Final Pleas Start at Rosier Trial

Continued from Page One

ference before he signaled Mr. Scott to begin his address to the jury. After the conference the Judge turned to the spectators jamming the courtroom and said in his severest voice:

"I want to warn every one that any expressions of approval or disapproval that might influence the jury in coming to a just decision will impel me to clear the court of all spectators. Mr. Scott, proceed."

Mr. Scott opened the case quietly. The jurors sat up with interest as he began to speak in a low tone that carried clearly, however, throughout the big chamber.

SCOTT MAKES LAST PLEA FOR SLAYER

"Gentlemen of the jury," began Mr. Scott, "we have now, happily for this young woman, reached the conclusion of this case. It has come after two weeks and you receive it as you sit in judgment, to weigh the evidence that has been offered.

"I take it that this is not a hard case for you to come to some conclusion in. You have heard the case presented by the District Attorney, who has acted with great fairness, but he has presented in this case evidence which was not evidence of entire transactions.

"I am going to take the evidence as presented by his own witnesses and I am going to analyze it, and I am going to show that the hand of this ninety-seven pound woman was not guided by her mind on Saturday afternoon, January 21, but was guided by an unseen power that her hand had no control over.

"You have heard the story of witnesses; you have heard the story of the man who heard a shot fired, and ran up the areaway of that building at 1314 Walnut street, and saw the shrinking form of this woman running up and down the second landing in her madness.

"You have heard the story of McLead, a young reporter, who saw her condition, who talked with her after the shooting. You have heard the testimony of his colleagues, who saw the clothing of Oscar Rosier as he lay on the floor of his advertising office.

Cites Stories of Reporters

"You have heard the story of Leighton, the other reporter who told in his quiet but effective way how he sat in that office and saw her actions, hysterical and distraught. He told you how she got on her knees and begged him to go to the side of her husband, and you have heard him tell how she expressed her love for her husband. You did not hear them called on by the District Attorney to say whether she was a normal woman. He would not ask them because they had inscribed in their minds a graphic detailed picture of the happenings of that Saturday afternoon.

"No—what does he do? He goes down to Moyamensing Prison and drags up the keepers, but, thank God, there are some traces of humanity even in the prison. You heard the story of Mrs. Day, you heard her describe the conduct and actions of her prisoner; you heard the story of Mrs. Johnson, that gray-haired old woman. You heard her tell of this poor creature's condition; she told you how this little woman, this broken-hearted woman, this hysterical woman, cried. She told you how she could not sleep. And then that good soul gave to her a piece of cloth to occupy her distorted mind to make a purse. And then she told you how she returned to the cell some time later and talked of this cute little purse and how Mrs. Rosier remembered nothing about making it.

"I will leave it to you gentlemen to decide who was telling the truth. And then you heard the matron at Central Station telling of the prisoner's conduct when she was brought there following the murder. She said that she was dazed.

Called "Woman Without Pity"

"The District Attorney called others among them, Dr. Wilhelmina Nelson, physician at the prison. You saw her actions, you saw her manner, you saw her face as she told you and the rest of the court that this broken-down little woman was sane.

"Gentlemen, I don't know who cut the rest of her story from the direct examination, but as I looked into her harsh face, the face of a woman that never knew a moment of pity, the face of a woman who could not feel for this little soul, it came to me that she was keeping something back and then this little girl's counsel asked her a question. You remember how she snapped the answer out when I asked her if she had not spoken to the superintendent about this girl's mental condition and had said that she was defective. You remember her reply: 'Yes, and I suppose he told you.'

"Mrs. Rosier was taken from 1314 Walnut street to the Jefferson Hospital. You heard Dr. Thomas Shallow and four other doctors testify. You have heard them describe the scenes at the hospital when those two bodies were taken there and when Mrs. Rosier was taken there.

"But you did not hear the District Attorney ask one of these physicians if she was insane. He did not do that because he was afraid to open the door for me. He has haunted before you his fairness. I am going to take his case and show you there is fairness in his argument that he did not put in there himself.

"He went to the station house and he brought one witness here, Dr. Daly. He asked Dr. Daly what was his opinion as to whether this poor little woman was sane or insane when he saw her in the station house. Dr. Daly said he thought she was sane. And then Mr. Speiser asked what the doctor had prescribed for her, and he named a medicine and later under cross examination the physician told me this medicine was for her nerves.

Asserts Previous 'Mood'

"Now, gentlemen of the jury, why didn't Mr. Speiser call Detective Tyson, the man who saw her jump up on her feet and rave, yes, rave, about her husband? Why was not he called and asked whether she was sane or insane.

