DELMAS MAKES AN ELOQUENT PLEA

LAWYER PLEADS; JURYMAN WEEPS

ATTORNEY'S ELOQUENCE MAY SAVE THAW

Life of Stanford White Laid Bare in Argument Made by Californian—Hummel Also Scored

(Continued from Page One)

to judge her husband, and bowed her head as her mother was denounced in the bitterest terms and tones the eloquent lawyer could command.

The court room was crowded. Judge Fitzgerald's injunction that absolute quiet must be maintained was hardly necessary, for there was interest in every utterance of the attorney. In the throng were many attorneys, some of whom have traveled many miles to be present at the climax of a trial which for length and sustained interest has no equal.

All of Thaw's family were in the court room. They sat unmoved, as usual, throughout Mr. Delmas' argument.

Thaw's face turned frequently to his wife, who seemed to be standing the brunt of the storm. She showed a responsive smile for his every look.

District Attorney Jerome was not in court to hear Mr. Delmas' speech. His assistant, Mr. Garvin, took notes. Mr. Jerome, it was said, was busy with the preparation of his own address.

ATTORNEY DELMAS' ADDRESS MOVES ONE JURYMAN TO TEARS

By Associated Press.

NEW YORK, April 8.—Mr. Delmas began his appeal to the jury by quoting from an utterance of District Attorney Jerome, in which 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 you heard these words," continued the attorney, "from some irresponsible babbler, 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 where justice presided in solemnity; had the occasion on which they were uttered been some trivial discussion on some insignificant topic, instead of a debate, the issue of which is life or death, and had you after so hearing them heard the same lips make an appeal to prove that the law demanded forfeit of the man about whom they were 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 one 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 task it is 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 thing as the unwritten law. This defendant finds his justification in the written law, in the statutes of this state. In the written law he finds it necessary to protect his life and his liberty.

Refers to the Dead

"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 needs of 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 suspend, if possible, the law that the sins of the father must descend for three and four generations.

"The story is that of two young people whom fate by inscrutable decree had determined to link together, to be united and walk through life in the company of one 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 the one 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 Pittsburg. The first years of her childhood saw the loss of her father and protector and left her in charge of her mother, who early manifested that character of frivolity and extravagance which were to lead to such deplorable consequences. When the girl was 10 years old, the family itself in straitened 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 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.

"At 14 years she was in Philadelphia, already embarked upon the perilous sea of an artist's model. But New York, the 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 begun in Philadelphia was renewed and the beautiful child wended her way through the street from morn till noon and from noon to 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 child at 15 years of age rushing in the daytime from studio to studio, earning $16 to $18 a week, and at night appearing upon the boards and earning an equal salary.

"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 guise of an influential friend.

Poses as a Protector

"He won his way into the confidence of the mother and established himself in a paternal and protecting attitude in the family, and when his footing was sure he persuaded the mother to absent herself 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 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 dens fitted up with all the beauty and taste which this man of genius possessed, 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.

"Must I tell you how she was led on, step by step, how she was plied with wine and drugged and finally become 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 hear 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 had crushed the child who had trusted him. He had committed a crime 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.

Bible Quotations

"Had this man forgotten that when our Lord set down a child among his disciples, he said:

"'Whosoever receiveth such a little child in my name he shall dwell with me forever, but who shall offend 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 a great Jehovah to the children of Israel, that he who afflicted a fatherless child should surely die.

"Oh, Stanford White, who entrapped a child who had no father, who had been deserted by her mother and was left alone in a city's millions, had you imagined that God would not hear that cry?

"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 splendor of your fame, when your departure would have been deplored by your family; when all would have attended your obsequies, before your name was a byword and before your genius had been an aggravation of your crime."

Mr. Delmas next went into a long discussion as to whether it was true that Eveleyn Nesbit had told her story to Thaw in Paris in 1903. Reverting to the story of the wrong done Evelyn Nesbit by White, Mr. Delmas recounted how White had poisoned the mind of the girl by telling her that she had committed no wrong.

When Daylight Came

"When daylight came," the speaker continued, "he, the big, strong man, went to her apartments and knelt at the feet of this child, kissed the hem of her garment and told her that what she had 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 else, all would be well; told her that all women were wicked; that some succeeded in concealing their vices; plied her with wine in the same den of iniquity, and their relations continued for a period of several months.

