

JEROME AFTER EVELYN THAW

Seems to Have Found a Way to
Determine Truth or Falsity
Of Her Evidence.

CROSS-EXAMINATION BEGUN.

It Promises to be a Great Duel Be-
tween Prosecution and Defense
And Defendant's Wife.

New York, Feb. 19.—Evelyn Nesbit Thaw today entered on the ordeal of her cross-examination, and before Dist. Atty. Jerome had had the witness in charge for 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 held that the rules of evidence protected young Mrs. Thaw and that, regardless of the fact that she had told it to her husband was the one essential point. Mrs. Thaw has been allowed to repeat the story so that the jury might judge as to its effect in unbalancing the mind of the man on trial for the murder of Stanford White.

Mr. 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.

DELMAS' OBJECTIONS VAIN.

Mr. Delmas, Thaw's leading counsel, objected strongly to the question, but Justice Fitzgerald held it to be consistent with the rules of evidence. Whether Mr. Jerome intends to take advantage of the ruling in an attempt to throw doubt on 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 the introduction of any testimony as to events in the young woman's life, but the subject of the credibility of a witness is a wide one, and Justice Fitzgerald early today indicated that he would be liberal in his interpretation of the rules.

He allowed Mr. Jerome to secure from Mrs. J. J. Caine of Boston, a friend of Mrs. Thaw, who took the witness stand 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 published incident of their being ejected from the Hotel Cumberland in this city—the proprietor insisting that they should register as man and wife or leave their suite, which added, 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.

JEROME WOULD WAIT.

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 this defendant is in I shall be honestly of the opinion that he was insane at the time this act was committed, I do not propose to take up the time of this court and this jury in contending."

Mr. Delmas interrupted. He wanted to know if the district attorney meant that if he was honestly convinced that Thaw was insane when he shot Stanford White he would abandon the prosecution.

A WORDY CONFLICT.

A wordy conflict ensued, during which Mr. Jerome hinted at broken confidences, of evasion of stipulations. He declared he did not wish to humiliate the witness with a cross-examination which he might deem unnecessary. "However, if I am forced to do it, I will," said Mr. Jerome, with something of a menace in his tone.

"You may proceed," replied Mr. Delmas.

Mrs. Thaw moved a bit nervously.

POOR BABY'S FACE ITCHED TERRIBLY

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flamed Skin—Suffered Terribly
—Mother Took Her to Doctors and
Colleges to No Avail—Lost Faith
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and awaited 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, \$25 a week. Mr. Delmas protested against 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 at the Mercantile Trust company was not developed.

EVELYN THAW CONFIDENT.

Mrs. Thaw's confidence grew as the cross-examination went on, and she was always ready to answer. Mr. Jerome, under the plea of testing her credibility, was allowed to ask many pertinent questions. He wanted to know when she first heard that she had been named as a corespondent in the George W. Lederer divorce case.

Mr. Delmas quickly protested. Mrs. Thaw whispered something in his ear and the attorney withdrew his objection. The court sustained.

"I read it in the newspapers," said the witness cheerily, when Mr. Jerome repeated the question.

The prosecutor sought to show that Mrs. Thaw had gone to Abraham Hummel for advice with regard to the divorce proceedings, but was halted by an objection from Mr. Delmas, which the court sustained.

Justice Fitzgerald said the question had nothing to do with Mrs. Thaw's story to her husband and did not affect her credibility.

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 call 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.

The district attorney's reluctance to subject Mrs. Thaw to a cross-examination again lent color to the rumors moving for the appointment of a commission in lunacy to test Thaw's present state of mind. Now that he has entered the cross-examination he seems determined to make a thorough one.

There were evidences during the

afternoon of ill-feeling existing between Mr. Jerome and Mr. Delmas. The latter intended to protect Mrs. Thaw in every possible way. He moved from his seat to the witness stand, and directly in front of Justice Fitzgerald.

Mr. Jerome informed Mr. Delmas that it was not courteous in New York to interrupt an attorney when he was stating an objection. Mr. Delmas was later objecting to a question put by the prosecutor, when Mr. Jerome interrupted. Mr. Delmas turned and, with great sarcasm, remarked:

"I have been told it is not courteous in New York to interrupt when an objection is being stated."

Mr. Jerome sat down.

PROMISES LEGAL DUEL.

