

# ROSIER PLEA USED FIRST BY SICKLES

## Congressman Who Killed Rival in Washington Freed on "Emotional Insanity"

### LEGAL PRECEDENT FIXED

Catherine Rosier's defense, based on the plea of emotional insanity growing out of the demands of the unwritten law, recalls the plea of this sort in the famous Sickles-Key case that passed a storm of comment during the administration of Buchanan.

General Daniel E. Sickles stood trial for the killing of Philip Barton Key, son of Francis Scott Key, author of the "Star Spangled Banner." He was the first man or woman to walk out of a courtroom in this country, freed on the score of an emotional insanity that lasted no longer than the commission of the crime.

The court declined to admit that the law could absolve from murder a husband who could commit it because of the ruin of his home, but evidence was admitted which tended to show that domestic trouble had caused insanity and also that insanity might not last an instant longer than would suffice for the commission of a homicidal act.

Sickles was a Democratic Congressman from New York, only thirty-five years old, extremely handsome and a favorite with the President, whose Secretary of State he had once been when Buchanan was envoy to London. His wife was one of the most beautiful women in the capital, with a splendor about her that was immensely fascinating.

Key was about forty, a widower and handsome, too, but in a slim, romantic fashion. Much gossip sprang up over Key's attempt to seduce Mrs. Sickles, and as time passed the husband's suspicions were awakened. An anonymous letter stung him into direct accusation. Flattery led to the admission that the next morning—Sunday—Key was to pass Lafayette Square, opposite the White House, and receive a signal from Mrs. Sickles to proceed to the city.

Key was District Attorney, if he responded to the signal. He carried out the deed directly as he had planned it. He gave the romantic lover three mortal shots from his revolver, crying out: "He died—don't die. He died my love. We could not live together on the same planet."

He had Edwin M. Stanton as chief of counsel, and admitted full responsibility for his deed.

After a short, grueling trial the jury walked out and walked right in again with a verdict of "not guilty," and Stanton bore his absolved client away amid cheers.

### Say Rosier Plotted to "Frame" Wife

Continued from Page One

most determined to hold her nerve for the ordeal that was to come.

**Slayer Keen to the Drama**

She seemed as keen to the drama of the moment as the woman who sobbed over the second-hand recital of her woes. She was eager, too, apparently, to begin the drama which will be the climax of her trial. From time to time she looked toward Mr. Scott or William Connor, Mr. Scott's assistant, as if in question as to the moment when she should take the stand. Her attorneys would smile and shake their heads. The hour had not yet arrived, but was approaching.

Mrs. Reid was called by Mr. Scott immediately after court had been opened.

"What was the name of your father?" asked Mr. Scott. "George A. Capwell."

"What was the condition of his mind at the time he died?" "He was crazy."

"How long had he been crazy?" "Since I was three years old."

"How did you know your father was crazy?" "By his actions toward his family and friends. One time he came into the house and took all the doors and refused to let any one in. Another time he smashed a bureau. An other time he leave Lewisburg, his home town, and I believe it was in 1810."

"What did he try to do the last night he was with his family?" "He tried to kill us all."

"From Lewisburg where did your father go?" "He went to Factoryville."

"How long after he left did you see him?" "I believe about ten years."

"When you saw your father was he insane?" "Yes, he didn't recognize me."

"Did you try to identify yourself and tell him who you were?" "Yes, but he didn't understand me. He acted peculiarly."

"After you married what was your name?" "My name was 'Anabelle.'"

"Who else in the Capwell family were insane?" "Mary A. Gibbs, Dr. Fenwick, who died in an asylum, and there were two more insane."

"Have you any children yourself that are mentally unbalanced?"

"Yes, I have a child eight years old who is an imbecile, whose mind is not developed and who is helpless. He spends his time in a bed made of gas pipes covered with canvas."

"Half-Brother Is Imbecile"

"That child is a half-brother of Catherine Rosier, the defendant?"

"Yes."

"Can he say his own name and count?"

"No, sir."

"Mr. Reid seemed to be in bad shape and asked for a glass of water. He was fainting with emotion. Mr. Speiser interrupted with an objection that the testimony was irrelevant and immaterial. Mr. Scott said he would follow up this testimony with that of experts as to what effect this might have on the defendant.

