## DESERET EVENING NEWS THURSDAY APRIL IT 1907

# Jerome Was Merciless To **Evelyn Nesbit Thaw**

Sneeringly Referred to Her as the "Angel Child"-Says She Willingly Went Back to the Ogre That Ruined Her-Pooh-Poohs the "Dementia Americana" Theory-Defends White's Character and Says Killing Was a Cold Blooded, Premeditated Murder-Alternately Called Thaw a "Sir Galahad" and "St. George"-Judge Fitzgerald's Charge to the Jury Fair and Impartial.

house corridors were nearly deserted, only the newspaper writers remaining.

THE MOTHER GROWS WEARY.

Mrs. William Thaw grew weary of

der Justice Fitzgerald's charge

JEROME TO THE JURY.

"He was rational, he was calm," went

HOW THAN STOT WHITE.

the

tionality.

on the district attorney.

New York, April 10.—Charged with he responsibility of deciding the fate of Harry K. Thaw, the jury, which ince Jan. 23 has been sitting in Judg-ment on the young slayer of Stanford white, retired at 5:37 p. m. today, to the responsibility of deciding the fate of Harry K. Thaw, the jury, which since Jan. 23 has been sitting in Judgment on the young slayer of Stanford white, retired at 5:17 p. m. today, to begin the consideration of their vercicl. Six hours later they had failed to reach an agreement, and shortly sfier 11 p. m. they were locked up for after 11 p. m. they were locked up for the night in the jury room of the criminal courts building. Justice Fitz-gerald, who had been waiting for some word from the jury room, became con-vinced at that hour that the chances of receiving a verdict tonight were too remote to warrant his remaining up any later. Justice Fitzgerald had earlier in the evening gone to his club up town and had held an automobile in readiness to make a quick trip to readiness to make a quick trip to court house should he be needed. s instructions regarding locking up

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His instructions regarding locking up the jury were telephoned. It was said that when Justice Fitz-gerald's message was received at the court house the officer on duty there put the matter up to the jurors themselves, asking if there was any possi-bility of a verdict within the next few hours. The reply was strongly nega-tive. The jury was said to be almost

hours. The jury was said to be almost tive. The jury was said to be almost hopelessly divided and nobody con-nected with the case tonight would venture the hope of anything better that a disagreement as the climax of the long-drawn-out trial. Harry Thaw sat In the prisoner's pen adjoining the deserted courtroom during the long hours of the jury's deliberations. By his side were his wife and his counsel, who remained with him until all hope of a verdict tonight was abandoned. During the early evening all of the Thaw family were with the prisoner, but before 10 o'clock they made their way up town to their hotel. to their hotel.

#### THAW'S SPIRITS REVIVE.

Thaw, who was much depressed at Thaw, who was that, Jerome's im-passioned attack on him as a "cow-ardly, brutal murderer—a rich illiter-ate who always had had his own way until he fell into the clutches of the until he fell into the clutches of the law," revived in spirits as the evening wore on and the chances of an un-favorable verdict seemed to him to be-come more and more remote. He was reluctant to wend his way back over the dimly lighted bridge of sighs to his cell in the Tombs, to say good-night to his wife.

night to his wife. The disagreement of the jury is the most unfavorable outcome that Thaw had at any time anticipated during the progress of the trial. His family and counsel were much alarmed this afternoon, however, lest the jury un-der Justice Fitzgerald's charge might and a verdict of a lesser orime than find a verdict of a lesser crime than murder in the first degree. The pris-oner tonight did not share this gloomy outlook and laughed and joked to dispet the serious looks on the faces of the restore and using

nother and wife, astice Fitzgerald is not expected at courthouse tomorrow until 10:30, usual court session hour. If the y should earlier notify him, of an Justice

jury should earlier notify him, of an agreement he might consent to come down at an earlier hour, but this is not considered at all likely. Tombs Chaplain Wade visited Thaw at the prisoner's pen shortly before 11 o'clock tonight. He and Thaw have become firm friends since the latter was incarcerated. One of the prison manda with Thaw tonight received Thaw tonight received guards with Thaw tonight received word from his home that his little girl, who has been ill for several days, was hying. Thaw turned to him and ex-

ing pale? "You locate your enemy, you locate oring. They reatest sympathy. "You are in a worse predicament than I am," he said to the guard, "and very sorry." THAW'S MOST TRYING DAY. In the life of Harry Thaw this day will go down as the most trying he has ever experienced. From the opening of court until the jury retired the fates dealt mercifully with him. Beginning with Dist, Atty, Jerome's final arguent and throughout the judge's charge Thaw had to listen to a scathing at-tack upon his character and to a narrative drawn from the evidence, was meant to strip his deeds of the halo of chivalric glory which his own attorneys had thrown about them. attorneys had thrown about them. The judge's charge, lasting about an hour, was a concise outline of the law, and gave to the jury the alternative of rendering any one of the following four verdicts: Murder in the first degree; murder in the second degree; man-slaughter in the first degree, or not guilty on the ground of insanity. The statute governing the plea of

the defense to allow the prosecution to contradict Evelyn's story and then de-clared that when he made a move to avail himself of it the doors were closed. ATTACK ON EVELYN'S CHARAC-TER.