Mrs. Thaw's cross-examination promises 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 today, 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 put his questions in a way that indicated a relentless search into Mrs. Thaw's past. Mr. Jerome did not even forget the incident of the cat and the conductor who wanted to put it on the train. Mrs. Thaw had testified that she told her husband of this incident in her early life. Mr. Jerome also remembered that Mrs. Thaw had told of eating chocolate at her first dinner with Stanford White.

"It wasn't dinner," pouted the witness. "It was supper."

Mr. Thaw had told the conversation she and her husband had regarding the fate of young women at the hands of Stanford White. One of these girls was known as "The Girl." She was 15 years old, and wore only a gauze dress when she sprang from a big pile at a stage dinner.

The witness declared that May MacKenzie had told her that Stanford White, when told she and Harry were very happy together, had remarked: "Poor! It won't last. I will get her back."

Harry Thaw's letter to Anthony Comstock describing three houses or studios where he declared Stanford White and "other scoundrels" lured young girls, was read. Among the places described was the house in West Twenty-fourth street where the velvet swing and the mirrored table were located. Mrs. Thaw identified the letter as her own. She said she had written it in the handwriting of Stanford White. They were not offered in evidence, but Mr. Delmas will attempt later to get them into the case.

AFTERNOON SESSION.

Mrs. Caine's cross-examination was resumed when court reconvened. How long did you and Mrs. Thaw occupy the Ninety-first street apartment?" asked Mr. Jerome.

"Three weeks."

"Who paid the rent?"

"I did."

"Out of your own money?"

"Yes."

Mrs. Caine's voice was low, but she answered quickly and briefly. On several occasions when Mr. Delmas thought Mrs. Jerome's questions were being pressed too hard he interposed and when the district attorney attempted to draw from the witness the details of conversation with Thaw he made objections.

"Where did Miss Nesbit go after you and she broke up housekeeping?"

"To the Hotel Cumberland."

"And then where?"

"To Dr. Bull's sanitarium for the second operation."

"When did you see Mrs. Nesbit in Ninety-first street, did you and your husband maintain your own apartment in West Twenty street?"

"Yes."

"Did you and Miss Nesbit continue to go out with Thaw?"

"Yes."

"You said this morning you wanted to protect Mrs. Thaw. What did you want to protect her from?"

"From newspaper notoriety."

"What was the notoriety?"

"The divorce case."

Mr. Delmas: "What newspapers said was not material."

WHAT NEWSPAPERS SAID.

"What the newspapers said is very material," commented Mr. Jerome. "You heard, did you not?" said Mr. Jerome, addressing the witness, "that this defendant and Miss Nesbit were ejected from a hotel?"

"I read it in the papers."

The answer was given before Mr. Delmas could state his objection and he moved to have both question and answer stricken out.

"Did you hear anything except what you saw in the newspapers?" asked Justice Fitzgerald.

"No, sir."

"Then your question and answer will be stricken out," ruled the judge.

"You want to understand," said Mr. Jerome, "that the money you earned in the department store, paid the rent of this apartment for Miss Nesbit, and were not reimbursed?"

"Yes, sir."

"When you and Miss Nesbit went to the Ninety-first street house upon the first night, did you have any baggage?"

"Why did you spend the night there if you had another apartment?"

"There was not room there for Florence."

"Did you plan to stay there when you went out to find an apartment?"

"We had no plan."

"Had you a telephone at that apartment house?"

"I don't remember."

"During the three weeks while you were there did you never use that telephone?"

"Did Miss Nesbit use it?"

"Not to my knowledge."

"At all the dinners and theater parties, were the acts of the defendant rational?"

"Except when he saw Mr. White."

"I suppose he paid all the bills at the dinners and theaters?"

"Yes."

WHITE'S PRESENCE EXCITED THAW.

"He evinced no undue excitement except when he saw White?"

"No."

"He showed a full appreciation of the value of money, in making change, etc.?"

"I did not notice."

"As to the use of intoxicants, did you at any time see him drink to excess?"

"No."

"When you were in the bathroom, did the defendant's conversation disclose anything erratic to your mind?"

"No."

Mr. Jerome reverted to the Daily Theater incident.

"You knew there was a feeling of enmity between Thaw and White?"

"Yes."

"Did Mrs. Thaw tell you the reason?"

"Yes."

"How did you know it?"

"From Mr. Thaw's appearance when he saw Mr. White. His appearance was that of a man aroused at the presence of an enemy."