"Again I ask is this story true or rather is the story which I have related to you the story which Evelyn Nesbit told Harry Thaw in June, 1903, in Paris?

"If she never told Harry Thaw these things, then when she appeared on the witness stand she was an untruthful witness. Again, if she did tell this story to Harry Thaw, was it true? Did the things she told of actually occur? That they did you have many evidences.

"In the first place you have her testimony that they did take place. In corroboration of her statements I beg to call your attention to various things in the evidence. You have watched her maner of testimony. In your experience as men of the world you can tell whether the child, for child she is today, is the cunning actress who was repeating a story she had learned and rehearsed. You saw her countenance; you saw horror overspread it when she told the horrible story. Gladly she put herself in that light for the sake of the one person in the world who loved her, the one person she loved.

"You saw her strained face; you saw her struggle to tell the truth. You saw her for days struggling through a cross-examination with no parellel in this country or any other country. You saw her fight for days inch by inch against the man who has sworn to make her a widow.

Story Not Shaken

"You saw her fighting against the arts the learned and brilliant men could bring to bear to break the story. You saw her undergo 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 only begun, continued until her nature revolted—until God asserted himself. Do you know any more proof than that that her story was true? If it were false would it not have been easier to say that the relations were not continued? But she told the whole story, 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, her sentinel on her tottering 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 brother sent away—away to school—except to remove prying eyes?

"Another matter I call your attention to. During the year following this terrible event Stanford White contracted to pay Evelyn Nesbit $25 a week when she was unable to earn a living upon the stage. The checks which are here in evidence show that many of them were payable to her mother.

"It has been figured that the mother received from the hands of Stanford White in that year $3500—an enormous sum to this woman who had been living in mean lodgings without enough to eat. The district attorney will tell you that Stanford White was then in straitened circumstances. Why, then, I ask you, was he paying Evelyn Nesbit's mother $300 a month?"

Enter Abe Hummel

Delmas declared there must be something more than "this wretched Hummel affidavit" upon which to convict Harry K. Thaw. He denounced Hummel as a man ready to commit crime for money.

Mr. Delmas then took up the story of Miss Simonton's return from Europe, where she had learned Evelyn's story. She went to Stanford White and confronted him with it. It was then that White went to Mr. Hummel.

"That shows that Stanford White saw danger ahead and was ready to do anything to gain protection. Thereupon as soon as Evelyn Nesbit returned a paper was drawn up to which I will refer later.

"Gentlemen, do you remember Christmas of 1903? Do you remember that banquet in which Stanford White had arranged 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, flourishing a revolver, swore he would take Harry Thaw's life before morning?

"Things like these pay glowing tribute to Evelyn Nesbit's story."

Mr. Delmas had a score or more legal sheets, to which he referred occasionally, and particularly when he came down to the actual argument as to the motive Stanford White had in paying money to Evelyn's mother and sending Howard Nesbit to school at his expense.

Attacks Evelyn's Mother

When Mr. Delmas had concluded 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 circumstances.

"When I said this, gentlemen," Mr. Delmas continued, "I wish you to bear in mind that three things had not yet developed—that for years after this crime had been committed the mother received $300 a month from the ravisher; that the mother had given to the district attorney a written statement by which he might torture the soul of the daughter, by which he might leave her alone in the world—her father dead, her mother unnatural, her husband executed.

"When I learned that every shaft aimed at her heart came from a quiver supplied from her mother; when I learned that it was the mother who was pointing out the sore and tender spots for the district attorney to attack and when I learned that the poor babblings of a girl in school—her diary—had been furnished by the mother that they might be used against her, I retracted, as I retract now, the statements which I made in behalf of the mother.

Unnatural Mother

"Oh, unnatural mother that she was, to desert her girl and leave her, the victim of the lust of this gray-haired man; to receive for a year the wages of her daughter's downfall; to wear diamonds purchased with such money as this and 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 beast protects her young. I have seen 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 pointer who had come running up until the dog stood abashed and respected the mother.

"Oh, shame upon this woman!

"Not content with what she has already done, she would take away the life of the one human being who came as an angel into the life of this girl upon the downward path, who told the girl that whatever she might be in the eyes of a sinful and debauched world, he knew her soul was pure.