> "I called a learned chemist," the dis-trict attorney continued, "to prove to you that there does not exist a drug such as this 'angel child' would have you believe was employed to bring about her ruin. But my learned oppon-ent from the Pacific slope objected. I called the photographer who took these pictures for which Evelyn herself said she posed upon the night before she was outraged. I knew that this evidence would not be admitted. I knew that even if the counsel for the defense had not objected, the learned judge would have ruled it out. It was offered to call the cheap bluff of my learned op-ponent. "So strange if it that this 'angel child' "I called a learned chemist," the dis-

ponent. "So strange it it that this angel child' "His girl of the chorus-should believe what she says Stanford White told her about all women being bad and some simply so fortunate as not to be found out. Does what she did afterwards ap-peal to your sense? Can it appeal to any marks chumon sense? Contenst any man's common sense? Contrast her action with that of other girls. Was she brought up any more carefully than she brought up any more carefully than your own daughters have been brought up? Go back to when they were 16 years of age and think what such a thing as we have heard would have meant to them. What does this girl do? Does she shrink from this man? Does she abhor him? "No," thundered the district attorney. "She meets him again and again. Eight or nine times she goes to the tower and to the Twenty-fourth street house with this human ogre who had stripped her

the long vigil and went back to her apartments in an uptown hotel. Eve-lyn remained at the courthouse ready to be by her husband's side when a verdict was rendered. It seemed to verdict was rendered. It seemed to be the general impression everywhere that there was no possibility of a ver-dict being reached before tomorrow morning, if then. Thaw, at 10:30 p. m., was in the prisoners' pen on the second floor of the courthouse with 'his wife, Mrs. George L. Carnegie, his sister; Mrs. Carnegie, Josiah Thaw and members of his counsel. Thaw was said at this time to have entirely recovered from the depres-

or finite times sine goes to the tower and to the Twenty-fourth street house with this human ogre who had stripped her of her virginity. She met him time and again, and, far from repelling those fearful actions, we find her, by her own words, at one time undressing in a room downstairs while White was talking with a friend upon the floor above. "This dragon preying upon female virtue wrote this 'angel child' letter after letter, scores of them. Some of them were identified, but was a single one put in evidence and read? No. There is nothing to show you that these letters contain anything that was bad. Would not some of these let-ters contain something to indicate the victous character, the evil disposition of this very wicked man? "But they contained nothing of the Thaw was said at this time to have entirely recovered from the depres-sion of the afternoon, and was the most cheerful and hopeful member of his party. The long delay in reach-ing a verdict seemed to him to pre-clude the possibility of his conviction. He laughed and chatted with his rela-tions and atterness and convented tives and attorneys, and commented at times upon the district attorney's at times upon the district attorney's address and Justice Flizgerald's charge. The latter, Thaw believed, was not wholly impartial, and he said he feared it might have a bad effect "But they contained nothing of the

"But they contained nothing of the sort. Now contrast this with the mod-ern St. George who led the 'angel child' back into the paths of virtue in November, 1903, writing her let-ters in which he discussed sexual per-version version

upon the jury. Thaw's family were fearful lest unthe "Oh, that we might try this case jury might bring in a verdict for one of the lesser degrees of murder or of "On, that we might try this case before a jury permitted to hear all the evidence. I have not been per-mitted by law to show to you where Stanford White was the night after the pictures were taken of this angel child"---the night she says she was manslaughter, as outlined by the court. Harry Thaw was amused when he read in a late edition of one of the afternoon papers that upon leaving the -the night she says she was courtroom he had fallen fainting upon raped. 'As I have sat here in this court-

floor. "The boy has wonderful nerve," said "As I have sat here in this court-room unable to raise a hand in reply to some of the things that have been uttered, it has seemed to me I have heard the voice of Stanford White calling from the spirit world asking me if I could not utter one word for him—'must I be blackened as by the fires of hell, unheard and undefend-ed?" Mr. Peabody, of his counsel, "and it is standing him in good stead tonight." "Gentlemen of the jury," said Mr.

Mr. Jerome paused for a few moments and then continued:

Germen, arising when the court had opened, "from all I can judge from the papers— I have been absent—you have been wandering through a mere field of romance for two days. The life field of romance for two days. The life of a human being is not to be judged on such premises. The issues here can not be determined by quotations from the Scriptures. You have been en-joined by the court to make up your werdict solely from the evidence." Mr. Jerome went into the details of the evidence regarding Thaw's actions and words after the killing, and said that there was not one thing that did not show calmness, coolness and ra-tionality. EVELYN'S PRAISE OF WHITE.

