DESERET EVENING NEWS WEDNESDAY FEBRUARY 20 1907

Yes, until I met Stanford White."

"At the theater, in 'Florodora." "You and she were friends?"

"He was a married man?" "Yes."

HER MAMMA WAS PLEASED.

"Oh, yes, but she was seasick." "Is it not true that in the spring of

1901, so far as your relations with your mother were concerned, that you were getting unruly, that your mother still stuck by you, that a mar-

At this point Mr. Delmas interposed an objection by Evelyn Thaw's moth-

mother's testimony in he should pro-duce her upon the stand," he said. "I'd like to, but that it is impossible. You know where she is," said Mr. Je-

'If the district altorney wants the

rich

Mr.

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ried



2

Atty. Jerome Subjects Evelyn Nesbit Thaw to a Searching Cross-Examination.

WITHSTOOD ORDEAL WELL.

Questions Her Closely as to Costumes She Wore When Posing as Model for Artists.

Her First Theatrical Employment Was With "Floradora" Company-Took Photographs of Herself.

... New York, Feb. 20.-There was a great rush of people to see Evelyn Nesbit Thaw under the ordeal of crossexamination at the criminal courts building this morning, but only those provided with special credentials from the court were permitted to enter the room where the trial of Harry K. Thaw is in progress. Even under these restrictions, however, every available seat was occupied as court convened. Justice "Fitzgerald permits no one to stand.

Dist, Atty. Jerome was early in the courtroom preparing for his day's task. Mr. Delmas was a few minutes late in reaching the courtroom. He came up behind Thaw, who sat to his accus tomed chair, and patted him affectionately upon the back. Thaw smiled up at him, and for a moment they whispered together, each with his arm about the other's shoulders.

Mrs. Evelyn Thaw was immediately recalled that Mr. Jerome might continue his cross-examination. She was dressed precisely as she has been on every occasion since the trial began Her face was slightly flushed as she took her place in the witness chair with her usual little smile for her husband.

Mr. Delmas moved his chair inside the rall and seated himself beside the witness box.

CROSS-EXAMINATION BEGINS. When Mrs. Thaw saw him she smiled

antity and, turned her eyes to the dis-trict attorney, who stood before her. The district attorney began by show-ing Mrs. Thaw a photograph or herself taken in a kimona, and asked if she could recall the date of the picture. "I think it was taken in 1904." "Where did you live after your re-turn from Europe in 1904 until the time of your marriage?" of your marriage?" Mrs. Thaw gave eight or nine addresses. "Was the defendant present when this photograph in a kimona was tak-I don't think so," "Did not the kimona belong to the defendant?" "No." "Did not he take the kimona to the studio that day?" "I don't think so." "Did not the defendant give you the kimona?"

'Yes,'

Mr. Jerome exhibited another photo and asked when it was taken. "Late in 1901 I think." "Were you acting at that time?"

'Yes." 'What company?"

'Florodora.'' 'Was this a Florodora costume?'' 'No. It was the red dress my mother made me, and the red cape S White gave me."



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Mr. Jerome withdrew the question. During the cross-examination Asst. During the cross-examination Asst. Dist. Atty, Carvan sat behind Mr. Jerome studying the notes and from time to time prompted his chief. Soon after the morning session be-gan the district attorney's messenger entered, carrying a large number of packages, apparently a consignment of photos. Later the messenger came in again with a large bundle of let-Dr. B. D. Evans, the alientist, was Dr. B. D. Evans, the alientist, was also missing from the court today for the first time since the trial began. "Where did you and your mother live after coming to New York"" "In West Thirty-eighth street, be-tween Fifth and Sixth avenues." FIRST THEATRICAL EMPLOY-MENT. "What was your first theatrical em. ployment?" "With the 'Florodora' company." "And you contributed to the family support?" "Didn't you take a photograph of yourself to the Broadway magazine for publication?" "Yes." "And it was published under the name of Evelyn Florence?" 'Yes. This was before you went upon the stage "Yes." "And the reporters came to your touse for more pictures?" "Did you become acquaintend with Ted Marks?" "Yes." Marks is a vaudeville manager. "And received letters from him?" "Yes." "Were those letters among the pack-ages of letters you burned after taking them from a storage warehouse in this Mr. Delmas objected and was sus-tained. "Didn't you visit a warehouse with a lawyer "What was his name?" "Mr. Hartridge." "Did you take some letters out of the house

How many letters did you give Mr haw.

