

EVELYN THAW NOW IN JEROME'S HANDS

District Attorney Reluctant to Begin His Cross-examination

Goaded by Delmas He Starts After Young Woman in Real Earnest, and Inquires Into Her Past Life Very Search- ingly—Murderer's Wife Gave More Details of Stanford White's Career.

New York, Feb. 20.—Mrs. Evelyn Nesbit Thaw today entered upon the ordeal of her cross-examination before District Attorney Jerome had had the witness in charge half an hour he had secured from the court a ruling which apparently opens the way for bringing into the trial of Harry K. Thaw all manner of evidence which may tend to discredit the defendant's wife. Heretofore it has been thought that the rules of the court precluded young Mrs. Thaw and that regardless of whether her story was true or false, the fact that she had told it to her husband was the one essential point. Mrs. Thaw had been allowed to repeat the story so that the jury might judge as to its effect in unbiassing the mind of the man on the stand to answer the questions of District Attorney Jerome by a simple question opened the way for the introduction of testimony tending to show the truth or falsity of Mrs. Thaw's story. He asked the witness:

"Was the story you told Mr. Thaw true?"

"It was," she replied firmly.

Mr. Delmas, Thaw's leading counsel, objected strongly to the question, but Justice Fitzgerald held it to be competent as tending to show the credibility of the witness.

Whether Mr. Jerome intends to take advantage of the ruling in an attempt to throw doubt upon the truth of the story or whether Justice Fitzgerald intended his ruling to cover the whole subject of Mrs. Thaw's evidence, the future conduct of the case alone can determine. Mr. Delmas will continue to fight with constant objections to introductions of any testimony as to any events in the young woman's life, but the question of credibility of a witness is a wide one and Justice Fitzgerald early today intimated that he would be liberal in the interpretation of the rules in that respect.

He allowed Mr. Jerome to write from Mrs. J. J. Caine, a friend of Mrs. Thaw, a letter which was read during the morning session, many material points as to the movements of Harry Thaw and Evelyn Nesbit, following their return from Europe in 1904, including the publication of their names in the ejected from the Hotel Cumberland in this city, the proprietor insisting that they should register as man and wife or leave their names which was refused. In bringing out these facts Mr. Jerome denied that he was attacking Mrs. Thaw and said he was simply testing the credibility of Mrs. Caine.

Reluctant to Cross-examine.

The district-attorney seemed reluctant to begin the cross-examination of Mrs. Thaw today, desiring to have the matter postponed until Thursday morning in order that he might determine whether or not a further examination of the witness was necessary on the issues involved in the case.

"After I have looked further into the matter, I may decide to cross-examine Mrs. Thaw," Mr. Jerome stated to the court. "Or I may waive my right if when all the testimony as to the insanity of the defendant is in, I shall be honestly of the opinion that he was insane at the time this act was committed. I do not care to take up the time of the jury and this court extending."

Mr. Delmas here interrupted Mr. Jerome. He wanted to know if the district-attorney meant that Mrs. Thaw was insane when she shot Stanford White he would abandon prosecution.

"I promise nothing," retorted the prosecutor.

Wore Same Costume.

Mrs. Thaw, appearing more than ever like a school girl in a blue suit and black velvet hat she has worn ever since the trial began, moved a bit nervously in the big witness chair awaiting Mr. Jerome's opening questions. They had to do with her signatures to certain papers, some of which the prosecutor declared were receipts for money Mrs. Thaw had drawn from the Mercantile Trust Company in 1902-1903.

Mr. Delmas protested against the district-attorney making these statements and noted an exception. Mrs. Thaw said she was not sure that all of the signatures were her own—they looked very much like her writing, she added. Who provided the money for the girl at the Mercantile Trust Company was not developed. Mrs. Thaw's confidence grew as the cross-examination went on and she was always ready with answers. Mr. Jerome jumped from point to point in her story and under the plea of testing her credibility was allowed to ask many pertinent questions.