"Now, gentlemen, let us see what all this girl herself says of the hor-rible demon who ruined her. She says, 'Outside of this one awful thing I admired Stanford White. He had a most extraordinary personality. What an extraordinary panegyric that is coming from those line!

Start an extraordinary panegyric that is coming from those lips! "Stanford White's lips are sealed by death and by the rules of evidence. But what are we expected to believe of a man to whom such a tribute is paid by the girl he so brutally se-duced?

"Gentlemen, I am not here to de-fend Stanford White, but I am com-pelled to say that there is a difference between unchastity and brutality; there is a difference between the man of the world and the brute who rav-ishes. Her own words have rulned the theory that Stanford White was a brute. Has she been so enlightened by this modern St. George that at last she has come to believe that all wo-men are not unchaste? And yet she can come here, but 22 years of are. "He walks up to his enemy, after carefully locating him, and carefully takes aim. He does not take any chances of hitting any one else. You are told his face was white. He was a man who had nursed an enmity for three years, who had glared at his ene-my until, after a good dinner and hear-ing the story of two men and a woman in which Truxton Beale had figured, deg the story of two men and a woman which Truxton Beale had figured, dein which Truston Beele had figured, de-liberately shoots down his enemy. Is it any wonder he was white? Is the kill-ing of a human being a thing so com-mon that a man can do it without turncan come here, but 22 years of age, and sit in that chair and describe the man who ravished her as a girl of 16, in the remarkable way that she has done'

that the mind of the "angel child" was not as simple as Mr. Delmas would have the jury believe. "There is one quotation I wish to read to you, because in it I believe lies the whole key to this tragedy. "A girl who is good and never has had any scandal against her, is fortunate," she writter. "The strik here (at school) any scandal against her, is fortunat she writes. "The girls here (at scho, are all just of that kind. There not one of them who will ever be an thing. When I say anything. I me-just that. They will perhaps be go wives and mothers, but I want to a good actress first.' It was the desi of this schi to be o good actress th of this girl to be a good actress to caused her to play between these men until she brought one of them his grave. This child, who did not his grave. This child, who did hold lieve in the chastily of women, we to Paris on Thaw's money with White letter of credit in her pocket. "She goes to Paris in the frame mind her diary indicates. She we fully convinced that there was virtue in womankind because, as con yet would have you helieve, her virtu

virtue in womankind because, as coun-sel would have you believe, her virtue had been destroyed. This is a "au-gel child' built up by Mr. Delmas, and upon whose testimony he has con-structed his whole case. He tells you this child so loved Thaw that she re-nounced his offer of marriage-re-nounced him to go back to the \$1\$ a week of the studio and the \$18 of the stage.

"This is the child who traveled "This is the child who traveled through all Europe with St. George who told her there was no chastily among women-St. George, who gave her her first moral horizon. What does she do when she leaves him? She comes back to America, landing Saturday, comes back on Tha money. She does not see Stanf White on Sunday, but on Tuesday ind her at Abraham Hummel's offic-with him. There she was making au affidavit. Sufficient is it now that you see her signature immediately opposite affidavlt. the date, Oct. 27, 1903.

#### HEMMEL'S AFFIDAVIT.

"If you don't believe anything else in that affidavit, the date is significant It shows that within 24 hours after she had seen Stanford White, the ograshe had seen Stanford While, the opre-who had plied her wit wine and se-duced her, he had completely under-mined her great love for Thaw-the love which led to her renunclation of the man. 'Poor little Evelyn!' Poor indeed, the woman whose great love was undermined in 24 hours by storles of perversion-undermined by the man who had ravished her, of all men on

had ravished her, of all men on

Mr. Jerome referred to the girliah costume Evelyn has worn throughout the trial, saying she was dressed as a girl of 16. What such a costume had to do with the great issues involved he could not say. Young Mrs. Thaw smiled.

"How does Thaw come into the life "How does that could have the her of of this young woman? We first find him wrapping \$50 notes about the stems of American beauty roses and throwing them over the footlights. We find him attending her at a chorus girls' dinner. "We find him offering a weak moth-er a compatence to help him win the

"We find him offering a weak moti er a competence to help him win th daughter. He was paying honorab court to her, says Mr. Delmas. An men who are paying honorable court i women in the habit of wrapping 30 bills around the roses they send them He sends her to a hospital and the furnishes money to take her abroa-And in Paris he asks her to marry hin When she said no, he asked. "Is it be When she said no, he asked, 'Is it cause of Stanford White?' Did come to him as a shock? Had he h Did thi

come to him as a shock : Had he head gossip in the tenderion which led him to suspect her relations with White? "I said it in no sneering way, that if the story of her supreme renunciation was true, there was nothing like it in the history of literature. She had noth-ing before her but a life of hard work. ing before her but a life of hard work. Here was a man she loved, here was a haven of rest, and because she loved him so well she cast it all aside. Here was a poor, innecent child whom this Sir Galahad would take to his arms, cherish and protect her against the infamy of White. And what did this Sir Galahad do but take this iangel child' and flaunt her through nearly Sir Galahad do bit the this ange-child' and flaunt her through nearly every capital of Europe as his mistress. If Stanford White is to be painted black for what he did to Evelyn Nesbit, then there is no color black enough to paint this Sir Galahad that took this "angel child' and despoiled her.

