

**THE HISTORY OF DELPHINE MICHAEL DELMAS AND THE STANFORD WHITE-
HARRY THAW MURDER TRIAL
1907**

ESSAY PRESENTED TO THE PIONEER SOCIETY OF SANTA CLARA COUNTY

APRIL 28, 1995

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INTRODUCTION

Imagine my surprise when reading about the 1907 Stanford White-Harry Thaw murder trial in New York to find a local man at the center of the sensational event. Delphine Michael Delmas, the main defense attorney, was the son of one of the valley's most prominent pioneers, Antoine Delmas. Attorney Delmas proved to be an interesting, intelligent and flamboyant character to study. Unfortunately, due to mismanagement of his land and holdings, he died a debt-ridden man. But that fact does not negatively color the facts of this story.

In order to understand much of what occurred at the murder trial of Stanford White, the reader must know something about the era, something about turn-of-the-century New York that was known as the "Gilded Age". It was during the last part of the nineteenth century that vast fortunes were being made. Cornelius Vanderbilt was buying up real estate, railroads, factories and mines. John Jacob Astor was opening up the trails to Oregon and the paths that led to the expansion of the West. And men like architect Stanford White and his colleagues, Charles McKim and William Mead, were designing new and glorious monuments to add to the opulence such as Madison Square Garden, the Mall in Washington DC, the homes of Joseph Choate (lawyer & diplomat) and Louis Comfort Tiffany, and the Metropolitan Club in New York.

The acquisition of wealth during this age, laid the foundations for a new social order. Money was the alpha and the omega of a society that danced the night away, never realizing that corruption was infiltrating both the community at large and the values of those caught up in the fantasy. In the case of Stanford White, money bought love and admiration. But left uncontrolled, the extravagant lifestyles of the day ultimately destroyed corporations, families and lives.

DELPHINE MICHAEL DELMAS AND THE STANFORD WHITE-HARRY THAW
MURDER TRIAL

by Patricia Smith

June 25, 1906. The roof garden of Madison Square Garden, New York City.

Multi-millionaire Harry K. Thaw of Pittsburgh approached the dining table of Stanford White, America's foremost architect, held a revolver at arm's length and shot White three times right between the eyes.

DELPHINE MICHAEL DELMAS: The Stanford White-Harry Thaw murder case was strictly an East Coast affair. But when the defense needed a genius to maneuver the way around the prosecution, they looked to the bay area and called on Mountain View attorney Delphine Michael Delmas. The highly-publicized trial that followed had all of the elements of the high profile cases that continue to sweep our country 89 years later; a beautiful woman at the heart of the crime, relentless reporters, reluctant witnesses, a sequestered jury, and lawyers, cunning, brilliant lawyers.

At the time of the trial, Delphine Delmas' roots were firmly planted in a 600-acre ranch in Old Town (i.e. early Mountain View). His love of the land was passed on to him through his father, Antoine Delmas, a premier Santa Clara Valley pioneer nurseryman and vineyardist. Delphine was born in France on April 14, 1844. When Antoine came to California in 1849, he left his family in their native land until he was financially able to send for them. While others were

seeking their fortunes in the gold mines, Delmas found his fate in the rich, fertile soil of the bay area. He sent for his family in 1854, with Delphine first setting foot on California soil at age 10. According to Charles L. Sullivan in "Like Modern Edens", Antoine Delmas had purchased land from Antonio Sunol in San Jose in 1851 to build a family home. He then opened his famous nursery, "French Gardens", in Santa Clara.

Mildred Winters, retired San Jose State history professor, reported in her paper "Origins of the Village" for a Mountain View Historical Society publication, that even as a child, Delphine was extremely intelligent. That, coupled with the upbringing he received in the home of his famous father, formed his flamboyant character. His father's notoriety as the valley's authority on agriculture and viticulture brought many influential people to his family's doorstep. His father's successes, such as prize-winning grape collections in competitions throughout the state, his principal position in the San Jose Pioneer Horticultural Society, his innovative recommendation of the use of elemental sulfur to fight mildew, and his introduction of European winery and distillery equipment to the state, were all instrumental in Delphine's lifelong love affair with the land.

