

THE VOTE OF FIVE JURORS SAVES THAW FROM CHAIR

Jury in Famous Case Fails to Agree After Discussion Lasting Forty-Eight Hours.

SEVEN FOR HIS CONVICTION; FIVE FOR ACQUITTAL

Appeal of Lawyer Delmas to the Unwritten Law Largely Blamed for the Disagreement by Rest of Millionaire's Counsel.

THE FINAL VOTE

For conviction of murder in the first degree: Messrs. Deming B. Smith, foreman; George Pfaff, No. 2; Chas. H. Fecke, No. 3; Harry C. Brearley, No. 6; Charles D. Newton, No. 8; Joseph B. Bolton, No. 11, and Bernard Gerstman, No. 12—Total, 7.
For acquittal on the ground of insanity: Messrs. Oscar A. Pink, No. 4; Henry C. Harney, No. 5; Malcolm S. Fraser, No. 7; Wilbur F. Steele, No. 9, and John S. Dennes, No. 10—Total 5.

New York, April 12.—Hopeslessly divided, seven for verdict of guilty of murder in the first degree, and five for acquittal on the ground of insanity, the jury which since Jan. 23 has been trying Harry K. Thaw reported today, after 47 hours and 8 minutes of deliberation, that it could not possibly agree upon a verdict. The twelve men were promptly discharged by Justice Fitzgerald, who declared that he, too, believed their task 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.

No Change of Venue.

When this new trial would take place no one connected with the case could express an opinion tonight. District Attorney Jerome declared that there were many other persons accused of homicide awaiting trial, and that 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 confer tomorrow with the prisoner to decide upon their next step. They may make an application for bail, but Mr. Jerome said he would strenuously oppose such application. He added the belief that as seven of the jurors 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.

The scenes attending the announcement by the jury of its inability to agree upon any sort of verdict were robbed of any criticism by the general belief that after their prolonged discussion and the reports of wide division of sentiment, the jurors could make no other report than one of disagreement.

Surrounded by Family.

Thaw, surrounded by the members of his family—his devoted aged mother, his pale young wife, his titled sister, the Countess of Yarmouth, his sister, Mrs. George Carnegie, and his brothers, Edward and Josiah Thaw—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 jury.

Smiling and confident when he entered the court room, Thaw 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."

BACK TO THE TOMBS.

Thaw Greatly Dejected at Result of the Trial.

His mother, her features hidden behind a thick veil of solid and motionless. In ill-health of late, she had felt severely the strain and stress of the long hours of anxious waiting. His wife, by his side, gripped his hand tightly 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 racking wait for a verdict, smiled wistfully 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.

Police Kept Mob Away.

Outside the big square criminal courts building only a few hundred persons were gathered. Thousands had been there earlier in the day, but police reinforcements had arrived with instructions to keep everyone moving, and this had soon tired the idly curious into a willingness to depart. Thaw, when he had returned to the Tombs, prepared and issued the following statement: "I believe that every man in the jury possessing average intelligence, excepting possibly Mr. Bolton, comprehend the weight of evidence and balanced for acquittal. Continued on page nine.

THAW JURORS WERE CLOSE TO BLOWS

Started With Prayer, But Almost Wound Up in Row.

THAW BEARING UP BRAVELY

Rumors Say at Next Trial Present Counsel Will Not Appear Save O'Reilly.

New York, April 13.—Although bitterly disappointed over the mistrial, especially since he had believed up to the last minute that he would be acquitted, Harry K. Thaw is bearing up bravely. Indeed, his composure is on a par with the remarkable good spirits he showed during much of his protracted trial and the wearisome hours before the jury gave up its task. So sanguine was he of freedom that shortly before the jury came for the last time into the court room he wrapped up a large number of letters and papers which he meant to take with him from his cell. When he was told by Messrs. Peabody and O'Reilly that the jury could not agree, he dropped his bundle of papers to the floor speechlessly disheartened. But he presently recovered his courage.