Fourteen "Fourteen." She testified that she gave the 14 let-ters to Mr. Thaw in Paris in 1903. Aft-erwards she received them from Thaw's valet and gave them to Thaw again, presumably after he had shot White. All of these letters were received from White while she was abroad in 1903 and were given to Thaw. "Where are those letters now?"

"Where given to Thaw, "Where are those letters now?" "I don't know." "When did you see them last?" "In Paris in 1903." "Have you been interrogated by the counsel for the defense as to their "No"" Do you remember their contents?" "Only in a general way." Mr. Jerome questioned the witness at length regarding letters which were placed in a warehouse before she went to Europe and taken out after her

return "What became of these letters ?" "I gave them to Mr. Thaw."

FENCED WITH JEROME.

Mrs. Thaw fenced with the district attorney quite skilfully at times, keep-ing her wits well about her. Mr. Jerome spent an hour or more on the subject of White's letters, Mrs. Thaw doclaring that the 14 letters which were turned over to Mr. Hart-ridge were the only ones she positively knew were in existence. Saturday? ridge were the only ones she positively knew were in existence. When Mr. Jerome would ask acca-sionally a very pointed question evi-dently for the purpose of tripping up the witness, Mrs. Thaw would reply with an emphatic nod of her head. "I didn't say that." "You are sure these 14 letters in Mr. Hartridge's hands are the only ones in existence?" "There may be some in a trunk." "I don't remember any letters in the

"During this time did you ever pose for an artist in the nude?" nud

"There may be some in a trunk." "I don't remember any letters in the trunk, however," added Mrs. Thaw, "Why did not you give Thaw all of Stanford White's letters instead of just some of them?" "Do you know Mr. Wells, a sculptor "No." "How long did you know Mr. Garland? 'I didn't say that."

You said some were in a trunk in Parls

"Not long." "When did your acquaintance with him cease?" "I said they might be." "I said they might be." "Didn't you retain some letters?" "I don't know that I did." "Thaw was pressing you all the time o give him all the details of this af-air with Stanford White "When I met Stanford White." with Stanford White, wasn't he?" "Yes." "You gave him the letters before your marriage?" "Yes." Mr. Jerome here dropped the subject of letters and turned to Mrs. Thaw's story to her husband. "How long were you unconscious in that Twenty-fourth street house at the time of your experience with Stanford White?" "I don't remember." "Was it after midnight that you be-ame unconscious?" came unconscious?" "Yes, I think it was." "Was it before daylight?" "Yes, before daylight?" Thaw after hesitating. Mr. Jerome read from Mrs. Thaw's direct testimony the statement that she sat up all that night. She replied that she meant the rest of the night after she had been taken home. "When did you first meet Ted Marks?" ing Marks? "I think it was in 1936 or early in 1901 in New York." "You received letters from him?" "Up to that time your relations with our mother were friendly?" "Yes. RELATIONS WITH HER MOTHER. "There was nothing to show your other was willing to sacrifice you for pecuniary consideration?"

"Isn't it true that Mr. Garland be-came very annoying when you lived at a certain apartment house?" Yes



The colored man replied in the at-firmative and was instructed to stand up. He was then informed by the court that he had been charged with the crime of murder in the first de-gree, and that a jury had found him guilty of that charge. The court then asked him if he had any legal cause to show why sentence should not be pronounced against him. His attorney announced that he had no statement to make but Day had something to say. Facing the court and with a steady voice, the prisoner said: "Your honor, I don't feel in my heart that I am guilty of murder in the first degree, but the jury said I am so I guess I will have to take it." be the same as that from Hock Springs, by reason of an agreement. He also denied that the price of coal in Salt Lake is kept at an agreed figure. Following the testimony of both Mr. Thomas and Mr. Williams, Atty. Ed. Allison and Atty. Parley L. Williams, representing the two big railroads, were given a free opportunity to cross exam-ine them. This chance was made much of by Atty. Allison.

