



DELMAS BEGINS PLEA

No Witnesses Allowed to Testify.

VERDICT ON THURSDAY

Delmas Not to Use Unwritten Law Evelyn Thaw's Story Foundation of Defense.

JEROME WAS NOT IN COURT

Both Sides Rested Case And Delmas Began What is Expected to Be The Most Masterly Plea Ever Made To A Jury.

NEW YORK, April 8.—There is a possibility that Mrs. Evelyn Thaw will again be called to the witness stand in the trial of her husband, Harry Thaw for the murder of Stanford White. An announcement issued by the defense, in stating its lines of conduct of the case today, said that Dr. Allan McLane Hamilton would be the first witness called, as his examination had not been finished when the proceedings were postponed by the application for a commission in lunacy.

"It has not been decided by the counsel for the defense whether Mrs. Evelyn Nesbit Thaw, will be called to the witness stand."

The defense was putting its surreptitious testimony when the case was halted and it had been reported that counsel for Thaw might possibly recall young Mrs. Thaw in an effort to rebut the testimony of Lawyer Abraham Hummel regarding the famous affidavit said to have been made by Mrs. Thaw after she returned from a trip to Europe with Thaw. This affidavit, it will be remembered was introduced into the records of the trial after a hard fight by District Attorney Jerome and recited among other allegations that Harry K. Thaw had cruelly treated Evelyn Nesbit Thaw in Europe because she refused to make an affidavit alleging that Stanford White had wronged her. If the defense decides to call young Mrs. Thaw, it will almost certainly be for the purpose of further denying that she had made such an affidavit. In her direct testimony she practically denied making the affidavit, saying that she had unwittingly signed a document for Lawyer Hummel and Mr. White and that later when she learned that she had signed an affidavit she went to Hummel's office, and demanded that the document be destroyed. This was done, she testified, the document having been burned. When Lawyer Hummel testified it appeared that a photographic copy of the affidavit had been made and this was introduced at the trial. If Evelyn Nesbit Thaw is called it will possibly delay the verdict for a day or two longer.

According to friends of Thaw he is hopeful of an acquittal. If the trial turns out as he expects, he plans, it is said, to visit the south of France with his wife. The couple may stay abroad for several years.

Attorney Delmas, the California advocate, this afternoon began the closing address to the jury and after he has spoken for more than two hours and a half, adjournment was taken until tomorrow. Delmas expects to conclude before the luncheon hour is reached. District Attorney Jerome will make the closing address Wednesday and Thaw's fate would be in the hands of the jury by Wednesday evening. Justice Fitzgerald, today

ordered the jury locked up until the end of the trial. The judge's charge will undoubtedly be delivered immediately after the District Attorney concludes. The latter says his speech will not occupy more than three or four hours.

Declaring he will not base his plea on the "unwritten law" because his client has ample protection in the written status of the State of New York, Delmas made a striking appeal to the sympathies of the jury and so far as he progressed today the subject of Thaw's insanity at the time when the crime was committed, was not even hinted at.

Delmas based his argument, solely upon the story of Evelyn Thaw. With flushed cheeks, but dry eyes, that young woman heard her life's history repeated to men who are to judge her husband and bowed her head as her mother was denounced in the bitterest terms and tones, the eloquent lawyer could command. Delmas before beginning his attack on Mrs. Thaw's mother, poured out a torrent of denunciation, upon Architect White who became the victim of Thaw's pistol. He accused him of the "crime of rape" and declared that 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. Delmas devoted practically all his address in arguing the evidence of certain witnesses. He will have many more comments to make along this line, before he comes to his plea, for the defendants' life.

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

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SENATOR SPOONER

Resignation Recalls Parallel in Withdrawal of Conkling.

THE MAN AND THE SENATOR

His Personal Traits And His Acts Immediately Preceding His Resigning From The Senate And In The Political Campaigns.

