

INSANITY PLEA CALLED "LAST HOPE" BY STATE

(Continued From Page One)

stand how anyone could have remained sane under conditions which confronted Massie.

Leisure, who spoke in a purely conversational tone, admitted he was only preparing the way for the final argument Darrow will make tomorrow.

"I will be brief," the New Yorker said as he started, "because it would be presumptuous of me to be otherwise when Mr. Darrow is to follow."

Darrow will begin his address when court opens tomorrow. He will be followed by Prosecutor John Kelley after which the jury will receive court instructions and retire to deliberate.

The first of the final arguments today was given by Barry Ulrich, assistant prosecutor, who pleaded with the jury to convict the defendant of second degree murder, the penalty for which is 20 years to life.

He claimed that the only defense offered was insanity and he said that contention was fanciful. He told the jury it could not believe in full faith the story told by Lieut. Massie. He intimated he believed that Massie was not the person who shot Kahahawai, "but that does not matter since the defendants are equally guilty."

"INSANITY" LAST RESORT "I'd just like to say a few words about this insanity defense," Ulrich, suave, grey haired and deep voiced, said to the jury. "An insanity plea is always a last resort. Every bit of evidence points to the fact that Massie acted as any ordinary man would after a shooting. We have nothing but Massie's own word that his mind went blank."

"The assaults on Mrs. Massie were terrible, we grant that, but we cannot make Hawaii safe against assaults by sanctioning murder. Please consider that the political and economic future of Hawaii are at stake and depend on you. The eyes of the world await your verdict."

Ulrich said that even though Kahahawai led five islanders in repeated assaults upon Mrs. Massie there was no justification under the law for killing him.

"Insanity might be a defense," he said, "but the law says that it must be proved the accused had no intent of committing crime when he became insane. Massie already had kidnapped Kahahawai and he claimed his mind went blank just a few seconds before Kahahawai was shot."

DARROW REFRESHED Darrow, who feared yesterday his strength might not be equal to finishing the trial, seemed refreshed today. He paid little attention to Ulrich. Once he held a whispered conversation with Massie while the assistant prosecutor was assailing the story told on the witness stand.

The seven whites, three Chinese and two islanders on the jury listened attentively to what Ulrich said would be the instruction from the court.

He told them they would be told guilty in cases where all entered an enterprise in which life was taken and that insanity could be a defense only when it could be shown there was no intent to kill at the time the insanity struck.

Ulrich hit at Darrow's motive in putting Mrs. Massie on the stand. "She was placed there only to affect you jurors emotionally," he cautioned. "Remember, though, you are to consider her testimony only as it might bear upon Massie's mental condition."

Mrs. Massie's story of the assault was the most stirring testimony of the trial. She claimed she was assaulted by Kahahawai and five others as she left a party one night last September.

Kahahawai struck her and broke her jaw and later cursed and beat her when she pleaded with the five not to attack her, she said. She told the most harrowing details of the attacks.

The defense claimed that the mistreatment of his wife affected Massie's mind to such an extent he went insane and killed Kahahawai when the latter confessed his part. Ulrich said he did not believe that Massie, Mrs. Fortescue, Jones and Lord had abducted Kahahawai just to force a confession from him.

"You will recall the great preparations they made to kidnap him after the Ala Moana case (the case in which a mistrial resulted when Kahahawai and the other four were charged with assaulting Mrs. Massie), how they hired an automobile, traced Kahahawai, faked a warrant and all that."

"Just before the kidnaping Mrs. Fortescue showed a picture to Jones. She was exhibiting a picture of a

PERSONAL PARAGRAPHS

VISITING HERE
Mrs. Sarah Cameron of Hollywood is visiting in this city at the home of Mr. and Mrs. Murray L. Golden.

GOES TO SALT LAKE
Bet. Smith, of the Tower Market Roof Beer stand, left last night for Salt Lake City, where he will spend a few days on business.

GO TO CARSON
District Attorney Harley A. Harmon and Louis Cohen left this morning for Carson City on legal business.

BACK FROM COAST
William Heiman, of the Coast Produce, returned yesterday from a ten-day trip to Los Angeles on business and visiting his family.

FROM ST. GEORGE
G. W. Hall, of St. George, is a Las Vegas business visitor.

ATTORNEY ON TRIP
Mrs. Alfreda M. Noland, of Noland and Noland, law firm, has gone to Los Angeles on a few days' business.