According to his obituary in the Mountain View Register, Friday, April 3, 1928, he was "splendidly educated, cultured and polished". His impeccable credentials are listed in the 1881 "History of Santa Clara", by historian J.P. Munro-Fraser. First enrolled in a local prep school at age 12, Delmas then graduated from Santa Clara College with high honors and two degrees; Artium Baccalaureus in 1862 and Artium Magister in 1863. He continued his education at S.W. Holladay in San Francisco, then on to Yale University where he graduated in the Law Department in 1865. He was admitted to the bar in 1866. He sat on both the Supreme Court of the State of Connecticut and the Bar of the Supreme Court of California during 1866. Upon returning to San

Jose, he practiced law with Bernard Murphy, then mayor of San Jose. Murphy was a member of another prestigious pioneer family, the Martin Murphy clan of Sunnyvale. His career accelerated further when, at age 22, Delmas was elected District Attorney of Santa Clara County. He served for two years.

On April 7, 1869, he married Pauline Hoge. They had three children - Paul, Antoinette and Josephine. He built a beautiful estate called "Casa Delmas" on acreage adjacent to the Dale property between what is now Mountain View and Sunnyvale (Old Town). Eventually, his holdings included 600 acres. Delmas grew up in San Jose in a home surrounded by vineyards where Santa Clara Street meets the Los Gatos Creek and the Guadalupe River. It came as no surprise when he planted vineyards on his Mountain View property that soon became known as the finest in the valley.

In the years that followed, Delmas became a national figure, criss-crossing the country to practice law in San Jose, New York, Los Angeles, and San Francisco. His library was legendary. Containing over 3,000 volumes, it was the largest and most complete law library in the state. It wasn't until the night of June 25, 1906, when Harry K. Thaw killed Stanford White in cold-blooded murder, that Delphine Delmas was thrust into a limelight that forced him to perform unequalled legal magic to save Thaw from the death penalty.

STANFORD WHITE, The Victim: In the final 25 years of the nineteenth century, the "Gilded Age" was ushered in and sustained by larger-than-life talents such as architect Stanford White. His humble beginnings as the son of Richard Grant White, an accomplished but poor art & music critic, belied the phenomenal success he would experience until his untimely death. As New

York's shining star of the chic social scene, White began his illustrious career as the confidante to the rich and famous as an apprentice to architect H.H. Richardsons. By age 25, he was a full-fledged partner in what became the country's most prestigious and influential architectural firm, McKim, Mead and White. White never did anything half-way. The mansions, bridges, churches, and public buildings he designed were the most magnificent and innovative of his time; the parties he gave were the most lavish; and the friends he surrounded himself with were the most famous and wealthy in the city. His marriage to Bessie Springs Smith of Smithtown, Long Island, and daughter of Judge John Lawrence Smith, presented just the proper ration of respectability to his life. When Smith chose to live a simple life at their country home, White remained most of the time in his bachelor apartment in New York City where he could monitor the action of the day and live life on the edge. He did all of this within an "old boy network" that is still unparalleled today. His list of friendships read like a Who's Who of New York society, with names such as Louis Comfort Tiffany, sculptor Augustus Saint-Gaudens, John Jacob Astor, and J.Pierpont Morgan heading the list. While bringing life and light to east coast society through the genius of his architecture and interior design, Stanford White incorporated a mysterious dark side of his personality into his life by way of dangerous liaisons with women- at times, very young women.