Mr. Jerome brought out that Mrs. Thaw had written to Stanford White from Boulogne after Thaw had proposed to her in Paris.

"Did you also cable Mr. White?" he asked.

The witness could not remember.

The cross-examination had barely gotten into full swing when adjournment for the day was ordered.

Mrs. Thaw will resume the stand tomorrow morning and the indications are she may be kept there throughout the day.

Jerome May Ask for Commission.

The reluctance of the district-attorney to subject Mrs. Thaw to a cross-examination again lent color to the rumors that Mr. Jerome still contemplates moving for the appointment of a commissioner in lieu of test Thaw's state of mind at the present time. Now that he has entered upon the cross-examination he seems determined to make a thorough one.

Mrs. Thaw's cross-examination proceeds a duel between the two attorneys as well as between Mr. Jerome and the wife of the defendant. Thaw seemed in a very cheerful frame of mind during the afternoon, especially when Mr. Delmas was insisting that the cross-examination of his wife should proceed. The young man grew more sober-faced after Mr. Jerome had begun to ply his questions in a way that indicated a relentless search into Mrs. Thaw's past life.

Harry Thaw's letter to Anthony Comstock, describing three houses or studios which he declared Stanford White and other acquaintances lured young girls, was read. Among the places described was the house in West 24th street where the velvet swing and the mirrored room were located. Mrs. Thaw identified forty-two letters which she said were in the handwriting of Stanford White. The letters were not offered in evidence, but Mr. Delmas will attempt later to get them into the case.

Evelyn Thaw Recalled.

The usual crowd of mostly lawyers, filled the courtroom when the Thaw case opened this morning. Dr. Britton D. Evans, the defence alienist, was the first of the characters of the case to appear. When Mr. Jerome arrived he passed close to the expert but did not speak. Thaw entered the courtroom when called, with his usual quick step and at once began an animated conversation with Dr. Evans. A decided surprise was sprung by the defence in recalling Mrs. Evelyn Nesbit Thaw to the stand immediately after court convened.

Young Mrs. Thaw looked pale and serious as she took her place on the stand. She appeared in the same simple costume that she has worn every day since the trial began.

She smiled slightly as she caught her husband's eye. Thaw returned the smile and then turned to Attorney O'Reilly, with whom he talked for a minute excitedly. Then he returned to his conversation with Dr. Evans, but for the most part kept his eyes on his wife.

After Mrs. Thaw had sat silently in the chair for nearly five minutes, Mr. Delmas began his examination.

"You have recalled Mrs. Thaw, that you are familiar with the handwriting of Stanford White," he said. "I now hand you a paper and ask from her if it is her handwriting."

Mrs. Thaw looked at the paper, evidently a letter, and said:

"It is his handwriting."

Mr. Delmas handed the witness six other letters and they also were identified as having come from Stanford White. The letters were marked as defendant's exhibits Q, R, S, T, U, V and W. After a moment's delay, still other letters were identified to Mrs. Thaw. She identified forty-two letters. She was nearly half an hour at the task. Messrs. Gleason and Peabody, of counsel for the defence, were absent today. It was said that Mr. Gleason was suffering from toothache. Mr. Peabody, it was said, was examining witnesses. As the examination of the letters was concluded, Mr. Delmas turned to the witness.

"How long have you known May MacKenzie?"

"Since 1901."

"Did you in May, 1906, relate to Mr. Thaw a conversation you had with May MacKenzie and especially refer to what she said to you regarding Stanford White?"

Mr. Jerome objected, but was overruled.

Mrs. Thaw answered:

"May MacKenzie told me Stanford White had been to see her and that she had told him that Harry and I were getting along fine together. She said she thought it was so nice the way we loved each other. She said Stanford had remarked: 'Fob, it won't last; I will get her back.'"

"Did Mr. Thaw say anything when you told him this?"

"He said he had already heard it from Miss MacKenzie."

