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# **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 Acquiesced 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, Delphin M. 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 adjournmen was taken until tomorrow morning Mr. Delmas expects to conclude before the luncheon hour is reached. Dist. Atty. Jerome will make the closing Atty. Jerome will make the closing address on Wednesday, and Thaw's fate should be in the hands of the inry by Wednesday evening. Justice Fitz-gerald today ordered the jury locked up until the end of the trial. The judge's charge to the jury undoubted-ly will be delivered immediately after the district attorney concludes. The latter says his speech will occupy not not than three or four hours. Declaring he would not base his plea-upon the "unwritten law," because his client found ample protection in the written statutes of the state of New York, Mr. Delmas made a striking ap-

written statutes of the state of New York. Mr. Delmas made a striking ap-peal 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.

BASIS OF ARGUMENT. Mr. Delmas based his argument solely upon the story of Evelyn Neshi 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 and tones the elo-cent lawyer could command. "Even a beast protects its young." Mr. Delmas declared with scornful em-heads. "but this unnatural mother de-serted her daughter in this city of mil-tos to be betrayed by a false friend, to be lured into a gilded palace and there left the victim of a gray-haired men." Mr. Delmas went with great detail

ed." Mr. Delmas went with great detail into the life Evelyn Nesbit had led up to the meeting with Harry Thaw. In all of his remaraks 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 elutches of Stanford White, whose achievements in his pro-fession were an aggravation of his crime."

crime." Mr. Delmas before beginning his attack upon Evelyn Thaw's mother poured cut a torrent of denunciation upon the architect who became the victim of Thaw's pistol. He accused him of the "crime of rape," and de-clared President Roosevelt had said in more than the providence of the such a clared 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 fated child upon whom Stanford White had fixed his gaze and had determined should be his. He quoted from Scripture that "he who afflicts a fatherless child shall perish," and declared that Provihad sent Thaw to avenge the

attorney declared Thaw is his wife's only protector-that he came into her life when she was on the down-ward path, and told her that no mat-ter what the world thought of her she was to him an angel. He took her to be memory of the dead must give way to the needs of the living. For those who are left behind, for the widow who mourns, for the son, I have noth-ing but words of sympathy. Gladly would I suspend if possible, the law that the sins of the father must descend for three and four generations STORY OF TWO YOUNG PEOPLE.

STORY OF TWO YOUNG PEOPLE. "The story is that of two young peo-ple whom fate by inscrutable decree had determined to link together, do be united and walk through life in the company of one another. The story covers only a few years. It is the suddest, 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 gitted novelist. "She was born on Christmas eve, 1884, in the city of Pittsburg. 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 frivolity and extravagance which were to lead to such deplorable con-sequences. When the girl was 10 years of age, the family itself in straight-ened circumstances, she began to feel the pangs of want. "At 13 she became the family drudge, assisting her mother. Thus the family continued moving from

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 manifested itself in youth, a gift with which the mother soon saw means of supporting the family.

#### AN ARTIST'S MODEL.

"At 14 she was in Phalidelphia al-

"At 14 she was in Phalidelphia al-ready embarked upon the perilious sea of an artist's model. But New York, the great metrobolis, 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 market way the beautiful child wended her way through the streets form more till noon and from noon ill eve, from studio to studio, and from 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 held of 15 years of age, rushing in the day time from studio to studio, carning \$16 to \$18 a week, and at ight appearing upon the boards and earning an equal salary. A GRAY-HAIRED WRETCH.

#### 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 fated 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 suites of an influential friend. He To with her he had none of the graces or principles of the honorable suitor, He conducted himself to the family in the guise of an influential friend. He won his way into the confidence of the paternal and protecting attitude in the family, and when his footing was sure he persuaded the mother to absent her-self from the city, assuring her that the child would be safe in his hands, and telling her how fortunate it was that there was such a protector to watch the exist a protector to watch it do not have to be embodied in my argument to you, but my duty gives fitted up with all the beauty and taste which this man of genius possessed, into one of these dens this child was the to the stances. Why, then, I ask you, was he paying Evelyn Nesbit's mother \$300 a north?"



cross-examination which has no paral-lel in this country or any other coun-try. You saw her fight for days inch by inch against the man who had sworn to make her a widow. You saw her fighting against the arts that learned and brilliant man could bring to bear to break the story.

EVELYN DID NOT FLINCH.