DEMENTIA AMERICANA.

" 'Dementia Americana'-that is what they call it. Fine specimen of the high or unwritten law." Mr. Jerome then directed his attention

uer, "that the erratic and vulgar productions of a rich illiterate, who always had his own way in life until he was who always locked up in the city prison

when she landed.

Referring again to Thaw's sanity, Dist. Atty. Jerome said he knew enough to automobile all through Eu-BACK TO THE KILLING. "Now let us come back to the kill-ing. There is not in any of the acts of that night one thing that shows a lack of appreciation of what he was doing. You remember the conversa-tion with Mr. Smith? Was there any-thing irrational there? And after the killing, did he say that he was the agent of Almighty God, who had been direced to make way with this ravish-er of American womanhood? No; he said: 'He ruined my wife' There was nothing said about Providence until after his consultation with my friend, Dr, Evans. In the words 'He ruined my wife' he expressed a motive for his crime. But there was nothing ir-rational there. And there was noth-ing irrational about anything he did that night. When he got to the sta-tion house he gave a fictitious name. That was not the Insane man-the agent of God to avenge a woman-that was a man glorying in a right-eous act. "Mr. Delmas said he would not ap-peal to such a shedowy thing as the unwritten law. But he ended by an "Now let us come back to the killrope with Evelyn Nesbit and knew enough to write to his attorney to see the girl through the custom house

Nane

him.

to the jury.

aw for that.

not tell the difference between same

and insane knowledge, but said the oily knowledge that Thaw had was in-

tion. He might have better adhered to his original purpose, because if this man were insame you might acquit

"But when this defendant is present-ed to you as the supposed averager of American womanhood-of American virtue-a champion who has lain dor-

mant for three years until he becomes in some way exalted, he does not come within a classification of 'dementia Americana.' He killed for a motive

and when you are asked to accult such a man, you are asked to give of some-thing which you have not the power

Mr. Jerome then sat down. Justice Fitzgerald ordered a 25 min-ite recess before beginning his charge

CHARGE TO THE JURY.

Justice Fitzgerald began his charge

to the jury by saying: "Gentlemen of the jury, it now be-comes my duty to give to you such instructions upon the law as are neces-sary to enable you to perform your duties as jurors and to define to you the level suides by which you are

duties as jurors and to define to you the legal guides by which you are to be governed in considering the evi-dence and reaching your conclusions. "It has been particularly gratifying to me to realize that you are selected by the people and by the defendant as fair-minded men after the exam-ination of 337 talesmen and before the necember challenges allowed by law

ination of 337 talesmen and before the peremptory challenges allowed by law had been exhausted. "Let me impress upon you the im-portance of the issue you are to de-cide. The life of a citizen within the protection of the law, it is charged, has been taken by the defendant and the defendant is here to answer to the law for that

THAW'S WILL AND CODICIL.

The will and codicil next were taken up and discussed. The will showed a "cowardly fear of death," declared the up and

prosecutor, but nothing more. "So you see, gentlemen, it was easy for such a cowardly man as this to withhold his 'dementia Americana' for

Winnoid ins deminical Adhericana for three years and then kill the victim who could not see him approach." Mr. Jeroine again picked up the will and held it aloft. "Where is the delusion in that will? Did could be been been worker to the

"Where is the delive his money to the right people? Where is the delusion in his references to the Twenty-fourth street house? Has not the girl de-seribed it? Where is the delusion there? Don't let us presume she was telling the truth once and in the next breath say the same thing shows that Thaw had delusions,

#### THE MOTHER'S TESTIMONY.

"Now turn to the mother's testimony When he went home the girl had thrown him over again, perhaps for the thrown min over again, permips to the very reasons mendened in the affidavit. There is nothing to show there was any other reason. He loved her all right, loved her in his own brute way. There is the scene in the church when the music moved him and he shed tears. Where was the delusion There? He Where was the delusion there. He was nervous and worried on the day of his marriage. Why, Evelyn was not 21 and he was afraid her mother would not give her consent. Did Thaw show a delusion? Didn't it rather show a sense of the requirements of the law? What one of the many people who must have known him during his life had been called here to show that he was

thing which you have not the power to bestow. "The real question here is whether New York City is to become a mining camp. If this sort of thing can go on, if the only thing between a citizen and his enemy is a brain storm, then every man had better pack a gun. "Mr. Delmas appealed to the Serlp-tures. Let me, too, direct your atten-tion to them, to what the Lord said: "'Vengeance is mine; I will repay.' "Let me also remind you of the great fundamental law sounded down the ages, the commandment of God, 'Thou shalt not kill.'" ever irrational? "No one. Did his mother say he was ever irrational? No. She simply said he was nervous and depressed, and after we hear of what happened before he left New York I don't wonder.