"What was his condition when you told him this?"

"The way he always was when Stanford White was mentioned."

"How was that?"

"Very excited and nervous."

"You had a second operation in 1905, did you not?"

"Yes."

"Who made the arrangements for it and paid the cost?"

"Harry K. Thaw."

"How much was the bill?"

"In all about \$3,000. The operation itself was \$1,000."

The nature of the operation was not set out.

"Did Mr. Thaw have any conversation with the attending physician regarding your previous relations to White?"

"Not in my presence."

"Did Mr. Thaw talk very much about the incident in your life connected with White?"

"Yes. He always talked about it. He would waken me often at night, sobbing, and then he would constantly ask me questions about the details of this terrible thing."

"Did you visit May MacKenzie in 1904?"

"Yes; she was ill and sent me a letter to come and see her."

"While you were there did White come in?"

"Yes."

"Did you tell Mr. Thaw of anything that then occurred?"

"Yes; White spoke to me several times, and I always answered 'Yes' or 'No.' He then came over and started to straighten a bow on my hair. My hair was still short, having been cut off at the time of my first operation. Then Stanford White tried to put his arms around me, and wanted me to sit beside him. I told him to leave me alone."

Then Mrs. Thaw said that Thaw always attributed her ill-health, the necessity for the second operation, etc., to White.

Mrs. Thaw also testified that Thaw had told her he was going to take up White's affairs with Anthony Comstock.

"I told him it would do no good, that White had many influential friends, and that he could not stop it. I told him that lots of people would not believe the things about White on account of his personality."

"Did you and Mr. Thaw discuss the fate of every young woman at the hands of White, and did you tell him certain names?"

Mr. Jerome objected, and Mr. Delmas retraced the question.

Mrs. Thaw said she and her husband had discussed several young women and that they were the ones mentioned in the details.

Asked if she and Thaw had discussed the "pie girl," Mrs. Thaw said she had done so in 1903. White had told her the details.

It was at a stage dinner, he said. He told me she wore a gauze dress. He told

Mr. Delmas Placing Mrs. Thaw's Note in Evidence at Trial



me it was the best he ever saw at a dinner. White had a big pile filled with birds. When the girl jumped on the pie the birds flew all about the room. At a dinner party in 1904 when Mr. and Mrs. Thaw and a male friend were present, the latter told Mr. Thaw the story of the pie girl.

"He said that Mr. White and another man had trouble about it," continued Mrs. Thaw, "trouble to keep it out of the newspapers. He said they went on their knees to the editor of one newspaper to keep the story out of the paper and finally through the influence of a friend they had it hushed up."

"What newspaper was it?"

"The American."

"What did Mr. Thaw say?"

"He said he must investigate the story and see what the truth of it was."

"When did he next talk about the story?"

"In Pittsburg after we were married. He told me something ought to be done about the girl. He said White ought to be in the penitentiary. He said White got worse and worse all the time and something had to be done."

Mr. Delmas had a few more papers for the witness to identify, one a letter from Thaw to Anthony Comstock, which Mr. Delmas read. In it Thaw described the studio at 22 West 24th street, which he said was "consecrated to debauchery," and was used by a gang of rich criminals. He described the studio and said in it there were many indecent pictures. In this building, the letter said, was the famous red velvet swing and the mirrored room. He enclosed a plan of the arrangements of the rooms.

"Workmen on the outside of the building told me they frequently heard the screams of young girls from this building."

The letter continued that the place was "a den of vice, a place where every young woman who was frequently visited by young men who did not know its character. The letter was signed 'Stanford White'."

Mr. Delmas noted many exceptions, declaring the movements of young Mrs. Thaw's mother could not constitute evidence against the defendant.

"Did Mrs. Evelyn Thaw tell you that her mother was not on the second trip to Europe?"

"She did not," replied the witness.

"Did you ever have any pecuniary dealings with Mr. Thaw?"

"Never."

Or Mrs. Thaw?