Great Disappointment.

The news of the discharge of the jury reached the Hotel Lorraine some time before the arrival of the automobile containing Mrs. William Thaw, her daughter, the Countess of Yarmouth, and Mrs. George L. Carnegie, and Josiah and Edward Thaw. The prisoner's mother bore herself with the fortitude that she has exhibited all through the trial, and she was not at all perturbed when asked if she had anything to say about the trial and its result. She looked her questioner straight in the face and kept silent.

The Countess of Yarmouth was also calm, but she was paler than her mother. On the other hand, Mrs. Evelyn Desbitt Thaw, who reached the hotel shortly after this, was excited and flushed.

Members of the Thaw family sent telegrams to various cities, even abroad. The Countess of Yarmouth cabled to her husband in England, the words: "Great disappointment."

Jury Started With Prayer.

A number of interesting incidents are being related about the jury's doings during its long hours in its room. After the case had been given to the twelve men, Juror Pfaff suggested that the deliberations be preceded with a prayer. Juror Gerstman objected, on the ground that he was of the Jewish faith, but he was persuaded to consent. His consent was coupled with a proviso that he should be permitted to offer a prayer of his own after the Christian prayer. There was no objection to this, and thus two prayers were said.

Almost Came to Blows.

Conflicting accounts are being given of the effect of the nervous strain, the sleeplessness and the stubborn attitude of one part of the jury toward the other. Several of the men say that the last 24 hours of their confinement was filled with such angry disputing that at least twice one of the men who held out for acquittal almost came to blows with another juror who was determined upon conviction.

May Change Counsel.

Rumors are being made of the total cost of the trial. This is placed at about \$300,000, of which about \$200,000 falls upon the Thaws.

PREMIER AT LIVERPOOL

Sir Wilfrid and Conference Party Publicly Welcomed.

Liverpool, April 13.—The lord mayor of Liverpool and many representatives citizens welcomed Sir Wilfrid Laurier, the Canadian Premier, and Sir Frederick W. Borden, Canadian Minister of Militia, on their landing here today on their way to London, where they will attend the colonial conference.

LORD NEVILL GUILTY

Fourth Son of Marquis of Abergavenny Given One Year for Swindle.

London, April 13.—At the Clerkenwell sessions today Lord William Nevill was found guilty of the charge of swindling a pawnbroker, and was sentenced to a year's imprisonment. Lord William Nevill is the fourth son of the Marquis of Abergavenny. He was sentenced to five years' penal servitude on Feb. 15, 1888, for fraud in connection with a promissory note, the prosecutor being Capt. Spender-Clay, who in 1904 married Pauline Astor, the daughter of William Waldorf Astor. The crime for which Lord William was sentenced today was stealing from a pawnbroker a box containing \$2,000 worth of jewelry by exchanging it for a similar box, apparently containing the jewels, but which when opened was found to contain two pieces of coal wrapped in tissue paper.

FIVE CARS DERAILED

C. P. R. Winnipeg Express, Westward Bound, Wrecked Near Annprior.

[Special to The Advertiser.]

Ottawa, April 13.—There was a wreck on the C. P. R., five miles west of Annprior today. It happened to the Winnipeg express westward bound, about 4:20 this morning. Five of the passenger cars left the track owing to a broken or spread rail. Three men were injured, but none of them seriously. They are John McBride and Charles Burn, laborers, Montreal, and Geo. Belager.

The accident took place near a bend in the road overlooking the Ottawa River. Had it taken place there the cars would have rolled down the embankment into the river.

NEW SERGEANT-MAJOR IS NAMED

Sergt. Arthur McGuire Now Second in Command of the Police Force.

At a meeting of the board of police commissioners held yesterday afternoon at the police station, Sergt. Arthur McGuire, senior sergeant of the police force, was promoted to the rank of sergeant-major to fill the vacancy caused by the death of the late Robert Adams.