#### THE WITNESSES.

"Now for the witnesses. First, Dr. Wiley. I see Mr. Delmas doesn't place him among his experts. He seems to treat these experts as so much junk. If he puts seven in one basket against six he puts seven to one based against the sev-en win. I had the delusion that quality counted for something and that it was not merely a matter of quantity." Taking up the testimony of the de-fense's medical witnesses one by one,

Mr. Jerome passed lightly over that given by Dr. Wiley of Pittsburg and practically ignored it altogether. Bingaman, the Thaw family physician, he spoke in the highest re-

'This physician, who frankly tells you that he is a general practitioner," Mr? Jerome continued, "who is not a hired expert, testified that Thaw, as a child, had all the aliments incidental to childhood. He tells you that he was called in to attend Thaw in the latter part of 1904 and found him depressed and nervyou and how any natural. Any man who had had the interviews Thaw had with the girl he loved, saw her go to his hated rival, and make the affidavit she did, would also be depressed and de-torical

The doctor also saw Thaw in prison and found that Thaw had stuffed some paper in the cell door to keep out the draft so as not to catch cold. Perfect-ly natural, is it not? Thaw told Dr. Bingaman that his counsel desired to put him in a madhouse and that a con-spiracy was on foot to commit him to an asylum so as to prevent the life of an asylum so as to prevent the life of White being made public in a court-room. For thay reason he changed his counsel-rational proceeding if Thaw wanted to take the chance of fighting out his case before a jury, "Now, as to Mr. Deemar. He merely testified that Thaw was nervous, that's all

all. "Drs. Evans and Wagner came next.

THE EXAGGERATED EGO.

"Evans told you that Thaw suffered from exaggerated ego. That is merely another name for vanity. Dr. Binga-man, when asked about it, said Thaw always had a great opinion of himself. "Evans also told you Thaw had a brain storm; a better term would be paranola of a millionaire. No one ever

justifiable, is murder in the first de-gree when committed from delibera-tion and premeditation with a design to effect the death of the person killed. If it is committed without premedita-tion or deliberation, but with a design to kill, it is murder in the second de-gree. If the homicide is committed in the heat of passion, without design to kill, but with a design to kill, but with a dangerous weapon, it would be manslaughter in the first degree. All lesser criminal homicides are classed as manslaughter in the

way.

facts.

first degree.

(Continued on page eight.)

## SKIN DISEASE CURE IN A SIMPLE WASH

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Germs That Cause Agony and Suffering Are Easily Destroyed and That Awful itch is Gone ..

Germs cause skin disease. Real skin Germs cause skin disease. Reat skin diseases are local affections purely, not necessarily affecting the general health of the patient. The germ fastens itself only on the skin, and eats its way wherever the cutlele is weak. To treat these diseases by throw-ing drugs into the stomach is now be-ing recognized as in error, and dos-tors who keep up with the latest sclen-tific thought and who use treas from tors who keep up with the latest scien-tifle thought and who are free from prejudice against mything that they themselves have not discovered, treat skin discases EXTERNALLY. Dr. Decator D. Dennis was one of the foremost who recognized how eczema, germs cause that awful itch. His pre-scription for dominuff and all unley

germs cause that award itch. His pre-scription for dendruff, and all unter sorts of rash in pairs and years of practice proved so effective that it at-tracted attention beyond the practice of the physician. To give ALL skin sufferers the benefit of this valuable prescription, a company was formed and the compound made into what has become known as "ID 10. D. Forescinbecome known as "D D. D. Prescip-

Read what this school teacher says about her experience with a trial bottle:

The bottle of D. D. D. Prescription received a few days since, and it has proved indeed a God-send and a bless-ing to our family. I teach public school and in some way I caught the eczema, possibly from some of the scholars, and it has goue through the whole family

whole family. "The effects of the first two or three applications of D. D. D. was wonderful and I had almost instant relief." --SADIE C. BEATLEY, Burgess' Store.

D. D. D. Soap is the best cleanser b be used in connection with D. D. D.

Prescription. D. D. D. Prescription is a mild soothing wash that gives INSTANT relief with the first drops and a cure with continued use. It is best used after washing with D. D. D. Soap. a particularly mild cleanser. Can you imagine how you will feel with that itch all gone? Get a bottle today and stop that dreadful itch right away.—Druchl & Franken, Cor. Main and Third South. Prescription, D. D. D. Prescription is

A Positive CATARRH CURE CREAM BALLA SCHAR CIRESCOLD COLOR CORESCOLD COLOR CORESCOLD HAVIEVER Ely's Cream Balm is quickly absorbed. Gives Relief at Once. It cleanses, soothes heals and protects the diseased mem-brane. It cures Catarrh and drives away a Cold in the

Head quickly. Re- HAY FEVER stores the Senses of HAY FEVER Taste and Smell. Full size 50 cts., at Drug-gists or by mail; Trial Size 10 cts. by mail Ely Brothers, 56 Warren Street, New York

SHORT TALKS BY L. T. COOPER.