"I WOULD RATHER BE SHOT." The court then informed him that

The court then informed the man-ner of death, whether by hanging or being shot, and asked him which he preferred. Day replied. "I would rather be shot."

rather be shot." Judgment was then pronounced against him that he be taken to the state prison and there confined until the 19th day of April, 1907, between the hours of 10 o'clock a. m. and 2 o'clock p. m., when he shall be taken by the sheriff of this county and, within the walls of the prison, shot until dead. Day showed little interest in the mat-ter and did not weaken in the least when he heard the sentence. He re-sumed his seat by his attorney, and as soon as court adjourned the handcuffs were placed on him and he was led from the courtpoon and taken to the peni-

the courtroom and taken to the peni-tentiary by the deputy. The court signed the death warrant in the case and also the commitment and placed them in the hands of the sheriff's office. and the condemned man will be taken to the state prison and placed in a cell in "death row."

MAY APPEAL.

MAY APPEAL. It is quite probable that his attorneys will appeal the case to the supreme court, as Mr. Little today secured an order from the court for a copy of the transcript of the evidence. Falling in securing relief on an appeal the attor-neys will ask the board of pardons for a commutation of sentence in order to save the life of their client. There were only two colored people in the court room today when the mur-derer was sentenced, and they were not connected with the case in any way whatever. Mrs. Voss, the widow of the murdered man, who was in constant attendance at the trial, was not pres-

attendance at the trial, was not pres-

While other people are turning their thoughts to McDonald's Dutch Chocolates.

Let's turn ours to his Butter Scotch-now freshly coated with rich, nutritious chocolate,

They were always good-now the mouth fairly waters for them. Big improvement-and a big improvement in point of selling. So many of the old lines which we love so well are now dressed that way.

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ter him. He was arrested by the po-lice and safely landed in the city isl and was afterwards bound over to the district court, where a trial before a jury resulted in his conviction on the charge of murder in the first degree. In the motion for a new trial which was denied by the court today, the attorneys alleged errors of law com-mitted during the trial of the case error in the instructions to the jury mitted during the trial of the case error in the instructions to the juy and that the verdict was contrary to la law and the evidence in the case.

"AMERICANS" AGAINST IT.

Galveston Bills Are Not in Favor Among Them at All.

Frank R. Christensen, secretary of the

board of public works, made a long hi before a hundred or so "Americans" in night, opposing the bills now pending a fore the legislature known as the G veston bills. Mr. Christensen said -present system of city government me better than the one proposed by me measures, and branded the Galveston. petter than the one proposed by as measures, and branded the Gaivestoch, as radical and revolutionary. Army powers, said he, are given to the as commissioners by the bill and man would justry the adoption of such im of government except extraordinary cumstances, which do not exist has of government except extraordinary e-cumstances, which do not exist has Lake. The argument that entrusing he government to the city to a comision would result in prompt attendance is business, the abolishment of delay us red tape in municipal affairs, su al wrong, said the speaker, it would is nothing of the kind. No high clas us city for the salary named in he di Successful business men could actual to leave thier business to attend to affairs off the commission, and a hy opinion, they would not do so Stat a commission would not do so Stat a the salary points at all opinion, they would not do so Stat a the salary points at all opinion, they would not do so Stat a the salary points at all not be competent to proper sort a city. He said that the Contrast at he pared with any city adopting he Gel-veston plan, on account of diret to different the solution of the do-veston plan, on account of diret to the solution. The sneaker took occases the solutions the sneaker took occases the solutions the section pared with any city adopting he Gel-vestin plan, on account of diret of the solutions the attendance is it of delay as affairs, was gi r; it would so high class bar-ng to serve the hed in the ba-could not afford o attend to the adopting the parted with any city aucoung is we veston plan, on account of different co-ditions. The speaker took sceame a party and strenuously resented be hage that the party is corrupt. He said the he regretted the fact that politics s largely enter into city government did not believe the Galveston plan was correct this evil in any manner was

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soever.