"He said: 'Yes, I know that your soul is pure; I know that it was not your fault; 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.'"

Juryman Weeps

Mr. Delmas halted his address for a few minutes at this point and sat down to rest. One of the jurors wiped his eyes with a handkerchief.

When Mr. Delmas resumed, he declared that there was documentary evidence to prove that Evelyn Nesbit in Paris in 1903, told Harry Thaw the story of her downfall. He quoted at length from the letters Thaw wrote from Paris to his attorney, Mr. Longfellow. These letters made many references to the girl's life.

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. Delmas pictured the mother of Harry Thaw. He reviewed the testimony she gave upon the stand and the love and affection she displayed for her son. He spoke of her as a noble character and the sacrifices she made to lighten the burden and ease the pain of her heartbroken boy.

Mrs. Thaw listened to the compliments paid her without evincing emotion. Her children sat stolid as ever. Evelyn was unmoved by the attack on her mother and as a matter of fact her features were immovable during the duration of the argument.

After paying his tribute to Mrs. Thaw, Mr. Delmas rehearsed the evidence which related to the attention which Thaw paid to Evelyn, laying particular stress upon the portion which related to his visits to Pompton, where she was a pupil in a boarding school.

He spoke in the tenderest tones of Thaw's visits 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 health.

He declared that Thaw was then paying honorable 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. Longfellow, claiming that they proved beyond doubt that she had told him her story and that he loved her honorably and wanted to make her his wife.

He then called attention to the testimony of Mrs. Caine, to the effect that Thaw had, at the time Evelyn Nesbit was still at school, asked her mother for the child's hand in honorable marriage.

The incidents of the European trip in 1903 were then taken as showing Thaw's great love for Evelyn Nesbit. He traced this love, as testified 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, I say, invent a story which disgraces in his mind and in the mind of the world the woman he loves?

"Can any man tell you that Harry Thaw deliberately invented this most disgraceful and most debasing story ever told? Gentlemen, I think I 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?

"Nothing except the testimony of Abraham Hummel. I do not wish to speak of that unfortunate man in terms any stronger than the stern exigencies 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 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."

Several Contradictions

Mr. Delmas read exhaustively from Hummel's testimony, pointing out what he said were discrepancies in 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 denied 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 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 were both. Hummel testified that she dictated this thing miscalled an affidavit. He says he dictated it in his office in 1903 to a stenographer whose name or individuality he does not recall. If he dictated it, if this is his work; if these are his words; then he committed deliberate perjury here before you and 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 he was not acting as Evelyn Nesbit's attorney; that no legal action was contemplated in her behalf. He came here to tell you that Harry Thaw had beaten like a hound the woman he loved. That is a thing you men know that he would rather have died than done.

Swears to Falsehood

"He swore he had never been attorney for Evelyn Nesbit, yet on the back of this very paper which lay before the district attorney's eyes when this man was on the stand are the words 'Howe & Hummel, attorneys for plaintiff.'

"On the paper itself were these words, 'Evelin Nesbit, plaintiff, versus Harry K. Thaw, defendant.' This man was perjured, 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 eternally disgrace 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 told her in 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 would make trouble for White. In some way, I know not how, this paper was drawn up. Then in the tower Evelyn Nesbit was induced to sign it or 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 it her signature or is it a clever forgery or photograph? All I know is that it 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.

Committed Perjury

"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 indictments against him for procuring false testimony."

To illustrate what he termed Hummel's perfidy Mr. Delmas delved into the history of the Dodge-Morse divorce and explained to the jury how the "discredited lawyer obtained false testimony in an effort to set aside 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 10:20 a. m.

Agent Denies Rumor

By Associated Press.

PITTSBURG, April 8.—"The statement that Mrs. William Thaw has 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 doing so."

She—No. I can never be yours.
He—In that case farewell forever.
She (hastily)—Now, don't go off mad, George. You can be mine.—Somerville Journal.

Cluett SHIRTS
FOR THE LONG AND THIN, THE SHORT AND STOUT. SMALLEST DETAILS AS PERFECT AS NECKBAND AND CUFFS. MANY STYLES—WHITE AND FANCY FABRICS.
ASK FOR THE CLUETT SHIRT AND LOOK FOR THE CLUETT LABEL.
CLUETT, PEABODY & CO., MAKERS OF ARROW COLLARS.