### MEDICINE.

It's curious what some people be-leve a medicine will do. They seem

from the court-of the facts you are the sole judges. "A defendant in a criminal action is presumed to be innocent until 'the contrary be proven, and in case of a reasonable doubt that his guilt is not satisfactorily shown, he is entitled to an acquittal.

"You must take the law absolutely

an acquittal. "Let me begin by instructing you upon the general construction of the law. The statute of homicide is divid-ed into general divisions, which in turn are subdivided, as I will later explain. The two chief divisions are homicide that is criminal and homi-eide that is not criminal. "Criminal homicides are murder in the first Gerree murder in the second

Homicide is also excusable in in-

"Criminal holmches are number in the first degree, murder in the second degree and manslaughter in the first and second degrees. "Such homicide, unless excusable or "Such homicide, in the first de-

seven bottles of the Cooper medicines and her husband was still in bod and her husband was still in bod. She stated that I was a scoundrel, a obber and various other pleasant

things.



to think because I advertise my preparations I claim they will cure anything and everything. Well, I don't. The other day I got a letter from a woman who said her husband had been in bed eighteen years with paralysis. She had bound

The statute governing the plea of insanity was defined clearly, much stress being laid on the fact that an cresistible impulse to kill had no place

the law. Altogether the charge, while consisting principally of a complete explana-tion of the law, was considered by those who have followed the trial as neys for the defendant took exception because the judge had failed to include any of their requests.

#### JUDGE'S CHARGE DEPRESSED HIM

Thaw was much depressed by the judge's words, and could not suppress his feelings. He left the courtroom dejected. The district attorney's summing up

was a comprehensive and forceful re-view of all the evidence adduced. He declared at the outset that romance and sentiment did not enter into the issue; it was not a question of Stanford White's character or Evelyn Thaw's ing; it was a plain, matter-of-fact homicide: "a common, cowardly tender-loin murder," as he termed it. The ovel plea of "dementia Americana nade by Atty, Delmas at the very close of his argument was attacked by the district attorney, and he repeatedly re-Mr. Jerome dealt mercilessiv

Mr. Jerome dealt mercilessiy with Evelyn Thaw, to whom he referred as the "angel child," and to Thaw, whom he termed ulternately "St. George' and "Sir Galahad." After the case had been given to the jury, Mr. Jerome's attention was called to the nervous state of the de

alled to the nervous state of the derendant Discussing the situation with a num-

"The poor fellow thought the judge would simply tell the judge would simply tell the jury to let this St. George, this Sir Galahad business to and that's all there would be to it. I now understand he is sitting in his cell, all in a mess, his head bowed, worving about the outcome from the source. worrying about the outcome. I'm really sorry for him, but more so for his

The Thaws remained in the courthouse for a short time after the jury had retired, and then the family, with the exception of the younger Mrs. Thaw, returned to their hotel for din-ner. The young wife remained and had dinner with Atty. O'Relly at a near-by restanced. The others returned 5' restaurant daurant. The others returned after 8 o'clock and went to the

s waiting room. jury returned to the courthouse from dinner at 8:52 p. m., and imme-liately went to the consultation room, where they continued the discussion of verdiet.

When it became apparent that there was no possibility of a decision being

the man who bis who you say ravished your wife, who spread stories of perversion about you, you shoot him down, and then come here with your 'dementia Americana.' Why, the crime bristles ation. Unexplained, it is It is absurd. It is absurd, why, the entitle bists with premeditation. Unexplained, it is murder in the first degree. A man shoots down his enemy, who, no matter how had he may be, is entitled to the protection of the law. Let him be blacker than the cloak of midnight which enemged vectorize these about which counsel yesterday threw about his memory, and I say he still has a right to believe that the laws of this

right to believe that the third, the community would protect him. "Who made this man the executioner of Stanford White? Had he no right to put his faith in the laws of this state? Must a man go around here as in a mining camp? COLD BLOODED, PREMEDITATED

MURDER.

"There is nothing in this direct case that does not show coldblooded, pre-meditated murder. And to this what answer is made? 'I was insane when I shot into a man's head; I did not know went across the room and fired three was a pistol I held in my hands; I if was a pistol I held in my hands; I did not know it was my enemy I was shooting: I did not know the nature and quality of my act, and I did not know that it was wrong.' "Gentlemen, when the law says that when a man does not know an act is wrong, he is excusable; it does not mean that in his opinion it is not wrong, but that his mental condition is 'such that he doesn not realize the

is such that he doesn not realize the act is legally wrong. When the an-archists in the Chicago Haymarket archists in the chicago haynarket threw the bombs they had nothing against the 'policemen whom they killed:they were simply deluded men who believed it was their duty to kill on the representatives of law and or

all the representatives of law and or-der; but they knew that under the law the act was wrong." When Mr. Jerome took up the testi-mony of Evelyn Thaw he was very ef-fective. He spoke with much vehe-mence in defense of Stanford White and mence in defense of Stanford while and his words fairly bristled with sarcasm when he had occasion to refer to Thaw as the modern "St. George" and Evelyn as the "angel child."

