

## DELHAS' CLOSING APPEAL FOR THAW VERY DRAMATIC

Pictures White's Murderer as Knight of Old in Rescuing Evelyn Nesbit

Declares the Prisoner Was Afflicted With "Dementia," But Under Every Law, Written or "Unwritten," His Deed Was Justified.

New York, N. Y., April 9.—One more day and the concluding chapter of the trial of Harry K. Thaw for the murder of Stanford White will have been written into history.

With an oratorical appeal to both the written and "unwritten law" for the justification of his client, Delmas M. Delmas, the California attorney, concluded his exhaustive argument to the jury this afternoon. When court convenes tomorrow at 11.30 o'clock, one hour later than usual, District Attorney Jerome will go before the jury and in a three or four hour address is expected to make a plea which will be accounted one of the best efforts of his life.

Justice Fitzgerald would not say today whether or not he would charge the jury directly following the district attorney's closing remarks, but the general impression is that he will do so. In that event there seems little doubt but that the case will be turned over to the jury by tomorrow evening.

With the exception of the moments when he was reading from testimony Mr. Delmas' speech today was one continued effort.

He threw about the form of Harry Thaw the cloak of chivalrous knightliness. "Why," he shouted, "should we who admire the chivalry of the knights of the middle ages who went about redressing wrong, withhold our sympathy from this brave man?"

Picture Thaw as Knight of Old. Bitterly, the attorney assailed Stanford White. He declared White sought to play with the girl so long as her beauty remained and then would have thrown her away "like a dirty rag to float down life's sewers to a grave in the potter's field."

Again he said: "Harry Thaw had snatched the girl from the old lecher who saw in her but a toy to gratify a moment's lust and then he cast aside to go her way down the paths of fallen women."

With the dramatic emphasis Mr. Delmas cried out that Harry Thaw beheld Stanford White on the Madison Square roof garden the story of his wife's wrongs overcame him. He pictured in an instant as a dying man may picture his last life—all that Stanford White had done—"the ruin he had wrought, and he struck; struck as the tigress strikes in defense of her young."

Mr. Delmas came at last to the "unwritten law." He declared the experts had been at a loss to classify the form of insanity from which Thaw suffered.

"I will suggest its name," he declared, "I would call it dementia." It is a species of insanity which had been recognized in every state of this union. It is the species of insanity which makes the American man believe his home, his wife, his daughters, are sacred, and that whoever stains the virtue of his threshold violates the highest of human laws.

Twice during his closing remarks, Mr. Delmas was interrupted by Assistant District Attorney Garvan, Mr. Jerome being absent from the court room all day. Mr. Garvan suggested the expert witnesses taking too wide a scope and called Mr. Delmas' attention to the fact.

Thaw seemed to be tonight in the land of spirits and declared to his lawyers the Tomb that he felt his case was won. He seemed to have no dread of the assault of the district attorney tomorrow. There was a report today that Jerome was ill, but he appeared at his office during the afternoon and said he had been busy for two days preparing his argument.

In view of the district attorney's remarks before the lunacy commission that Thaw is today hopelessly insane much interest attaches to the line of argument he will pursue in asking for the man's conviction.

Delmas Resumes. District Attorney Jerome was again absent from the court room today while Mr. Delmas was carrying on his argument. Assistant District Attorney Garvan and others of Mr. Jerome's office were interested listeners.

The attorney sketched again briefly what he termed the "sad and deplorable story of two young people—a mishap having overtaken one of them while she was still a child."

"The last act in this life-drama remains to be enacted," he continued. The state, Mr. Delmas said, had attempted to build its case for this last act upon a flimsy superstructure—the affidavit of Abraham H. Hummel.

Mr. Delmas quoted briefly from the speech of District Attorney Jerome when Abraham Hummel was up for sentence. At that time Mr. Jerome urged the maximum penalty of the law on the ground that Hummel "had been a menace to the community for twenty years."

Mr. Delmas next reviewed rapidly the story Evelyn Nesbit told upon the witness stand.

"You know, gentlemen of the jury, that no human imagination ever invented such a story. You know that no actor would stand as she did all the tests known to skilled lawyers."

"Relying upon the intelligence of you gentlemen, I will take it as fact henceforth that the story she told was true as she told it."

"I shall now proceed in an effort to depict the effect of this story on the mind of Harry K. Thaw. I shall tell you the story in Evelyn's own words—the words you heard her say on the stand."

heart rang a voice: 'You can never forget; you can never forget that little innocent one that is gone from you forever and has returned to the clutches of those who ruined her.' And this was Harry Thaw's mental condition. Must he give up? He could not; would not. Brave, courageous, indomitable man that he was, he conceived that he had a mission to perform. He came back to New York to try once more to save her.

Mr. Delmas read from Evelyn's testimony regarding her meetings with Thaw; how she refused for a time to see him; but finally how they met and discussed the story she had heard. Mr. Delmas then told of the night of December 24, 1904, when White had spread a banquet in honor of Evelyn and persuaded his mother to go to Evelyn and plead his cause. Mrs. Wm. Thaw urged Evelyn that she would be loved as her son's wife and the girl could not refuse to the marriage which took place on March 4, 1905.