Judge Barratt overruled the objection and Mrs. Reid continued her story. "He bent me, he forced me to sleep on the floor, he choked me until my neck was black and blue. At one time I was going to commit suicide."

Both mother and daughter were cry-

# MRS. ROSIER HURT HEAD WHEN CHILD

## ing violently during this narrative, Mrs. Reid, who rarely could answer questions for her sobs.

### Changed After Child Came

"Yes, when she was between twelve and thirteen years old she fell down the stairs of our home on Benbenton street and injured the end of her spine and the back of her head. She suffered from headaches for several years after that. Mrs. Reid's narrative was broken only by the sobs of many of the women in the courtroom. They sat forward on the edge of their seats, drinking in every word. It was the saddest moment in the tense breathing of the more emotional of the women, and several times the faintly audible sound of a sob back in the courtroom.

Most of the women had handkerchiefs pressed to their eyes before Mrs. Reid had finished. Even the members of the jury were moved. They leaned far forward to catch every word. Several times Mr. Scott stopped Mrs. Reid to admonish her to raise her voice so that the jury might hear.

"Did you visit your daughter after her child was born?" "Yes, sir, at her home in Stonehurst, several times."

"When was the first time?" "I believe it was the first of November."

"What was the occasion of your going there; what did you see?" "I received a telegram."

"The telegram was interrupted by an objection from Mr. Speiser."

"Mr. Scott said: 'I am trying to prove the condition and state of mind of the defendant at the time of the shooting and I have to get gradually to the time of the shooting.'"

The Commonwealth's objection was sustained and the question was withdrawn.

"In consequence of the telegram," Mr. Scott began, but he changed the question to: "From whom, Mrs. Reid?"

**Daughter Sent for Mother**

"From my daughter," she replied. "What did you do?" "I went to Stonehurst to see her."

"What did you see or hear?" "I opened the door."

The witness was interrupted by Mr. Speiser. "Who opened the door, Mrs. Reid?"

"I don't quite remember, but I think it was Junior" (Oscar's son by a previous marriage).

"Go on, Mrs. Reid."

"I glanced in the door and saw that something was wrong. Catherine looked very bad and was pacing up and down the floor. I said, 'Catherine, what is the matter?' and she said, 'Mother, I am very sick.' Oscar was in the room. I then looked at Mr. Rosier and said, 'How are you, Oscar?' He said, 'I am better than I have been for some time. Catherine then asked me to go upstairs and see the baby.'"

Mr. Speiser objected to the line of testimony as hearsay.

"This, I take it, is to show the state of mind of the defendant at the time of the shooting," said Mr. Speiser. "It seems to me as not strange for a young married girl to be complaining to her mother if the contention of the Commonwealth is that she was insane at the time of the actual murder."

Judge Barratt observed: "I think it is important to find out the state of mind of the defendant at the time of the shooting and from Mrs. Scott's testimony yesterday and from evidence that I have heard I think I understand what she wishes to show."

"He has the right," interjected Mr. Speiser, "to show at the time of the murder that she was insane."

The judge interrupted and said: "I overrule the objection."

**Told of Arthur's Whisperings**

We went downstairs then, Mrs. Reid resumed, and went into the kitchen and met Arthur, but we did not speak to him except to say 'Hello.' We left the room and Catherine told me that Arthur had told her that Oscar and Mrs. Rosier were running around together and she was killing her."

Here Mrs. Reid paused. She was given a drink of water.

"She told me that Arthur told her that Oscar and Mrs. Rosier were running around together and she was killing her and thought of killing herself," she continued. "Arthur came into the kitchen again and told me Oscar was running around with Mrs. Rosier and that something must be done."

"Arthur played a game of croquet with Oscar on the dining-room table and they prepared a lunch. I was two days following the events of the day to do anything myself. It was then that Arthur told me that Jerry Rosier was with Oscar at a restaurant."

**Arthur Went After Her**

"Catherine heard the conversation and she went out into the street. Arthur went after her in his stockings and asked what the neighbors would think."

"After that," continued Mrs. Reid, "I went upstairs and found that the beds had not been made. I thought this was rather unusual. A little later Oscar came up and I found with him for Catherine's sake. Then Arthur came up and said something about going down."