EVELYN NESBIT, The Woman - This great beauty was only 16 years old when she landed a job as a chorus dancer in the popular revue, *Floradora*. Prior to that, she had successfully supported herself, and her pushy dressmaker mother, as an artist and photographer's model. Work was steady, especially after she was chosen as a "Gibson Girl" by Charles Dana Gibson. But her stint

as a spanish dancer in *Floradora* allowed the determined Evelyn and her mother to leave Pittsburgh, Pennsylvania and settle in New York. Her beauty stood out on stage, luring the wealthiest gentlemen to loiter around her dressing room door. Party invitations were plentiful and it wasn't long before she found herself at the most intimate of dinner parties in the company of the much-married Stanford White, then 47 years of age. He continued to court her, and one night when her mother was out of town, White seduced her with alcohol and drugs. She awoke hours later in his bed wearing only an undergarment. An unclothed White was lying beside her. According to her account at the murder trial several years later, she let out a blood-curdling scream once she comprehended the situation and the loss of her innocence. Despite the circumstances of the first liason, the romance continued for several years with only a few interruptions such as when Evelyn was shipped off to boarding school to secure an education, or an architectural project pulled White away and, of course, when White spent time in the country with his wife and family. One admirer of Evelyn's who did turn her head from the mesmerizing architect was a 30 year old bachelor playboy named Harry K. Thaw. He was from Pittsburgh where his father had made a fortune in railroad speculation and mining leases. In 1903, he whisked Evelyn off to Europe for an extended stay, and by April 1905, he finally convinced Evelyn to marry him. The ever-jealous Thaw teetered between idolizing and beating his new wife. Evelyn continued to depend on White as he remained a faithful friend which only sparked a deeper hatred in Thaw for the man who had deflowered his young wife.

HARRY K. THAW, The Accused: There is no indication in any accounts of this era that Harry Thaw of Pittsburgh ever displayed any normal behavior. "Mad Harry" was among the many

nicknames that observers bestowed on him. Worth at least 40 million dollars, the neurotic big spender was able to buy his way out of every sordid affair that he got himself into. His erratic behavior was often caused by his addiction to drugs or the overuse of alcohol. Flying into a rage at any given moment, Thaw was known to wield his cowhide whip on lovers and strangers alike. Stanford White was the object of his intense disapproval for many years prior to his marriage to Evelyn Nesbit. While White was the consummate "insider" to the city's social whirl, Thaw was always the curious "outsider". He was strongly disliked by everyone except his domineering mother, Mrs. William Thaw (better known as "Mother Thaw"). It was White's obvious acceptance by their world that fueled Thaw's fiery hatred and envy of the handsome architect. When Evelyn initially conveyed the story of her first intimate experience with White, Thaw went into a rage that was not stilled until June 25, 1906 when he pumped three bullets into his enemy's head.

THE TRIAL: There was never any doubt that Harry K. Thaw was guilty of the crime. There were far too many eyewitnesses at Madison Square Garden that evening who saw him shoot the architect point blank. It was up to Delmas to prove that although he did administer the fatal bullets, he had good reason. The case of the People vs. Harry K. Thaw began on the morning of Wednesday, January 23, 1907. James Fitzgerald, Justice of the Supreme Court of New York, Criminal Branch, presided. Seated next to the staring, wide-eyed Thaw were his attorneys: George Peabody, John Gleason, Clifford Hartridge, Hugh McPike and Delphine Delmas. They were the best that money could buy. And it was apparent that Mother Thaw had rifled through the pages of some law directory to find the very best there was to defend her obnoxious son. On the opposite side of the room sat the prosecution: District Attorney Williams Travers Jerome,