"The man pledged to the woman before Almighty God, that all through life he would protect her," Mr. Delmas said. He then told the story of Evelyn regarding annoyances from White and of the effect of such stories upon Thaw, and related to the statement of Mrs. Mackenzie, that White had told her when she spoke of the love of Harry and Evelyn that he could "sell her his soul for a picture."

The mental anguish of Thaw during this period and told of Thaw's action in providing for his wife on his wedding night. "The old victim," Mr. Delmas referred to the story of the "pie girl" and said it was White's purpose also to "play with this child in the same manner."

Mr. Delmas repeated Evelyn Thaw's statement that she believed Thaw was insane on the subject of White, this added: "The man who brooded on this subject for three years had had pictures of dreadful horrors haunting him day and in the stillness of the night, could not be human to retain the calmness of reason. Gentleman, put yourselves in his place, and to yourselves the horrors he went through, and do justice to Harry Thaw." At 12.30 o'clock recess was ordered.

Following the recess Mr. Delmas brought the narrative of his argument down to the events of the night of the tragedy—the 26th of June last. He told of Thaw and his wife and the success of the plan when White entered, and when Evelyn wrote this note to her husband: "The blackguard was here but went out again."

Returning to his place he expressed lack of interest in the play and after this they left. Mr. Delmas said Thaw proceeded alone, every witness declaring that he was calm. At the court he had been told that White was twenty feet to the left of Thaw. The lawyer continued: "Then he turned, walked slowly and quietly towards White, faced him, and when he had faced him fired three shots which caused his death."

Mr. Delmas said Thaw stood as a priest might have done after some sacrifice, saying, "all is over." He recounted the incidents that followed the shooting. "He has ruined my life," said Mr. Delmas, "was uppermost in his mind. So it was that after he had shot, the first great thought that filled up within him in the little girl, and that little girl was going along using the talents God had given her to make a living for herself, refusing to marry the lecher who had ruined her."

Mr. Delmas here read from Mrs. Wm. Thaw's testimony, and went on: "Did that venerable gray-haired mother come here to perjure herself? Did she invent the story that she said her son told her? Would he tell an untruth when he confided to his mother that he loved that little girl, and that little girl was going along using the talents God had given her to make a living for herself, refusing to marry the lecher who had ruined her?"

"Oh, sublime self-abnegation!" Mr. Delmas said. He then read Evelyn's testimony, recalling the portions of her story in which she told of the effect of her words on Thaw's manner and how, in 1903, he parted from her and went to Europe, his "mental aberrations" seemed to become more frequent. Such was the condition of Harry Thaw's mind when, in the fall of 1905, he returned to New York and in Europe and sent her back to New York ahead of him. "There, gentlemen, you have the first dawn of the mental condition which resulted in the tragedy."

Mr. Delmas then read the portion of Evelyn's story which told of her not allowing Thaw to see him after he had followed her home from Europe, "because of the dread of White and his mother."

Mr. Delmas then read the portion of Evelyn's story which told of the putting of a girl in a bathtub and turning the hot water on her, of using morphine, and of tying rings to her hands.

"The letters Mr. Thaw wrote to Mr. Longfellow picture the sad epoch in his life—the wait for a suffering soul, the like of which has never been painted by dramatist from the days of the Greeks down to the present."

Mr. Delmas read many letters to which he had referred, commenting on the marks before the lunacy commission that Thaw is today hopelessly insane much interest attaches to the line of argument he will pursue in asking for the man's conviction.

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## W. T. STEAD SHOCKS THE METHODISTS

London Editor's Talk to Pastors Attending Conference Bristles With Bluntness

SAYS HE PREFERS CATHOLICS

"Amens" Uttered in Response to His Remarks Bring Out Surprising Rejoinder.

(New York Herald.)

One of the time honored institutions of the Methodist church, the presiding elder, was attacked in a memorial to the New York Conference, in session in Union church, in West Forty eighth street, yesterday. The memorial was presented by the Rev. Dr. James M. King, secretary of the Home Missionary and Church Extension Society, and was in line with a preliminary vote of the conference taken Friday last.

It proposes that the appointment of presiding elders shall be taken from the bishops of the church and placed in the hands of the ministers themselves by nomination and election at each annual conference.

Mr. William T. Stead was introduced and said in part:

"I believe, Methodists of this country are somewhat better than those in my own country. Over there, in some respects, there is a tendency among some to think of showing one another any kindness for money and visiting disorderly houses is no bar to the Christian life."

Now, I want your assistance to ask the Church of Christ to do something for me. I want to see the success of the one man to one end. It is now two months until the Hague Peace Conference. That is, we are not to abolish war, but to disarm the nations, but you might unite on the one thing it is for. I don't want to condemn war. The one thing that has interested me in the success of the Hague conference heretofore has been the lack of sense—practical sense—employed. They say we should be abolished—that we are not to abolish war, but to disarm the nations, but you might unite on the one thing it is for. I don't want to condemn war. The one thing that has interested me in the success of the Hague conference heretofore has been the lack of sense—practical sense—employed. They say we should be abolished—that we are not to abolish war, but to disarm the nations, but you might unite on the one thing it is for. I don't want to condemn war. 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