ISLE OF PINES CASE SETTLED

SUPREME COURT SAYS IT IS NOT UNCLE SAM'S

Island Belongs to Republic of Cuba and Will Continue to Be Under That Government's Jurisdiction

By Associated Press.

WASHINGTON, April 8.—That the Isle of Pines is not American territory was officially and judicially decided today by the supreme court of the United States.

The decision was rendered in the case of Edward J. Pearcy vs. Nevada N. Stanahan, collector of the port of New York, and the opinion of the court was announced by Chief Justice Fuller, who says that up to the present time the Isle of Pines had been considered as an integral part of Cuba and that it could not be held to be covered by article 2 of that treaty, which included only islands in the vicinity of Porto Rico.

The case originated in connection with the importation of a few boxes of cigars by Pearcy in September, 1903, but its hearing by the court was from time to time passed in the hope that the status of the island might be definitely decided by legislation or diplomacy.

The cigars were made in the Isle of Pines of tobacco grown there, and when they arrived Peacy refused to pay duty on the ground that they are of domestic origin. The collector thereupon seized them and Pearcy appealed to the United States circuit court, where he secured no relief, as that court sustained a demurrer filed by the government, and dismissed the appeal.

Court's Decision

Speaking of the status of the island at the date of the treaty of peace with Spain the chief justice said:

"All the world knew it was an integral part of Cuba and in view of the joint resolution of April 20, 1898, it seems clear that the Isle of Pines was not supposed to be one of the other islands ceded by article 2."

Drawing the conclusion that the island had legitimately descended from Spain's control to that of Cuba he spoke of the recognition of the island as Cuban territory as follows:

"We are justified in assuming that the Isle of Pines was always treated by the president's representative in Cuba as an integral part of Cuba. This was indeed to be expected in view of the fact that it was such at the time of the execution of the treaty and its ratification and that the treaty did not provide otherwise in terms, to say nothing of general principles of international law applicable to such coasts and shores as those of Florida, the Bahams and Cuba.

"The Isle of Pines continues de facto under the jurisdiction of the government of the republic of Cuba and that settles the question btfore us."

ERECTION OF STATE BUILDING DELAYED

By Associated Press.

SACRAMENTO, April 8.—At the extra session of the state legislature in 1906 the sum of $500,000 was appropriated for the purpose of erecting a state building in San Francisco. At the time there was not sufficient money in the general fund for the project, so an act transferring money from the school land fund to the general fund was passed. Then a bill appropriating the money from the general fund was made a law.

Now a question as to the constitutionality of the acts has arisen and the attorney general has instructed State Controller A. B. Nye to refuse to pay out any part of the appropriation until the matter has been settled in the courts.

With the aid of the state controller and the Merchants' association of San Francisco the attorney general is now endeavoring to find some way in which to start a test case. In the meantime the erection of the state building will be delayed indefinitely.

MRS. BRADLEY'S TRIAL TEMPORARILY DELAYED

By Associated Press.

WASHINGTON, April 8.—While the date for the trial of Mrs. Anna M. Bradley, charged with shooting to death former United States Senator Brown of Utah, was not set today it was arranged that it should follow the Hyde-Benson-Dimond-Schneider land fraud cases which begin April 22 in Justice Stafford's court.

In making this arrangement that court remarked that should the land fraud cases continue to the extent of consuming the remainder of the spring term arrangements would be made for the trial of Mrs. Bradley in another court.

The defense will be permitted to take testimony orally before a commission in Utah and California. This, it is understood, will obviate the necessity of bringing all of the fourteen witnesses for the defense from those state at the government's expense.

GEORGE J. GOULD SELLS ALL HIS POLO PONIES

By Associated Press.

NEW YORK, April 8.—George J. Gould is selling off his polo ponies at Georgian court, Lakewood, N. J., at private sale and will not play the game again for at least a year.

This does not mean that he is any less enthusiastic over the sport, but his railroad enterprises have kept him so busy that he has spent little time at Georgian court this winter, and his sons, Kingdom and Jay, are too occupied with their studies to be able to indulge much in the pastime.

