

JURY DISAGREES ON THAW'S GUILT

(Continued from First Page.)

Ballot was taken and then the votes remained unchanged. A third ballot was taken at 9:45 P. M. on Wednesday, with still no change in the opinions of the jurors.

The fourth ballot marked one change in the vote. Four of the jurors still held out for an acquittal, but the rest, Bernard Gerstman, the twelfth juror, changed his vote from murder in the first degree to manslaughter in the first degree.

Two Ballots Last Day. After that there was no ballot until 12:20 o'clock this afternoon, when all of the jurors showed that they were of the same mind as before, excepting the twelfth juror, who in voting for manslaughter in the first degree, added that the defendant should be recommended to the mercy of the court.

The eighth and last ballot was taken at 3:45 o'clock this afternoon and showed a most remarkable change in the entire jury. The five men who had voted for an absolute acquittal changed their ballots to a verdict of not guilty on the ground of insanity.

Only One Did Not Change. It will be noticed that the only man who voted consistently according to his first opinion was George Pfaff, juror No. 2, who from the very first ballot adhered to his belief that Harry Thaw was guilty of murder in the first degree.

The sessions of the jury were not altogether pleasant because of the charges of inconsistency and breaking faith with the orders of the court were made, but at no point of the deliberation did the foreman lose control of the situation.

Insanity Was Main Question. Wilbur F. Steele, juror No. 9, said: "There was plenty of disagreement between the opinions of the jurors. We considered insanity in many phases, but did not give the subject of wronged womanhood any lengthy debate, in fact scarcely any. It was considered very quickly and dropped. The question which was considered at unusual length was whether Thaw was insane at the moment he shot and killed Stanford White and whether at that moment he was responsible for his actions."

George H. Fecke said: "The jury, when considering the case, took no stock in the insanity question. We did not pay an undue amount of attention to the testimony of the alienists, either. It was after Mr. Dennis had read the evidence that he decided there was a reasonable doubt as to Thaw's sanity. Dennis then joined the four men who stood for acquittal on the grounds of insanity."

Geason Criticizes Delmas. Mr. O'Reilly, of Thaw's counsel, tonight said: "I confess that I am disappointed. I really expected that the jury would now in view of the verdict, Mr. Delmas made a mistake in using the term 'dementia Americana.' It had been an honest effort, and it might have been a mistake of judgment."

Evelyn Thaw Can't Believe It. Mrs. Evelyn Nesbit Thaw said: "I can't understand it. I don't see why they could not have come to some kind of an agreement. The jury stood seven to five for conviction."

Final Scene in Court. It was 4:20 o'clock when Justice Fitzgerald sent court messengers to summon Mr. Jerome and counsel for the defendant. Three minutes later he ordered the jury to appear before him in the courtroom. The jury filed in at 4:25 P. M. There was some delay in waiting for Mr. Jerome, who had left the building.

Then for the first time those in the courtroom knew that the end of the famous trial was at hand.

Mr. Penny next said: "The jury will rise." Then he went on: "Defendant, look upon the jurors; jurors, look upon the defendant. Gentlemen of the jury, have you agreed upon a verdict?"

Justice Fitzgerald, turning to the jurors, said: "Gentlemen of the jury, I have deemed it my duty to keep you here as long as there was a possibility of your reaching a verdict. I have arrived at the conclusion that it will be impossible for you to do so. I have consulted with counsel for the defendant and the learned District Attorney and I am going to discharge you from your consideration of the case, the public prosecutor and counsel for the defendant consenting to such discharge."

Justice Fitzgerald called on Mr. Jerome and Daniel O'Reilly and Clifford Hartbridge, of Thaw's counsel, to arise and formally enter their consent. Then Mr. Jerome spoke: "I will ask," he said, "that the defendant be remanded in custody as before."

Mr. Jerome also stated that he considered it would be his duty to put Thaw on trial again.

There are 34 homicide cases in my office," he said, "and it is my duty to the Tomb, and they must all have their day in court. The Thaw case must take its turn."

Asked tonight if Mr. Hartbridge, Mr. Gleason, Mr. Peabody and himself had retired from the Thaw case, leaving only Daniel O'Reilly as counsel, Mr. Jerome said: "As to that, I have not withdrawn from the case and have no reason to believe that either Messrs. Hartbridge, Gleason or Peabody have."

Mr. Jerome said today that the longest period of confinement he had ever known a jury to endure in this jurisdiction was 48 hours. The Court of Appeals approved the course of the court in that instance, because there was no attempt to coerce the jury.

Historical Record of Most Famous Modern Murder Case. April 5, 1906—Harry Kendall Thaw and Florence Evelyn Nesbit married.