STANFORD WHITE. STANFORD WHITE. White he designated as a man of po-sition in the community and a genius. He pointed out that there is not a par-ticle of evidence to show that White made any insidious advances toward Evelyn after coming into her life; that he dazzled her child mind with rich gifts, but on the contrary he helped her only by presents of necessary wearing only by presents of necessary wearing apparel. White, he declared, never plied the girl with wine, for she herself admitted that he never permitted her

admitted that he never permitted her to drink more than one glass. Mr. Jerome rounded out his defense of White with the declaration that a man may "not be virtuous, he may be unchaste, but it is not necessary that be is a brute." "The district attorney dwelt at length upon the occurrence in the Twenty-fourth street studio, as related by Eve-lyn upon the witness stand and pointed out what he declared were many serious discrepancies in ner narrative. He out what he declared were many serious discrepancies in ner narrative. He laig great stress on the fact that al-though the girl could remember what transpired during her journeys through Europe, she could not fix the time, within three months, when, as she claimed, she was outraged by Stanford White. He characterized the occurrence to the studie as "most extraordinary"

done? "Stanford White was a wealthy man, a man who found enjoyment, God knows why or how, in this class of people. He sees this child blown into his circle. You have looked up-on the girl in court, and you can well draw the picture at the time that she went to apply for a position in the Florodora' chorus and was told by the manager he was not conducting a kindergarten or a baby farm. "It was natural that a rich man like Stanford White, moving in the circle in

Stanford White, moving in the circle in which he did, should have tried to help this girl. It was natural that he should give her the little gifts of wearing ap-parel which tended to her comfort. There is nothing in his conduct consistent with the theory that the relations between the iwo were not pure. I do not know how it was, and neither do you, except as this girl tells us; and, gentlemen. I must admit in all solem-nity that she does not tell the truth. You have no evidence outside of her

You have no evidence outside of her own story that the relations between her and White were impure. And the character of her story may best be judged by her statement that all of her experiences with this man wep- against her will-that they were all rapes; yet we find her voluntarily in his rooms waiting and willing for the awful at-tacks of this monster." own story that the relations betwee tacks of this monster."

#### THE STAGE LIFE.

Discussing the life of Evelyn Neshit, Mr. Jerome said: "We know what this sort of life-the life of the stage-is. We pass along the great white way of this city and see

smething of it." Mr. Jerome called attention to the early youth at which Evelyn Neshit made her appearance on "that notori-ous thoroughfare." "Now, why do you think Garland was paying her atten-tions." he asked, "and he a married man." nan?

Even Thaw followed her up with American beauties and presents of money. Sure, her home life did not contribute much toward the shaping of a career, but I do not wish to judge the

a career, but I do not wish to judge the mother harshly. "Let me read you a passage from Evelyn's testimony which may give you a better insight of this mother. Asked if her mother was pleased with the at-tentions Garland paid her, Evelyn re-plied 'Ves she was' 'I mean the at-"That was the sort of life that hald the foundation for what was to come

later,

"Then came Barrymore. She was so "Then came Barrymore. She was so sincerely devoted to him that she con-templated marriage. He had offered his hand in marriage, but Stanford White said. 'You are children, you have nothing to live on.' And on White's advice she was sent is school. "Now, then, we see that the whole situation centers about this girl. It was she who brought this about, and I will endeavor to give you a deeper insight into the life and thoughts of this 'angel child.'

child.

What I am about to say did not come from the mother, but-" and here Mr. Jerome picked up the cirl's diary would suggest that in future when Mr. Hartridge gives away documents or papers belonging to a client he should be more careful in seeing what goes out of his hands."

POLICE GAVE HIM DIARY.

"For the information of counsel, let me say," Mr. Jerome continued, "that this book was given to me by the po-lice of the city of New York." He then read the several passages from the diary which are in record as evidence. These passages, the dis-While. He characterized the occurrence in the studio as "most extraordinary, particularly as she, the victim, was a member of the Florodora chorus." "It can hardly be conceived that this chorus girl should be dragged into a den and there attacked." Mr. Jerome referred to the offer of

to the Hummel affidavit. "I don't think Hummel is an upright "I don't think Hummel is an upright man," he said. "I was after him for years and finally got him. He will go to jail ff I can put him there, and he will stay there if I can keep him there. Anything that comes from his hands can justly be viewed with suspicion, but in this affidavit there also figure but in this affidavit there also figure two reputable clerks. Snydecker and Jacobson, Snydecker testified that he witnessed the affixing of the signature by Evelyn Nesbit. He asked her if she had yead the affidavit ad read the affidavit and if what was ontained therein was true. She inswered yes and then signed it. The contained defense had every opportunity to call Jacobson to refute this, put they did not do so."