Georgian court is practically the home of polo in the United States, and the polo fields are said to represent an outlay of about $75,000.

TRUSTEES OF STANFORD ESTATE FILE A REPORT

By Associated Press.

SAN JOSE, April 8.—The first annual report of the Union Trust company, trustees of the estate of Jane L. Stanford, deceased, filed today, shows that the trustees received $1,900,000 April 6, 1906, for the benefit of the beneficiaries of the will, of which amount they have paid Jennie Lawton and Amy Hansen $316,666 each, and Daniel S. Gunning and Amy L. Gunning $158,333 each. The trustees have on hand $587,621.

AMUSEMENTS

ORPHEUM THEATER — Spring st., bet. 2d and 3d. Both Phones 1447.
MODERN VAUDEVILLE
Dan Burke and his School Girls—Merri Osborne & Co.—Jos. Adelman Trio—Julius Tannen—Howard and Bland—Finlay & Burke— Sharp Bros.—Orpheum Motion Pictures—The Uessems.
Matinees Daily Except Monday.

GRAND OPERA HOUSE — Main st., bet. First and Second. Main 1967—Phones—Home A5137.
The Family Theater
The Greatest American Farce Comedy — Peck's Bad Boy
Matinees Tuesday and Saturday.
Next Week—Return of the Ulrich stock company, "A MARKED WOMAN."

BELASCO THEATER — BELASCO, MAYER & CO., Props. PHONES—Main 3380, Home A3910.
The Belasco stock company presents GEORGE BERNARD SHAW'S famous play,
CANDIDA
NEXT WEEK'S GREAT ATTRACTION.
The Belasco company will give the first performance on any stage of Eugene Walter's new play of American political and business life,
THE UNDERTOW
Seats for this big play now on sale. Get yours today.

THE AUDITORIUM — SPARKS M. BERRY, Manager. Fifth and Olive Streets.
"THEATER BEAUTIFUL"
TONIGHT SOUVENIR NIGHT.
The most expensive souvenir ever presented—each lady holding a reserved seat coupon will be presented with a beautiful picture of Miss Stone. Balance of the week with Wednesday and Saturday matinee, Sardou's Russian Drama, "FEDORA." Miss Stone as Princess Fedora, supported by the entire Ferris stock company. Thursday special matinee, "CAMILLE." Miss Stone as Camille. Seats now selling. Prices: 10c, 25c, 35c and 50c. Phones: 2367, Main 5186.

MOROSCO'S BURBANK THEATER — Sixth and Main. Phones 1270.
TONIGHT—ONLY SIX MORE PEERLESS PERFORMANCES,
THE TWO ORPHANS
Over 100 persons in cast. Gorgeous scenic equipment. Entire C. S. De L. Mandolin and Guitar club will appear in second act.
Next week's merriest play—"CHIMMIE FADDEN."

MASON OPERA HOUSE — H. C. WYATT, Lessee and Mgr.
TONIGHT AND ALL WEEK—MATINEE SATURDAY
RAYMOND HITCHCOCK
IN A NEW COMIC OPERA IN THREE ACTS..... A YANKEE TOURIST
A great cast and an array of dainty, dancing chorus divinities without an equal. Best show of the season. Seats now selling. Prices: 50c, 75c, $1.00, $1.50. No higher.

BASE BALL—Chutes Park — Pacific Coast League.
Every day except Monday this week.
Oakland vs. Angel City
Thursday Ladies' day.
Admission 25c. Grand stand 25c. Tickets for sale at Hookstratten's cigar store, 215 South Spring.

COMING—THE BIG SELLS-FLOTO SHOWS
CIRCUS, MUSEUM, MENAGERIE AND HIPPODROME
April 8-9-10 — 2 PERFORMANCES DAILY AT PRAEGER PARK
GENERAL ADMISSION—ADULTS 50c, CHILDREN 25c.

VENICE OF AMERICA — The Beach in Reach
Delightful band concerts afternoons and evenings except Monday.
Dancing Every Evening Except Monday
Grand ball Tuesday evening, April 9, in dancing pavilion, under auspices of Modern Woodmen of America. The great Japanese exposition, ship hotel, ocean promenade, children's free playground, villa city and many other features. Most unique beach resort in the world.

