

# EVELYN THAW'S MEMORY POOR

To Very Many of Jerome's Questions She Simply Answered:  
"I Don't Remember."

IS A VERY ASTUTE WITNESS.

Went Through the Ordinal of Cross-Examination Wonderfully, Never Once Letting Herself Trip.

New York, Feb. 21.—Although the entire day's session in the Thaw case yesterday was devoted by Dist. Atty. Jerome to the cross-examination of Evelyn Nesbit Thaw, he is no where near through. There is little doubt that he will continue throughout today and there is no certainty that he will finish then as he has many questions to ask her. As yet he has hardly touched on the important features of her story. The examination so far has been a bit ragged, jumping rapidly from event to event in a palpable effort to confuse the witness.

Mrs. Thaw's memory has suffered a relapse since she told her story on direct examination and by far the greater part of her answers were in the words "I don't remember." With the exception of those off-repeated admissions, her story was not shaken. Mrs. Thaw was unable yesterday to give exact, in many cases even approximate dates. She was not even sure of the month in which she testified. When asked to state the date, she said: "I don't remember."

SHE IS IN DEADLY EARNEST.

So far, Evelyn Nesbit Thaw has stood the ordeal of cross-examination well. She is apparently in deadly earnest and although the strain under which she is laboring is plainly apparent, there is not the slightest sign that she will not be able to bear up under it. The color comes and goes in her face as the examination proceeds and occasionally her brow frowns or her lips quiver, but she answers promptly and in a manner with apparent frankness. Occasionally she hesitates and leans forward in her chair, as though to be sure she understands, not a word in which Mrs. Jerome's question is formed, but also his motive in asking it as well. Her childish face is mobile and continually changing as the district attorney's questions follow each other rapidly. Sometimes the expression denotes interest, occasionally indignation, never defiance. She seems to have a realization of the importance of her position and the fact that to a great extent her husband's life is in her hands. When the rapid flow of questions reaches a critical point she frowns with the district attorney in a manner worthy of a much greater experience in such matters, than her appearance and words indicate. She seems constantly watching for pitfalls in Mr. Jerome's questions and carefully avoids them, as though determined that no word of hers, no moment of carelessness shall lure the man to save whose life she has bared her pitiful story to the world.

EXAMINATION IS GENTLE.

Mr. Jerome's examination has so far been gentle, but searching. He has evidently decided to go into every phase of the story she told on her direct examination relentlessly. His attitude is persistent but so far there has been no sign of the aggressiveness he can command so well.

Mr. Delmas sits beside Mrs. Thaw, never missing a word and ready to protect his witness if necessary. Not a point passes him and he is ready with technical objections whenever there is a chance to interpose them.

It is in the defense now which seems anxious about technicalities and Mr. Delmas' attitude shows that he will not allow one word to go in on cross-examination that he can possibly keep out. Mr. Jerome is taking the best advantage of Justice Fitzgerald's ruling which gives him the privilege of questioning the truth or falsity of the story Mrs. Thaw says she told her husband on the ground that the truth or falsity goes to the question of her credibility as a witness.

YESTERDAY'S PROCEEDINGS.

New York, Feb. 20.—In continuing his cross-examination of Mrs. Evelyn Nesbit Thaw today at the trial of her husband, Dist. Atty. Jerome brought out 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 Evelyn Nesbit at the rate of \$25 per week. Mrs. Thaw frankly admitted receiving a number of checks from the trust company, but she would not admit that there was a provision that she should receive the money only when out of employment. The prosecutor 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 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 material element in the cross-examination. The district attorney delved into her 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 again in his questioning that he had no disposition to spare Mrs. Thaw's feelings in any way. He interrogated her most pointedly as to her men acquaintances of the past. He laid 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 quickly objected. He demanded that the record of the divorce case be brought into court, that it might speak for itself. Justice Fitz-

gerald 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 ever posed in the nude. Mr. Jerome did not mince words. Many photographs of Mrs. Thaw were introduced in evidence. Mr. Jerome during the morning session asked 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 husband. When the district attorney was pressing for an answer as to what had become of some of the letters, Thaw learned far over and whispered to his counsel in a voice audible to those nearest him.

WHITE STOLE LETTERS.

"Stanford White stole them," Atty. O'Reilly thereupon said: "Stanford White stole them?"

"If counsel desires to testify we will have to ask him to do it," 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. He changed his mind, however, and the letters were not produced. Thaw's counsel demanded that the Stanford White letters, but they made no response.

Mr. Jerome was assisted materially in his cross-examination by typewritten statements made by Mrs. Thaw's mother and by Howard Nesbit, her brother. He consulted the statements from time to time, and Mr. Delmas let 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 to another, and 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 exception of yesterday which allows him wide latitude in testing the credibility of the witness.

Mr. Delmas, contrary to expectations, interposed no objections. He is evidently preparing, however, for an extended direct examination, and this, together with Mr. Jerome's cross-examination on the re-direct, promises to keep the jury's attention on the witness stand for an indefinite period.