"Never."

During the two months you and Miss Nesbit were so much together and you so often saw Mr. Thaw, do you know where he lived?"

"No."

"How long did you and Mr. Thaw occupy the 91st street apartment?"

Mr. Jerome.

"Three weeks."

"Who paid for it?"

"I did."

"Out of your own money?"

"Yes."

"Were you reimbursed?"

"No."

On several occasions thereafter when

MILBURN'S HEART AND NERVE PILLS

For Weak People Having Heart or Nerve Troubles.

SYMPTOMS

Palpitation of the Heart, Regular or Skipped Beats, Dizzy Spells, Shivering, Fainting, Shortness of Breath, Bluish Color of the Lips, Pain in the Region of the Heart, Thin Watery Blood, Cold Hands and Feet, Nervousness, Sleeplessness, etc.

If you have any of these symptoms MILBURN'S HEART AND NERVE PILLS will bring the whole system to healthy action, and give power, force and vigor to every organ of the body thereby strengthening the weak heart and unstrung nerves.

Mrs. Harmon Davyall, Welland, Ont., writes: "I write to let you know that your Gilmbar's Heart and Nerve Pills have done for me."

"For over three years I suffered with pains under my left breast and my nerves were completely unstrung. I purchased two boxes of your pills and before I had the first box finished I felt much better and now I am cured."

Price 50 cents per box or three boxes for \$1.25 at all dealers or will be mailed direct on receipt of price by The T. Milburn Co., Limited, Toronto, Ont.

"Yes, Mr. Thaw said he was afraid Stanford White was going to do something to Miss MacKenzie. I told him she was able to take care of herself, but he seemed much worried."

"You may now take the witness," said Mr. Delmas to Mr. Jerome.

The latter again asked permission to reserve his cross-examination until some future time. Mr. Delmas objected and insisted that the examination go on at once.

"I don't want to subject this young woman to the ordeal of a cross-examination unless it is absolutely necessary," went on Mr. Jerome. "I repeat that if a legitimate case of insanity is made out I will be the first to admit it. I do not want to enter this cross-examination until I am sure it will be necessary to cross-examine her."

Mr. Delmas turned to District Attorney Jerome.

"Did I understand you to say that if you are honestly convinced Mr. Thaw was insane June 25th last you would abandon this prosecution?"

"I agreed to nothing," snapped Mr. Jerome.

Mr. Delmas asked that the district attorney's remarks be read from the record. The stenographer did so, as follows:

"Mr. Jerome—'If when all the evidence on the subject of insanity is in I am honestly of the opinion that he was insane, I am not going to take up the court's time and this jury's time by contending.' The statement had been read out by an interruption of Mr. Delmas.

"I stand on that," said Mr. Jerome.

Justice Fitzgerald said he could not direct the defence as to what it should or should not do. The examination-in-chief of the witness had been concluded and the cross-examination was in order. An agreement between counsel will be necessary to have the matter go over until Thursday.

Mr. Delmas said he would not go on with any other witnesses until Mrs. Thaw is disposed of. He said he would not object to an adjournment until Thursday. He did not like the idea of so many cross-examinations piling up in the hands of the district attorney.

"What about the letter?" asked Mr. Jerome. "This witness has identified a bundle of letters. If they are to be offered in evidence they must be put in while Mrs. Thaw is on the stand. I don't understand what counsel means by saying his examination-in-chief is ended."

Mr. Delmas offered no reply to this. Mr. Jerome asked that the stipulation of the morning session be read. The stenographer did so. In it Mr. Delmas agreed to a postponement but no specified time was mentioned.

"I stand by that," said Mr. Delmas.

"If I am forced to proceed with the cross-examination I will do so," said Mr. Jerome.

"You may proceed," Mr. Delmas remarked in conclusion.

Mr. Jerome drew forth a large number of papers from a leather pouch. He selected one and handed it to Mrs. Thaw. "Is that your handwriting?" he asked. "It looks like mine, I can't say."