The appointment means a step up for all the sergeants and will mean the naming of a new acting sergeant. The appointment of Sergt. McGuire to the rank of sergeant-major, which is next in rank to the chief, is very popular, both among the members of the force and with the citizens in general. Sergt. McGuire is an old and experienced police officer, well fitted for the position to which he has been appointed. He has served 28 years on the local force. He is a native of this city, and joined the force in June, 1878. On April 12, 1888, he was appointed sergeant and has served in that capacity with great satisfaction ever since. Naturally he is beginning to look upon April 12 as his lucky day for he has received both his appointment to the rank of sergeant and also to the rank of sergeant-major on that date.

The board did not appoint an acting sergeant yesterday, deferring it for a future meeting. There has been considerable gossip as to who will receive the appointment, and it is generally expected that P. C. Harry Greene, who is next in line, and who has proved himself to be a competent officer, will be the choice.

The board sanctioned the payment of a sum of money to the widow of the late Sergt.-Major Adams in connection with the police benefit fund.

SHAW FOR N. TORONTO

Liberals Select Well-Known Businessman to Contest Constituency.

Toronto, April 13.—In the belief that Mr. W. H. Shaw, ex-chairman of the board of education and principal of the Central Business College, is the man to win back North Toronto, the Liberals of that constituency have selected him as their candidate for the Federal House. The convention, which took place in St. Paul's Hall, Yonge street, last night, was largely attended while all the enthusiasm that could be desired was displayed. The meeting was most unanimous.

U. S. HOLDS UP JAPS.

San Francisco, April 13.—Two hundred and ninety-five Japanese laborers who came in yesterday on the Pacific mail steamship Korea, are detained on the steamer pending advice from the department of immigration at Washington as to whether the local immigration authorities shall let them proceed by steamer to British Columbia.

ARREST FOLLOWS WOMAN'S DEATH

Sensational Sequel to a Tragedy at Stratford.

HOUSEKEEPER'S PUZZLING END

Leopold Koeller Held in Connection With the Burning to Death of Mrs. Dewing.

Stratford, April 13.—There was a decidedly sensational sequel today to the tragic death of Mrs. Harriet Dewing on Thursday. It will be recalled that Mrs. Dewing died as a result of burns received in a mysterious manner. At the time of the tragedy Mrs. Dewing was acting as housekeeper of Mr. Leopold Koeller. Koeller was tonight arrested in connection with the case. He was the only other person in the house at the time of the fatality and the authorities consider that there are a number of incidents that require clearing up. Koeller and his friends claim there will be no difficulty in clearing himself of any suspicion in the matter.

Koeller's wife and family have been absent from the city, and for several weeks Mrs. Dewing acted as his housekeeper.

Koeller's story of the tragedy is that he was awakened in the early morning by low moans. Going to deceased's room he saw the woman standing enveloped in flames, with her arms outstretched. He seized her and placed her on the floor, where he covered her with bed clothes, which he grabbed from the woman's bed. He extinguished the flames within a minute or two and then rushed across the road to a neighbor's, Mr. Hunt, whom he awakened and brought to the house. Mr. Hunt telephoned for medical aid.

Koeller says he spoke to deceased several times, but she did not at any time say anything. He has no idea how the fire originated. Last night the coroner's jury examined Koeller, who told the story of the accident. His story does not hold together well, however. Although the woman's clothes caught on fire and were burned off from her body, there was nothing in her room, where he claims the accident happened, to start the fire.

Again, he says he grasped the woman while her clothes were blazing fiercely and threw her to the floor, but yet he received no burns whatever himself.

The carpet upon which the woman was placed by Koeller in trying to extinguish the flames showed only two marks of fire—one exactly beneath where the body had lain, and the other about eighteen inches to the right side. The ceiling is about six feet three inches high in the center of the room, and painted white, but it bears no marks of fire or smoke on its surface.

The lantern in the room contained only a very small quantity of oil, and appeared to be in perfectly safe condition. Two half-burned matches were found on the floor near by.

