

IN THE HANDS OF THE PROSECUTOR

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 "Florinda" 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 cross-examination at the original 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 in his accustomed chair, and patted him affectionately on 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 rail and seated himself beside the witness box.

CROSS-EXAMINATION BEGINS.

When Mrs. Thaw saw him she smiled faintly and turned her eyes to the district attorney, who stood before her. The district attorney began by showing Mrs. Thaw a photograph of herself taken in a kimono, and asked if she could recall the date of the picture.

"I think it was taken in 1904."

"Where did you live after your return from Europe in 1904 until the time of your marriage?"

Mrs. Thaw gave eight or nine addresses.

"Was the defendant present when this photograph in a kimono was taken?"

"No."

"Did not he take the kimono to the studio that day?"

"I don't think so."

"Did not the defendant give you the kimono?"

"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?"

"Florinda."

"Was this a Florinda costume?"

"No. It was the red dress my mother made me, and the red cape Stanford White gave me."

"How long did you live in Philadelphia?"

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?"

"Fourteen."

JEROME DOES NOT SPARE HER.

Mr. Jerome by his next few questions 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 she was posing for artists in Philadelphia and New York. He persisted in certain questions even after Mr. Delmas had objected and insisted on having definite answers, though Mrs. Thaw usually said she could not exactly remember.

"Was there any exposure of the person, or did you wear the so-called artistic draperies?"

"I posed with low neck draperies after I was upon the stage."

"The pictures were like those ordinarily seen in photographs windows?"

Mr. Delmas objected to this, and

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Mr. Jerome withdrew the question. 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 began 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 letters.

Dr. B. D. Evans, the assistant, 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, between Fifth and Sixth avenues."

FIRST THEATRICAL EMPLOYMENT.

"What was your first theatrical employment?"

"With the 'Florinda' company."

"And you contributed to the family support?"

"Didn't you take a photograph of yourself to the Broadway magazine for publication?"

"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 house for more pictures?"

"Yes."

"Did you become acquainted with Ted Marks?"

"Yes."

"Did not he take the kimono to the studio that day?"

"I don't think so."

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"How many letters did you give Mr. Thaw?"

"Fourteen."

She testified that she gave the 14 letters to Mr. Thaw in Paris in 1903. Afterwards 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 he was abroad in 1903 and were 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 contents?"

"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 skillfully at times, keeping her wits well about her.

Mr. Jerome spent an hour or more on the subject of White's letters, Mrs. Thaw declaring that the 14 letters which were turned over to Mr. Hartbridge were the only ones she positively knew were in existence.

When Mr. Jerome would ask occasionally a very pointed question evidently for the purpose of tripping up the witness, Mrs. Thaw would reply with an emphatic nod of her head.

"I didn't say that."

Mr. Hartbridge's hands are the only ones in existence."

"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?"

"I don't say that."

"You said some were in a trunk in Paris."

"I said they might be."

"Did not you retain some letters?"

"I don't know that I did."

"Thaw was pressing you all the time to give him all the details of this affair with Stanford White, wasn't he?"

"No."

"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 became unconscious?"

"I don't think so."

"Was it before daylight?"

"Yes, before daylight," replied Mrs. 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?"

"I think it was in 1900 or early in 1901 in New York."

"You received letters from him?"

"Yes."

"Up to that time your relations with your mother were friendly?"

"Yes."

RELATIONS WITH HER MOTHER.

"There was nothing to show your mother was willing to sacrifice you for a pecuniary consideration?"

"No."

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 daughter, I wish to emphatically deny it."

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

"No."

"What were in the letters Ted Marks wrote you?"

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

She first met Marks at the Grand Opera House at a Sunday night concert. She could not remember what Marks talked about, but he said nothing about the stage. She did not remember 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. Nesbit thought about her daughter going on the stage.

Mamma said I ought not to 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?"

"No."

"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 house with her.

"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.

Mr. Thaw under questioning went

through the story of her visit to the office of Mr. Fisher, a theatrical manager. They had a letter from Jack Fisher. It was on this occasion that Fisher said he was not running a "baby farm."

He finally agreed to take Miss Nesbit.