EVELYN DID NOT FLINCH. "You saw her undergg that terrible ordeal, but did you see her flinch, did you see her hesitate? No. Under the merciless cross-examination you heard from her unwilling but truthful lips that her relations with Stanford White, once begun, continued until her nature revolted, until God asserted himself. Do you need any more proof than that that her story is true? If it were false, would it not have been easier for hero say that the relations were not con-inued? But she told the whole story, he whole truth.

the whole truth. "One other question I want to ask you. Why did Stanford White just at that moment remove the mother-this child's only protector, as guardian upon her tender years, as sentinel on her tot-tering steps upon the slippery walks of New York? Why was the mother sent to Pittsburg with money furnished by Stanford White? Why was the young mother sent away to school, except to

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

MOVES JUROR TO TEARS. 'He said; 'Yes, I know that your soul The said: 'Yes, I know that your soul is pure; I know it was not your fault; I know you are an unfortunate and be-trayed 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 sat down to rest. Juror No. 12 wiped his eyes

few minutes at this point and sat down to rest. Juror No. 12 wiped his eyes with his handkerchief. When Mr. Delmas resumed he de-clared that there was documentary evi-dence 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 Par-is to his attorney, Mr. Longfeliow. The attorney declared that Thaw had no occasion to lie to his mother when he told her the story in Pittsburg after his return from Europe. In contrast to the mother of Evelyn Nesbit. Mr. Deimas pictured 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 rest-lessness which culminated in the trag-edy. He spoke in eulogistic terms of her noble character and of the sacri-fices she made to lighten the burden and ease the pain of her heart-broken boy. 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 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 it committed perjury on the stand. I know he is a convicted felon: I know there are now two indict-ments against him for procuring false testimony."

Mrs. Thaw listened to the compliments paid to her withous evincing emotion. Her children sat stolid as ever. Evelyn was unmoved by the at-ack on her mother, and, as a matter of fact, her features were immobile fact, her features were immobile throughout the duration of the argu-

#### TRIBUTE TO MRS. THAW.

TRIBUTE TO MRS. THAW. After paying his tribute to Mrs. Thaw, Mr. Delmas rehearsed the evi-dence which related to the attentions which Thaw paid to Evelyn, laying par-ticular stress upon that portion which referred to his visits to Pompion, where she was a pupil in a boarding-school. He spoke in the tenderest of tones of Thaw's visit to the girl's bedside when she was ill, of his deep concern for her when she was convalescing, and of his efforts to restore her to heatth. He de-clared that Thaw was then paying hon-orable court to Evelyn and made her an honorable proposal of marriage soon afterward in Paris. Mr. Delmas read at length from the letters Thaw wrote to his lawyer, Mr. timony to make this child a widow by sending this defendant to an ignomin-



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that a mother had helped to place upon her.

### THE MOTHER'S SHAME.

THE MOTHER'S SHAME. Mr. Deimas accused Mrs. Neshit of having lived upon the wages of her daughter's ruin. He sought to picture to the jury what he termed the sinis-ter surroundings in which the girl had been reared, and in doing so he merci-lessly attacked the mother. Mr. Dei-mas rose to the highest point of his address today when he declared the girl's mother was the one who had fur-mished Dist. Aty Jerome with the ar-rows with which to wound the daughter on cross-examination a cross-examina-

rows with which to wound the daughter on cross-examination, a cross-examina-tion 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 attor-ney had to bring against the girl was the miscalled affdavit procured by Abraham Hummel. Speaking of Hum-mel, Mr. Delmas again drew heavily the miscaled almavit produced by Abraham Hummel. Speaking of Hum-mel. Mr. Delmas again drew heavily upon his bitterest invectives and de-clared that it would require more than the word of a perjured man to send Harry Thaw to an ignominous death. Hummel was accused by Mr. Delmas of having committed deliberate perjury upon the stand in the present trial when he swore he was not acting as Evelyn Nesbit's counsel, and that no action was contemplated in her behalf. He said the so-called affidavit itself convicted the man of these falsehoods. Mr. Delmas devoted practicitly all of his address today to a resume of the svidence of certain witnesses. He will have many more comments to make along this line before he comes to his plea for the defendant's lite. DELMAS' APPEAL

## 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 here trying this man, and would be absolutely prohibited by the statutes."

"Had wonk be abscribely promitted by the statutes." "Had you heard these words," con-tinued the attorney, "from some irres-ponsible babbler, bistend of from an official charged with a great public duty; had this been spoken in a place where file men resort to induige in idle talk instead of in a tribunal wherein justice presided in solemaity; had the occasion on which they were uttered been some trivial discussion on some insignificant tople, instead of a debate, the issue of which is dife or death, and had you, after so hearing them, heard the same lips make an appeal to prove that the law demanded forfelt of the life of the man about whom they were

that the law demanded forfeit of the life of the man about whom they were spoken, these words might not have alled you with amazement. "It is to prevent such a countisten in this case that I have undertaken the reformance of the oneroits task he-fore me. In this task it will be my power in deciding the question before you. In the performance of rat task, it is not improver to say that I shall make no altempt to influence your passions, he altempt to make your passions, he altempt to make your passions, he altempt is make the written law, in the statutes of this meter. In the preformance of my duty it

into one of these dens this child was 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 BUIN.