"Now, gentlemen," said Mr. Scott in a low and confidential voice, "don't be fooled, don't be misled by the District Attorney's pretense of fairness. He has no desire to show you the light in this case. This same conduct was manifest when he tried to keep out the testimony of Honest Margaret Nace. It was manifested when he tried to keep sealed the lips of Patrolman Kates, when I asked him in cross examination where the two .25 caliber bullets were that had disappeared. This same conduct was manifest when he did not ask Detective Tyson about the dress being taken to the cellar and bullets being fired into it.

"Don't you remember, gentlemen, the District Attorney stood on his feet when I asked about the two .25 caliber bullets. Kates had testified the bullets never had left his possession. Was that fair? Did he try to give you light, or did he try to keep sealed the lips of Kates and Tyson?"

TREMOLO QUAVER FOR "POOR CHILD"

Mr. Scott then crossed over to the side of his client and pulled out the tremolo stop of his voice. He patted her thin shoulders.

"The District Attorney, under pretense of fairness, is trying to drive the light from the eyes of this poor child, the light of life. Do you believe," Mr. Scott's voice rose in a roar, "that the District Attorney did not know that dress had been fired into?

"Why was not Lieutenant Belshaw called, the man who fired the shots? They said at the time he was 'on his vacation.' But since that time he has returned and has been sitting in this courtroom for a week. Why wasn't he called? I don't know the answer, but I do know that the District Attorney did, try to keep from you the fact that the garment was taken into the basement and two or three shots fired into it.

"You heard the Judge. He was indignant. A man who is now sitting here as a Judge, and fought honestly here as an Assistant District Attorney—you heard what he said. You heard his indignation when he asked, 'Why such conduct? Destroy that garment. Throw it out.'

"They would try to snuff out the light from this poor little girl's eyes." Once more much dauntless was in Mr. Scott's voice, and he walked over again and put his hand on Catherine's shoulder.

"To see that child, and then look at the face of the District Attorney," he exclaimed. "Such an impression! Remember his words about his fairness, and then that episode of the garment. When I heard that, when I saw what he was trying to do, my heart went out to that poor little defenseless child, sitting so bravely there, fighting, struggling that she may live. And, thank God, gentlemen, there are men like you who do not sit there in that box with pretended tears in your eyes. Oh, the fairness of this Commonwealth! Such cruelty!

"Why is it so cruel? How that cruelty came to the surface when that brave little 'Nick' Bruno took the stand. You remember him. He was asked by this 'fair' District Attorney if the defendant was sane or insane while in his custody. And what, what did he say? 'No, I couldn't answer that question,' replied that brave Nick Bruno, and then did the District Attorney jump to his feet in rage and say, 'Did you tell me what you are now testifying to in your statement to me?' And that brave little fellow said 'No, Mr. Speiser, I never told you that. You never asked me.' And then, when further questioned he said, 'I saw her first she was sitting on a chair, her hands to her head, and her head bowed, in tears. I went over and I said "What's the matter?" And she said, "I want my baby."'

"Gentlemen, when I said to Nick Bruno, 'You are the District Attorney's friend,' and he said 'yes,' did you see the smile, gentlemen, that came to his face? And did you see the District Attorney jump to his feet again in rage and say, 'When, when did you ever see us together? Tell Mr. Scott where did he ever see us together.' And that brave little fellow spoke up and said 'Many a time, in the courts and corridors of this building.' Thank God, gentlemen, there is a Nick Bruno, and thank God there flows in his blood a power to tell the truth."

Bends Over "Little Child"

Once more Mr. Scott walked over to Mrs. Rosier, stooped with his face close to hers and said: "Thank God, little child, that little Nick Bruno came to you when you asked for your baby."

Mrs. Rosier was crying with stifled sobs, her eyes red with tears. Almost every woman in the courtroom was crying, too, and many men were blowing their noses and wiping their eyeglasses. The women were having a wonderful time.

"Gentlemen of the jury," resumed Mr. Scott after he had given the jury a moment to drink in all the moisture of the scene, "this little waif, this little child who has never had a chance, they are trying to take her life, and I consider it a great honor to attempt to save that life. Ah, gentlemen, the cruelty of one in power, who could take the life and liberty from that being!

"Gentlemen, I am going to show you that there is no conflict here, and that her defense is that at the time of the shooting she was insane. We will show by this young woman that before the birth of the child her married life was a cheerful one, a joy to her. She had a great love for her husband, and he for her. She had a life of gladness, and there has not been one soil in this community that said this was untrue.

Contempt for Arthur Rosier

"Then, gentlemen," Mr. Scott's sonorous voice rose in a roll of anger and contempt, "Arthur Rosier came into her life with the sting of the serpent, and the voice—the voice—the voice of one who would drive this poor child from her home and her happiness. He went to the hospital, this serpent, and told this poor child that her husband was untrue to her.