"No, indeed." "Is it not true that you went along with him upon the yacht?" "Mamma and I, yes." "Were you made a co-respondent in Mr. Garland's divorce suit?" Mr. Delmas objected. The record, he said, was the best evidence. Mr. Jerome withdrew the question. "Who was present upon the yacht besides your mother, Mr. Garland and yourself?" "No one. The men who worked the "No one. The men who worked the yacht were there." "You went in the yacht almost every Setundre and "No, but we went several times." "This was when you were playing in Florodora.?" "Yes," "Did George Lederer have anything to do with your going into the 'Floro-dora' cast?" "Not that I know of."

BEGINNING OF WINTER. When the matter of transportation was taken up Mr. Thomas declared that the Rio Grande started out in splendid shape to face the winter. Twenty new locomotives were put into commission, but within a very few weeks almost all of these had suffered damage, and 14 were put out of commis-sion. Then the deep snows came and it was hard to buck the snow in getting over the summit, sometimes four en-gines being required to bring over one train in two sections. Mr. Williams on this point testified that if requires over two years to get new engines, and that this point testined that if requires over two years to get new engines, and that the railroad had done everything in its power to get the coal out, had built spurs, sidings and erected platforms. Atty, Allison brought out the fact in cross examination that there are now

ine them. This chance was made much of by Atty. Allison. As to the price secured by the mines, Mr. Thomas testified that it was \$2 for lump coal, \$2 for nut coal, \$1,50 for mine run and \$1,25 for siack. To this is add-ed a rate of \$1.75 in freight to Salt Lake, to secure the figure from which the retailer begins to make profit. That leaves \$1 a ton for the retailer, and 50 cents a ton for the delivery wagon, in figuring the total cost in the citizen's coal bins. The question regarding Evelyn be-coming unruly was allowed to stand, "No," she answered decidedly. "Is it not thus they they they mended coming unruly was allowed to stand. "No," she answered decidedly. "Is it not true that that married man was James A. Garland, and that he was getting a divorce, and that you and your mother frequently quar-reled about him?" "No, indeed." coal bins. As to the general tendency in produc-tion, Mr. Thomas declared that there are now less miners employed than at any time in the last 10 years. In 1903 there were 2,182 coal miners in the state, now there are only 1,895. The produc-tion on the ather hand, has increased by about 20 per cent, due to better methods, electric trams in the mines, and the erection of convenient loading stations. The mule car has disappeared from the principal mines. On this same coal bins

stations. The mule car has disappeared from the principal mines. On this same topic Mr. Williams testified that he could use more miners. They make over \$3.50 per day, but it is hard to hold them. In Ohlo and Pennsylvania they were experiencing the same difficulties he said, as men would not remain at work in one place very long.

BEGINNING OF WINTER.

JEROME DOES NOT SPARE HER. Mr. Jerome by his next few ques- tion indicated that he did not intend to spare the feelings of the young woman in any way. He interrogated her sharply as to the details of her dress when sho was posing for artists in Philadelphia and New York. He persisted in certain questions even after Mr. Delmas had objected and insisted on having defi- nite answers, though Mrs. Thaw usu- ally said she could not exactly te- member. "Was there any exposure of the person, or did you wear the so-called artistic draperies?" "I would not say that," replied the witness. "I would not say that," replied the witness. "I bosed in a Greek dress and Turk- ish costume." Mr. Jerome versisted with questions ms to the exposure of the person and Mrs. Thaw replied: "I nosed with low neck draperies "To based with low neck draperies "Tool a you keep all of Mr. White's letters from What here a single word of imprively or indecency in the letters from What here a single word of imprively or indecency in the letters from What here a single word of imprively or indecency in the letters from What here a single word of imprively or indecency in the letters from What here a word the person and Mrs. Thaw replied: "I nosed with low neck draperies" "And we you a copy of the letter years. "Have you a copy of the letter years. "Have you a copy of the letter years.	made me, and the red cape Stanford White gave me." "How long did you live in Philadel- phia." Mr. Jerome continued as on yesterday to jump from one part of the story to another, keeping as far as possible away from a sequence of events. "I don't remember just how long we lived in Philadelphia." "How old were you then?"	"Examine any while there?" "No." "Didn't you visit the warehouse with snother lawyer?" "Yes." "What was the lawyer's name?" "Warren, I think." "Have you any letters from Stanford White?" "I did have." WHITE'S LETTERS.
dinarity seen in photographers win- dows?". Mr. Delmas objected to this, and i "No."	<text><text><text><text></text></text></text></text>	"Where are Stanford White's let- lers?" "Mr. Hartridge has some of them." Mr. Jerome demanded the production of the letters. Thaw's counsel made no response. "Did you give those letters to Mr. Hartridge?" "No." "Who did?" "Mr. Thaw." "You gave them to your husband?" "Yes." "Was there a single word of impro- priety or indecency in the letters from White to you?" "I don't remember." "Did you keep all of Mr. White's let- ters?" "No." "Have you a copy of the letter you wrote Mr. White from Boulogne?" "No."