Mrs. Thaw seemed perfectly composed at every stage of the cross-examination. At times her voice trembled, but almost always it was clear and emphatic. She faced with the prosecutor continuously, corrected him at times as to assumptions drawn from previous answers, and occasionally told him answers which were entirely too long in permit of a proper answer. The young woman seemed to be swayed by the district attorney's mood. When his voice was soft and perhaps soothing, she answered in the same low tone. When Mr. Jerome would become aroused and snap questions at her in a loud voice, she replied in that tone. When the prosecutor would persist in a question she had answered two or three times, Mrs. Thaw would finally reply with an emphasis on each word, speaking slowly, distinctly and defiantly.

THE DEFENDANT WAS ALWAYS ALERT.

The defendant was always alert to catch every word. He seemed impatient at the nature of some of the questions put by the prosecutor and kept up a running fire of whispered comment with his attorneys.

AFTERNOON SESSION.

Mrs. Thaw was recalled to the stand after the recess and was asked to identify several photographs of herself. Some of these were additional copies of the famous pictures, on which, dressed in a kimono she posed on a white beach.

"These were taken at White's studio in Twenty-second street?"

"It was not his studio. He told me it belonged to another man."

Mr. Jerome exhibited the photographs freely.

Mrs. Thaw stated that the pictures were taken upon the day before her arrest, but she did not remember the date.

"These are fair types of all the pictures taken that day, are they not?"

"There were some taken in low neck."

"That day?"

"Yes."

"Your recollection is clear that you were in the bedroom?"

"Yes."

"Was there any exposure of the person?"

"They were very low neck."

"You said this morning there was no exposure of the person, did you not?"

"I said Stanford White had some pictures put into a book and gave me the book."

"You have that book?"

"Will you bring the book here tomorrow?"

"Yes."

"You had luncheon that day in the studio—as it served from Sherry's?"

"I don't know."

Mr. Jerome here formally offered the photographs in evidence.

"Were those pictures copyrighted?"

"I don't know."

Mr. Jerome handed Mrs. Thaw several checks and asked if she knew in whose handwriting the endorsements were. Five had been endorsed by her mother; one endorsement she did not recognize.

"In whose writing are the endorsements upon the others?"

"It looks like mine."

"As a matter of fact, does it not look like your writing that that of any other human being you ever saw write?"

"Yes."

"Where were you living May, 1902?"

"At the Wellington hotel."

"Except yourself and your mother, whose names were the same, was there another Evelyn Nesbit at the hotel?"

"Not that I know of."

"Were you given checks weekly?"

"Yes."

"Isn't that check in the customary form of the checks you received?"

Mr. Delmas objected.

Mr. Jerome read seven of the checks to the jury. All were endorsed "Evelyn Florence Nesbit."

"While you were living at the Wellington, were you not entitled to and did you not receive \$25 a week when you were not playing?"

"Yes."

WHITE PUT UP THE MONEY.

"Who furnished that money?"

"Stanford White."

Mr. Jerome next introduced in evidence 16 more checks, each for \$25, the endorsements on which were also

identified as in Mrs. Thaw's handwriting. The checks ran weekly from Feb. 1, 1902, to April 24, 1902.

Mrs. Thaw was asked to identify a number of receipts signed by her and acknowledging receipt of various sums of \$25 during 1902. The receipts read:

"Received from the Mercantile Trust company \$25, through instructions from Charles Hartnett."

Mr. Hartnett was Stanford White's secretary.

"Wasn't this money received by you in pursuance of an agreement by which you were to receive from Stanford White \$25 a week when you were not acting?"

"That is too long a question," pouted Mrs. Thaw.

"I don't know it up for you. Was not there an understanding by which you were to receive \$25 of Stanford White's money every week you were not acting?"

"Understanding with whom?" Mrs. Thaw queried in return.

"With anybody," snapped the district attorney.

"Who did you think was putting up this money for you?"

"Stanford White."

"Were you to receive this money when acting as well as when not acting?"

"I don't know."

"Have you any doubt as you sit there that you were not receiving any money while playing?"

"I have."

"Then let me show you some letters by Stanford White, and see if that will not refresh your memory."

Mr. Jerome delved into a big leather pouch. Mrs. Thaw sat rigid. Harry Thaw straightened up from his bent position over the table.

"Let me ask if you ever saw Mr. Hartnett write?"

"No."

"Ever see his writing?"

"Yes."

Mrs. Thaw was given a letter written by Mr. Hartnett, but it did not refresh her memory upon that point.

"Did you ever receive a letter from E. C. Demming, vice president of the Mercantile Trust company?"

"I don't remember."

"Do you know if such a letter is in existence?"

"No."

"If it ever was in existence it is now probably destroyed?"

Mr. Delmas objected and was sustained.

"I show you a copy of what purports to be such a letter."

Mr. Delmas objected. The copy was placed in evidence.

After reading it, Mr. Jerome asked:

"Do you not remember receiving such a letter from E. C. Demming?"

"Mrs. Thaw's memory poor."

"I do not. I don't remember much about that time. I can tell you what I do remember, and you want to know."

"I'll get to that all right in time. Have you such a letter in your possession now?"

"No."

