

MRS. THAW CROSS-EXAMINED

District Attorney Finds Way to Possibly Discredit Her Testimony.

QUESTIONS ASKED CONCERNING HER LIFE

Court Rules That They Are Proper as Tending to Test Credibility of Witness—Fits Between Attorneys.

NEW YORK, Feb. 19.—Mrs. Evelyn Nesbit Thaw today entered on the ordeal of her cross-examination, and before District Attorney Jerome had had the witness in charge for an hour he had secured from the court a ruling which apparently opens the way for bringing into the trial of Harry K. Thaw's manner, and the evidence which may tend to discredit the defendant's wife. Heretofore it has been held that the rules of evidence protected young Mrs. Thaw and that regardless of whether her story was true or false, the fact that she had told her husband was the one essential point. Mrs. Thaw had been allowed to repeat the story so that the jury might judge as to its effects in unbalancing the mind of the man on trial for murder of Stanford White. Mr. Jerome, by a simple question, opened the way for the introduction of testimony tending to show the truth or falsity of Mrs. Thaw's story. He asked the witness: "Was the story you told Mr. Thaw true?"

"It was," she replied firmly. Mr. Delmas, Thaw's leading counsel, objected strongly to the question, but Justice Fitzgerald held it to be competent as tending to show the credibility of the witness. Whether Mr. Jerome intends to take advantage of the ruling in an attempt to throw doubt on the truth of the story or whether Justice Fitzgerald intended his ruling to cover the whole subject of Mrs. Thaw's evidence the future conduct of the case alone can determine. Mr. Delmas will continue to fight with constant objection the introduction of any testimony of the events in the young woman's life, but the subject of the credibility of a witness is a wide one, and Justice Fitzgerald early today indicated that he would be liberal in his interpretation of the rules.

He allowed Mr. Jerome to secure from Mrs. J. J. Caine of Boston, a friend of Mrs. Thaw, who took the witness stand during the morning session, many material points as to the movements of Harry Thaw and Evelyn Nesbit following their return from Europe in 1904, including the published incident of their being ejected from the Hotel Cumberland in this city, the proprietor insisting that they should register as man and wife or leave their suites which they had just occupied. Mr. Jerome denied that he was attacking Mrs. Thaw's testimony, but merely taking the credibility of Mrs. Caine.

Jerome Asks for Time. The district attorney seemed reluctant to begin the cross examination of Mrs. Thaw today, desiring to have the matter postponed until Thursday morning, in order that he might determine whether or not a further examination of the witness was necessary.

"After I have looked further into the matter I may decide not to cross examine Mrs. Thaw," Mr. Jerome stated to the court. "If I waive my right, if when all testimony as to the insanity of the defendant is in I shall be honest of the opinion that he was insane at the time this act was committed I do not propose to take up the time of this court and this jury in contending—"

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

"I promise nothing," retorted the prosecutor. A wordy conflict ensued during which Mr. Jerome hinted at broken confidence and evasion of stipulations. He declared he did not wish to humiliate the witness with a cross examination which he might deem unnecessary.

"However, if I am forced to do it I will," said Mr. Jerome, with something of a menace in his tone. "You may proceed," replied Mr. Delmas.

Mrs. Thaw Cross-Examined. Mrs. Thaw moved a bit nervously, and awaited Mr. Jerome's opening questions. They had to do with her signatures to certain papers, some of which the prosecutor declared were receipts for money Mrs. Thaw had drawn from the Mercantile Trust company in 1902, \$5 a week. Mr. Delmas protested against these statements and noted an exception. Mrs. Thaw said she was not sure that all of the signatures were her own—they looked very much like her writing, she added. Who provided the money at the Mercantile Trust company was not developed. Mrs. Thaw's confidence grew as the cross examination went on and she was always ready with answers. Mr. Jerome under the plea of testing her credibility was allowed to ask many pertinent questions. He wanted to know when she first heard that her husband had been named as a co-respondent in the George W. Lederer divorce case.

Mr. Delmas quickly protested. Mrs. Thaw whispered something in his ear and the attorney withdrew his objection. "I read of it in the newspapers," said the witness cheerily when Mr. Jerome repeated the question.

The prosecutor sought to show that Mrs. Thaw had gone to Abraham Hummel for advice with regard to the divorce proceedings, but was halted by an objection from Mr. Delmas, which the court sustained. Justice Fitzgerald said the question had nothing to do with Mrs. Thaw's story to her husband and did not affect her credibility. Mr. Jerome brought out that Mrs. Thaw had written to Stanford White from Honolulu after Thaw had proposed to her in Paris.

"Did you also cable Mr. White?" he asked. The witness could not remember. The cross-examination had barely gotten into full swing when adjournment for the day was ordered.

Humor of Insane Commission.

Mrs. Thaw will resume the stand tomorrow morning and the indications are that she may be kept there throughout the day. The district attorney's reluctance to submit Mrs. Thaw to a cross-examination again led to rumors that Mr. Jerome still contemplates moving for the appointment of a commission in lunacy to test Thaw's present state of mind. Now that he has entered on the cross-examination he seems determined to make it a thorough one. There were evidences during the afternoon of ill feeling between Mr. Jerome and Mr. Delmas. The latter intends to protect Mrs. Thaw in every possible way. He moved from his accustomed place at Thaw's counsel table to a chair within the rail where the district attorney sits and directly in front of Justice Fitzgerald.

Mr. Jerome informed Mr. Delmas that it was not courteous in New York to interrupt an answer to the question by an objection. Mr. Delmas later was objecting to a question put by the prosecutor when Mr. Jerome interrupted. Mr. Delmas turned and with great sarcasm remarked: "I have been told it is not courteous in New York to interrupt when an objection is being stated."

Mr. Jerome sat down. Mrs. Thaw's cross-examination promises a duel between the two attorneys, as well as between Mr. Jerome and the wife of the defendant. This seemed to be in a cheerful frame of mind today, especially when Mr. Delmas was insisting that the cross-examination of his wife should proceed. The young man grew more sober-faced after Mr. Jerome had begun to ply his questions in a way that indicated a reliance on the facts of Mrs. Thaw's past. Mr. Jerome did not even forget the incident of the cat and the conductor who wanted to put it off the train. Mrs. Thaw testified that she told her husband of this incident in her early life.

Mr. Jerome asked her regarding the fact of eating chocolate eclairs at her first dinner with Stanford White. "It was not dinner," pouted the witness, "it was supper."

Other Victims of White. In completing her direct testimony Mrs. Thaw had told of the conversation she and her husband had regarding the fate of other young women at the hands of Stanford White. One of these girls was known as "The Pie Girl." She was 15 years old and wore only a gauze dress when she sprang from a big pile at a stag dinner at the Hotel Marlborough. Mr. Jerome asked her regarding the fact that Stanford White, when told she and Harry were very happy together, had remarked: "Pooh, it won't last. I will get her back."

Harry Thaw's letter to Anthony Comstock describing three houses where he believed White had "underground" lured girls was read. Among the places described was the house in West Twenty-fourth street, where the velvet swing and the mirrored bedroom were located.

Mrs. Thaw identified forty-two letters which she said were in the handwriting of Stanford White. They were not offered in evidence, but Mr. Delmas attempted to get them into the case.

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WEDNESDAY AFTERNOON, 2. Paper, "Twenty-seven Years in One Of." Editor, Gray. Editor, W. O. Edgcomb, Nebraska Farmer. Discussion: Maddenism. Editor, Gray. Editor, W. O. Edgcomb, Nebraska Farmer.

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