

TWELFTH WEEK OF THAW TRIAL

JUDGE CONFIRMS COMMISSIONERS' REPORT

District Attorney Jerome Objects to Dr. Hamilton Being Examined and is Sustained.

New York, April 8.—When the Thaw trial opened this morning it was believed that it had at last entered its final week. Eleven weeks have already been consumed in the trial, making it the longest in the history of New York's criminal courts. Harry Thaw's family were already in court at an early hour, and took the seats they have occupied on all other occasions. Evelyn Nesbit Thaw wore the familiar blue suit with the black sailor hat, which for several days replaced the blue one trimmed with violets, which she wore during the early days of the trial. She sat next to the aisle, then came Mrs. Wm. Thaw, the Countess of Farnmouth, Edward Thaw, and George L. Carrigoe and Josiah Thaw. Justice Fitzgerald was a few minutes late in taking the bench.

When he did appear before the jury had been brought into the room, District Attorney Jerome arose and said he would formally ask that the report of the commission be read. He then declared Thaw sane but not confirmed. He had no argument to offer.

Justice Fitzgerald in his quiet way reached for the report, which lay on his desk and signed his name across it. "The trial will proceed," he ordered. "The jury then filed into the box, and Harry Thaw was called the bar.

Delphin L. Delmas, counsel for the defence, quietly asked the clerk to call Dr. A. M. Hamilton and went to the witness stand. He then asked Dr. Hamilton to get from Dr. Hamilton the opinion that Thaw was insane when he shot and killed Stanford White.

As soon as Dr. Hamilton was seated in the witness chair, District Attorney Jerome objected. He said Dr. Hamilton should not be examined by the defence in its direct case. Justice Fitzgerald sustained the objection.

After he had gone so far, Mr. Delmas argued that Dr. Hamilton should be allowed to testify, for the reason that District Attorney Jerome on the last day of the trial said he would withdraw his objection if Dr. Hamilton was allowed to tell everything. "We accept that offer," said Justice Fitzgerald, "and therefore you have the right to proceed under the argument."

Justice Fitzgerald upheld Mr. Jerome. After a moment's rest, Mr. Jerome called the other attorneys, Mr. Delmas said: "The defence rests."

"The people rests," said Mr. Jerome. Justice Fitzgerald then went on to say that in view of the importance of the case he thought it would be necessary to keep the jury together until the close of the trial. He therefore ordered that the jury be confined under the same conditions as existed at the beginning of the trial. District Attorney Jerome suggested that this would be something of a hardship on the jury, who had no notice of it. They should be allowed to go until 2 o'clock, and then to arrange their affairs. This Justice Fitzgerald agreed to, and a recess until 2 o'clock was ordered.

Justice Fitzgerald asked the attorneys to submit to him in writing any requests they might have to make as to his charge to the jury. Mr. Delmas announced that he would begin his summing up to the jury at 2 o'clock. Address to Jury.

New York, April 8.—Attorney Delphin M. Delmas, the California advocate, began his long anticipated address to the jury this afternoon, and after he had spoken for more than two hours and a half adjournment was taken until tomorrow morning.

Declaring that he would not base his plea upon the unwritten law, because his client found ample legislation in the written statutes of the state of New York, Mr. Delmas made a striking appeal to the sympathy of the jury, but so far he went to-day the subject of Thaw's sanity or insanity at the time he committed the homicide was not even hinted at. Mr. Delmas grounds his arguments solely upon the story of Evelyn Nesbit Thaw.

Delmas Sums Up For Defence. New York, April 9.—Not since the day when Evelyn Thaw gave to the world the story of her life has the courtroom where the final scenes of the Thaw trial are now being enacted been so crowded as it was to-day. The court was packed and among them were the Thaw family. When Mr. Delmas arose to resume his argument he told the jury he would enter his plea as brief as possible in order not to tax their patience and to relieve them of their duty as speedily as consistent with the responsibilities resting upon him. "When I am done," said Mr. Delmas, "I shall give the fate of my client into your hands with every confidence."