Tonight Koeller was arrested and put in jail, the indictment being murder. Mr. Hunt says Koeller spoke of a fire, but when witness went to the house he saw no sign of fire, but the smell of burning clothes was everywhere. Koeller took witness upstairs to where the woman was lying. Hunt hurried out without making an examination of the body and telephoned for medical assistance. Witness then went to the railway station to meet the wife of the prisoner, who had just returned from Chicago, with her two children.

A post mortem examination of the body of the dead woman has been ordered.

The coroner's jury, after viewing the body, has adjourned the inquiry until next Tuesday night.

ALMOST A HUNDRED.

Detroit, Mich., April 13.—Mrs. Frances Teple, familiarly known as "Aunt Fanny" Teple, is dead at the home of her daughter at Ogden, near Adrian, Mich. Had Mrs. Teple lived several days longer she would have been 100 years old. She was born in 1807 at Beverly, Ontario, and will be buried at Ogden, Ont. Mrs. Teple was the mother of twelve children, four of whom survive her.

THE WEATHER.

TOMORROW—COLD WITH SNOW.

Toronto, Saturday, April 13—8 a.m. Today—Strong northerly winds; clearing. Sunday—Strong northerly winds; cold and mostly fair, with a few snow flurries.

TEMPERATURES.
Stations. 8 a.m. Min. Weather.
Calgary 20 20 Fair
Winnipeg 8 6 Clear
Port Arthur 12 10 Fair
Perry Sound 28 26 Fair
Toronto 35 32 Snow
Ottawa 35 32 Fair
Montreal 36 34 Fair
Quebec 34 34 Cloudy
Father Point 34 24 Cloudy
The first column in the above table records the temperatures at 8 o'clock this morning, and the second column records the minimum temperatures during the 24 hours previous.

WEATHER NOTES.
A disturbance has developed near the Atlantic coast, and is likely to cause gales with rain in the Maritime Provinces. The weather continues very cold in the Western Provinces, and zero temperatures were recorded last night in parts of Manitoba.

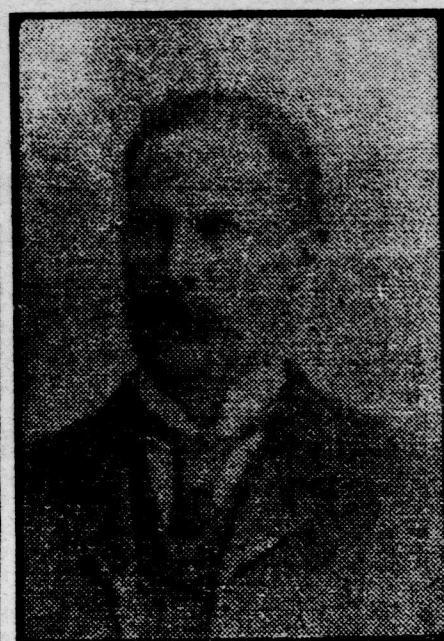


Photo by Edy Bros.
SERGT.-MAJOR MCGUIRE.

HAVE NOT YET GIVEN UP HOPE

Independents Still Putting Up a Fight for a Franchise in London.

Tonight the finance committee of the city council promises to finally deal with the telephone franchise matter, and to have a recommendation ready for the council when it meets on Monday night.

As already stated, the feeling of the civic financiers, or at least a majority of the members of the committee, is in favor of renewing the exclusive franchise held by the Bell Company until the 1st of January of next year.

There are several reasons for this attitude. The committee went to Buffalo and investigated the "phone" systems in use there, and the result was not favorable to a dual system. Again, if the Independents are given a competitive franchise, the city will lose a bonus of \$4,000, and no cut in rates to Bell subscribers will result.

A Delicate Question.

