabody and O'Reilly. Delmas took his place inside the rail, and at 10:30 court opened with Clerk Penny's call: "Harry Thaw to the bar."

As the prisoner came down the aisle he handed several letters to his wife, who sat at the end of the family row.

The Strong Pleas Resumed.

Mr. Delmas resumed his summing-up by first thanking the jury for their kind attention. He said: "I have endeavored to lay before your eyes the picture of the fate of these two young people. I had tried to show the unfortunate occurrence which befell her when she narrated to him in the summer of 1906 her awful story of what had happened. I have shown, or at least have endeavored to convince you, first, that the facts which she swears she then related were true; and, secondly, that it was true that she did relate them to the defendant at that time."

"I next endeavored to analyze the only testimony which can be pretended to conflict with the evidence of the defense, and to determine if a jury sworn to do their duty be warranted to find evidence sufficient to convict. And much less would they be warranted in building a superstructure upon so rotten a foundation as might involve the life of a human being."

Acts of the Drama.

"Four acts of this drama I tried to portray. I had shown the acts of disgrace of him who had finally been brought to the bar of justice by the firm hand of the law. The last act, in yet to be enacted. The fifth act of this dramatic life is yet to be depicted. The curtain is yet to rise upon that fifth act, and in the name of humanity may we all pray that the curtain may never rise upon that act. May my eyes never behold the chief executive of law in this city standing upon this spot where a year ago he asked the court to inflict upon this convicted felon the fullest penalty of the law."

"May I never see him standing on the self-same spot in this self-same room, after seeing the witness perjure himself on the stand with the written proof of his perjury lying open on the table before his eyes."

rible. He got worse about it. Then he seemed to have these fits of sitting still and not saying a word about it. He would sit for hours in a chair just biting his nails. And then in the midst of it he would suddenly ask me about Stanford White. It seemed to be something that was ever present."

The Mental Trend.

"This, gentlemen, was the condition of Harry Thaw, when in 1903 he parted from Evelyn Nesbit and sent her back ahead of him to New York. You have the first faint dawn of the mental trend which manifested itself three years later. The storm had not burst forth, but the dark clouds were gathering from the four quarters of the horizon, from which lightning and thunder were three years afterwards to burst forth."

"She says he called upon her as soon as he arrived in New York, the middle of November. She had come to this city the latter part of October. In the meantime such things had happened here that when the man whom she loved and whose hand she had refused called upon her she declined to see him alone, and she says: "I saw him at the Navarro. I would not see him alone. He came into the room, and sat beside me and said: "What is the matter with you?" And I said: "I don't care to speak to you because I have heard certain things about you." He said he did not understand and wanted me to tell him. I told him that I had heard terrible stories that he had run scalding water on a girl he had put in a bath tub; that he was crazy; but he used metaphors; that he was in the state of being shabby and in other terms.

"They Have Deceived You."

"He said: "Poor Evelyn. They have deceived you." I told him that Mr. White had taken me to Abraham Hummel's office and that they had shown me a paper which they said was filed in a suit by a young woman against him.

"He said: "Poor little girl. You can believe them if you wish."

"The interview lasted ten minutes. I persisted. I did not want to leave anything to do with him. At the parting he kissed my hand and said no matter what happened he would always love me and I would be an angel to him."

"Gentlemen, I ask you to picture to yourself the state of mind Harry Thaw was in when he received such a greeting from the woman he loved. I ask you to imagine what his condition of mind was when he returned to New York and found that she had had her mind so poisoned against him again by the man who had been the cause of all her misfortune."

"Gentlemen, what was the condition of his mind as it is pictured to your eyes by documents of immeasurable worth, telling the story of this epoch in Harry Thaw's life? The series of letters that voiced the wall that came from his suffering soul is unparalleled in history from the time of the Greeks to the present day."

"He wrote to her the day after he had kissed her hand and parted from her—she thought for all time. He wrote: "Yesterday I saw that you believed everything false people told you. Poor little Evelyn, you have fallen back into the hands of the men who poisoned your life, who poisoned your mind. I have no reproaches to heap upon your head, for I know you are honest. I must fight this battle alone."