The state, Mr. Delmas said, had acted in the tragedy upon the basis of an affidavit dictated by "A felon, a man convicted of perjury." Mr. Delmas quoted briefly from the speech of District Attorney Jerome when Abraham Hummel was up for sentence at that time. Mr. Jerome urged a maximum penalty for the crime upon the ground that Hummel had been a menace to the community for twenty years. He said, "and this is the kind of a man that is going to discredit

Evelyn Nesbit's story." Of the story of Evelyn Nesbit told upon the witness stand, Mr. Delmas said "you know gentlemen of the jury that no human imagination ever invented such a story. You know that no actor could have stood as she did, unflinchingly through the tests known to skilled lawyers to elicit the truth, unless she was telling absolute truth. I shall now proceed in an effort to denude you of the effect of this story upon the mind of Harry Thaw. I shall prove this to you without using any language of my own. I shall tell you the story in Evelyn's words, and words you heard her use upon the stand."

Mr. Delmas then read dramatically the young woman's story of Thaw's actions when in Paris in 1903, she told him the story, how he walked the floor, biting his nails and sobbing. He also read that portion of her testimony in which she said she had refused Thaw's offer of marriage because she loved him so much that she would not drag him down.

Mr. Delmas continued: "The sneering district attorney had said 'sublime renunciation' in an effort to make you, the jury, believe that the story is true—that it is impossible. But I shall prove to you that it is true. I shall prove to you beyond the slightest doubt that she did not write that letter to him for that reason alone. Man it may be has not that great power of renunciation, but the woman's breast of God, and in the breast of this little girl existed this great strength that enabled her to put aside her one love when she knew it was for the good of the one she loved."

Mr. Delmas referred to and read extracts from the letter which Thaw wrote to Attorney Longfellow in September, 1903, that he had proposed marriage to Evelyn, but she had refused him because she said it would shut him out from his relatives. "The genuineness of this letter," he said, "cannot be denied. What then did it mean when Thaw wrote Mr. Longfellow that Evelyn would not marry him? Is it not true that she had refused him, that she would tell her father, and that she thought first and then rejected his offer. Yes, she thought. She looked upon the man she loved and looked upon her own past, and she did not want to bring reproach upon the man that should marry her."

Mr. Delmas read from Mrs. Wm. Thaw's testimony and went on to say that the venerable grey-haired mother came here to perjure herself? Did she invent this story which she says her father told her? Did she invent this when he confided to his loved mother and told her that he loved this girl and wanted to devote his life to her, and all this time she was plotting to strangle using the talents God had given her to make a living for herself, refusing to marry the wealthy man who loved her whom she had become a visitor on their way home from Grand Canary, fainting, but the ship's doctor was well supported by the purser, the captain and the crew, and she was in brief space of time they had recovered from the temporary alarm with which they had been affected. The behaviour of all can only be described as magnificent.

Splendid Discipline. Before the last man was hauled ashore the Jebba was three-parts full of water, and seeing that her cabins and saloons were being flooded, within three or four minutes of the stranding, the discipline displayed redounds to the credit of all concerned. Thrilling Bravery. From passengers were on board the Jebba a story of the thrilling bravery of two Devonshire men, brothers, named Hurrell, young sons of a widow living at Hopewell, and who were gathered. Not behind them in bravery was Mr. Williams, the first mate of the steamer. The latter went ashore when the rocket apparatus was used, and tested it for the benefit of the passengers, returning himself to the ship, voluntarily exposing his life to the risks on a stranded vessel.

The rocket apparatus, it would seem, proved adequate, and for a time gave the passengers a respite from the dangers of the sea. But the two Devonshire men were equal to the occasion. They took their seats in the lifeboats, and the vessel properly fixed at the top of the cliffs, scrambled down in the blank darkness over two hundred feet.