"Did you ever become aware, in December, 1901, or January, 1902, that a large sum of money amounting to \$1,350, had been deposited with the Mercantile Trust company, with instructions that on your written application they were to send you \$25 weekly from Jan. 1, 1902, to Jan. 1, 1903?"

"I could not pretend to answer that question," said Mrs. Thaw, shaking her head. "It's too long."

"Were you ever informed that a sum of money had been deposited for your benefit in 1902 or 1903?"

"I am not sure of the date."

"What amount was deposited?"

"I don't remember."

"Was it a large or small sum?"

"I don't remember."

"Did you make no impression on your mind?"

"No."

"Didn't you know who deposited the money?"

"Yes."

"Who?"

"Stanford White."

"What was the money deposited for?"

"I don't know."

"Did you not know the money had been a gift to you?"

"Yes."

"Wasn't it to be drawn for your benefit when you were not acting?"

"I don't remember."

"Did you write this letter?"

"Yes."

Mr. Jerome handed witness a paper.

"Yes."

The district attorney read the letter as follows:

EVELYN ASKS FOR MONEY.

"Dear Sir: I have not been working all last week and this. Will you kindly send my money at once?—Evelyn Nesbit."

"What was the letter addressed?"

"I don't remember."

"From whom did you want the money?"

"From the Mercantile Trust company, I suppose."

"Did you ever have any money deposited to your credit before this?"

"Yes."

"How much?"

"I don't remember."

"By whom?"

"Stanford White."

"When?"

"Late in 1901."

COURTROOM AIRED.

At this point a short recess was ordered by the court in order to give the courtroom an airing.

After the recess Mr. Jerome continued to question the witness upon the subject of the money in the Mercantile Trust company, endeavoring to get her to admit that she knew she was only entitled to draw against the fund when not employed.

Mrs. Thaw continued to parry the question.

"Didn't you, on Oct. 24, 1902, write a letter to the Mercantile Trust company?" asked the district attorney.

"I don't remember," replied the witness.

"Didn't you in the latter part of October go to play at Mrs. Osborne's theater?"

"I think so—yes."

"What was the name of the play?"

"Tommy Rot," I believe."

"Just before you began to play at Mrs. Osborne's, hadn't you been idle for a week?"

"I think so."

"Didn't you at that time address a letter to the Mercantile Trust company?"

"I don't remember."

"I will show you a copy of a letter; maybe it will refresh your recollection."

"I'll read the paper and handed it back to the prosecutor."

"I don't remember it at all," she said. "Now, were you not told you could only draw this money when you were not acting?"

"I don't remember any such definite statement."

"Who gave you the information about this money?"

"I don't remember."

"What were you told?"

"I was told that some money had been put in the Mercantile Trust company, and when I was idle I could draw it. When we were back in the city my mother had more than I did," said Mrs. Thaw.

"Were you not told that you could draw certain sums on only when you were not working?" Mr. Jerome insisted.

"I do not remember."

Mr. Jerome then read the letter to the trust company in which Evelyn

Nesbit asked that her money be sent her, as she was not working.

"In view of this letter, do you not remember one of the conditions under which you could draw on the fund when you were not working?"

"I do not remember."

Mr. Jerome then read another letter, as follows:

Mercantile Trust Company, New York.—I have stopped playing and wish you to begin sending the \$25 weekly, beginning this Friday coming, until I get another position. Yours truly, Evelyn Nesbit.

The district attorney also showed the witness a check and receipt and asked:

"Do not these refresh your memory as to the conditions?"

CAN'T REFRESH HER MEMORY.

"No, sir."

"Do you remember now that there was such a condition?"

"I do not remember. From that letter, I think I wrote it at the dictation of Stanford White. It does not sound like a letter I would write."

"What makes you think Stanford White dictated it?"

"Because all important letters about money matters Stanford White would dictate, and either my mother or I would have to sign them."

"Did you believe Stanford White when he told you all women were bad, and some were simply clever at concealing it?"

"Yes."

"You believed all women unchaste?"

"Yes."

"And you were just 16½ years old?"

"I don't know that I was 16½, exactly—I was 18."

"When did you begin to doubt that proposition about all women being unchaste?"

"When I went abroad in 1902."

HER ESTIMATE OF WOMEN.

"You believed that all women were bad?"

"Yes."

"How old were you when you went to Europe?"

"Eighteen."

"So you say that until you were 18½ years old you believed all women were bad, and you were associated—that all women were unchaste, and that some had simply been unfortunate enough to be found out?"

"Were you ever instructed in the Scriptures—the Bible?"

"Slightly."

"Did you ever attend church?"

"Slightly."

"Did you ever attend Sunday school?"

"Slightly."

"What denomination?"

"I don't remember—I went once to a Methodist church, I think, and to a Presbyterian church, and once to a German church of some sort."

In reflecting Thaw in Paris had you anything in mind other than your own unworthiness?"

"No."

"Did you consider yourself better than other women?"

"No, sir."

"Or worse?"

"No, sir."

"Do you recall the state of the weather when you had the experience with Stanford White?"

"No, sir."

"Do you recall the day of the week?"

"No, sir."

"The day of the month?"

"No, sir."