

# Court Stops, for Present, Stories Involving Stanford White Which It Is Alleged Were Told Thaw and Drove Him to Kill Architect

statements made by Thaw to his wife. The court also cautioned Mr. De-  
mas that many of his questions were too leading.

"Your Honor," replied the prisoner's chief attorney, "in that case it  
will be necessary for me to frame a different line of examination for the  
witness now on the stand and likewise to introduce more expert evidence  
before continuing with her examination. Therefore, Your Honor, I will  
have to beg for a recess in order to consult my associates and get my wit-  
nesses together."

The District-Attorney was agreeable to an adjournment, and a recess  
was taken until 2 o'clock.

Evelyn Thaw left the stand, still pointing and evidently bewildered by  
the mass of technical arguments that had gone on about her. The pris-  
oner had been biting his nails nervously, and when he got up to leave the  
tribunal he was still chewing his fingers.

It was stated in the court-room after the question concerning the  
famous "pic dinner" was ruled out that this bacchanalian feast had been  
given by "Jimmy" Brees, one of Stanford White's society pals. White was  
one of the others who witnessed the spectacle of a girl breaking through  
the pie crust. It is stated on authority that the girl was a Miss Johnson,  
and that she met the same fate at White's hands that formed the crux of  
Mrs. Thaw's testimony last Thursday. The girl is dead.

A new witness who is expected to give sensational evidence for the  
prosecution has been found and subpoenaed. She is Miss Susan Merrill,  
who at one time ran a boarding-house at No. 208 West Fifty-fourth street.

## Thaw's Will the Issue at Morning Session.

The first witness called when the Thaw trial was resumed to-day was  
John D. Lyons, of Pittsburg, a banker. He testified that he received the  
package containing the defendant's will from Thaw and had kept it con-  
tinuously until he turned it over to Mr. Gleason, the slayer's attorney.

The District-Attorney objected to the testimony of the witness, where-  
upon Mr. Delmas argued that through the banker's evidence it could be  
proven that the defendant's will was in existence before the killing of  
Stanford White.

Justice Fitzgerald interrupted and said that, as he understood it, Mr.  
Jerome contended that, as no evidence so far had been introduced to es-  
tablish the unsoundness of the prisoner's mind, the will would not be ad-  
missible for this purpose. The will could not establish the fact of insanity,  
but when evidence of mental incapacity had gone on record the document  
could go in for the purpose of corroboration. Therefore, said the Court, he  
was inclined to sustain the prosecutor.

To this, Thaw's chief counsel replied that, in his opinion, testimony  
had already been presented as proof of the defendant's mental weakness  
both by expert testimony and by suggestion in the testimony of Evelyn  
Thaw.

The expert evidence referred to was the testimony of Dr. Charles H.  
Wheeler.

Mr. Delmas ran on to say that he had an abundance of expert evidence  
in reserve and would produce it at what he considered a time more fit  
for its introduction than at the present stage of the proceedings.

The District-Attorney replied that he did not consider that the testi-  
mony from the lips of Evelyn Thaw was good proof or even a good basis  
of proof of the insanity alleged. Mr. Jerome considered both the will and  
the story of Mrs. Thaw as evidence of a cumulative character that should  
not be spread upon the records. A witness conceded to be an expert had  
testified to the establishment of the insanity alleged.

## JEROME WITHDRAWS OBJECTION.

The arguments over the technical admissibility of the will as evidence  
continued in a three-cornered debate between the Justice, the prosecutor  
and the counsel for the defense, until finally Mr. Jerome whispered to Mr.  
Delmas that he withdrew his objection and the examination of the witness  
could proceed.

Mr. Lyons was then allowed to say that he had known Harry Thaw  
since his majority. (He is now thirty-six.) Some time prior to April 1,  
1906, the young Mr. M'Loatire had handed to him an envelope containing his  
last will and testament. The witness had long been familiar with young  
Thaw's handwriting. He now identified the prisoner's writing on the  
will. The banker had put the will in a safe-deposit vault, where it re-  
mained until last November, and he had turned it over to his stenographer,  
who gave the document to Mr. Gleason.

