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MARION, OHIO, THURSDAY EVENING, APRIL 11, 1907.

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THAW JURY HAS NOT YET REACHED AN AGREEMENT

The Twelve Men Have Been Wrestling With the Case Since Last Evening Only Once Reporting to Court for Exhibits.

During the Morning Hours a Disagreement Seemed Most Probable, but as the Day Wore on, the Prospect for a Verdict Seemed More Bright--- Justice Fitzgerald's Charge Was Given Late Wednesday Afternoon and it Seemed to Favor the State More Than the Defendant.

HISTORY OF HARRY AND EVELYN THAW

Evelyn Nesbit went to New York in the fall of 1900. Began posing for artists in New York in December, 1900. Went on stage about June, 1901. Met Stanford White in August, 1901. Seduced by White in October or November, 1901. Continued her relations with him until January, 1902. Met Harry Thaw about Christmas, 1901. Sent to school at Pompton, N. J., in fall of 1902. Operated on for appendicitis in spring of 1903. Thaw sent Evelyn and Mrs. Nesbit abroad in May, 1903. Met them abroad. Evelyn remained in Europe until October, 1903. During this time Thaw and Evelyn made tour of Europe which figures in the trial. In October, 1903, Evelyn made "affidavit" before Hummel, charging Thaw with brutality. Christmas eve, 1903, Thaw finally won Evelyn from White and they lived together in New York. Spent part of 1904 abroad. Thaw and Evelyn were married in Pittsburg, April 4, 1905. Thaw killed White June 25, 1906.

June 25, 1906, Thaw killed White on Madison Square garden roof; Thaw arrested on the spot. Jan. 23, 1907, trial began. Feb. 4, jury completed; Garvan opened state's case; all prosecution's evidence offered at morning session; Gleason made opening address for defense, claiming justification and insanity. Feb. 6, Delmas assumed charge of Thaw's case. Feb. 7, Evelyn took stand and told her story of wrongs at White's hands. Her examination continued through part of Feb. 10. Feb. 11 and 12, Drs. Evans and Wagner testified Thaw was insane when he killed White. Feb. 14, trial interrupted by death of Juror Bolton's wife; jury allowed to separate. Feb. 18, trial resumed; Thaw's will admitted. Feb. 19, cross-examination of Ev-

(BULLETIN)

New York, April 11.—At 11 o'clock Justice Fitzgerald took the bench, the Thaw jury filed in and prosecutor Jerome took his place, while attorneys for the defense were sent for. The jury then requested six exhibits which were introduced in the trial, namely the plan of Madison Square Roof Garden, the Longfellow letters, Thaw's will and codicil, the Comstock letters and Jerome's and Delmas' hypothetical questions.

New York, April 11.—Hope of verdict in the Thaw case increased this afternoon and the impression of the early morning, that agreement was impossible, has diminished hourly, after the men who will decide Thaw's fate sat in the jury box and requested additional light on the case.

elynn began and continued until Feb. 26. Feb. 27 and 28, cross-examination of Drs. Evans and Wagner, continuing until March 5. March 6, Mrs. Wm. Thaw on stand. March 7, defense closes its case. March 11, Jerome puts in rebuttal testimony. March 12, Jas. Clinch Smith, White's brother-in-law, allowed to testify as "direct" witness to lucid talk by Thaw just before shooting. March 14 and 15, state's experts testify Thaw was sane when he killed White. March 18, Hummel affidavit admitted; Jerome rested case. March 20, Jerome interrupted trial, demanding a lunacy commission. March 26, lunacy commission appointed; its examination continued until April 3. April 4, lunacy commission reports Thaw is sane. April 8, report confirmed; both sides rest; Delmas began summing up. April 10, Jerome closed case for the state.

The remarks of Foreman Smith to the court and the nature of his request for additional light on the case, showed that he does not regard the panel as hopelessly divided in opinion. After hearing a review of the evidence for two hours and a half, the jury retired at 1:30 for a luncheon and further balloting. The particular exhibits asked for and the evidence upon which the jurors wished to be refreshed indicated, in the opinion of court attendants, that one of two doubts has arisen in their minds: one relative to Thaw's having committed murder after premeditation and deliberation, and the other as to his rationality at the time of the act. In the opinion of attorneys for defense, the nature of jurors' inquiry indicates that the doubt in their mind hinges on Thaw's insanity. On the other hand, Jerome interjects the questions of the jurors as indicating that they are

unable to determine the degree of murder.

Though it is only guess work, the consensus of opinion about the court house is that a verdict of some sort will be returned before the day is over.

All sorts of rumors are afloat as to the standing of the jurors, one being that only two men are hanging out for conviction. When the jury came in for instructions, a great mob surrounded the building. Thaw was cheered as the crowd caught sight of him. He was very nervous, and gave out a statement that he had taken a bath and packed things ready to go.