Mr. Scott broke in with: "After you had a conversation with Oscar what did you say to your daughter?"

Mr. Speiser objected and was upheld by the court. Mr. Scott continued: "I was following that line of questioning to show the effect on the state of mind of Mrs. Rosier. Judge Barratt, however, maintained his ruling."

Mr. Scott asked Mrs. Reid where she went after the conversation with Oscar.

"I went to Catherine's room and saw her there by her bed."

"What did Catherine say to you?"

**Told Troubles to Mother**

"She said Oscar was running around with Jerry Rosier and she complained of his unfaithfulness. She kept crying all the time."

"How long did you remain at the house following the events of the day?" "I was there until about 8 o'clock that night."

"What else occurred during your visit to the house?"

"I told Oscar I felt sorry for Catherine. Mrs. Reid sobbed as she answered the question. It was some moments before she regained composure. Mrs. Rosier loved her head and sobbed also.

"When did you see your daughter again?" Mr. Scott asked.

"It was in the latter part of November."

"What was her appearance at that time?"

"It was the same as before. She was crying, she looked thin and she said she couldn't sleep. She also told me that she walked the floor with the

# Andy Gump Slips by Rosier Doorkeeper

## "For the—"

### Arthur Pictured as Iago

"Did I understand you to say that she told you that he was trying to compromise her when you visited her in the early part of November, you were advised by her that Arthur was trying to seduce her?" asked Mr. Speiser when he resumed his cross-examination. "Yes, sir," said that mother. "Did she tell you this on the first or on both visits?" "On both."

"What was her general physical appearance?" "She was very thin. She seemed to be cross all the time."

"What else?" "She was untidy and that was strange, because she was always neat. She didn't seem to be interested in anything at all. She was sallow and pale."

Mrs. Reid was then turned over for cross-examination. Mr. Speiser was deliberate, precise and courteous. He questioned Mrs. Reid about her home in Atlantic City and about her daughter's visits to her and hers to the daughter.

"I understood you to say, Mrs. Reid, that you saw your daughter twice, from the birth of her baby to the time of her arrest. The first time, I understand, was the first of November, the second time the last of November?" "Yes, that is true."

"When did you see her before that?" "In July."

"Was she cheerful, happy?" "Well, I would say not altogether. She was ill and had to call a doctor. She was in bed a day or two and then went to her own home."

"Why do you complain in July about any of her troubles?"

The witness was a few seconds in answering this question, then said: "No, sir."

**Speller Questions Closely**

"Why do you hesitate, if there was no trouble?"

"I have no reason to hesitate," she said.

Mr. Speiser then questioned the witness closely as to the length of time between the July visit and the time last previously Mrs. Reid said she had seen her daughter before moving to Atlantic City.

"What was the state of her health?" asked Mr. Speiser.

"Fairly good."

"Mrs. Rosier was living at Stonehurst then?" "Yes, and I always visited her two or three times a week. She appeared well and happy."

Mr. Speiser then questioned Mrs. Reid about her own married life. "I had three children living and one dead by that marriage," she said. "Ralph, thirty years old, William, twenty-eight years old, and Catherine, twenty-two years old. The child who is dead, Mrs. Reid said in answer to another question, died from natural causes."

**Has Two Married Sons**

"Your two sons Ralph and William are in court now?" "Yes, sir."

"Have both families?" "Yes, sir."

"Have the families?" "William has no children."

"Are they both healthy?" "No, I wouldn't say that."

"Regarding the child you say is an imbecile. Did I understand you to say this child could walk when it was two years old?" "Yes, sir."

"I suppose like every child it had some intelligence, didn't it?" "Yes, sir."

"Can you account for his present condition?" "No, I can't, except that he is partly paralyzed and helpless."

# Andy Gump Slips by Rosier Doorkeeper

## "For the—"

### Warned Daughter of Arthur's Tales

"You warned her?"

"Yes, I warned her. I saw how Arthur was playing his cards."

Mr. Speiser then shouted at her: "Mrs. Reid, in spite of the fact that you warned her that this man was trying to compromise her, let's it a fact that the day after the murder, January 22, you went to that home in Stonehurst, crying, hysterical, and didn't you come to Arthur and ask him what you should do?"