"Was the operation for appendicitis performed on Miss Nesbit in 1903?"

"Yes."

Mr. Delmas objected to this. He said the only evidence that the operation was for appendicitis was the statement by the "learned district attorney," to which he took exception.

"Did Evelyn tell you the operation was for appendicitis?" asked Mr. Jerome.

"Yes."

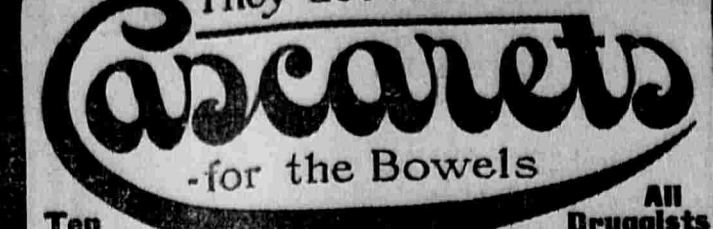
The matter was allowed to stand. Mr. Jerome said he was through, and Mr. Delmas took up the re-direct examination.

The witness said Thaw always acted rational except in the presence of Stanford White. Thaw's attention to Miss Nesbit was always respectful.

MRS. THAW RECALLED.

Mrs. Caine was then excused and

They act like Exercise.



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Evelyn Nesbit Thaw was recalled to identify more papers.

Mrs. Thaw identified a letter which she said had been written to Thaw by her mother.

"Did you ever see it in the possession of Mr. Thaw prior to June 25 last?"

Mr. Jerome objected, and Justice Fitzgerald read the letter, which was written by Mrs. Nesbit subsequently to Thaw's proposal for the hand of her daughter, tended to show a condition impressed upon the defendant's mind.

"The letter shows that Thaw paid honorable court to this girl, and with her mother's consent," said Mr. Delmas.

"As I understand it," said Mr. Jerome, "this came to Mrs. Nesbit and made some definite cash proposition."

"If the learned district attorney desires to take that commercial view of it, he may do so."

Mr. Jerome said there was no necessity as the physicians can safely do so, she will be moved to a hospital. She was very grateful for your message. I received your very kind letter. Thank you very much. I hope you are well and to see you very soon.—E. M. Nesbit.

"Did you and Mr. Thaw discuss May MacKenzie after you had gone to Pittsburgh?" asked Mr. Delmas.

"Yes," Mrs. Thaw said. She 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 take the witness," said Mr. Delmas to Mr. Jerome.

The district attorney again asked permission to reserve his cross-examination until some future time.

There ensued a long discussion between Mr. Delmas and Mr. Jerome as to the deferring of cross-examination of Mrs. Thaw, the district attorney saying that "if a legitimate case of insanity is made out I will be the first to admit it. I do not want to start this cross-examination until I am sure it will be necessary."

Mr. Jerome said that it would be necessary to recall Mrs. Deemer and Bingham for cross-examination.

In the course of the discussion Mr. Delmas turned to Mr. Jerome and asked:

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

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

Mr. Delmas asked that Mr. Jerome's remark be read from the record. The stenographer started to do so, but after reading a few lines he was cut short by the interruption of Mr. Delmas.

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

Mr. Jerome expressed a willingness to take up the cross-examination Thursday morning, the defense to proceed with its other witnesses in the meantime.

MRS. THAW CROSS-EXAMINED.

Mr. Delmas would not consent, and Mr. Jerome yielded and began the cross-examination of Mrs. Thaw.

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?"

"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?"

Mr. Delmas objected. He declared that the letter would speak for itself. Mr. Jerome withdrew it and asked Mrs. Thaw to identify the signature on three slips of paper.

"It looks like mine; I can't say positively."

"Are they not receipts for the \$25 a week you drew from the Mercantile Trust company?"

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

"It is 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 can't say positively."

SHE DON'T REMEMBER.

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

Mr. Delmas objected. He declared that the letter would speak for itself. Mr. Jerome withdrew it and asked Mrs. Thaw to identify the signature on three slips of paper.

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"I can't say positively."

"Was it not about that time?"

"I can't say positively."

"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 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 what you have told us about, and you gave him no other?"

"No."

"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 15 or 16 years old so simple that after all the trials you afterward went through you remembered the incident of the cat and the conductor trying to put it off the train?"

"Yes."

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

"Yes."

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

"Yes."

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