Mr. Jerome picked up the photographle copy of the signature and last page of the affidavit and pointed out to the ury how it would be impossible to piece Jury together Evelyn's signature with that of the affidavit. The date of the affi-davit was there, as was the name of Surdachar Snydecker.

The affidavit in brief, the district attorney continued, contained a complete itinerary of Evelyn's journey through Europe, which she herself had told Hummel. The district attorney scouted the sug-

gestion that Hummel concocted the charges set forth in the affidavit, contending that the connections between the affidavit and part of the girl's testi-mony were so clear as to remove all doubt as to the document's authenticity.

SIR GALAHAD AND EVELYN.

SIR GALAHAD AND EVELYN. "You heard the story of that Christ-mas even when this Sir Galahad again rescued the midden from the brute. You have heard how they remained in Rec-tor's until 4 o'clock in the morning and went to Thaw's apartments. Again he had made up with her, again he had told her that he would put his stalwart arm about her and they would go through life side by side. So Sir Gala-had lived with her as his mistress in Paris, going to the Dead Rat and the Cafe de Paris and doing cakewalks at 2 o'clock in the morning. This is the Sir Galahad who almost within the sound of his wife's voice asked James Clinch Smith if he was 'very much mar-ried' and if he did not want to moet a "buxom brunette," he was going to Europe and would be giad to 'put him next. This, genitemen, was the St, george who was going out into the world and rescuing American malfen-hod. hood.

"Men of this jury, there is in this case every element of the simple, vulgar, everyday, tenderloin homicide. If the defendant were any person but the rich Harry K. Thaw of Pittsburg; if he wer-the son of a padrone in Elizabeth the son of a padrone in Elizabe street; if Stanford White were not leading architect, but a Chinaman in Mote street: if this girl were a chorus girl in a Bowery theater, how long would the brainstorm or the paranoia theory be listened to?

"There were two ordinary men in this case, and between them was a tigress urging them on. With Thaw she was seduced by White; with White she was the victim of Thaw's perversion. Why, men ,there are the same old elements here that have made criminal history ever since the world began. "Is there anything in all this evidence

"Is there anything in all this evidence to show that when Thaw shot and klifed White he did not know the na-ture and quality of his act, or that the act was wrong?" Mr. Jerome reviewed the letters Thaw wrote from Paris and Pittsburg to Atty. Longfellow and which were in-troduced to show the effect of Evelyn's story upon the young man's mind.

story upon the young man's mind. He declared that the letters showed all through them the writer's apprecia-tion of legal rights and wrongs. "They are nothing more," he contin-

heard of a brainstorm before and Evans may have wanted to make of it a classic phrase. Well, he has at least succeeded in making it known the world over. For two days, you will recall, we tried to find a definition for a brain

we tried to find a definition for a brain storm, but could find none. "We were told that Thaw was like a rudderless ship which had lost its bal-ance wheel, cast off from its moorings, and the nearest we got to a definition was a mental fulmination, a psychic corplasion. explosion.

When Dr. Wagner took the stand he "When Dr. Wagner took the stand he said Dr. Evans' explanation of Thaw's state of mind when he killed White was a good one. When I asked him if he knew of similar cases recorded in med-ical literature, out of the many cases he said he knew he cited this one." Mr. Jacome then read the case of a

Mr. Jerome then road the case of a woman which has several times been referred to in the course of the trial, After reading this case Mr. Jerome re marked:

"I think one can truly say with Dr. Hirsch that there is as much similarity between this case and that of Harry between this case and that of Harry Thaw as there is between smallpox and broken lag roken leg. After Evans and Wagner came Mrs.

After Evans and Wagner came Mrs. Caine. She merely testified that Thaw glared every time he saw White. Noth-ing unnatural in that. "This is practically all the evidence, with the exception of that of the ex-perts, which the defense has submitted in support of the plea of insanity."

The district attorney then rehearsed the testimony of the state's experts and dwelt on the fact that they all ex-pressed the opinion that Thaw knew the nature of his act and knew that it was "Every one of these defendant's ex-

perts admitted that at the time the killing Thaw had a knowledge what he was doing, but said that was an insane knowledge. They could



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pains in my back and sides. "Nothing I tried gave me relief, and a triend advised me to try your med-icine. I improved from the first week. a trieffic I improved from the first week. My backache and headache left me and I feit myself growing stronger. My appetite increased and I feit greatly improved in every way. I am indeed thankful for the benefit I have re-ceived," Miss Jennie Isaacson, No. 18 15th Avenue, West, Dubith, Mina.

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