

## Delmas' Appeal For Harry Thaw's Life.

Does Not Invoke the "Unwritten Law" but in Reality Bases His Argument Upon It—Tells The Story of Evelyn Nesbit's Life, How the Mother Acquired in it As Artist's Model—Pictures the Villainy of the Arch-Scoundrel White—Exposes Abe Hummel—Makes Juror Weep—Will Finish Argument Today.

New York, April 8.—The trial of Harry K. Thaw, charged with the murder of Stanford White, is nearing the end. Atty. Delmas, the California advocate, this afternoon began his closing address to the jury, and after he had spoken for more than two hours and a half an adjournment was taken until tomorrow morning. Mr. Delmas expects to conclude before the luncheon hour is reached. Dist. Atty. Jerome will make the closing address on Wednesday, and Thaw's fate should be in the hands of the jury by Wednesday evening. Justice Fitzgerald today ordered the jury locked up until the morning of the trial. The judge's charge to the jury undoubtedly will be delivered immediately after the district attorney concludes. The latter says his speech will occupy not more than three or four hours.

Declaring he would not base his plea upon the "unwritten law," because his client found no protection in it, the attorney stated that the state of New York, Mr. Delmas made a striking appeal to the sympathies of the jurors, and so far as he progressed today the subject of Thaw's insanity at the time he committed the homicide was not even hinted at.

**BASIS OF ARGUMENT.**  
Mr. Delmas based his argument solely upon the story of Evelyn Nesbit Thaw. With flushed cheeks but dry eyes that young woman heard her life history repeated to the men who are to judge her husband, and bowed her head as her mother was denounced in the bitterest terms by the district attorney.

"Even a beast protects its young," Mr. Delmas declared with scornful emphasis, "but this unnatural mother deserted her daughter in this city of millions to be betrayed by a false friend, to be lured into a gilded palace and there left the victim of a gray-haired man, wounded, bleeding and devoured."

Mr. Delmas went with great detail into the life of Evelyn Nesbit, had led up to the meeting with Harry Thaw. In all of his remarks he referred to her as "this child," for child he said she was today. He told of Thaw's great love for her and his efforts to rescue her from "the clutches of Stanford White, whose achievements in his profession were an aggravation of his crime."

Mr. Delmas before beginning his attack upon Evelyn Thaw's mother poured out a torrent of denunciation upon the architect who became the victim of Thaw's plot. He accused him of the "crime of rape," and declared President Roosevelt had said in a message to Congress that such a crime should be visited with death. This was one of the suggestions which Thaw himself made to his counsel for his summing-up speech.—One of the suggestions which played so important a part in the proceedings before the lunacy commission.

**QUOTES SCRIPTURE.**  
Mr. Delmas declared that God heard the cry of the fatherless child upon whom Stanford White had determined should be his. He quoted from Scripture that "he who afflicts a fatherless child shall perish." "And Thaw," he said, "denied that God had sent Thaw to avenge the wrong."

The attorney declared Thaw is his wife's only protector, and he came into her life when she was on the downward path, and told her that no matter what the world thought of her she was to him an angel. He took her to be his wife, ready to share the burdens of a mother who had helped to place upon her.

**THE MOTHER'S SHAME.**  
Mr. Delmas accused Mrs. Nesbit of having lived upon the wages of her daughter's ruin. He sought to picture to the jury what the mother's life had been, and in doing so he mercilessly attacked the mother. Mr. Delmas rose to the highest peak of his address today when he declared the girl's mother was the one who had furnished Dist. Atty. Jerome with the records with which to wound the daughter on cross-examination, cross-examination which he declared would live long in the annals of criminal history, but which left the girl's story unshaken in all its essential details.

That Evelyn Nesbit's story was true and was told to Harry Thaw, formed the subject of the argument for more than an hour. Mr. Delmas declared the only evidence the district attorney had to bring against the girl was the misadvised affidavit procured by Abraham Hummel, a man who had met Mr. Delmas again drew heavily upon his bitterest invectives and declared that it would require more than the word of a perjurer to make Harry Thaw in an ignominious death. Hummel was accused by Mr. Delmas of having committed deliberate perjury upon the stand when he testified that Evelyn Nesbit's counsel, and that no action was contemplated in her behalf. He said the so-called affidavit had convicted the man of these falsehoods.

Mr. Delmas devoted practically all of his address today to a resume of the evidence of certain witnesses. He will have many more comments to make along this line before he comes to his plea for the defendant's life.

**DELMAS' APPEAL.**  
Mr. Delmas began his appeal to the jury by quoting from an utterance of Dist. Atty. Jerome during the trial. He said:

"We have no right, if the real facts were known, to be trying this man, and would be absolutely prohibited by the statutes."

"Had you heard these words," continued the attorney, "from some irresponsible babbling, instead of from an official, charged with a great public duty, had this been spoken in a place where idle men resort to indulge in idle talk instead of in a tribunal wherein justice presides, would you have been on the occasion on which they were uttered been some trivial discussion on some insignificant topic, instead of a debate, the issue of which is death or death?"