"Must I tell you how she was led on, step by step, how she was piled with wine and drugged, and finally became his victim? That story you have heard from the child's faitering lips. Better that he should never have lived than from the child's faitering lips. Better that he should never have lived than to have lived to have heard the cries of anguish of the victim who lay be-fore him. He had committed the greatest orime that ever defiled the image of God. He had lured to de-struction and had crushed the child who had trusted him. He had commit-ted a crime against the law, against the law of this state, a crime that the chief magistrate 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 re-ceiveth such a little one such as this, it were better that a millstone were tied about his neck and he were drowned in the depths of the sea." "He, gentlemen, who had erected a temple to Abraham, had forgotten the words of the Great Jehovah to the words of the Great Jehovah to the words of the should sturely die. "Oh, Stanford White, who entrapped

"Oh. Stanford White, who entrapped a child who had no father, who had been descried by her mother, and was left alone in a city of millions, had you

imagined that God would not hear that Had you forgotten that retribution

Had you forgotten that retribution would be at hand? Better had it been for you that you died before that day, for then you might have died in the splender of your fame, when your de-parture would have been deplered by your family: when all would have at-tended your obsequies; before your mame was a byword and before your genus had been an aggravation of your genius had been an aggravation of your

Mr. Delmas next went into a long

Mr. Definas first went into a long discussion as to whether it was true that Evelyn Nesbit had told her story to Thaw in Paris in 1963. Reverting to the story of the wrong done Evelyn Nesbit by White, Mr. Del-mus reconnted how White had pol-soned the mind of the girl by telling her that she had committed no wrong. A KNEELING SCOUNDREL

"When daylight came," the speaker minued, "he, the strong, big man. continued, "he, the strong, big man, weat to her spartments and knelt at the feet of this child, kissed the hem of her garment and told her that what she bad done was not wrong, and that the only sin was to be found out. He told her that if she would refrain from telling her mother or any one clee, all would be well: told her that all wo-men were wicked, that some succeeded in concessing their vices, some were found out.

ound out, "And so he lured her again and again, pited her with wine in the same den of iniquity or others that he kept, and their relations continued for a period of several months.

"Again I ask you, is this story true, or rather, is the story which has been related to you, the story which Evelyn Nesbit told Harry Thaw in June, 1963, in Paris"

tendant finds his justification in the written law, in the statutes of this state. In the written law, he inds it necessary to protect his life and lib-crity. "In the performance of my duty it will be necessary for me to refer to the dead. I will do so in all respect pos-sible, but there are cases where the

a month?" a month?" Mr. Delmas then took uf the story of Miss Simonton's return from Europe, where she had learned Evelyn's story. She went to Stanford White and con-fronted him with it. It was then that White went to Mr. Hummel.

WHITE SAW DANGER AHEAD. "That shows that Stanford White saw

danger ahead and was ready to do any-thing to gain protection. Thereupon, as soon as Evelyn Nesbit returned, a paper was drawn up to which I will refer latwas drawn up to which I will refer lat-er. "Gentlemen, do you remember Christ-mas of 1903? Do you remember that banquet which Stanford White had ar-ranged in celebration of Evelyn Nesbit's birthday? Do you remember that Harry K. Thaw succeeded in rescuing her from Stanford White's clutches, and that White went to the theater later and, dourishing a revolver, swore to take Harry Thaw's life before morning? "Things like these pay glowing trib-inte to Evelyn Nesbit's story." Mr. Delmas had a score or more of legal-cap sheets, to which he referred occasionally, and particularly when he came down to the actual argument as to the motive Stanford White had in pay-ing money to Evelyn's mother and in sending Howard Nesbit to school at his expense.

expense. When Mr. Delmas had completed his denunciation of Stanford White, he launched into a merciless attack on Evelyn Thaw's mother. He first recalled to the jury that in the early part of-the trial, when the name of the mother was first mentioned, he stated that he would not cast any reflections upon her and held her guiltless, believing her to have been the helpless victim of circumbeen the helpless victim of circum-

"When I said this, gentlemen." Mr. Delmas continued, "I wish you to bear in mind that the three things had not yet developed—that for years after this rape had been committed upon this girl, the mother received \$200 a month from the ravisher; that the mother had given to the district attorney a written statement by which he might toriure the soul of her daughter, by which he might leave her alone in the world—her fater dead, her mother unnatural, her husband executed.

AN UNNATURAL MOTHER.