The women of the Thaw party are pale and wan and evidently passed a sleepless night. Evelyn looked specially bad.

Most of the evidence, which the jury desired reread, bore directly on the killing, but also included the Longfellow letters, Thaw's will, the Comstock letters and the hypothetical questions. They also secured original copies of the documents.

The jurors were evidently under a great strain. Their faces were pinched and their eyes hollow. Juror Steele, the oldest man in the panel, was positively ill and staggered like a drunk man as he went to the ante-room for a drink of water. Juror Pink once interrupted the reading of testimony with the request for a recess and he staggered to the window for fresh air. Later the jury requested that Evelyn's testimony be read to them; also that of Dr. Hamilton, the alienist.

Evelyn was almost mobbed by the crowd when she went to lunch with Attorney O'Reilly. The police were unable to hold back the crowd. When she entered the restaurant, thousands assembled to see her when she emerged.

New York, April 11.—Charged with the responsibility of deciding

the fate of Harry K. Thaw, the jury, which since Jan. 23 has been sitting in judgment on the young slayer of Stanford White, retired at 5:17 p. m. last night to begin the consideration of their verdict. Six hours later they had failed to reach an agreement, and shortly after 11 p. m. were locked up for the night in the jury room of the Criminal Court building.

Justice Fitzgerald became convinced at that hour that the chances of receiving a verdict last night were too remote to warrant his remaining up any longer. Earlier in the evening he had gone to his club uptown and had held an automobile in readiness for a quick trip to the courthouse should he be needed. His instructions regarding the locking up of the jury were given by telephone.

It was said that when Justice Fitzgerald's message was received the officers on duty put the matter up to the jurors themselves, asking if there was any possibility of their arriving at a verdict within the next few hours. The reply from the jury room was strongly negative. The jury was said to be almost hopelessly divided, and none of those connected with the case last night would venture the hope of anything better than a disagreement as the climax of the long drawn out trial.

Harry Thaw sat in the prisoner's pen adjoining the court room during the long hours of the jury deliberations. By his side was his wife and counsel, who remained with him until all hope of a verdict was abandoned.

During the early evening all of the Thaw family were with the prisoner, but before 10 o'clock they went to their hotel. Thaw, who was much depressed at the close of District Attorney Jerome's impassioned attack upon him as a "cowardly, brutal murderer, a rich illiterate who always had his own way until he fell into the clutches of the law" revived in spirits as the evening wore on and the chances of an unfavorable verdict seemed more remote. He was reluctant to yield his way back over the dimly lighted bridge of sighs to his cell in the Tombs, to say good-night to his wife.

The disagreement of the jury is the most unfavorable outcome that Thaw has anticipated. His family

and counsel are much alarmed, however, lest the jury, under Justice Fitzgerald's charge might find a verdict of some less crime than murder in the first degree. The prisoner last night did not share this gloomy outlook and laughed and joked to dispel the serious looks upon the faces of his mother and wife.

The general public, which stormed the doors of the courthouse by hundreds during the closing hours of the district attorney's speech quickly reached the conclusion that a verdict would not be possible last night and dispersed soon after the jury had retired.

In the life of Harry Thaw April 10 will go down as the most trying he has ever experienced. From the opening of court until the jury retired, the fates dealt unmercifully with him. Beginning with District Attorney Jerome's final argument and throughout the judge's charge, Thaw had to listen to a scathing attack upon his character and to a narrative drawn from the evidence, which was meant to strip his deeds of the halo of chivalric glory which his own attorney had thrown about them.

The judge's charge, lasting about an hour, was a concise outline of the law and gave to the jury the alternative of rendering any one of the following four verdicts: Murder in the first degree; murder in the second degree; manslaughter in the first degree, or not guilty on the ground of insanity.

The statute governing the plea of insanity was defined clearly, much stress being laid on the fact that an irresistible impulse to kill had no place in the law.

The judge also informed the jury that an illusion unless the illusion, if true, might result in the injury of the man suffering it could not be accepted, as an excuse. Altogether the charge while consisting principally of a complete explanation of the law, was considered by those who have followed the trial as adverse to the defendant: The attorneys for the defendant took exceptions because the judge had failed to include any of their prayers.

Thaw was much depressed by the judges words, and could not suppress his feelings. He left the court room dejected.

The district attorney's summing up was a comprehensive and forceful review of all the evidence adduced. He declared at the outset that romance and sentiment did not enter into the issue; it was not a question of Stanford White's character or Evelyn Thaw's sufferings, it was a plain matter of fact homicide.

"A common, cowardly tenderloin murder" as he termed it.