Harold Hord, son of Identification Officer Louis Hord, is expected to return today from Los Angeles, where he has been spending the last two weeks.

Miss Estella Champo, daughter of Mr. and Mrs. Manuel Champo of Las Vegas, is in a hospital in Los Angeles suffering from an abdominal ailment. An operation may be performed.

PALACE THEATRE EQUIPMENT HERE; WORK IS PUSHED

With all seats and equipment on hand, construction of the new Palace theater on south Second street is nearing completion. Announcement of the opening date is to be made in the near future, according to Roscoe Thomas, one of the owners.

Flooring is to be installed today, according to the builder, and from then on the final work of completion will be in progress. When finished, the structure will be the largest theater in southern Nevada.

man upon whom death sentence had been pronounced.

"Massie said they didn't mean to harm Kahahawai," Ulrich went on. "They just wanted a confession, they said. But they took him to a veritable arsenal and there he was shot. Massie's story doesn't sound logical, does it?"

"MASSIE'S STORY FLIMSY" "I don't know who killed Kahahawai nor how he was killed. It really isn't important to know but it is important to learn that Massie's story can't be taken in good faith."

Ulrich claimed then that Massie's statement of where he was sitting in the room when he shot Kahahawai was not compatible with the known fact of the direction from which the bullet came.

"I have every sympathy for Mrs. Massie," Ulrich said. "The attacks upon her were awful things. But you must not be influenced by sympathy. Justice must be administered dispassionately and it is up to you to do it."

"And I ask you to consider this. Just what consideration would Kahahawai have received if he had gone to a witness stand and admitted he shot a man under conditions similar to that in this case?"

Darrow, who has said repeatedly that this will be his last law case, said tonight he expected to speak "about two or three hours" tomorrow. Kelley said he intended to conclude in one hour.

Leisure made a bitter attack today on Dr. Joseph Catton, San Francisco alienist, who so infuriated Darrow yesterday.

"Catton tried to be attorney, prosecutor and jury in the case," Leisure told the jury. "The man apparently knew more about history than medicine because he gave a good example of cavalry galloping to the charge."

"So far as Catton was concerned, Thalia Massie might have been ravished, but that made no difference so long as Catton's reputation might be saved."

"My only conclusion about Catton is that he felt desperately that he must get a conviction."

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GRAGLIA-HORDEN RITES SOLEMNIZED

The marriage of Irene Marguerite Horden and John D. Graglia was solemnized by the Reverend Father O'Grady in the Saint Joan of Arc Catholic church yesterday morning just before eight o'clock mass.

A white sports ensemble of white pebble crepe was worn by the bride, who carried a corsage of pink La France roses and orchids. The flowers were sent to this city from one of the most noted florist shops in Hollywood.

Only the immediate families of the bride and groom attended the ceremony, and the young couple left immediately for Hollywood, where they will spend their honeymoon.

The marriage of these two prominent young Vegans unites two of the oldest and best known families in Clark county. John Horden, father of the bride, is the owner of the Las Vegas club, while Joe Graglia, the bridegroom's father, is the proprietor of the National hotel and an extensive holder of properties in this city.

Following the marriage, a wedding breakfast for the newly married couple was held in the apartment of the groom's mother, Mrs. Joe Graglia, in the National hotel.

After the honeymoon Mr. and Mrs. Graglia will return to Las Vegas, where they will make their home. They will build on their property at Garces and Fourth street, early next fall.

The culmination in marriage of this popular young couple is the result of a courtship of more than two years. The former Miss Horden has been prominent socially since her return from boarding school more than three years ago.

MITCHELL PAYS LIQUOR FINE

Harry Mitchell of Block 16 was fined \$200 when he appeared in municipal court yesterday morning to answer to charges of illegal possession of liquor.

Continuing a series of raids on illicit dispensaries, Officers Dave Mackey and Dott Smith made several calls yesterday afternoon, but were unable to secure evidence in only one establishment.

PROCEEDINGS IN DISTRICT COURT

APRIL 25
Wilfred L. Rolek vs. Blanche Roller. Divorce granted. Fred S. Alward, attorney for plaintiff.

Dorothy V. Hearst vs. John R. Hearst. Divorce granted. McNamee & McNamee, attorneys for plaintiff; Roland H. Wiley, for defendant.