reported to be a tough, substantial opponent to the defense case and his assistant, Francis P. Garvan. Outside, thousands of spectators pushed and shoved hoping to get a glimpse of anyone directly connected with the case. Inside, family members and press mongers were seated hoping to eventually hear the verdict they thought most appropriate. According to author Michael Macdonald Mooney in his book "Evelyn Nesbit and Stanford White: Love and Death in the Gilded Age", it took eight days to assemble a jury. All prospective jurors were asked a multitude of questions ranging from whether or not they knew the victim to whether or not they had already decided the verdict. As each possible juror was questioned and excused, Mother Thaw would be seen nodding "yes" or nodding "no" to Delmas as to each one's appropriateness. She not only held the purse strings, but the decision strings as well. Finally, on Friday, February 1, 1907, the twelfth man was selected as a juror. The trial could now begin with District Attorney Jerome trying to prove beyond a doubt that Thaw had committed premeditated murder in the first degree. He would have readily accepted a plea of not guilty by reason of insanity, which everyone knew to be the truth in this case. But Mother Thaw would not allow her son to be labeled "insane" and insisted that he be considered sane except for the very seconds when he shot the gun and killed White. Several days passed before Delmas, the highlight of the show, took his place as spokesman for the dramatic story that was unfolding. He played the witnesses like finely-tuned fiddles. By the time he finished with star witness Evelyn Nesbit, Harry K. Thaw looked like America's number one husband and son, and Stanford White was viewed as an aging, immoral lecher. Delmas' vocal skills were well-known. He was often seen in the vineyards of his Mountain View home orating to the grapes while waving his arms and spouting very proper English in the most flawless diction imaginable. He strongly resembled Napoleon Bonaparte and cultivated this likeness. Some have

gone so far as to say he was actually the illegitimate son of the French leader. He was short and stocky, and took pleasure in the fact that he was a Napòleon III look-a-like. He even wore his hair with a curl hovering down across his forehead. He savored his nickname "Napoleon of the Bar." Despite his looks, Delmas did whatever he could to spare Thaw. And he knew that the only way he was going to sway the jury into believing the sanity of a man like Thaw was to have Evelyn Nesbit lie. Which she did quite convincingly and easily since Mother Thaw promised big financial rewards for a good performance. In the end, Nesbit totally underrated the cunning of her mother-in-law and was left penniless. But her account of her seduction by Stanford White at the mere age of 16 could have won an Academy Award. It took Delmas eight hours to sum up the case. The jury had been sequestered for over two months, and the press had become weary of writing about the fashionable hats worn by Evelyn Nesbit. When the jury reappeared and admitted it was deadlocked - seven in favor of murder in the first degree and five in favor of not guilty by reason of insanity - Delmas was hailed as the victor. It was he who convinced and confused the jury with a defense that is still laughable today. "Dementia Americana" he called it. He ended his righteous summation with these words: "If you expert gentlemen ask me to give it a name, I suggest that you label it Dementia Americana. It is that species of insanity that inspires of every American to believe his home is sacred. It is that species of insanity that persuades an American that violates the sanctity of his home or the purity of his wife or daughter has forfeited the protection of the laws of this state or any other state." In other words, Stanford White got what he deserved.

THE OUTCOME: Some believe Harry K. Thaw never got what he deserved. He remained in jail until the second trial was held. But his comfort was always an issue. He was allowed to have meals sent over from Delmonico's Restaurant, and scotch was prescribed as medicine. The verdict of the second trial found him not guilty by reason of insanity. He was sent to Matteawan, a state institution where he only stayed for three months. He divorced Evelyn Nesbit as soon as his mother could secure the divorce papers. He lived the rest of his life causing trouble. At age 46, he was arrested and indicted on charges of kidnapping Frederick Gump Jr. of Kansas City. Mother Thaw came to the rescue once again and arranged to have a Pennsylvania commission on lunacy judge him insane. He was committed to the Pennsylvania State Hospital in Philadelphia where he was a resident for seven years. Evelyn Nesbit made her own way and found some fame and fortune as a dancer and actress. Unfortunately, in later years, her popularity decreased and she spent her time opening bars that never quite succeeded. Delphine Michael Delmas returned to his Mountain View home and met with the same unfortunate fate as the others. His financial management skills were not sufficient to oversee his estate and, eventually, he lost his beloved Casa Delmas. He relocated to southern California where he died poor in Santa Monica on August 1, 1928 at the age of 84. The opulent era of the gilded age brought wealth, splendor, and fantasy to the lifestyles of many. While the personalities involved in the Stanford White murder case were, at one time, recipients of this legacy, their last days were not fortunate. Perhaps Evelyn Nesbit summed up the episode when she commented "Stanny (Stanford) White was killed, but my fate was worse. I lived."

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