"I am changed, but not in truth or faithfulness. Alone I cannot settle down. I am not responsible now, as I am frivolous and not at all as I was before. I can do no more than make the best of it; every loss; every illness; every opportunity missed—all these together are but as the raging sea of water is to a battleship. Everything is trivial to me now."

2ND ADD THAW.

"All was lost to him and the world appeared flat. He had nothing to live for—all the ambitions of his life were gone and whatever could happen was but as a glass of water in the sea in which a ship was battling. He left New York in November for his mother's home in Pittsburg at this condition."

Into the Dark.

"Up to that time Harry Thaw had been a man of cheerful and sanguine temperament. His mother saw a change had come over him, the moment he crossed the door. His manner was entirely different. He had an absent-minded look, as if he had lost everything. At breakfast in the morning the same absent-minded look as if he was struggling with a problem, and when he went to the piano and struck the chords until they became like a wall, until the storm passed over his soul and the music became softer and fainter, until it died out in his ears."

"And how she in the dark night found him sitting upon his bed fully dressed—how she questioned him: "Is no use," he said, "I cannot sleep." The mother was allowed to peep into the heart of her suffering son by the story she brought out little by little.

(Evelyn Thaw at this point wept tears from her eyes. She seemed greatly affected at this part of Delmas' pleading for her husband's life.)

"But even then he would not tell the girl's name. And then you remember the scene in the church and while the organ pealed; how the sob broke from his throat and the tears gushed from his eyes and how when his mother asked him why he had sobbed, he answered:

(Continued on Page Seven.)



St. Petersburg, April 9.—The little boy whose portrait is shown here, is an unusually handsome and bright boy and the pet of the whole court. He is now two and a half years of age, having been born at St. Petersburg on August 12, 1904. He was hailed as the savior of the empire, then in the midst of the war with Japan, and the people thought his birth a sign of coming victory.

GLOOM LIT UP BY FORGED BALLOTS PISTOL FLASHES STIR OFFICIALS

Burglars Invade a Basement Alleged Buying Up of Votes Under Police for Peabody

BETRAYED BY A NOISE STEPS WILL BE TAKEN

Special Police of Long Island Railroad Rush Down and a Hot Fight Ensues, Two Burglars Being Wounded and a Third Captured as He Climbs Through a Window.

(By Leased Wire to The Times.) New York, April 9.—In a pitched battle in a dark basement room before daylight today, two burglars were wounded, another captured and three or four escaped.

The carelessness of six or seven burglars to attempt to operate under the drill of the Long Island Railroad's special police, while a squad was drilling led to the bloody encounter.

In the basement were stored various quantities of copper wire and other equipment being used in the electrification of the Long Island Railroad system. A noise was heard there, and one of the special policemen went down stairs to see what it was. He was startled by a bullet whizzing by his ear. That was the signal for the whole squad of specials to rush into the cellar, and there a pitched battle was had. Several scores of shots were fired.

When the firing had ceased and the lights were turned on two wounded strangers were found by hind coils of wire while another was stopped while trying to get through a window into the street. Three or four of his companions had climbed through the window and escaped while the battle was on.

The man captured in the window said he was Fred Brasso, one of the wounded men was Michael Rhoades and the other was Harvey Benson. The wounded men were sent to St. John's Hospital.

Fayetteville, N. C., April 9.—At the extension election held here yesterday to include the suburbs of Haymont within the corporate limits of the city, 200 votes were cast, of which 206 were for extension and 94 against extension.

IMPROVEMENTS ON SEABOARD A WOMAN SAVED BY HEROIC FIGHT

Contracts Closed Amounting to \$12,000,000 Struggle in Enveloping Folds of a Blanket

OFFICIALS HERE TODAY ASSAILED AT HER DOOR

Conference With Corporation Commission—President Garrett Stated That About \$200,000 is to be Expended on Terminals at Wilmington and \$85,000 at Charlotte.