To all this Thaw had listened with his big, glass, marble eyes set in a  
self-hypnotized stare. Occasionally, the glazed eyes ran over the court-  
room in a caustic unseeing stare—a stare that might have belonged to a  
wax figure in the Eden Musee. Once he glanced back to the seat behind  
him, as if hoping to see his sisters, the Countess of Yarmouth and Mrs.  
George L. Carnegie, or some of the others of his kith and kin. None of  
them was there; alien faces stared at him from the double row of chairs.  
Not one of his own blood had come to listen to the dragging technicalities,  
although his mother and wife sat patiently in a witness-room out of sight  
and hearing.

So for the sake of physical contact with some friendly presence the  
prisoner nestled closer to Dr. Evans, the mental expert, and Peabody,  
the lawyer, sometimes gnawing at his blunted nails, sometimes staring at his  
long bony fingers as if he had never seen them before.

## THAW'S ALIENISTS THERE.

Besides Evans, Thaw's two other alienists, Wagner and Hammond, were  
in their accustomed places flanking the prisoner's end of the counsel table.  
For the first time since the trial began, McDonald, Flint and Marie,  
Jerome's three experts, were not in their chairs within the railing. They  
had gone upstairs to testify in the case of the Syrian who cut up his  
brother in the "House of Trouble." Always, heretofore, they had sat hour  
after hour, impassive, cold-blooded and scientific, holding a little steno-  
graphic of their own on Harry Thaw's physical characteristics as viewed from  
halfway across the court chamber. It was one of these alienists for the  
State who had declared Evelyn Thaw was acting a part when she left the  
stand on Thursday with the look in her face of one who had been dragged  
through the nethermost pit.

The little lawyer from Frisco had kept pushing the District-Attorney  
out of his path during the examination of the banker. Twice when Jerome  
objected to the line of questioning, Delmas, with a temper as sweet as maple  
drip and a voice like clover honey, made answers that caught his opponent  
so effectively that Jerome had nothing with which to come back.

The District-Attorney asked Mr. Lyons if he had in his possession any  
letters of the prisoner. There were some, the witness thought, in his bank  
at Pittsburg. The prosecutor said he wanted the letters to produce them  
in evidence of the health or ill-health of the defendant's mind.

Mr. Delmas objected that he had not questioned the banker concerning  
his client's sanity.

## LETTERS MAY PROVE HIM CRAZY.

"In my cross-examination of the witness," said the people's counsel,  
"I want to find out as far as he can enlighten us whether or not the defen-  
dant is crazy. The letters he has may help us."

Thaw's attorney did not object to the production of the correspondence,  
and Mr. Lyons was instructed to send the letters to New York immediately  
upon his return to Pittsburg. The banker was thereupon excused.

John H. Gleason, the famous "bridge whist" attorney, who is now the  
tail of the Thaw kite of lawyers, was requested to step on the stand.  
He swore that the will in issue had been delivered to him by Mr.  
Lyons's stenographer.

Mr. Gleason further identified the will as the same which he had  
taken from two sealed envelopes on Dec. 11, 1906. He testified that the  
outer wrappers were tightly fastened at the time. He said the papers had  
been in his possession ever since, until he turned them over to the  
court officers as exhibits in the case.

He recognized the signature of one of the subscribing wit-  
nesses to the will in Pittsburg and picked out various interjections in  
his own handwriting.

## Alienist on Stand at Afternoon Session.

Dr. Charles G. Wagner, the alienist, was the first witness of the after-  
noon to be called by Mr. Delmas. The day of the experts was beginning  
at last.

Dr. Wagner, a handsome, steady-eyed, square-jawed man of forty-five,  
said he lived in Binghamton. He made his answers in a full, clear voice,  
speaking emphatically.

"I am the superintendent of the State Asylum at Binghamton. On an  
average there are 1,400 patients under my care. I have been connected with  
that asylum since 1892. In addition I have visited many asylums in this  
and other countries. I have lectured on insanity at Cornell University for  
five years. I am familiar with the literature on the subject of mental dis-  
orders. I have testified as an expert in various trials in this State, having  
been called officially by the Governor of New York to examine men under  
sentence of death in Sing Sing.

"When did you first meet Harry K. Thaw?"  
"On August 21 of last year in the Tombs prison. I saw him last in  
prison on Oct. 6. In the meanwhile I visited him several times and  
examined his mental and physical condition."