By their aid a strong cable line was attached to the ship, and on this was rigged a breeches buoy. The knowledge of the cliffs which the Hurrells possessed served the officers of the ship, enabling them to warn the passengers what to do as they were hauled up. The journey was a perilous one. Nothing could be seen of the rocks in the blackness, and only faintly-glowing lamps illumined the start of the women and men as they went up, and they were dashed against it, and they were wet through with sea mist and water from the wave-washed rocks. The Hurrells saw them all in safety, and everyone was enthusiastic in their praise.

When the Suezic Struck. Reports also speak in the highest terms of praise of the conduct of the captain and crew of the wrecked White Star liner Suezic, when that vessel struck on Brantley Rock in the English Channel on the night of the 17th ult.

From the first it was realized that the Suezic was in serious peril, owing to the heavy sea running and the strong wind blowing from the southwest, which were driving the steamer more and more in shoals. The fog was the densest character, and with the hoarse being constantly sounded those who were on deck were unable to see the rocks around and many were aptly on the deck when the stranding occurred.

From the first it was found that the Suezic could not be saved, and the Captain Jones gave directions for the watertight compartments to be closed, and the pumps were set to work with the idea of keeping the ship free from water. Perfect Order. Perfect order reigned among passengers and children going first. They descended to the small boats by a rope ladder, thence sliding down the rope. One lady with a baby in her arms fell and was for a time rendered unconscious. Signals of distress and a telephone message brought the villagers to Cad-

THE TRIUMPH OF DISCIPLINE

STORIES OF RESCUES FROM WRECKED LINERS

How the Passengers Were Brought Ashore from the Steamers Tebba and Suezic.

Further details of the wreck of the Elder Dempster liner Jebba, which went ashore near Bolt Tail on the Devon coast on the morning of the 18th ult., have come to hand.

One of the most expeditious rescues on record was accomplished by means of the rocket apparatus and a life-line from the top of the cliff. Two boatswain chairs were sent to work on the cliff. Helpers ripped a cradle-sling, and as quickly as the passengers were carried ashore they were rapidly hoisted to a position of safety beyond the reach of the angry waves, which were breaking furiously.

In this way 190 passengers and crew were saved from the wreck. The first deal with, then the women, next the old men, the invalids, married men, the native crew, and English crew in the order given, and finally the officers. Captain Mills being the last to leave the ill-fated ship. By 8 o'clock, so hard had the rescuers worked, every soul and the ship's cat and a couple of chimpanzees had been removed ashore, leaving the Jebba a deserted wreck, and the waves were breaking in sullen fury.

The vessel was awash all the time, and an hour later, had the rescue been deferred so long, there must have been serious loss of life. There were a few sprains and bruises sustained in the course of the removal of the passengers.

From the very first Captain Mills acted with promptitude, and his resources were not exhausted. In which his orders were given tended to restore the confidence of the passengers, and to maintain the steadiness and discipline of the crew. The captain had strangled. There was no panic, the women and children behaving bravely, and the passengers had perfect confidence in the captain's orders.

Anything more inspiring than the conduct of the captain could not well be imagined. At the time the liner struck he stood on the bridge, and issued his curt directions with perfect calmness. The passengers were not even aware of the danger until the ship was struck and the passengers were soon quiet when they were told that there was no immediate danger.

INVOKE AID OF THE LABOR DEPARTMENT

Committees Will Report Victoria and Vancouver Amendments to House

PLACED IN THE "INDEX."

This morning in adjoining committee rooms in the legislative buildings the bills relating to the government of Victoria and Vancouver cities were considered by committees. The Victoria city bill was in the hands of the municipal committee while the private bill committee dealt with the proposed amendments to the city charter. The latter passed the committee with some slight changes.

The city of Vancouver asked the private bill committee to consider the city's bounds inspected by the officers of the corporation before being allowed to be brought in. The amendment was adopted by the committee. The bill was made after the milk reached the city and was condemned if not according to the provisions of the act.