"How do we prove this? By Mrs. Barney, a truthful woman, who testified that she met Mrs. Rosier on the street, and that she was shocked by her appearance, and asked her what was her trouble. This poor child said: 'I'll tell you. I have a great trouble. My husband is unfaithful.' And the witness testified she said 'Who told you,' and this poor child answered 'Arthur.' And then the witness testified she said, 'Don't pay any attention to hearsay,' but this child answered, 'It is past that. I have asked Oscar and he said it was so, and that he was going to drive me away.' And then we proved it by Mrs. Clegg, little Mrs. Clegg, the mother of two babies.

"Little Mrs. Clegg testified that Mrs. Rosier had told her that Oscar was the man; that Arthur was her informant. Then, that Christmas Eve, when Oscar gave this poor child these few pearls, in a moment of happiness she went over to him and he pushed her away. He said 'Come on, let's leave.'

SCOTT HARPS ON 'POOR LITTLE CHILD'

"Then we have the testimony of Mrs. Clegg that we heard these two nitty-tongued brothers speaking lightly of Jerry's underwear. For what purpose did they speak this way? For the purpose of arming this poor little girl from her home, to suicide or divorce, or to her mother, or drive her anywhere.

"Then we have the testimony of Mrs. Perkins, who saw this poor little child in the Episcopal Church at Stonehurst with the baby on her lap, about to be christened. She saw the vacant stare in her face, that sign of madness. And then we have the testimony of the brother William, who saw his sister at Eleventh and Market, and didn't recognize her. Finally he went over to her and she told him of her troubles.

"Then we have the testimony of the brother Reppi and his wife. When they were going home from Atlantic City they stopped and visited her. They saw she was in great sorrow, pacing the floor, biting her nails, and they heard her story. But they didn't want to interfere. They left. They wouldn't even trouble her for dinner, but went to town.

"We have proved it by all these people; we have proved it by more than these. We have proved it by that honest old servant, whose testimony the District Attorney tried to keep out. You saw how he fought up on his feet, and told the Judge that we 'sneaked her in.'

"There are honest men in this community. One of them is honest old Tom Riley, who sent his son to this courtroom and he said 'Mr. Scott, if you want that servant we will bring her here.'

"And then you saw that gray-haired old woman. She told you what they have got if notes had not been taken at the Coroner's inquest, that he saw 'Jerry' and Mrs. Rosier at Wanamaker's together.

"And what did she tell you, this poor little child? She said that Arthur had told her Oscar would not give up his stenographer, and she asked Arthur to speak to Oscar, and Arthur said he would not interfere. She then further said, 'If you will not speak to him for my sake, speak to him for the baby's sake.' And then she said, 'Speak to Miss Reckitt, and if she won't give him up, I will give him up.'

"Then the next day she received a phone message to meet 'Jerry' Reckitt, and gentlemen, we get from the lips of Arthur Rosier the statement that he had nothing to do with the meeting. Don't you think it was peculiar that he should meet them in the Wanamaker store; that he would get there at the same time they got there?

Attacks Arthur's Veracity

"Do you believe him, or do you believe that little woman who worked that Saturday afternoon to appeal to the womanhood of that stenographer for herself and for her baby. And that night, after that meeting, Arthur came out to the house at Stonehurst and laughed at her and said, 'She does not mean a word she said.'

"This child was crushed, beaten down. She had no home! all hands were turned against her; there was none to help her or her baby. And the madness borne in her from her ancestors started to take its ascendency in her mind, and started to manifest itself.

"She desired to kill herself. When the revolver went off her husband rushed up and took it away from her. Then he went downstairs and said scoffingly to his brother: 'What a pity she did not make a good job of it.' He, the villainous husband, saw his sins; he saw that he was driving her to madness, but what did he care? It was the best way out, he thought.

"The District Attorney says there is no evidence of insanity. He says this means nothing. He called two experts, whom he qualified as experts, going into their whole careers. He asked Dr. Burr his experience, and Dr. Burr said he had twenty years' experience treating mental diseases, and when the physician was turned over to me for cross-examination I asked him a question based upon the changes evident in this poor child's physical appearance after the birth of her child and after her brother-in-law had told her of her husband's unfaithfulness, what did he say?

"What did this eminent physician say? He said that would have a bad effect on this child.

STRESSES EXPERT'S TALK ON INSANITY

"Where is there any dispute in this case? So, gentlemen, what does Dr. McCarthy say? He says:

"When it comes to a diagnosis of melancholia following childbirth here you are dealing with evidence collected on one side and evidence collected on another. I would agree with Dr. Burr in his answer to Mr. Scott's lengthy question that the testimony showed her to be insane.'