These few rainy days don't mean much to the man who knows.

The knows that spring-sunshiny, balmy, verdure-making spring is coming.

He also knows that Hart Schaffner & Marx clothes will be worn by the good dressers this season.



472 SOUTH MAIN STREET.

Mr. Delmas was on his feet instantly. There is nothing in this case that is even an intimation of such a thing. If I have said anything to lead the learned district attorney to believe that I think this unfortunate mother sacrificed her durative I with the sacrificed her this unfortunate mother sacrificed her daughter, I wish to emphatically deny

"In all the troubles you went through," continued Mr. Jerome, "you never thought anything but that your mother showed a lack of judgment?"

"What were in the letters Ted Marks

"I can't remember everything. He said he had seen my picture in the pa-pers and would like to place me on the stage."

stage." She first met Marks at the Grand Opera House at a Sunday night con-cert. She could not remember what Marks talked about, but he sold noth-ing about the stage. She did not re-member how long she was with Marks that Sunday evening. She remembered going to a restaurant with Marks, but did not know whether it was that night or not.

Mr. Jerome asked what Mrs. Neshit thought about her daughter going on

"Mamma said I ought not go out without her. She said the show was all right, but she ought to go along." "At this time did you know Francis Belmont or Edna Goodrich?"

"Or James A. Garland?"

"No." Mr. Jerome next asked about a man named Hoppe or Hopley. He pressed her closely about this man and wanted to know if he had not lived at the same "Not while I lived there," she said positively. "Have you seen him since those days in 1901?" I may have passed him on the street." "I don't mean that way."

SHE STAMPS HER FOOT. "No," said Mrs. Thaw with a stamp of her foot. Mrs. Thaw under questioning went

"Isn't it true that his annoyances caused your mother to get the tele-phone girl to refuse to send up his card?" never heard of it." "Did your mother meet you every evening at the theater?" "Yes, except when Stanford White Did you ever go to Rectors, Burns "I remember going once with mam-ma and another lady." "Did your brother Howard ever go to the heater for you?" "I think he did once when mamma was sick." "Did you go home with him?" "Do you know your brother's writ-

"Ever have any casts made in the

ing?" "Yes." "Js this his signature?" Mr. Jerome showed the witness a document concealing all but the bot-tom of the last page. "Yes, I think it is his signature," repiled Mrs. Thaw. Mrs. Thaw denied that she had ever had a cast made of the nude figure. Mr. Jerome asked if she had been named as a co-respondent in the Gar-land divorce case. Mr. Delmas ob-

land divorce case. Mr. Delmas ob-jected and the question was with-Recess until 2 p. m.