PEOPLE'S THEATER — Main St., bet. 5th and 6th. AL. G. FLOURNOY, Mgr.
TONIGHT AND EVERY NIGHT, 8 AND 9:30; TWO SHOWS. Matinee every day. Continuous greater vaudeville. Biggest show in the city for the money—10c and 20c.

Easy to Reach — Its Views Marvelous
The Mt. Lowe Trip
Conceded to be the most wonderful of the world's trolley rides.
Round trip $2.50. Five through cars daily from depot, Sixth and Main streets.
The Pacific Electric Co.

HARNESS — S. C. FOY, 315 N. Los Angeles Street. — SADDLERY

PUSH CART PEDDLERS PLAN MARKET HOUSE

By Associated Press.

NEW YORK, April 8.—Five thousand push cart peddlers, members of the United Citizens Peddlers' association, are to enter into a co-operative plan for building a large central market house on the lower east side.

The building will cost $2,000,000 and will occupy an entire city block of 600x200 feet. Plans for raising the money have been perfected, and architects' plans for the market house have been completed.

The building will be two stories high, with a roof garden on top for the peddlers' children. In the two floors below will be 5000 booths.

FIFTY-TWO STRIKE: 5000 BECOME IDLE

By Associated Press.

BUTTE, Mont., April 8.—Because fifty-two electrical workers, machinists and blacksmiths employed in the Great Falls smelters of the Boston and Montana company were denied a raise in pay and walked out today 5000 men will be thrown out of work in Butte tonigat when the mines belonging to the company shut down.

DEATHS OF THE DAY

Col. Francis E. Lacey

By Associated Press.

COLUMBUS, Ohio, April 8.—Col. Francis E. Lacey, U. S. A., retired, died today. He served in the Civil and Spanish-American wars and for twenty-seven years was with the Tenth infantry and Seventeenth infantry. One son is a captain in the Philippines and a daughter is the wife of Captain Cuchan, stationed at Governor's island, New York.

Rev. John Johnson

By Associated Press.

CHARLESTON, S. C., April 8.—Rev. John Johnson, D. D., LL. D., rector emeritus of St. Phillipps church, major of engineers in charge of Fort Sumter during the siege of the sixties and author of the "Defense of Fort Sumter," and other historical works, died last night, aged 68.

Miss Minnie Summers (to golf caddie)—By the bye, you are not the boy I have always had before?

Caddie—No'm; you see, we tossed to see who'd caddie for you.

Miss Minnie Summers (awfully pleased)—Oh, tut, tut, you bad boys—and you won?

Caddie—No; I lorst.—The Tattler.

DOUGLAS DAWSON IS FACING TRIAL

Preliminary Examination of Former Manager of the Hoegee Company Begun and Continued to This Morning

Sensational features were the rule in the preliminary examination yesterday of Douglas Dawson, former manager of the William H. Hoegee company, charged with grand larceny.

Dawson is charged with stealing $1700 from the office of Secretary A. Hartmann of the Hoegee company, as well as a large number of sporting articles which were found in his home.

A letter signed "A conscience stricken man," which was at first said to have been written by some member of Dawson's family and in which directions were given through which Dawson's overcoat containing the stolen money was found, was offered in evidence by Deputy District Attorney Fleming, who is prosecuting the case.

This letter was received by the Hartmann brothers a few days after the theft of the money, and, according to the police, was written on a typewriter owned by Dawson.

It is now claimed by friends of Dawson that the letter was written by outsiders for the purpose of casting suspicion on the man and that the money was placed in his overcoat and hidden for the same purpose.

It is alleged the money was stolen with one object in view and that was to compel Dawson to sever his connections with the Hoegee company.

Earl Rogers is attorney for Dawson and is said to have several surprises he will spring on the prosecution during the case. The examination was continued until this morning at 9 o'clock.

The case is being tried in the police assembly room on the third floor of the city jail building, Justice Frederickson having been compelled to give up his court room to Police Justice Austin, who again took up his duties yesterday.

"Will you," asked the prosecuting attorney, "kindly explain to the jury why you think this defendant insane?"

"Well," replied the expert witness, "he built a house not long ago and really thought it wasn't going to cost any more than the architect and contractor told him it would."—Chicago Record-Herald.