The novel plea of "dementia Americana" made by Attorney Delmas at the very close of his argument, was attacked by the

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SAID HE WANTED TO SEE CARNEGIE

Police Arrest a Young Man Who Acting Very Strangely Around the Hotel at Which Carnegie is Stopping.

Pittsburg, Pa., April 11.—Carrying a penknife, which was open and concealed partly in his cuff, Frederick Slagel, aged 33, was arrested in front of Hotel Schenley this morning. Slagel was trying to gain access to the main lobby of the hotel when seized by policeman Kennedy. When held, he begged the officers to let him

enter the hotel, saying that he wished to speak with Andrew Carnegie. He said he wished to sell Carnegie a patent. He was hurried to Oakland police station. He had \$261 and gave his address as Los Angeles Calif. He offered policeman Kennedy \$15 to be released. Whether he intended using the knife is not known. Carnegie was not at the hotel at the time.

FIFTEEN PERSONS ARE CREMATED IN A WRECK

Train on the Canadian Pacific Goes Over Embankment and Wreckage is Burned Before the Victims Can be Rescued.

Chapleau, Ont., April 11.—Fifteen men, women and children are believed to have been cremated alive, and many more injured in a wreck of the Canadian Pacific west bound transcontinental train last night. The train left Montreal Tuesday, laden with tourists, emigrants from England, and travelers from the United States. It was derailed

twenty-two miles from this place. Five coaches ran down an embankment and overturned. The contents of a stove were emptied onto the inflammable sides and roofs of the cars, and before the helpless men, women and children could be rescued, the flames swept over the wreck and left the charred bodies. Nearly all known dead are immigrants from England.

OHIO MUST DECIDE NOW INSTITUTE DEDICATED

Taft Followers Unwilling to Put Off Choice Until Next Year.

Columbus, O., April 11.—Foraker's declaration to delay the presidential endorsement until next year, is ridiculed by the Taft people, who say if a candidate waits until 1908, the procession will have passed. Taft managers say the state must make an early declaration, as other states are waiting to see what Ohio does. It looks here as if Foraker seeks to drive Taft to a compromise, giving Taft the presidential delegation and Foraker the senatorship.

Carnegie Presents Six Million Dollar Structure to Pittsburg.

Pittsburg, April 11.—The dedication of the Carnegie Institute took place today. Carnegie presented the six million dollar structure to the city before a distinguished assembly, including distinguished men from all over America and Europe. A letter was read from President Roosevelt while Carnegie made his speech. The celebration will last through Saturday.

HAYMARKET CASE JUROR FOUND DEAD IN ROOM

Chicago, April 11.—James Brahton, a member of the jury which convicted the Haymarket anarchists, was found shot to death in his home today. He was shot in the head. A revolver was found in a bureau drawer. The death is a mystery and the police are investigating.

TWO HUNDRED PERSONS DROWN IN FLOODS

Berlin, April 11.—Two hundred persons have been drowned in the floods which have swept through the valley of the Vardar river in Turkey, according to information received here.

ALLEGED SLAYER OF MRS. GENTRY REACHES CHICAGO

Chicago, April 11.—Frank Constantine, alleged slayer of Mrs. Gentry, arrived in Chicago this morning from New York in custody of the police. A great crowd met the train, but Constantine was carefully guarded by a big detail of officers.

COMMITTED SUICIDE WITH CARBOLIC ACID

Cuyahoga Falls, O., April 11.—A man who registered at the Upon hotel as W. H. Hessler, committed suicide by carbolic acid. He left a letter, saying he was unworthy of the woman who made him do the deed.

FIRST LAKE DISASTER OF THE SEASON

Charlevoix, Mich., April 11.—The Steamer N. J. Nessen, owned by Manistee, was cut through by the ice and sunk. The crew was rescued. This is the lake disaster of the season.

STEAMER BRUSSELS GOES ON THE ROCKS

London, April 11.—The Great Northern Railway company's steamer Brussels went ashore in a dense fog off Harwich last night while outward bound for Antwerp and remained fast all night, with sixty passengers aboard. It is expected the vessel will be hauled off at high water, today.

ANOTHER VICTIM OF SPOTTED FEVER

Alliance, Ohio, April 11.—Thomas Buxter died of spotted fever, Thursday. Three persons are ill with disease at Sebring.

REFUSES WARRANT FOR FATHER'S ARREST

Cleveland, O., April 11.—Police prosecutor this morning refused to issue a warrant for the arrest of Charles Robinson, who shot his son, William, aged 20, mistaking him for a burglar and he was released. Robinson killed his son with a shot gun as he opened the door after midnight. He is crazed with grief.

COMMANDER EVA BOOTH MUCH BETTER

Canton, O., Apr 11.—Eva Booth the Salvation Army commander, who is ill here, is much better today. She expects to leave for New York, tonight.



—Berryman in Washington Star.