"Yes, as a mother."

"In spite of warning your daughter you did that?" insisted Mr. Speiser.

"Yes."

Mr. Speiser then asked permission to exercise the right to recall Mrs. Reid for further cross-examination.

"While in the Stonehurst home," Mr. Scott questioned again, "did you and your daughter see Mrs. Rosier?"

"I want to straighten out that matter before we begin trying to find out about," said Mr. Speiser. "The crowd of Judge Barratt then sternly warned the audience that if it did not observe decorum he would be compelled to eject all but the witnesses."

"You know Judge Barratt asked the question as he had framed it and asked: 'Did Mrs. Rosier, your daughter, write to you while you were in Atlantic City?'" "Yes, sir."

"Did Arthur write to you?" "Yes, sir."

"Did Mr. Speiser object but was overruled."

"Did he speak of divorce and advise you to contact Catherine to grant Oscar a divorce?"

Mr. Speiser again objected, and this time was sustained.

"That is all," said Mr. Scott. Mr. Speiser did not press further.

**Tells of "Mental Change"**

Mrs. Henry C. Barney was then called. "You know Mrs. Rosier before the birth of her baby?" "Yes, sir."

"Did you see her in April of that year?" "I visited her in her home in Stonehurst."

"What was her appearance at that time?" "She looked happy and cheerful, and seemed to be especially delighted with her baby."

"What was her physical condition?" "It seemed to be good."

"What was her condition as to dress and appearance?" "I saw her only once. Mrs. Rosier was always known as a neat woman."

"Did you see her after the birth of baby Richard?" "Yes, I believe it was in November, 1921, at her home in Stonehurst."

"What was her appearance then?" "It was much changed from the change. She was thin, thin and restless. She could hardly get up while I was there. I asked her the cause of her trouble. She replied, 'I'm out of my mind. I think you'd better take me to a doctor. I asked her how she knew that. I have heard told so by Brother Arthur. He told me that my husband was infatuated with a girl in his office, and he said that 'she'd be sure to get it out of me. That if he didn't get it one way he would get it another.'

"Did you notice the baby while you were there?"

**Saw Baby Richard**

"Yes. She went upstairs and got it, and she handed it to me and took it away again. She did this several times. She apologized for the appearance of her home. She repeatedly hit her finger to her forehead."

Mr. Scott then turned the witness over for cross-examination.

"How long have you known Mrs. Rosier?" Mr. Speiser asked.

"I have known her since she was eight years old."

"Did you know Oscar Rosier?" "Yes."

"How often did you see him at the Stonehurst home?" "I saw him on your visits to the Stonehurst home were you accompanied by your husband?"

"I went by myself."

"Were you in Stonehurst home with Mrs. Rosier?" "Yes."

"Did Mr. and Mrs. Rosier visit you on your visits to the Stonehurst home?" "Yes, they did."

"What did you go out in December?" "I went out to see the baby in answer to a letter from Mrs. Rosier."

"Didn't you get a printed announcement?" "No."

"This was taken from the room by a letter?" "Sometime in November."

"Why did you wait a month to visit her?" "Because I was living in New York."

"Did you correspond with Mrs. Rosier frequently?" "Yes."

"Have you a single letter from Mrs.

### State's Attack Stopped

When the jury returned to the room Judge Barratt ruled that the question just asked Mrs. Reid was inadmissible. "This was taken to mean that Catherine's character prior to her marriage was not to be subject to attack."

While the jurors were out Mrs. Rosier was taken from the room by a Deputy Sheriff. She was so weak that the attack had almost to carry her out.

The court buzzed while the jurors

# Andy Gump Slips by Rosier Doorkeeper

## "For the—"

### WOMEN ARE LOSERS IN SPIRITED BATTLE

A thousand women "hit the line" of the fall City Hall guard detail—fifty men in all, under Lieutenant Boston—with smashing force that would have made an ordinary guard detail look like a mob of boys in checkers, shortly after 9 o'clock.

Many of the guards are elderly men, veterans of the police force, whose heaviest duties usually are directing traffic to the Mayor's reception room or the marriage license clerk's office. They were bowled over, walked over, bungled aside, hurried and heckled and generally given a good thrashing by a column of women striving to get into Room 421 to hear Mrs. Rosier tell her story.