"Weren't you in March, 1902, drawing \$25 a week from the Mercantile Trust Company when you were not playing and is not this letter addressed by you to the trust company directing what shall be done with the money?"

"It looks like mine," she said. "I can't say positively."

"Have you any doubts?"

"They look very much like my signatures."

"Aren't they receipts for the \$25 a week you drew from the Mercantile Trust Company?"

Mr. Delmas again objected and Mr. Jerome changed the question.

"Is it not a fact that you, in March, 1902, were drawing \$25 a week from the Mercantile Trust Company?"

"I can't say positively."

"Was it not about that time?"

"I cannot say positively."

Mr. Jerome handed Mrs. Thaw a large number of papers, checks, etc., and asked her to select the one she knew she had signed. She did so and handed them to the district attorney.

"What day was it you returned from Europe in 1903?"

"I don't remember the exact day."

"Was it on Saturday?"

"I don't know."

"When you left the steamer did you go to a hotel?"

"Yes."

"And register?"

"Yes."

"Would it assist your memory if I showed you the hotel register?"

There was no audible answer.

"When you refused Mr. Thaw in Paris in 1903 did you tell your mother?"

"Yes."

"Did you love him enough to have married him if it had not been for the event in your life which you have related here?"

"Yes."

"There was no other reason for your refusal?"

"No."

"It was out of your great love for him that you refused?"

"It was."

"You were not thinking of marrying anybody else?"

"No."

"You rejected him for no other reason than that which you have told us about and you gave him no other?"

"Yes."

"What part of the year was this?"

"In the spring."

"Your early life you say was spent in Pennsylvania?"

"Yes."

"After your father's death you lived in much poverty?"

"Yes."

"The surroundings of your home life at that time were pure and good?"

"Yes."

"You grew up to be fifteen or sixteen years old so simply that after all the trials you afterwards went through you remembered the incident of the cat and conductor trying to put it off the train?"

"Yes."

"And you also remember that when you went on the stage and went to dinner you had chocolate eclairs?"

"Yes."

"All these pure and simple surroundings were due to your mother?"

"Yes."

"She was careful of you when you were in Philadelphia?"

"Yes."

"You posed only for women artists?"

"There were three men."

"I now show you what purports to be the register of the Hotel Savoy, under the date of October 24, 1903. Is that your signature—Evelyn Nesbit and maid, Paris?"

"Yes."

"Does that refresh your mind? Does that remind you that you arrived Saturday, Oct. 24, 1903?"

"Yes, sir."

"At what hour in the day did you arrive?"

"I don't remember the exact time."

Mr. Jerome here read extensively from Mrs. Thaw's direct testimony, especially with reference to the visits she made with Stanford White to a photographer.

"You fixed the date of your visitation by reference to this visit to the photographer, did you not?" asked Mr. Jerome.

Mr. Delmas objected.

Mr. Jerome took another tack.

"You were shot graphed on a polar bear, were you not?"

"Yes."

"Did you pose in a kima with your chin resting on the head of a polar bear?"

"Yes."

"How many poses were there?"

"I don't remember."

"They were all modest, decorous poses, which no one could take exception to?"

"Yes."

"You stated constantly on the stand that all of the things you had narrated here were just what you had told Thaw—this terrible occasion?"

"Yes."

"And those things you told Mr. Thaw at that time as having occurred at the hands of Stanford White were true?"

Mr. Delmas sprang to his feet with an objection.

"Your honor," he said, "whether those statements of hers were true or false is entirely immaterial. We have not been allowed to show the truth of them. The whole question is whether or not she made the statements to Mr. Thaw as she says she did."

"The truth or falsity of her statements is immaterial. It is the fact that she made the statements to Mr. Thaw as she says she did."

"When you were in Boulogne and after you had heard you had been named as a co-respondent did you write to anyone in America?"

"Yes, I think I wrote to Stanford White," Mrs. Thaw replied readily.