The Victoria city bill in which it is proposed to give the council powers beyond those at present enjoyed, passed the board committee with some minor changes.

Bound, not in limp leather, without a particle of gilt upon its well thumbed edges, the volume from the public library which aroused the wrath of Ald. Hanna, rests at present in his keeping. It is a translation of Boccaccio's Decamerone. Ald. Hanna had the book brought to his attention. He perused it and found portions of it well indexed. Hence his action.

Speaking of the matter, Canon Beaudry, who is also a member of the library board, said: "The book in question was taken over by me from the other members of the old library. I quite agree that restrictions should be placed upon its circulation, but the board could hardly order work accepted as a classic, destroyed. Some action will be taken."

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WITH REGARD TO THE SUNDAY LAW

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Petitions Urging Enforcement of Act Have Been Signed By Many Thousands

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No further intimation of policy had been made by the government and no prosecutions have taken place under the act in this province. In the other provinces, Quebec excepted, the act is fully recognized and being energetically enforced. Writing after the act had been in force less than two weeks, Mr. Shearer said that 2000 copies of American Sunday papers had already been put out of circulation. He further stated that there was a general disposition to comply with the law on the part of employers of labor. The express companies and the railway news agencies had agreed to observe the law.

The Attorney-General of Alberta has sent a letter of instructions to every N. W. M. P. station and every constable in the province that every case of violation of the statute of which notice is given him and of which particulars are furnished will receive his immediate attention; that he expects them to take all necessary steps to prevent infringement of the law, but wherever prosecution should be made he requests them to observe their fidelity to duty to at once report the same. These instructions are of special interest from the fact that parts of the province adjoining British Columbia have the same industrial interests.

There has been a general arousing of attention to the question, and those in favor of the law are endeavoring to observe their fidelity to duty to at once report the same. These instructions are of special interest from the fact that parts of the province adjoining British Columbia have the same industrial interests.

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CITY FATHERS' BUSY ROUTINE

MANY MATTERS WERE DISCUSSED LAST EVENING

Advanced-Tenders for Centrifugal Pump.

Beyond the discussion on the agricultural buildings appropriation referred to elsewhere in this issue, the final passing of the addition to the Roman Catholic Cemetery By-Law, there was little of interest at the meeting of the city council last night.

The addition to the cemetery by-law was read for the third time. The report was adopted as moved, and it was finally passed without amendments, the aldermen voting 12 to 2 to carry through the measure, which evidently met with the approval of all. It was mentioned in the course of the proceedings that the council had the burial fees in the Roman Catholic portion of the cemetery.

Tenders for the centrifugal pump to be installed on the intake of the twelve-inch main at 212 lake were opened at the meeting. They were handed to the purchasing agent, the city engineer, the city clerk and the city treasurer. The department for consideration, together with the following report:

"Dear Sirs:—The following tenders for pumping plant and transmission line have been received:

Only one tender was received for the purchase of the B. C. Electric Railway Co. at the rate of \$125.00 per 1,000 feet, the copper wire to be supplied by the company, which allowing the distance to be 1,000 feet, would make the approximate cost of the pole line \$125.00.

The following tenders for pumping plant were received:

R. P. Hinton Electric Co., A. \$329. B. \$350. R. P. Hinton & Co., A. \$254.94. B. \$246.45. These tenders were the only ones that complied with the specification. Allowance for the cost of the transmission line pumps are installed, the tender by Hinton Electric Co. for the electric plant and transmission line, and the tender by the same company for the pump on the 42-inch main is the only one to be used, the steam plant of Messrs. R. P. Hinton & Co. is the lowest. Messrs. Hinton & Co. do not, however, deliver the steam plant until the end of the month of May, and the penalty of \$50 per day, provided in the specification.

Assuming that both pumps are to be installed, the total cost of the plant, exclusive of the suction and discharge, will be \$1,250.00. The following table shows the cost of the pumps and transmission line:

Pump on 12-inch main \$1,250.00 Building for ditto