The question of the "phone" franchise is a very delicate matter for the committee to decide, because it is realized that public feeling is along almost every line in favor of competition. And yet the telephone franchise appears to be a natural monopoly, and that two "phones" are a nuisance. In fact, the only solution of the telephone question, according to Mayor Adams, of Buffalo, who has had much experience with the Bell Company and the Independents, is government ownership.

The Independents have not given up hope of securing a franchise in London, however. They are still supplying the aldermen with literature which shows up the apparent weakness of the Bell Company in Canada and the United States. On the other hand, the Bell people are distributing copies of Buffalo papers containing accounts of the alleged refusal of the Independent Company there to carry out its agreement with the city in the matter of rates.

Are Undecided.

In the maze of conflicting arguments, only the members of No. 1 committee appear to be solid in their positions on the telephone question. The other aldermen appear to be wavering.

The statement was made at the city hall today that the Bell Company has made its final offer.

This is, to give the city \$4,000 a year for an exclusive franchise for a term of not less than three years, and to allow all rates to remain as they have been for some years.

Such a thing as a reduction in rates will not be considered, the Bell representatives say. The company points to Buffalo, where, it is alleged, the Independents started in by giving the people residence "phones" on a four-party line for \$15 a year, and when they now refuse, it is alleged, to install a "phone" in a residence for less than \$24 a year.

Rates in Other Cities.

The Independents have furnished several of the aldermen with the following list of prices in other places in Canada to show that the Bell Company is not treating the city of London fairly:

Business, Residence.

Chatham \$25 25
Guelph 30 30
Hamilton 45 45
Kingston 50 50
St. Thomas 25 25
St. Catharines 35 35
Stratford 30 30
Windsor 25 25
Woodstock 30 30
Toronto 45 25

INSURANCE INSPECTORS

Visit London With a View of Re-Rating Property.

Three inspectors from the Canadian Underwriters' Association have been in the city the past week inspecting all large buildings and business premises, with a view to having the city of London re-rated.

Not until the inspectors report to headquarters will be known whether a reduction will be made, although prominent local insurance men declare they have assurances from the underwriters that a cut in rates is a certainty.

FAMILY BURNED TO DEATH.

Fort Worth, Texas, April 13.—An entire family reported to consist of eight persons was burned to death early today in a fire at Gunter, Texas.

Calls Quits With the City Titus Will Go No Further

Brooklyn Man Calls Off Negotiations—Considers Demands of Commissioners for a Cash Guarantee Outrageous.

It would appear from information which has reached Chairman Darch from New York that the water commission need not further worry itself about the Titus proposition.

Mr. Titus, it is understood, has stated that the city of London wants the whole earth, and that so far as he is concerned the job of supplying water for the city on the terms he laid down was only small potatoes, and he is not anxious for it. He is busy elsewhere.

The matter was brought to a head by a request of the water commission that Mr. Titus put up a cash guarantee to get water for the city within the time he was ready to specify—30 days.

Mr. Titus regards the request as outrageous.

He says that the money he would invest in the plant should be sufficient guarantee that he would carry out his agreement. He would not consider for a moment such a thing as putting up a guarantee in addition to the money he would invest in the pumping plant.

Mr. Darch admits that Mr. Titus would be compelled to spend not less than \$50,000 for his plant here in order to get water for the city, and perhaps \$100,000 within a few weeks.

Consequently, it does look to some people as though Mr. Titus is not to be blamed for refusing to tie up any more money in a scheme to get water for the city.

This leaves the city of London with only the Maury and Komok schemes to consider.

Mayor Judd, Chairman Darch and Commissioner Saunders are a unit in the belief that the city of London should have nothing to do with river water. The city hasn't come to that stage yet.

The commissioners held a conference with the McGregor syndicate in regard to the wells in Westminster yesterday, but nothing was accomplished.

It is said the well on the property is still continuing a very favorable flow, and that it will be well worth the city's while to go further with it.

KINGSTON FOR O'BRIEN AND CURRY

Woodstock Woman Assaulters Get Ten and Seven Years Respectively.