"And this was after Thaw had proposed?"

"Yes."

"Did not you cable to Stanford White from Boulogne?"

"I don't remember."

"I understand your honor wishes to adjourn at this hour," said Mr. Jerome, looking at the clock, which pointed to 4:25.

Justice Fitzgerald ordered an adjournment until 10:30 a. m. tomorrow, at which time District Attorney Jerome will proceed with his cross-examination of the defendant's wife.

Mrs. Thaw Not Spared.

New York, Feb. 20.—In continuing today his cross-examination of Mrs. Evelyn Nesbit Thaw at the trial of her husband, District Attorney Jerome has not spared the fact that in 1902 Stanford White deposited the sum of \$1,350 with a New York Trust Company with instructions that it should be paid to the Nesbits at the rate of \$25 a week. Mrs. Thaw frankly admitted receiving a number of checks from the trust company, but she would only admit that there was a proposition that she should receive the money only when out of employment. The prosecution spent nearly the entire afternoon in trying to make Mrs. Thaw admit that this was true, but as often and in as many ways as he put the question to her, she gave necessarily the one answer: "I don't remember."

Mrs. Thaw's inability to remember a number of other things about which Mr. Jerome questioned her was by far the most important element in the prosecution. The district attorney delved into the witness' past life with a familiarity as to details and a store of general knowledge which at times seemed to amaze all who heard—not excepting the defendant's counsel themselves.

Mr. Jerome indicated early in his questioning that he had no disposition to spare Mrs. Thaw's feelings in any way whatsoever. He interrogated her most pointedly as to her men acquaintances of the past. He laid special stress upon her acquaintance with James A. Garland, who figured for the first time in the case. Mrs. Thaw said she knew Garland before she met White.

"Weren't you named as co-respondent in the Garland divorce case?" asked Mr. Jerome.

"Mrs. Thaw was shaking her head when Mr. Delmas sprang to his feet with an objection. He demanded that the record of the divorce case be brought into court that it might speak for itself. Justice Fitzgerald overruled the objection, but Mr. Jerome withdrew the question.

Mr. Jerome questioned the witness about her manner of posing for artists and brought from her a denial that she posed in the nude. Mr. Jerome was insistent for details on the subject. He did not mince words. Many photographs of Mrs. Thaw were introduced in evidence.

Mr. Jerome during the morning session plied the young woman with questions as to what disposition she had made of the letters written to her by Stanford White. Some, she said, had been destroyed, and some she had given to her attorney, in the midst of the district attorney's examination with regard to the letters and when he was pressing for an answer as to what had become of some of them, Thaw leaned far over and whispered to his counsel in a voice audible to those near him:

"Stanford White stole them."

Attorney O'Reilly thereupon said aloud: "Stanford White stole them."

"If counsel desires to testify we will be very glad to have him do so," Mr. Jerome remarked sarcastically.

Later Mr. Jerome indicated that he had in his possession a number of letters written by Stanford White to Evelyn Nesbit, saying he would show her the letters to see if they would not brighten her memory a little bit. He changed his mind, however, and the letters were not produced. Mr. Jerome demanded that Thaw's counsel deliver to the court the Stanford White letters they have in their custody but they made no response. Mr. Jerome was assisted materially in his cross-examination by typewritten statements by Mrs. Thaw's mother and Howard Nesbit, her brother. He consulted the statements from time to time and Mr. Delmas left this fact become known to the jury by remarking upon it.

Mr. Jerome's cross-examination may require several days yet. He jumped about today from one part of Mrs. Thaw's story and one period of her life to another, in a way that baffled any attempt to tell how far he had progressed with his attack. He apparently intends to take every advantage of the ruling of yesterday which allows him wide latitude in testing the credibility of the witness.

Mr. Delmas, contrary to expectations, interposed few objections today. He is evidently preparing, however, for an ex-

(Continued on page 7, fourth column.)