WASHINGTON, D. C. April 8.—The resignation of Ex-Senator Spooner, of Wisconsin, has recalled that of others who have left the Senate voluntarily, and much has been said of the great sensation that was caused by the sudden withdrawal of the late Senator Conkling in May, 1881. I first met Mr. Conkling in Washington about the close of Johnson administration, after the impeachment trial had failed. Of course I had heard of him, and well knew his great reputation as an orator, and had also heard much of his vanity, and was prepared to meet a man whose superciliousness would over power me. Imagine my delighted surprise when I found a man showing no signs of condescension when talking with me—one who was actually fascinating. I at once yielded to his charm and became his sworn follower. I recall his remark when I was introduced to him as being a newspaper man from Indiana. He said: "Young man, you may well be proud of your State. It is, without dispute, the leader in both branches of the Congress, and you might say of both parties. Senator Morton is the undisputed leader in the Senate, and his colleague, (Mr. Hendricks) is equally the leader of his party, and in the House no delegation wields a greater influence than that from Indiana; and one of its members, (Coffey) is the very prince of Speakers."

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(Continued on Page 8.)

THE MYERS MURDER CASE

Lack of Funds Halt Proceedings.

ASK FOR LIFE SENTENCE

Case of Aggie Myers Who Brutally Murdered Her Husband Three Years Ago.

GOVERNOR FOLK TO DECIDE

The Defense Through Want Of Money Have Agreed To Accept Life Imprisonment Rather Than Continue Case, Which Amounts To Confession.

KANSAS CITY, April 8.—The final action in the cases of Mrs. Aggie Myers and Frank Hottman, under sentence of death for the unusually cold blooded murder aere on May 11, 1904, of the woman's husband, Clarence Myers, a press man will be taken today by Governor Folk at Jefferson City. The brutality of the murder, the calm demeanor of Mrs. Myers from the time of her arrest nearly three years ago, and the strenuous efforts, through appeals and petitions to save the woman from the gallows, has made the case one of the most noted in Missouri criminal history.

The woman had been divorced before she married Myers. After she married Myers she fell in love with Hottman, who lived in Higginsville, Mo., her former home. They conspired to murder Myers so that they could get married, and when all arrangements were completed she sent Hottman money to come to Kansas City. She admitted him to the house after midnight and directed him to the bedroom, where Myers lay asleep. Myers arose in bed, when Hottman struck him with a club made from the butt end of a billiard cue. The men clinched and wrestled into another room, where the woman came to Hottman's aid. Mrs. Myers hit her husband with a bed slat, she stabbed him with a piece of scissors as they wrestled, and, as he cried to her, "help me, help me," she ran to a bureau drawer, took out his razor, and slashed him nine times across the face, hands throat, and chest. Hottman's hat and shirt were bloodsoaked. She gave him her husband's shirt and hat and he went away. She stood alone in the house with the body the remainder of the night and washed up blood and burned up her nightgown. At daylight she called for help and said negro burglars had committed the crime. Hottman was caught in Walla Walla, Wash., he confessed. He made no defense in his trial for murder and was convicted Jan. 14, 1905. Mrs. Myers took a change of venue to Clay County. Hottman was one of the chief witnesses against her. She was convicted June 11, 1906. Mrs. Myers has never confessed. She denounces Hottman as a liar, declaring she is innocent. Mrs. Myers is in the County jail at Liberty, Mo. Hottman is in jail in Kansas City. He has just recovered from knife wounds inflicted recently in an attempt to commit suicide. Governor Folk had granted both of them numerous respites and Mrs. Myers case is now in the supreme court for the second time. The court sometime ago denied her a new trial. Later her attorney sought a writ of habeas corpus in the District Court and when it was denied, took another appeal to the Supreme Court. They have successfully prosecuted this appeal

and her case is set for argument on April 22. For lack of funds they are unable to proceed further with the case however, and on Saturday last urged Governor Folk to commute Mrs. Myers sentence to life imprisonment saying if he would do so they would let the appeal go by default.

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RUEF GAINS A POINT

Granted Alternative Writ of Habeas Corpus.

JURY NEARLY COMPLETE

Ruef Trial Progressed But Half Hour When Illness of Counsel Caused Adjournment

POLICE GRAFT INVESTIGATED

The Alternative Writ of Habeas Corpus Granted Ruef Will Be Argued Before Supreme Court Today—Schmitz's Friend, Before The Jury.

SAN FRANCISCO, April 8.—The selection of jurors who will try Abraham Ruef on the charge of extortion from the French restaurants will continue in Judge Dunne's court this morning. It is believed that the jury will be selected within the next two days.

