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2123—June 26

WILKINS'S COUNSEL CHARGES FRAME-UP BY DETECTIVES

(Continued From First Page.)

precious than life, he looks to you for the cleaning of his honor.

"The defendant loved his wife. It has been shown here that everybody who ever saw them together—and their observation runs up to ten minutes before she died—saw that he was the soul of courtesy and honor to her on all occasions," ASKS JURY TO BELIEVE DR. WILKINS'S STORY.

"What you want to know," continued Mr. Wysong, "is what happened at Long Beach after Dr. Wilkins and his wife left the train from New York at the station at 9:06 o'clock. No man except this defendant here knows of his own knowledge. You have heard his story. I think you undoubtedly believe that story as I certainly do."

The attorney then carefully repeated the story. Of the fact that the "stunning blow" which Dr. Wilkins said knocked him to his knees did not scratch or bruise the defendant's head he said:

"The defendant does not know with what sort of weapon he was struck or if he was struck with any weapon. I do not believe that a blow with a lead pipe or a hammer could have been struck through a derby hat without marking his head. I believe, as you will, too, that the blow was struck with the flat of the burglar who afterward grabbed him by the throat."

"The number of wounds on Mrs. Wilkins's head is the best proof," said Mr. Wysong, "of the difficulty the third burglar, called 'Dick' by his

companions, had in obeying his pale injunction: 'Dick, quiet that.' She was a big, strong woman, a match for any man on equal terms. He had to use a hammer, he had to use it again and again, and finally he had to use two blows of such force that it penetrated the skull.

Mr. Wysong said that after Dr. Wilkins found Mrs. Wilkins on the walk, dying, his actions were those of the "tender-hearted, considerate man, and not of the murderous fiend." He ministered to his wife carefully and rushed out the back gate for help, Mr. Wysong said, and he left blood spots on the fence gate.

"But apparently the robber who had taken his watch, pin and pocketbook went out the same way. For on that porch was found the doctor's pocketbook, emptied of the \$40 that was in it. Gentlemen, the man who murdered Mrs. Wilkins did not throw away that pocketbook. You have it here. There are no blood stains on it, no trace of him. It was not thrown away by Dr. Wilkins. His hands were bloody from attending his wife. It was not thrown away by 'Dick,' who killed Mrs. Wilkins. That pocketbook, with its absence of stains, is the clearest possible proof of the truth of the story of Dr. Wilkins about the burglar."

EXPLAINS DUSTY CONDITION OF THE GLASSES.

As Mr. Wysong developed this argument Justice Manning turned to face the jury and studied their faces carefully.

The dusty condition of the inside of the three glasses in which Dr. Wilkins said were set out on the dining room table was no evidence that they were mere stage settings, Mr. Wysong asserted.

"There is no wonder," said he, "if the glasses were so dirty, the burglars did not use them to drink out of. There were plenty of other drinking cups about for them." He added that they probably drank out of the neck of the bottles.

"No man has control of his tear ducts," said the attorney, scolding the implication of Mr. Weeks that Dr. Wilkins did not weep when told his wife had died in the hospital. "Some men sob, as did this grief-stricken husband, without tears."

The attorney asked the jury to consider that a much less intelligent man than Dr. Wilkins, preparing a defense for premeditated murder, would have manufactured evidence of a burglar's entry to the house by breaking a window or forcing a lock.

"They have picked on this poor old man," he said, pointing to the defendant, "because they weren't astute enough or energetic enough to find the burglars who did this crime."

Mr. Wysong ridiculed the evidence connecting the murder hammer and the lead pipe big game, saying that it was impossible to believe that if Dr. Wilkins had prepared murder weapons in advance he would never have used pieces of the paper with which they were wrapped.

Mr. Wysong's attack on Allen Meyers was prefaced by the assurance that District Attorney Weeks was an honest, God-fearing, scrupulous man and did not know of wicked work done, counsel for the defense said, by Meyers, a detective of the Burns Agency.

"I did not believe," he cried, "that there were men who would make out of whole cloth evidence to convict a man of murder, but you know something of the savor of private detectives; you know a whole lot about the unseemly savor of the Burns Agency."

"I believe," said Mr. Wysong, "that the scarfpin was planted in the doctor's overcoat by Detective Meyers. I believe that the tailor, Jacobson, is one of the seven or eight thousand men on whom, as Burns testified, he

can call at any time for any support Burns needs for any purpose."

SAYS BURNS DETECTIVE AND TAILOR FORGED EVIDENCE.

The attorney said he was never surer of anything in his life than that a Burns detective and the tailors forged the identification number on the trousers taken from the defendant in the county jail.

In general, Mr. Wysong said the whole case was made up of the stories of paid detectives, county office holders and hangers on. He devoted some time to calling the attention of the jury to such evidence of the methods and reputations of the Burns Agency as was brought out during the examination of William J. Burns.