[Special to The Advertiser.]

Woodstock, April 13.—O'Brien and Curry, who yesterday were found guilty of assaulting aged Mrs. Casler, of this city, were today sentenced to ten and seven years respectively in Kingston Penitentiary.

Both pleaded guilty to a charge of burglarizing for which they received a sentence of two years, to run concurrently. When the pair came up for trial yesterday, Curry pleaded guilty, and turning king's evidence, told the entire story of the brutal attack on Mrs. Casler.

WHITE'S ART TREASURES

Pictures, Decorations and Furniture Realized Nearly \$200,000.

New York, April 13.—The second and last evening of the sale of Stanford White's pictures at Mendelssohn Hall, brought returns of \$31,260. This, with the \$20,272.50 of the first evening's sale, makes a total of \$51,532.50 for 125 pictures. The furniture and decorations recently sold brought \$125,804.50, making the total realized for the entire sale \$177,337.

SUGGESTS ASSOCIATION FOR HOSPITAL MOVE

Mr. Beck Considers It Best Means of Securing Institution.

The finance committee of the city council and the same committee of the county council meet in the city hall this afternoon to discuss the maintenance of the proposed tuberculosis hospital.

It is understood that Hon. Adam Beck will be present and that he will have an important recommendation to make. He will suggest that an association be formed to push the project, that the Government be asked to contribute in addition to the \$4,000 per capital expenditure, the sum of \$1.50 per week per patient, and that the city and county agree to pay a similar amount also for each patient they send to the hospital.

The balance needed to support the institution should, Mr. Beck thinks, be raised by the association.

The scheme will be considered today.

ENGLISH CHEERS FOR GEN. BOTHA

Premier of Transvaal Colony Warmly Welcomed by Former Enemies.

London, April 13.—General Botha, ex-commander-in-chief of the Boer army, and now premier of the Transvaal colony under British rule, arrived here today to attend the conference of colonial premiers. The reception accorded the general at Southampton and in London was remarkable hearty. Great crowds cheered him wherever he appeared. At Southampton he was officially welcomed by the mayor and corporation of that city, and in reply to the address, General Botha humorously referred to the previous occasion when on the battlefield he had been surrounded by Englishmen against his will. The general added that he was thankful now that he was in a position to allow himself to be surrounded by any number of Englishmen without fear of the consequences.

SMOTHERED IN MINE

Fourteen Peon Miners Perish in a Mexican Colliery Accident.

Mexico City, April 13.—News reached here yesterday that fourteen miners were smothered to death in a fire Thursday in the mine of the Des Etreelas mining camp of El Oro. It is thought the number of casualties may be increased.

The mine is still burning and rescue work is carried on with difficulty. The miners employed are of the Peon class.

JAPS WITHDRAWING

Victorious Armies Leaving Manchuria According to the Agreement.

Tokio, April 13.—When the management of the Manchurian railways was transferred to the Baron Gotos Company on April 1, the Japanese Government commenced withdrawing the remnant of the troops employed in Manchuria. This work was completed on April 8, whereupon the imperial government at Peking warmly thanked Japan, who it is expected will reduce its railway guard to less than one-half the number of men as stipulated by treaty, negotiated at Portsmouth, N. H., which limited the number of guards to five men per kilometer.

One Too Many Londons Says Ambassador Bryce

Washington, April 13.—James Bryce, the new ambassador to the United States from Great Britain, says he is not a reformer, but that should he at any time be inclined to embark upon a reform movement it would be in the direction of a revision of names for American and Canadian cities. He says he especially abhors duplications, as they lead to confusion in the mails and telegraph. While in Canada recently he wrote a number of dispatches to his Government, and addressed them London. The dispatches went to London, Ontario. Now he is convinced that there should be but one London in the world. The wisest thing the people of Toronto, Canada, ever did, says Mr. Bryce, was to adopt the present name of the city in the place of "York," by which the settlement was first called.