Like good soldiers, the guards reformed, patterned out, but no benches were raised, and the women, black and forth the combat to keep their tempers and not like gentlemen in spite of their position, they stood by and everything save their determination to get through the double doors which gave access to the big courtroom, almost helplessly, with others of their sex and a few men.

Finally authority and organization triumphed over impetuous numbers, and the women were driven back to the east and west corridors, leaving the south corridor, the courtroom room, which is clear of all save the debris of battle. Many hairpins, a few back straps, bits of elastic and a torn rubber shoe were scattered in the wake of passed crowding girls, marked the scene of heroism's strife.

The victory did not long remain with the guards, however. Seething parties of women broke through the line, then an ordinary guard of hold-overs and at last a pell-mell rush of everything in shorts.

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Then some one discovered that the fortunate few were being led to by a back door, and indignation discharged the air.

"Cookie," general Gerberus of the gate, looking after the jurors this morning instead of being on the job wrapping paraphernalia with the eager confidants for seats within, and to avoid confusion the guards advised the bona fide witnesses and others whose cre-

# Andy Gump Slips by Rosier Doorkeeper

## "For the—"

### ADMIRAL SIMS CHARGES DANIELS OPPOSED CONVOYS

Calls Ex-Naval Head's Statement "False in Essential Particulars"

Newport, R. I., Oct. 27.—Sharp issue with a statement made Wednesday night by Josephus Daniels, formerly Secretary of the Navy, regarding the adoption of the convoy system during the war was taken by Rear Admiral William S. Sims, retired, in a note given to the Associated Press here tonight. After asserting that the Daniels statement as it affected the adoption of the convoy system was "false in all essential respects," the rear admiral continued:

"The official documents presented before the committee of the Senate that cavatted the department's expense of the war show that throughout the first three months of the war the Navy Department resisted the adoption of the convoy."

"As I have stated in my testimony before the Senate committee, Mr. Daniels gave me no instructions whatever before I left for England, except to report the situation with reference to cooperation in case we should declare war."

Size Price  
6 to 8—\$3.75  
8 1/2 to 11—\$4.00  
11 1/2 to 2—\$4.50  
2 1/2 to 9—\$5.50

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6 to 8—\$4.00  
8 1/2 to 11—\$4.50  
11 1/2 to 2—\$5.00  
2 1/2 to 7—\$6.00

### SlUG "WAR" ON IN CHESTER

Chester, Pa., Oct. 27.—A new and thriving industry has developed here, the manufacture of slugs. The motors of the industry have been turning out large quantities of metal discs the size of which conform to nickel and copper slugs, and which are sold cheaply large returns are promised in actual coin. For they serve the same purpose as coins when placed in slot machines, and they are made in Chester which pour out nickels and quarters when the lucky numbers are hit, it is said.

The owners of the slot machines, however, are taking steps to combat the new industry, for those who ought to know say that beside each machine sits a waterer on a high stool with two extra pairs of spectacles to see that real coins instead of slugs are placed in the machines by the players.

### CAMDEN LIONS HOLD CIRCUS

Regular "Big Top" Atmosphere Surrounds Club's Charity Event

Pyramids of peanuts and gallons of summery-looking lemonade are helping supply atmosphere to a big circus being held today by the Lions' Club of Camden. A big ring is pitched inside the armory of Battery B and a score of agitators are looking on like elephants, trained horses and other talented animals.

Just before the show there was a big street parade, with calliope, wild animals, clowns, everything. The proceeds of the show will be given to the Cooper and West Jersey Homeopathic Hospitals and various other institutions.

### Peace Declared in Williamson Field in West Virginia

Charleston, W. Va., Oct. 27.—The strike in the Williamson bituminous coal field, effective since July 1, 1920, was called off last night by United Mine Workers' Fred Moore, district secretary, confirmed the announcement.

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### CONVICTS TO BE RELEASED

Convicts to be released from the State Prison at Pottsville, Pa., Oct. 27.—By A. P.—Public dances have been forbidden by Mayor C. C. Mitchell, who has issued an order revoking the license. Hereafter, the Mayor declared, only dances to which invitations have been issued will be allowed, and individuals and organizations sponsoring them will be held strictly responsible for the conduct of dancers.