APRIL 26
Julia Keck vs. Hans Keck. Fred S. Alward for plaintiff. Decree granted. Application of Harry Mardis for a writ of habeas corpus. Guy E. Baker, attorney for petitioner; F. A. Stevens, for City of Las Vegas. Continued to May 3 at 10 a. m.

Carl Ray vs. J. F. Graber, et al. Noland & Noland, for plaintiff; I. S. Thompson and Geo. E. Marshall, for defendants. Hearing on demurrers continued to May 4 at 10 a. m.

Reinhold Hamig vs. Jessie F. Conger, et al. Ham & Taylor for plaintiff; Chas. Lee Horsey for defendant. Defendants awarded judgment for their costs and legal disbursements.

Milton M. Jones vs. Pauline Jones. Harley A. Harmon for plaintiff; McNamee & McNamee for defendant. Divorce granted.

Estate of Charles Doyle. Harley A. Harmon for estate. Order discharging administrator and exonerating sureties on bond.

E. F. Dupray vs. Ethel Genter. Noland & Noland, for plaintiff; Duffill and Austin and J. R. Lewis, and T. P. Ragsdale, for defendant. Motion to strike and enter judgment for defendant withdrawn. Defendant given 15 days to file and serve an answer.

Mary Proctor vs. Claborn Dilday. Harry H. Austin and A. Duffill, for plaintiff; Stevens & Henderson, for defendant. Demurrer to second amended complaint overruled.

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NEW POSTOFFICE BIDS TO BE ASKED

According to advices received by The Age yesterday from Washington, it is expected that bids for the new postoffice here will be asked for within the next month.

The treasury department has asked that the re-drafting of the plans for the building be rushed through, and it is thought that they will be ready for the approval of the department within the next two weeks.

Contract for the installation of an elevator in the new structure has been approved. This bid was not affected by the default of the Plains Construction company, contracting company of Pampas, Tex., who were originally awarded the building of the postoffice.

Executives of the above company were warned by treasury officials last week not to attempt to bid on the new plans. They are faced with the possibility of a suit by the federal government for falsifying their bids on the original plans.

SANTINI RITES SET FOR TODAY

Joseph Santini, 54, victim of gunmen who shot him down Saturday night, will be buried this afternoon at 2 p. m. in Woodlawn cemetery.

Services will be held at the Las Vegas Funeral home by the Fraternal Order of Eagles, of which he was a member.

Father O'Grady of the Saint Joan of Arc Catholic church will administer the last rites of the church at the grave of the deceased, and will also say the Rosary.

All members of the Eagles lodge are requested to attend the funeral services and later accompany the body to the cemetery.

While the method of shooting assimilates that of the time honored Italian Vendettas, local officers are inclined to the belief that Santini met his death at the hands of local underworld characters.

DINNER DANCE SCHEDULED AT CLUB TONIGHT

With a special invitation extended members of the American Legion, their families and friends, arrangements have been made by the Las Vegas Lions club to take care of more than 300 guests at the dinner dance they are giving at the Meadows casino tonight.

Many Legionnaires have expressed their intention of attending and plan to go to the Meadows in a body. The purpose of the dinner dance is to raise funds to pay transportation charges on the artillery cession presented by the government to the local post of the Legion.

The Lions club voted more than two weeks ago to defray the freight. An elaborate entertainment program has been arranged and it is planned to convert the casino into a dining room to enable a larger number of dancers to use the regular dance floor. A special cuisine has been planned and excellent food is assured.

Festivities begin at 7:30 this evening and a gay, rip-roaring good time is assured all who attend. Special souvenir favors will be presented all women guests.

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TWO NABBED BY FEDERALERS

Prohibition agents H. N. Hobart and A. N. Anderson raided a 70-gallon still situated near Buffalo Hump, Monday and arrested C. D. Kennedy and H. D. Peterson on charges of conspiring to violate the national prohibition act, possession of intoxicating liquor and operating an illicit still.

The raiders found the still going full blast and confiscated 40 gallons of liquor and destroyed 600 gallons of mash. The defendants claim that they were merely employed to run the distillery and that Charlie Allison was the owner.

Officers were unable to locate Allison and are of the opinion that he has left the state. They brought the moonshiners to Las Vegas Tuesday morning, where they were arraigned before United States Commissioner W. J. Flowers. They were held in \$1,500 bond each to answer to the federal court.

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ELKS WATCH THIS SPACE

May ? 7th

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