June 25, 1906—Thaw shoots and kills Stanford White at Madison Square roof garden.

June 28—Thaw indicted for murder in the first degree.

July 14—Prisoner pleads not guilty.

July 14—Prisoner's mother, Mrs. William Thaw, arrives from England and announces she favors an insanity plea.

August 2—Clifford W. Hartbridge, announced by Thaw's attorney, announced that Mrs. William Thaw consents to a plea for justification for her son's defense, reaching her decision after hearing Evelyn Thaw's affidavit and whether at that moment he was responsible for his actions.

White and Thaw. Cries when admitting folles. Thaw in agony during testimony. Delmas says Jerome still planning to indict Evelyn in treason.

February 22—Jerome planned to indict Thaw to madhouse. Mrs. W. K. Thaw denies promising Evelyn \$200,000 for baring past on stand. Evelyn's collapse.

February 25—Evelyn on stand all day. Tells of trip with Thaw in Europe.

February 26—After quitting Evelyn all day, Jerome finishes her testimony. Delmas resumes redoubt examination. Jerome threatens to take will from evidence.

February 27—Jerome cross-examines Dr. Evans and tries to bring down to technical terms on insanity.

February 28—Evans admits Thaw was insane night of shooting and avoids answering Jerome's questions.

March 1—Evans, under Jerome's sharp questioning, says Thaw is sane and insane by turns and may be insane now. Hurts defense by saying of sane past.

March 2—No session of court today. Howard Nesbit makes public statement defending and lauding White.

March 3—No session of court today. Jerome forces her to bare inmost family secrets.

March 4—Wordy duel between Jerome and Evans in latter admitting Thaw is now insane.

March 5—Wagner, defense alienist, on stand. Jerome flayed for defying Judge Fitzgerald. Delmas' final plea. Delmas must stop. Most dramatic scene yet witnessed during trial.

March 6—Mother of Thaw takes stand and says Evelyn's mirrored her own sacrifice strongest plea. Disconcerts Jerome forces her to bare inmost family secrets.

March 7—Defense rests case, confident of acquittal. Makes plea of love and her sacrifice strongest plea. Disconcerts Jerome.

AMAPALA GIVES UP

Last Refuge of Bonilla Yields to Nicaragua.

FLIES TO AMERICA'S ARMS Defeated President of Honduras Is Fugitive on Board Cruiser Chicago—American Commander Arranges Town's Surrender.

MANAGUA, Nicaragua, April 12—(P. M.)—The Honduran forces, which have been besieged in Amapala by the Nicaraguans, capitulated unconditionally this morning to the enemy. President Bonilla has taken refuge on board the American cruiser Chicago and he will not be permitted to disembark on Central American soil.

The capture was arranged by Commander Robert M. Doyle, Captain of the Chicago.

The Salvadoran forces which were at Amapala are returning to La Unión. Peace is now believed to be assured.

WASHINGTON, April 12—That all of the Central American republics are looking for permanent peace, but will leave this broad question to a conference to be held in Washington or the City of Mexico, and it is expected all of the countries immediately interested may take part.

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VENNER ASKS FOR RECEIVER Attacks Great Northern Deal Regarding Ore Land.

ST. PAUL, April 12—A bill of complaint in which a receivership is asked for the Great Northern Railway by C. H. Venner was filed in the County Court today. The complainant asks that the agreements between the Great Northern Railway and the Lake Superior Company, Limited, and between the Lake Superior Company and its trustees be annulled and set aside; that all the property of the Lake Superior Company be transferred to the Great Northern Company or its receiver; that the Lake Superior Company make a full accounting to the Great Northern; that the Great Northern receive judgment for any balance that may be due it as disclosed by the accounting; that the Great Northern and the other defendant be enjoined from making any further purchase of the Lake Superior Company; that the Great Northern Company at once dispose of all the securities and other properties now held by the Lake Superior Company; that a receiver be appointed for the Great Northern.

CONFIRMS FALL OF AMAPALA Dispatch From American Consul Says Bonilla Has Surrendered.

WASHINGTON, April 12—The end of hostilities in Central America is recorded in the following cablegram, received at the State Department from American Consul Olivares, dated at Managua, the Nicaraguan capital, today.

NEW ORLEANS, April 12—According to a cable message received by the officials of the Freight Despatch Company here, President Manuel Bonilla, of Honduras, has surrendered to the Nicaraguans. The message came from Managua, Nicaragua, and was signed by President Jose Zelaya. No details were given other than that Bonilla surrendered yesterday.