Disorders which recently marked entertainments of this kind were responsible for the Mayor's action.

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# BOOZE IN HAYSTACKS

## Modesto, Calif., Oct. 27.—(By A. P.)—Armed with long steel prodding rods, deputy sheriffs poked the hay stacks of the fields hereabouts and found more than 3000 gallons of liquor valued at \$35,000. Further investigation disclosed the presence of two twenty-barrel stanchions running to capacity. Four ranchers were arrested.

### Disappears From Phoenixville

Phoenixville, Pa., Oct. 27.—William Davis, an ex-service man, aged twenty-three years, disappeared last Saturday when he walked out of the boiler-room at the Byrne Knitting Mills, staying in minutes. He wore a light gray suit and brown soft hat. He is about 5 feet 7 inches, and weighs 137 pounds. About ten days ago Davis bought an automobile from a local dealer.

### Barred Ones Are Suspicious

The women out in front, however, just knew something was being put over on them, and they tried to follow the underground route themselves. They were daunted, however, by three rows of "cops," who barred the way and coldly asked for passes or real subpoenas.

Every one breathed easier when "Cookie" Jr., appeared at the old stand. He positively has "way with the ladies." He knows how to turn them down or up, and yet retain the hair and the cuticle of his face. He let a few in, but the steady stream of yesterday was but a trickle this morning. The courtroom was comfortably filled today; yesterday it was pressed down and running over.

The women who had got to the courtroom established themselves in much comfort. They all took off their hats by mutual agreement so they could see better. Before Judge Barratt arrived the short-haired ones vigorously combed their bobbed locks; while the wearers of regular coiffures had their hair combed and pinned and readjusted hair pins and hair nets with deft fingers.

**Toiletries Were Disregarded**

Some looked rather thrown together, as though they had grabbed their clothes, a bit of breakfast, and had dashed for the first trolley when their leaving friend husband to get his own breakfast. Many had boxes tucked under their arms or in their laps—sandwiches or other nutriment for a quick snack at noon. They buzzed and chatted and enjoyed themselves. They were ready for whatever came, but hoping prayerfully for the best.

Judge Barratt took a hand to end the gaiety of the occasion when he arrived. He looked the crowd over with a stern eye, then called Lieutenant Boston and ordered him to lock the doors. No more sightseeing parties were to be admitted.

### ADMIRAL SIMS CHARGES DANIELS OPPOSED CONVOYS

Calls Ex-Naval Head's Statement "False in Essential Particulars"

Newport, R. I., Oct. 27.—Sharp issue with a statement made Wednesday night by Josephus Daniels, formerly Secretary of the Navy, regarding the adoption of the convoy system during the war was taken by Rear Admiral William S. Sims, retired, in a note given to the Associated Press here tonight. After asserting that the Daniels statement as it affected the adoption of the convoy system was "false in all essential respects," the rear admiral continued:

"The official documents presented before the committee of the Senate that cavatted the department's expense of the war show that throughout the first three months of the war the Navy Department resisted the adoption of the convoy."

"As I have stated in my testimony before the Senate committee, Mr. Daniels gave me no instructions whatever before I left for England, except to report the situation with reference to cooperation in case we should declare war."

### SlUG "WAR" ON IN CHESTER

Chester, Pa., Oct. 27.—A new and thriving industry has developed here, the manufacture of slugs. The motors of the industry have been turning out large quantities of metal discs the size of which conform to nickel and copper slugs, and which are sold cheaply large returns are promised in actual coin. For they serve the same purpose as coins when placed in slot machines, and they are made in Chester which pour out nickels and quarters when the lucky numbers are hit, it is said.

The owners of the slot machines, however, are taking steps to combat the new industry, for those who ought to know say that beside each machine sits a waterer on a high stool with two extra pairs of spectacles to see that real coins instead of slugs are placed in the machines by the players.

### CAMDEN LIONS HOLD CIRCUS

Regular "Big Top" Atmosphere Surrounds Club's Charity Event

Pyramids of peanuts and gallons of summery-looking lemonade are helping supply atmosphere to a big circus being held today by the Lions' Club of Camden. A big ring is pitched inside the armory of Battery B and a score of agitators are looking on like elephants, trained horses and other talented animals.