"When I learned that every shaft aimed at her heart came from a quiver supplied by her mother; when I learned

supplied by her mother: when I learned that it was the mother who was point-ing out the sore and tender spots for the district at porney to attack, and when I learned that the poor babblings of a girl in school-her diary-had been fur-nished by the mother that they might be used against her. I retracted as I setract now, the statements which I made in behalf of the mother. "Onl unmanural mother that she was, to desert her girl and leave her the vic-tim of the used of this gray-haired man; to receive for a year the wages of her daughter's downfall; to wear dismody bought with such money as this, and then to come now, in the hour of her daughter's during agony, to steal away the life of her only protector.

then to come now, in the hour of her daughter's supreme agony, to steal away the life of her only protector. "Why, gentlemen of the jury, a benst protects her young. I have even scen a little bird watching over her brood of young in a dusty road, ruffle her brave, little feathers until she was twice her natural size, and fly straight at a point-er who had come running up, until the dog stood abashed and respected the mother.

of who had come dufining up, that the dog stood abashed and respected the mother, "Oh! shame upon this wompa! "Not content with what she had al-ready done, she would take away the life of the one human being who came as an argel into the life of this girl upon the downward path, who told the

etters Thaw wrote to his lawyer, Mr Longfellow, claiming that they proved beyond a doubt that Evelyn Nesbit had beyond a doubt that Everyt Nesoft has told him her story, and further proved that he loved her honestly and hon-orably and wished to make her his wife. He then called attention to the testi-mony of Mrs. Caine, to the effect that "These hed at the time Every Neshit mony of Mrs. Caine, to the effect that Thaw had, at the time Evelyn Nesbit was ill at school, asked her mother for the child's hand in honorable marriage. The incidents of the European trip in the incidents of the European trip in

The indicents of the European trip in 1963 were next taken up, as showing Thaw's great love for European trip in 1963 were next taken up, as showing Thaw's great love for Evelyn Nesbit. He traced this love as testified to by Evelyn Thaw and Mrs, William Thaw, down to the time of his wedding. "Does a man who loves a woman," exclaimed Mr. Delmas, "who has loved her for two years; who has lavished his whole being on her; who centered on her his happiness and his future; who wanted her for his wife-does such a man. J say, invent a story which dis-graces in his mind and in the minds of the world the woman he loves? Can any man tell you that Harry Thaw deliberately invented this most debasing story ever told? Gentlemen, I think I have established to your satisfaction have established to your satisfaction that this story was true; that it is not a fabrication; that Evelyn Thaw's statement that she told this story to Harry Thaw in Paris in 1903 is true. "Against this, what is there in this case?

Case "Nothing except the testimony of Abraham Hummel. I do not wish to speak of that unfortunate man in terms any stronger than the stern exi-gencies of this case demand. It is a melancholy picture—that of a man in the declining years of life, when the time is approaching when life's the time is approaching when life's when sum is setting, crowning a life strewn along its entire path with misdeeds, by one crowning act of infamy, in re-sorting to perjury in an attempt to de-prive a fellow-being of life."

HUMMEL THE PERJURER.

Mr. Delmas read exhaustively from bat he said were discrepancies in al-

Mr. Delmas read exhaustively from what he said were discrepancies in al-most every statement. He first read what Hummel said about sending for a photographer to make a picture of the affidavit alleged to have been sign-ed by Evelyn Nesbit and having the photographer come to his office. Then he read where Hummel de-nied sending for the photographer, or that the man had come to his office. "These statements," declared the attorney, "came from the lips of the same man upon that witness chair. They were uttered under the solemnity of his oath, or whatever solemnity of his oath, or whatever solemnity in an convicted and under sentence for perfury. One of these statements was a deliberate falschood. Which it was I care not-they probably both are false. "Hummel testified that he dictated this thing, miscalled an affidavit. He

"Humania lestined that he dictated this this miscalled an affidavit. He says he dictated it in his office in 1903 to a strucgrapher whose name or in-dividuality he does not recall. If he dictated it, if this is his work; if these the his words, then he committed de-liberate regury here before you, and the evidence is here on the face of the name.

the evidence is here on the face of the paper. "To testify against the defendant it was necessary for Hummel--that wretched little old man--to swear that the was not acting as Evelyn Neshit's alterney; that no legal action was con-templated in her behalf. He come here to tell you that Harry Thaw had beaten like a hound the woman he loved. That is a thing you men know Thaw would rather have died, than done.

#### SHOWS HUMMEL UP.

"He swore he had never been at-torney for Evelyn Nesbit, yet on the back of this very paper which my be-

Pittsburg, April 8.—"The statement that Mrs. William Thaw has or had sot-tied \$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 Theor. Ledan

NO FORTUNE FOR EVELYN.

estimony."

ous death.

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