The jury rode to Long Beach in a slight seeping bus.

Dead silence marked every step of the proceedings, such being the order of the court and the oath of the court officers who escorted the jurors. In single file, led by Sheriff Seaman, the twelve marched through the rooms and grounds, visiting each spot that is mentioned in the opposing stories of the crime, the State's story that Dr. Wilkins killed his wife, and the story of the defense that she was killed by burglars.

Court was called by Justice Manning at 8 o'clock this morning instead of the usual hour of ten. One glance about the room showed him that many had overlept.

"Where is Mr. Wysong of the defense?" demanded the Court. "Where is the stenographer? Must the Court make its own record of the proceed-

ings, writing in long hand, as judges did in olden times? It is apparent that he must. Gentlemen of the jury, there is one of your number who knows that I was here at a quarter of eight."

HAMBY TO DIE WEEK OF JULY 28; WELCOMES FATE

(Continued From First Page.)

Judge Fawcett, in imposing sentence, said:

"The court assigned Mr. Francis X. McCaffrey to defend you and protect your rights. You by your own acts prevented him from doing more than to see that your rights were protected and that your trial was in accordance with the law. Your counsel has discharged his duty.

"Your atrocious crime shocked the community. You cruelly shot and killed two greatly respected citizens while engaged in a bold, daring, daylight bank robbery. Your crime is the most heinous ever committed in Brooklyn.

"Your record proves you to be a bandit, plying his nefarious vocation during the past decade with absolute disregard for the lives and property of his victims. You have admitted

killing three men and shooting twice that number and robbing at least thirteen banks."

"There is no worse enemy to society than the educated, desperate adventurer. Beneath an exterior of apparent refinement you are a fiendish spirit incarnate. Your diabolical prowess no regret for the cold blooded murders you have committed, and there can be no regret over your execution in paying the full penalty exacted by the law."

Hamby, after making the short speech already quoted, was led out. It was then that his counsel, Mr. McCaffrey, addressed the court.

"I advised Hamby," he said, "that he had no defense, and he quite agreed with me. I told him I would see that he had a fair trial, that the District Attorney would present the case in accordance with the law. He said he wanted no contest.

"Since the trial began, however, I have doubted whether any human being could be sane and still do as Hamby has done. I do not wish to make a formal motion, but merely to suggest, for my own satisfaction, that an examination be made to determine the mental condition of this poor individual."

District Attorney Lewis said the State would be revises in its duty if it did not second the suggestion of the defense, and Justice Fawcett issued the order.

Justice Fawcett when he was taken back to the Raymond Street jail. "All that long speech was uncalled for," he said. "Why can't these judges in sentencing people say just what is necessary and let it go at that?"

The rumor came to the jail that an insanity commission was to be appointed.

"So it's the bug house now," said Hamby with a smile. "Well, well, well."

A fellow prisoner went through a

burlesque sanity inquiry with Hamby, who seemed amused.

"I guess I'm sane from the neck up and insane below," he said. Mrs. O'Grady, Deputy Police Commissioner, called on him and he would not sit down until he had gotten a chair for her. She spoke of church and parents and right and wrong and Hamby told her politely that he guessed he had taken the wrong road. "She's a nice lady," he said afterward.

It was learned that one of the alienists who will examine Hamby is Dr. Anna B. Rolston.



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For Other Gimbel News See Page 14

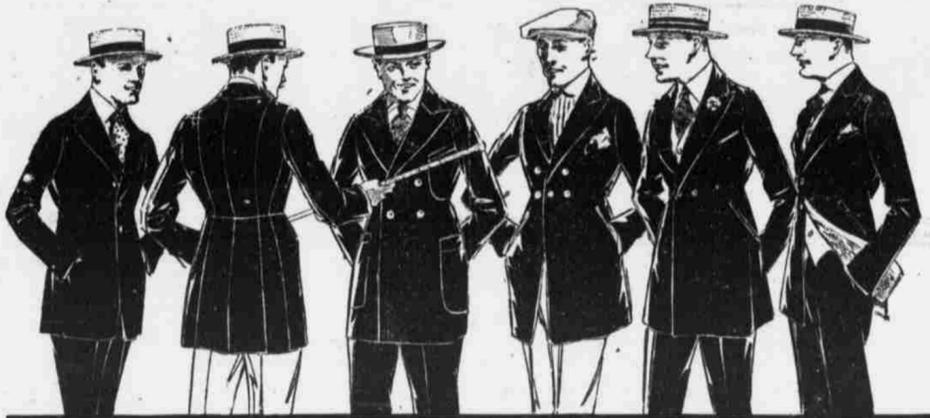
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