"And, gentlemen," continued Mr. Scott, "where could you get a better man than Dr. Mills? Dr. Mills said that Mrs. Rosier did not know what she was doing when she fired this shot. And Dr. Wilson said: 'In my opinion that young woman was insane.'

"Then the District Attorney calls experts to refute Dr. Burr and Dr. McCarthy said he agreed with Dr. Burr and what more does the District Attorney say? I will read to you from what the District Attorney said:

"'Dr. McCarthy, was this defendant able to distinguish between right and wrong?' And the answer is 'I think she knew she did wrong, whether she did it while hysterical I could not say.'

"Gentlemen, if that young woman had no control over herself, if madness reigned, she has her right of acquittal. Where is there any contest here?

"Surely there is no contest among lay witnesses as to her sanity or insanity. Gentlemen, surely you cannot find any sanity from those witnesses. And you cannot find any sanity fro mthe statements of those newspaper men. But not one witness was called from the hospital to testify as to her state of mind.

"However, there came out of that hospital one little bit of evidence and that was when a policeman asked Mrs. Rosier if she had consumed liquor and she turned to him and told him that she had and that if he wanted some liquor to come out to her house that night.

"Here is a woman who just killed two persons. She has killed the thing that she holds dear. Can you imagine any sane woman inviting a stranger to her home to drink liquor after she has committed an act of that kind.

"That was the statement of a crazy woman, the statement of a woman who gazed through sightless eyes. Gentlemen, the District Attorney cannot get you in any frame of mind that Dr. McCarthy or Dr. Burr gave him any comfort. He knows that the evidence is overwhelming against him.

Reviews Her Past Life

"Now let's go back to the past life of this poor woman. We bring old Mrs. Mathewson from her home in Factoryville, and she testifies on this stand that her grandfather was insane, and in answer to my question as to whether any other of her blood relations were insane, she replied, 'My sister was insane, and my cousin, and my nephew died in an insane asylum, and my own son destroyed his life by committing suicide while insane.'

Called Victim of Plot

"And the son of Mrs. Reid, this girl's mother, is living at home with an imbecile child who cannot read, who has the mind of a child of a year and a half, who must be fed and dressed the same as any infant.

"This was the foundation they worked on, this brutal husband, this lustful husband, and his brother, this brother with a poison tongue. They worked on that foundation, they worked until the germs of insanity that coursed through the veins of this poor woman's family aroused themselves in her. The mind of this poor, weak creature who was born of a drunken husband and with insanity in her veins, was worked upon by her husband and her brother-in-law to drive her from her home.

"But instead of driving her from her home, they drove her out of her mind.

Tries to Defend Early Life

"The Commonwealth attempts subterfuge to deprive this mother of her baby. What does the District Attorney do? He calls her poor mother, Mrs. Reid, to the stand and asks her questions concerning the morals of her daughter. He asks her, 'Didn't you go to a moral society and complain of the actions of your daughter?' 'No, no,' she cried.

"'What?' shouts the District Attorney. 'Didn't your daughter come to you and admit intimate relations with a young man by the name of Richard Bent?' 'No,' answers the mother. 'What?' shouts the District Attorney. 'Didn't she confess her relations with Oscar Rosier prior to her marriage to him?' 'No,' answered the mother. 'What?' shouts the District Attorney.

The courtroom and corridors gave the impression at the time the trial started this morning that all the women of the city and half the men had taken a holiday to hear the last arguments.

If the courtroom was packed before, it was super-packed today. They were packed in, men and women in almost equal proportions, pressed down, hammered down, wedged by threes and fours where there was standing room for only one.

Every chair did double duty, two women sharing it. Every bench was crammed so tight with spectators that it is a wonder the occupants of end seats were not shoved off into the aisles whenever anybody sighed or sneezed.

The space behind the benches at the rear of the room was crowded like the sidewalk at Broad and Chestnut streets when the New Year's parade is going by. The side aisles were solid; the middle aisle was full. The attorneys for the defense, sitting outside the railing of the court, were hedged in like terriers in a pit.

And that great crowd waited a tediously long hour for the proceedings to begin. They were on hand early to avoid the rush. Fifty women were camping outside the court at 7 o'clock this morning. Those who arrived late didn't get near the doors. The women outside the closed doors were like the souls in the inferno, blown hither and yon by a rushing wind.

Race About Madly

They raced madly from the front door, which was guarded, to the back door, which was locked, hoping against hope for some lucky chance that would carry them through one of these charmed barriers. Between times they tried to dodge the policemen, sent up to keep the south corridor clear.

As many as could be stopped and herded at one time would be driven down the corridor, and while the policemen waited, chased onto elevators. The women went down in one car and came up on another at the next tier.

There were girls whose mothers worked hard every day so daughter could lounge at home and read "Gushy Stories." There were "debs" and "sub-debs," a total loss in everything but curiosity.

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