Argues for Railroads' Liability. WASHINGTON, April 12—Attorney-General Bonaparte made an argument today before the Supreme Court in the Employers' Liability cases, and his address closed the hearing. The Attorney-General made an appeal for a liberal construction of the statute and declared that the railroads should not be permitted to be law unto themselves. He contended that the United States Government has a right to regulate the instrumentalities of commerce under the general constitutional power to regulate commerce itself, and he argued that this power could properly be so extended as to provide for the protection of men employed on interstate railroads, notwithstanding their employment should not take them outside of any given state.



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are disbanding. Many families have reached this city fleeing from the outrages of the invading army.

LINCOLN, Neb., April 12—Attorney General Thompson today recommended to County Attorney Roach of North Platte, Lincoln County, that he begin prosecution of the Union Pacific Railroad Company for violation of the 2-cent passenger fare law. County Attorney Roach complained to the Attorney-General that the Union Pacific continues to charge at the rate of 3 cents per mile for tickets between North Platte and Sidney, notwithstanding both cities are in Nebraska. The Union Pacific justifies the 3-cent rate because a few miles of its line east of Sidney goes outside of this state in Colorado, making traffic interstate and therefore beyond the control of state laws. The suit may be made a test of the legality of the new law.

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Trains Resume Regular Schedule. SAN FRANCISCO, April 12—The Southern Pacific announced today that, commencing tomorrow, all Oregon route and Shasta route trains will follow their normal routes.

Rubber Companies Combine. PROVIDENCE, R. I., Jan. 13—Announcement was made here today of the merger of the United States Rubber Company and the Rubber Goods Manufacturing Company. It is understood that the stock of the Rubber Goods Manufacturing Company will soon be liquidated and paid.

Saturday Specials

On Sale from 5:30 P. M. to 9 P. M.

Advertisement for M&KBBIN hats. Features a hat illustration and text: 'When you pay \$3 for a M&KBBIN HAT do you save 40% or 66 2/3%? M&KBBIN'.

Advertisement for Powers' kettles. Features a kettle illustration and text: 'Powers THE STORE THAT SAVES YOU MONEY DIGNIFIED CREDIT FOR ALL FIRST AND TAYLOR'.

Advertisement for Tetley's Tea. Features the brand name and text: 'Tetley's INDIA AND CEYLON Tea'.

WADHAMS & CO. Distributing Agents Portland, Oregon.

CASHIER WAS SHORT \$6000 Montana Banker Arrested in Seattle as a Common Laborer.

SEATTLE, April 12—Elijah Smith, defaulting cashier of the Bank of Malta, of Helena, Mont., was arrested here tonight by Pinkerton detectives. Smith is charged with being short \$6000 in his accounts, and is held as a fugitive from justice. He disappeared from Helena last September and since then has been shadowed by detectives. He came directly to Seattle, and worked here as a laborer. Smith is 30 years old and unmarried.

Jump From Burning Building. CLEVELAND, April 12—Men, women and children jumped from third-story windows to escape death in a fire in a tenement building in Columbus Road early today.

Nine families were asleep upon the three floors of the building when the flames broke out. Finding escape cut off through the lower halls, a panic among the occupants of the upper floors followed, and many leaped from the windows. Several received injuries more or less serious.

Strikers Quiet in Paris. PARIS, April 12—There is not much change in the strike situation. Troops still occupy the Town Hall, and there are cavalry patrols in the vicinity of the Labor Exchange, but the strikers are quiet. Official statistics show that 680 bakers ceased work, but that their places were taken by men out of work.

Advertisement for Reliable Specialists. Features a portrait of a man and text: 'RELIABLE SPECIALISTS CONSULTATION AND EXAMINATION FREE OUR FEE IN MOST CASES \$10'.

Advertisement for Ayer's Hair Vigor. Features the brand name and text: 'Destroys Hair Germs... Falling hair is caused by germs at the roots of the hair. Dan-druff is caused by germs on the scalp. Ayer's Hair Vigor... The New Kind Does not change the color of the hair'.

JOSEPH SMITH MEMORIAL Plans for Monument in Honor of Mormon Church Leader.

LAMONI IS. April 12—At the Latter Day Saints' conference today a committee, consisting of President Joseph Smith, Bishop E. L. Kelly, Patriarch A. H. Smith, missionary in charge of the Nauvoo district, and George E. Lambert, bishop for that district, was appointed to stand the purposes for which the Joseph Smith memorial fund was raised. The names of Joseph and Hiram Smith, who were killed at Carthage, Ill., in 1844, were by side in a spot unknown except by a few persons. President Smith said it would not be objectionable to him or the family if the church cared to erect a memorial, whether it be over their resting-place or elsewhere.