Had you, after so hearing them, heard the same lips make an appeal to prove that the law demanded forfeit of the life of the man who had just been spoken, these words might not have filled you with amazement.

It is to prevent such a conclusion in this case that I have undertaken the performance of the onerous task before me. In this task it will be my duty to give you all the help in my power in deciding the question before you. In the performance of my duty, I am not improper to say that I shall make no attempt to influence your passions, no attempt to make your sympathies overbalance your judgment. I shall not call on such a flimsy feeling as the unwritten law. This defendant finds his justification in the unwritten law. In the statutes of this state. In the written law, he finds it necessary to protect his life and liberty.

In the performance of my duty it will be necessary for me to refer to the dead. I will do so in all respect possible, but there are cases where the

memory of the dead must give way to the living. For those who are left behind, for the widow who mourns, for the son, I have nothing but words of sympathy. Gladly would I have said it possible, the law that the sins of the father must descend for three and four generations.

**STORY OF TWO YOUNG PEOPLE.**  
"The story is that of two young people whom fate by inscrutable decree had determined to link together, do be united and walk through life in a companionship of another. The story covers only a few years. It is the saddest, most mournful and most tragic which the tongue of man has ever uttered or the ear of man heard. Let me begin briefly with her story—one filled with incidents with which a volume might overflow, or might be written by the vivid imagination of the most gifted novelist."

"She was born on Christmas eve, 1884, in the city of Pittsburgh. The first years of her childhood saw her lose her father and natural protector, and left her in charge of a mother who early manifested that character of feivility and extravagance which were to lead to such deplorable consequences. When the girl was 16 years of age, the family itself in straightened circumstances, she began to feel the pang of want."

"At 18 she became the family drudge, assisting her mother. Thus the family continued, moving from place to place without any fixed habitation."

"But nature had endowed her with the fatal gift of beauty—a beauty which unfused itself in youth, and with which the mother soon saw means of supporting the family."

**AN ARTIST'S MODEL.**  
"At 14 she was in Philadelphia already embarked upon the perilous sea of an artist's model. But New York, the great metropolis, was the market where such natural gifts are most sought and most dearly paid for, and to New York the family came, and by the procurement of the mother, the employment began in Philadelphia was renewed, and the beautiful child wandered her way through the streets from morn till noon and from noon till eve, standing in the line of the artist to artist, and at the end of the week the scant earnings she carried to her mother for the support of the family."

"Brave and courageous, we find this child of 15 years of age, rushing in the day time from studio to studio, and at night appearing upon the boards and earning an equal salary."

**A GRAY-HAIRED WRETCH.**  
"At this time we find a man whose hair was tinged with gray, who had an excellent wife and an accomplished son, fixing his eyes upon the faded child and determining to make her his. To win her he had none of the graces or principles of the honorable suitor. He conducted himself to the family in the guise of an industrial worker, won his way into the confidence of the mother and established himself in a paternal and protecting attitude in the home which Stanford White had left. He persuaded the mother to absent herself from the city, assuring her that the child would be safe in his hands, and chiding her how fortunate it was that there was such a protector to watch over her. The child was left alone. I wish it were in my power to pass over the scene which followed. I wish it did not have to be embodied in my argument to you, but my duty gives me no choice. In one of those dense tides up with all the beauty and taste which this child had, she passed, into one of these dense tides which lured and found herself alone with this man, old enough to be her father, the man who was her protector."

**STORY OF A GIRL'S RUIN.**  
"Must I tell you how she was led on, step by step, how she was pined with pain and drugged, and finally became his victim? That story you have heard from the child's faltering lips. Better that he should never have lived than to have lived to have heard the cries of anguish of the victim who lay before him. He had committed the greatest crime that ever defiled the image of God. He had lured to destruction and ruin a child who had been entrusted to him. He had committed a crime against the law, against the law of this state, a crime that the citizens of this country in a message to Congress said should be punished by death."

"Had this man forgotten that when our Lord set down a child among his disciples, He said, 'Whosoever shall offend a little child in my name, he shall offend a little one such as this, and it were better for him that he were drowned in the depths of the sea.'"

"He, gentlemen, who had erected a temple to Abraham, had forgotten the words of our Lord, and had committed a crime against the law, against the law of this state, a crime that the citizens of this country in a message to Congress said should be punished by death."

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girl that whatever she might be in the eyes of a snuff and a deluded world, he knew her soul was pure.

## MOVES JUROR TO TEARS.

"He said: 'Yes, I know that your soul is pure; I know it was not your fault; I know you are an unfortunate and betrayed girl; but come to me and I will protect you. About your form I will throw the strong arm of a man. I will fight the battles of life with you at my side. No matter what others may think of you, I think you are an angel. To me you are fairer than Rachel at the well or Ruth in the fields.'"

## A JUROR WEEPS.

Mr. Delmas halted his address for a few minutes at this point and stepped down to rest. Juror No. 2 wiped his eyes with his handkerchief.