"How long did you play in Florida?"

"After several weeks in the chorus I went into the cast. Late in July I went with the Gelsia."

"Your mother came for you every night?"

"Yes, until I met Stanford White."

"Who introduced you to White?"

INTRODUCED HER TO WHITE.

"Edna Goodrich."

"Where did you meet Miss Goodrich?"

"At the theater, in 'Florinda'."

"You and she were friends?"

"Yes."

"Did you see very much of her?"

"Not much."

"When Edna Goodrich introduced you to Stanford White, was that the first time you had been anywhere with her?"

"Yes."

"During the time you were in the Florida company had you ever been out?"

"Yes."

"With whom?"

"With mamma and Mr. Garland."

"Where did you meet Mr. Garland?"

"At the boarding house on Forty-eighth street."

"Did you ever write any letters to him?"

"I don't remember. I might."

"Your mother was not pleased with Mr. Garland's attentions to you?"

"Yes."

"You had no quarrel with your mother about him?"

"No."

"Was a married man?"

"Yes."

"You went yachting with him?"

"Yes, mamma and I went on Saturdays."

HER MAMMA WAS PLEASED.

"Your mother was not pleased with that?"

"Oh, yes, but she was seashell."

"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 marriage was proposed?"

If the district attorney wants the mother's testimony in his case, he should produce her upon the stand," he said.

"I'd like to, but that is impossible. You know where she is," said Mr. Jerome.

The question regarding Evelyn becoming 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 quarreled about him?"

"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.

Mr. Delmas was present upon the yacht besides your mother, Mr. Garland and yourself?"

"No one. The men who worked the yacht were there."

"Did you not go on the yacht almost every Saturday?"

"No, but we went several times."

"This was when you were playing in 'Florinda'?"

"Did George Lederer have anything to do with your going into the 'Florinda'?"

"Not that I know of."

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

"Never."

"Ever have any casts made in the nude?"

"No."

"Do you know Mr. Wells, a sculptor?"

"No."

"How long did you know Mr. Garland?"

"Not long."

"When did your acquaintance with him cease?"

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

"No."

"Isn't it true that his annoyances caused your mother to get the telephone card to refuse to send up his card?"

"I never heard of it."

"Did your mother meet you every evening at the theater?"

"Yes, except when Stanford White came."

"Did you ever go to Rectors, Burns or Jacks to supper?"

"I remember going once with mamma and another lady."

"Did you not go to the hotel where you lived at a certain apartment house?"

"I think he did once when mamma was sick."

"Did you go home with him?"

"No."

"Do you know your brother's writing?"

"Yes."

"Is this his signature?"

Mr. Jerome showed the witness a document concealing all but the bottom of the last page.

"Yes, I think it is his signature."

Replied 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 Garland divorce case. Mr. Delmas objected and the question was withdrawn.

Recess until 2 p. m.

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o'clock, and Mr. Williams at 11:30. Following their testimony a recess was taken until 10 o'clock on Thursday, when more witnesses will be summoned to talk on coal matters.

COST OF COAL

The first matter taken up this morning was the cost of coal. Mr. Thomas said that the average cost in Utah on board cars for transportation to Salt Lake, was \$1.18. The miner at Sunnyside gets 55 cents a ton, it costs 35 cents for material, and 10 cents for haulage to the railroad. These figures vary in different mines enough to make a total average of \$1.18. General Manager Williams testified that the cost in his district averaged \$1.25 per ton. He denied that the rate from Castle Gate to Salt Lake happens to be the same as that from Rock 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 Mr. Harry L. Williams, representing the two big railroads, were given a free opportunity to cross examine 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 freight. To this is added 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 \$1 a ton for the delivery wagon, in figuring the total cost in the citizen's coal bins.

As to the general tendency in production, Mr. Thomas declared that there are now less miners employed than at any time in the last 10 years. In 1903 there were 2,132 coal miners in the state, now there are only 1,855. The productivity of the coal has increased by about 20 per cent, due to better methods, electric trams in the mines, and the erection of convenient loading stations.

Mr. Williams testified that he could use more miners. They make over 100 per cent profit