An informal conference was held this morning between the officials of the Seaboard Air Line and the Corporation Commission. The Seaboard officers present being, President Garrett, General Manager Whitless, General Superintendent C. H. Hix, Chief Engineer Seddon, Judge Watts, general counsel, and Judge Womack, of this city, division counsel. No special thing was discussed but affairs of the Seaboard Air Line in general. In the course of his remarks President Garrett stated that contracts had recently been closed that meant an expenditure of \$12,000,000, the same to be used in making improvements.

Some of the greatest improvements in North Carolina are to be at Wilmington where, it was said, between \$150,000 and \$250,000 is to be expended in improving the terminal facilities, such as changing the freight yard, building wharves, warehouses, etc. The Seaboard recently purchased property at Wilmington for which the company paid \$65,000. It adjoins the present freight yard and is on the waterfront, being as fine wharf property as there is in Wilmington. This work is to be done within the next year or eighteen months. In addition to the improvements at Wilmington the company is to expend \$85,000 at Charlotte on terminal facilities.

The expenditures at Wilmington do not include the proposed passenger station. President Garrett assured the corporation commission that the work of laying heavy rail between Wilmington and Hamlet—the Carolina Central—would be started this month. There will be no exception to the order made some days ago by the Seaboard requiring that the road be put in good condition.

It is expected that within the next year the South and Western will be completed from the coal fields of the west and this will mean an enormous increase in the business of the Seaboard between Rutherfordton and Wilmington, and arrangements have to be made at Wilmington and Charlotte for taking care of this increased business.

The party of Seaboard officials came to Raleigh from Wilmington where they held a conference with the Atlantic Coast Line officials yesterday in regard to the proposed passenger station. They left on north-bound train No. 38 for Portsmouth.

A Tragic Figure.

The first citizens of the hamlet knew of the struggle was the sight of the woman rushing frantically out of her house to the street and calling for help. Her cries first attracted the attention of Dr. E. P. Simpson and his wife, who live close by. They went to the woman's assistance and were followed by others. Mrs. Spencer, as she stood in the street, presented a pitiable sight, with her clothes torn and blood streaming down her face and arms. She was weeping hysterically.

When the facts became known fully a dozen men formed themselves into a posse and began a vigorous search for the man throughout the neighborhood, while Dr. Simpson and several women dressed the woman's wounds and made her as comfortable as possible. The Rosecroft posse was joined several hours later by Deputy Sheriff R. H. Vincent, of Upper Marlboro, and four or five constables who were sent to the scene by Judge Merrick, of Upper Marlboro, who is holding court in that town.

It was said last night that, though not in a serious condition, Mrs. Spencer was suffering from violent hysteria and nervous shock, in addition to the numerous bruises and cuts on her face and body.

ONE SQUARE MILE OF HARBIN IS IN ASHES

(By Leased Wire to The Times.) Harbin, Manchuria, April 9.—The mercantile suburbs of this city, known as Fallouen, in which many large warehouses were situated, has been destroyed by fire. The burned area covers almost a square mile. The loss is estimated at \$2,000,000.

SNOW EMPEARLS THE GREAT CITY

(By Leased Wire to The Times.) New York, April 9.—Records of the past few years were badly smashed today when before seven o'clock snow began to fall all over Greater New York. Not in years has snow fallen so late as April 9. The doctors are the ones most serious about the matter.

They are issuing all sorts of warnings. Gripe and pneumonia are sure to spread alarmingly, and the record for these diseases has already been reached this year already.

WALSH GIVES HIS BOND FOR TWENTY THOUSAND.

(By Leased Wire to The Times.) Chicago, April 9.—John R. Walsh, indicted last week by a federal grand jury on a charge of misappropriating funds of the Chicago National Bank and making false entries, appeared before Judge Anderson, in company with his attorneys and gave bond for \$20,000. The Illinois Surety Company with Fred M. Blount, president, and Marshall A. Dunning, assistant secretary, signed the bond.