When Mr. Delmas resumed he declared that there was documentary evidence to prove that Evelyn Nesbit told Harry Thaw the story of her downfall in Paris in 1903. He quoted at length from the letters Thaw wrote from Paris to his attorney, Mr. Leonard. The attorney declared that Thaw had no occasion to lie to his mother when he told her the story in Pittsburgh after his return from Europe. As a matter of fact, the mother of Evelyn Nesbit, Mr. Delmas pictured the mother of Harry Thaw. He reviewed the testimony she gave upon the stand and pointed to the love and affection she displayed for her son when he began to display that restlessness which culminated in the tragedy. It is a trick, how the trick was done I don't know, but that it was a trick I do know.

"Upon its face this paper proves the man who dictated committed perjury on the stand. I know he is a convicted felon; I know there are now two indictments against him for procuring false testimony."

To illustrate what he termed Hummel's perjury, Mr. Delmas delved into the history of the Dodge-Morse divorce case and explained to the jury how the "discredited lawyer obtained false testimony in an effort to secure a marriage which had been legally performed and which had resulted happily."

"And you, gentlemen," Delmas continued, "are asked upon this man's testimony to make this child a widow by sending this defendant to an ignominious death."

Mr. Delmas then asked for an adjournment until tomorrow morning, saying he expected to finish his address by the noon hour.

Adjournment was ordered until 10:30 a. m.

## NO FORTUNE FOR EVELYN.

Pittsburg, April 3.—"The statement that Mrs. William Thaw has not had settled \$250,000 on Mrs. Harry K. Thaw is untrue and might be characterized by even stronger language," said Frank Sample, financial agent of Mrs. William Thaw, today.

"Mrs. Thaw has not settled \$250,000 or any other sum on Mrs. Harry K. Thaw, and so far as I know she has no intention of so doing."

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have a torpid liver when Herbine, the only liver regulator will help you? These conditions because they are caused by indigestion, constipation, chills and fever, or any liver complaint, when Herbine is taken. It is a powerful cathartic, and it is a healthy, and after taking two bottles of Herbine you will feel healthy." Sold by C. M. E. Drug Dept. 112 and 114 South Main Street.

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fore this district attorney's eyes when this man was on the stand are the words, 'Hoye & Hummel, attorneys for plaintiff.' On the paper itself were these words, 'Evelyn Nesbit, plaintiff, vs. Harry K. Thaw, defendant.' This man was perjured when he told you that he was not her counsel, perjured when he said he was not her attorney, perjured when he told you no action was contemplated in her behalf. What was the reason for the drawing of this paper? It is simple. Miss Simonton had returned from Europe and went to Stanford White with the story Evelyn Nesbit had told her. He knew what he had done would stir a disgraceful him if it became known, and might send him to prison.

"He found Evelyn Nesbit as soon as she returned. He told her Harry Thaw was a bad man; that it was necessary for her protection that he be kept away from New York. He took her to Hummel's office, and what was his object? To get from her by a cunning trick, a monstrous deception, a statement which would keep Thaw from telling what he knew that would make trouble for White. In some way, I know not how, this paper was drawn up. Then Evelyn Nesbit was induced to sign it, or to sign some other paper, without reading it or knowing what was in it. I don't know whether it was this paper or not. Is this her signature, or is it a clever forgery or photograph? All I know is what comes from so questionable a source as to be valueless. It is a trick. How the trick was done I don't know, but that it was a trick I do know."

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## WANTED!

Nothing except the testimony of Abraham Hummel. I do not wish to speak of that unfortunate man in Evelyn's story, but the first recalled memories of this case demand it. It is a melancholy picture—that of a man in the declining years of life, when the life is a monotonous, when the sun is setting, crowning a life strewn along its entire path with misdeeds, by one crowning act of infamy, in resorting to perjury in an attempt to deprive a fellow-being of life."

## HUMMEL THE PERJURER.

Mr. Delmas read exhaustively from what he said were discredited affidavits of almost every statement. He first read what Hummel said about sending for a photographer to make a picture of the affidavit alleged to have been signed by Evelyn Nesbit and having the photographer come to his office.

Then he read where Hummel declared that he was from the lips of the same man upon that witness chair. They were uttered under the solemnity of his oath, or whatever solemnity may attach to the oath of a felon—a man convicted and under sentence for perjury. One of these statements was a deliberate falsehood. Which it was I care not—they probably both are false.

"Hummel testified that he dictated this thing, misadvised affidavit. He says he dictated it in his office in 1903 to a stenographer whose name or initials he does not recall. If these are his words, then he committed deliberate perjury in an attempt to deprive a fellow-being of life."

To testify against the defendant it was necessary for Hummel—that he was not acting as Evelyn Nesbit's attorney; that no legal action was contemplated in her behalf. He committed a deliberate falsehood. Which it was I care not—they probably both are false.

## SHOWS HUMMEL UP.

"He swore he had never been attorney for Evelyn Nesbit, yet the back of this very paper which lay be-

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