Some very vital information on Utah coal was drawn out from two witnesses before the joint legislative probing committee this morning. Gomer Thomas, state coal mine inspector, testified that there had been very little If any attempt by legitimate independent companies to operate coal mines, and H. G. Williams, general manager of the Utah Fuel company testified that while general commercial prosperity had increased gradually through recent years, that it had taken a tremendous and sudden jump beginning with Jan. 1, 1906, passing all antici-pated bounds, and running away with all precedent. No hope was held out for better coal

all precedent. No hope was held out for better coal conditions next winter. The demand has increased over 400 per cent in southern Utah for coal, and over 100 per cent in Salt Lake since the build-ing of the Garfield smelters. The Utah Fuel company has no hope of increasing its output more than a few thousand tons per year. The government suits bringing into question the title to coal lands, have

The government suits bringing into question the title to coal lands, have retarded development, and make it unlikely that the Utah Fuel company at least will dare to open mines on the questioned property until the suits are determined. It costs from \$500,000 to \$1.000,000 to open up a coal mine on a paying basis, and so far. Gomer Thomas declared, no independent com-panies have been chiefly promotion schemes, and none have done any great extent of development, or have applied for cars and rates. Mr. Thomas went on the stand at 10

more cars, more engines, and more gen-eral facilities than ever before, and that during the recent coal famine the gen-eral superintendent, the general man-ager, the superintendent of traffic, and other officials had given their personal attention to the task of moving coal trains, and had finally created a special office, with a man whose duties were to see that these trains moved, regardless of other traffic. HOW TRAINS ARE MADE UP more cars, more engines, and more ger

HOW TRAINS ARE MADE UP.

Mr. Thomas threw a new light on the charges that coal had been delayed at Helper, and Mounds in long strings of cars. He declared that the coal came to these points in little strings, to be made up into trains there, and that al the coal brought in one day was moved the next day. This led to an erroneous opinion that the cars were delayed there. The grade over the mountain is 20

miles long and from 3 to 4 per cent. Mr. Thomas thought this accounted for the rate, although he thought it was a the rate, although he thought it was a little high. The consumption in Salt Lake last year was 264,533 tons. The demand has increased 100 per cent within the year, while the output has only increased 20 per cent, and it is not capable of much greater increase. There is now an annual output of 1.700,000 tons and the limit is under 2.000,000 tons. Less than 12 per cent of the Rio Grande coal and coke leaves Utah. The total output if consumed here would not supply the market independ-ent of the Rock Springs company. The coal is divided for selling purposes into railroad coal, industrial coal, and do-mestic coal. each class selling on a special tariff.

special tariff. Mr. Williams was asked about a maximum rate, and a railroad commis-sion. He did not favor either, on the grounds that if the rate were dropped on Rio Grande coal, it would drive the Rock Springs product out of this mar-ket, and Utah could not get along with only the one source of supply. The hearing will be continued to-morrow along the same lines. special tariff.

VIOLIN RECITAL.

Congregational Church Packed With Friends of George Skelton's Pupils.

Friends of George Skelton's Pupils. The First Congregational church was packed to the doors last evening, on the occasion of the violin recitial given by the pupils of George Skelton. The youthful violinists all did well; but the bonors of the evening were carried off by Morris Andrews and Miss Helen Hartley, both of whom are playing in the Symphony orchestra. Their efforts were a source of credit to their instructor and themselves. In general, the recent visits to this city of Arthur Hartmann, the noted violinists to unwonted exertions, and within the last few days the performers of last evening, have been differently practicing. A van singing of Mrs. Plumber, with Mr. Skelton and a cellist in obligato.

PATENTS FOR WESTERNERS.

ent today at all. According to the evidence in the case Voss, who was a leading colored poli-tician, had upbraided Day because of his assault on an old colored man on the day before the shooting. Day se-cured a revolver at a pawnshop, after trying at several places to borrow one, and went into a room on Franklin avenue where Voss was talking to two colored people, and, without a word of warning, shot him dead. He had a close call from being lynched by a crowd of colored people who chased af-

DIED. ROBINSON-At Roy, Weber cont. Utah, Feb. 18, 1907, of heart faller. Thora Lavon, daughter of Willam A. and Esther Diana Baker Rotins, Born June 30, 1906.

CROWTHER-James Earl, son of Se herd and Mary Ann Glen Crowther membraneous croup, aged 10 mem Funeral private. Interment in a cematery today.