It is expected that at least 8 indictments will be returned today by the grand jury against officials of the Pacific State's Telephone Company and the Home Telephone Company. It is said that it will take two days yet to complete the inquiry into the details of the telephone deals and then the attention of the jury will be turned to some independent matters that demand immediate investigation, but which were postponed to allow the cleaning of the telephone branch of the business. Fred Hilbert, a close companion of Mayor Schmitz, who was with him during his European tour, will be put on the witness stand today, after being temporarily excused on Saturday. It is believed Hilbert knows much more about the inside graft proceedings, and that he will prove a valuable witness for the prosecution. After the remaining telephone indictments are filed in court the trolley and gas deals will be taken up.

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DIED AT VALDEZ.

Shocking News Of The Sudden Death Of Will E. Clinton Received Here.

The myriad friends of the family of Mrs. Nicholas Clinton, in this city were shocked yesterday by the news wired down from Valdez, Alaska, early in the day announcing the sudden and serious illness of William E. Clinton from erysipelas, followed a brief while after, by another, announcing his death there at 5 o'clock yesterday morning.

Mr. Clinton has only been absent from the city since the middle of February last, when he returned to the north where he has had large interests for the past ten years, and the tale of his illness and sudden demise came as a veritable shock to kinsmen and friends alike.

He was a native of this city, 41 yrs. of age and thoroughly liked by all who enjoyed his friendship and acquaintance. He was a member of the Astoria Lodge of Elks and that fraternity will see to the immediate shipment of his remains to this city where all the honors of the craft will be paid.

He leaves, beside his venerable mother to mourn his death, one sister, Miss Mame Clinton, and Messrs: J. Couch Clinton, Nicholas Clinton, J. R. Clinton and Dewitt Clinton, brothers.

Today will develop the particulars of the fatal attack to which he succumbed and the details of the funeral will be made known. In the meantime, the family in this city may rest in the assurance of devoted sympathy and good will of a host of friends who grieve with them in the untoward affliction that has overtaken them.

SQUIRES TO MEET JEFFRIES.

HONOLULU, April 8.—William Squires, heavyweight pugilist of Australia, arrived here today, en route for San Francisco. In an interview he said this is the first time he had ever been out of Australia. He expresses willingness to meet and his confidence willingness to meet and his confidence in his ability to defeat Jeffries. . . .

AGREEMENT SIGNED

Trainmen and Managers Sign Proposed Agreement.

MORE PAY AND LESS WORK

Pay Of Firemen Is Increased 25 Cents Per Day Of Ten Hours Firemen Also Relieved Of Trouble Of Cleaning The Engines.

CHICAGO, April 8.—The agreement between the western roads and the Brotherhood of Locomotive Firemen and Engineers was signed today. The pay of firemen on all classes of engines is to be increased 25 cents per day of ten hours or less, on the rate of pay in effect January 1, 1907. No change is made in computing the time and the advance will not apply to men working on the basis of 12 1-2 cents per hour. The rate of firemen in the first class yearly is to be \$2.25 for a day of ten hours, overtime pro rata. If all yards the pay is \$2.15. The minimum for passenger firemen on engines of less than 18 inch cylinders is \$1.25 on engines having 18 inch cylinders or more, an increase of 15 cents, per day of 100 miles or less is given to firemen on engines carrying a rate of \$2.50 or more. The fireman are to be relieved of the work of cleaning the engines.

STRIKE AT BUTTE MINES.

BUTTE, April 8.—Because 52 Electrical workers, machinists and blacksmiths employed in the Great Falls Smelters of the Boston and Montana Company were denied a raise in pay, they walked out today. 5,000 men will be thrown out of work in Butte, tonight, when the mines belonging to the Company will shut down.

FISH WARDEN'S REPORT.

Master Fish Warden H. G. Van Dusen Has Submitted His Report.

A special to the Astorian from Salem where the Board of Fish Commissioners met yesterday brought word that Frank C. Brown had been appointed to succeed Deputy Fish Warden Webster, who was removed. Master Warden Van Dusen was in Salem yesterday attending the Board meeting.

FIREMAN IS KILLED

In Car barn and Power-house Blaze.

THREE TOTALLY INJURED

Started From A Grounded Wire In Car And