## THAW WAS SUSPICIOUS.

"What did you observe his condition to be?"  
"On the first visit I talked with him in a general way, but made no  
general observations. I noticed that he was nervous and suspicious. He  
seemed fearful of being declared insane and sent to an asylum. On a  
second visit, which was on September 19, as I distinctly remember, I went  
to the Tombs with Dr. Evans and two of Mr. Thaw's lawyers, Mr. Hartridge  
and Mr. Gleason."

"Did you talk with Mr. Thaw on your second visit to the prison?"  
"I did not. Mr. Delmas after a brisk dispute with Jerome. These little tiffs oc-  
curred to-day on an average of every three minutes."

"Yes," said the big, brassy witness, "I tried to talk with him when  
suddenly he turned on his heel and left the room very abruptly."  
"What was the cause of his sudden departure?"  
"Something that was said to him."

"If I understand," said Mr. Delmas, "the Justice ruled that you cannot  
even state what Mr. Thaw said on that occasion?"  
"No, no," protested Mr. Jerome, getting on his feet with one of those  
feline jumps of his. "The record doesn't show any such thing."

## JUSTICE FITZGERALD RUFFLED.

"I cannot help what comes out," snapped Justice Fitzgerald, with  
a sharp look at the biased and placid Delmas, "the Court only knows what  
the Court itself has ruled. The record will speak for itself."  
Mr. Delmas's ignorance of the common forms of procedure in the State  
courts of New York, whether real or pretended, had the effect of keeping  
Jerome constantly on edge. Occasionally His Honor also showed an effren-  
ent state of temper.

From the time Dr. Wagner took the stand, Thaw had been huddled in  
his seat with his eyes down and his sullen face flushed, like an overgrown  
schoolboy caught at some forbidden prank. Now at the clash of battle  
between the skirmishing lawyers, he raised his head with a sheepishness  
which accentuated the look of a lubberly lad, which he often wears.

## DELMAS IN DEEP WATER.

Mr. Delmas said he was merely seeking to find out the condition of  
Mr. Thaw's mind at the time of his examination, and had not, as the Dis-  
trict-Attorney assumed, maintained that the defendant was sane or insane.  
Thaw's counsel wanted merely an opinion based on Dr. Wagner's observa-  
tion on the fact of sanity or insanity and not an opinion on the quality of  
sanity or insanity.

Justice Fitzgerald interrupted. He said that he understood the defense  
to contend that the prisoner was insane when the murder was committed.  
Therefore, in his mind, the Court did not consider it pertinent to establish  
the condition of Thaw's mind after the tragedy at the time the witness  
examined him.

Mr. Delmas answered that by Dr. Wagner he wished merely to show  
what Thaw's mental condition was when Dr. Wagner talked with him.  
"Then," said Mr. Delmas, "I shall ask the witness for a scientific  
opinion on what he believed was the health of the prisoner's mind at the  
time of the shooting."

## JEROME VS. JEROME.

Finally Mr. Delmas took from Mr. Jerome an authority he (the Dis-  
trict-Attorney) had quoted in the course of his objections, and interposed  
the ruling in such a manner as to turn Mr. Jerome's point against the Dis-  
trict-Attorney himself.

The little Californian made a splendid impression by the clarity and  
simplicity of his argument, and so far as time was shattered the fabric  
of the prosecutor's logic a laugh rippled through the court-room, indicat-  
ing where the sympathy of the assemblage lay. The District-Attorney was  
using every advantage of almost microscopic legal technicality to block the  
evidence of the defense.

Mr. Delmas was at last permitted to go ahead with his examination  
in a friendly way he had succeeded in watering the District-Attor-  
ney pretty effectually.

## THE ALIENIST'S OBSERVATIONS.

"What did you observe on the second visit?" asked Delmas.  
"Hold on," said the Judge. "My witness, you are not to say what was  
said, but what you saw. Do you understand the meaning of the word 'ob-  
serve'?"  
"I think so," said the keen-looking alienist, politely. "I observed that  
Mr. Thaw abruptly departed," he continued, answering Delmas's last ques-  
tion.

"What was said by Thaw, always omitting anything he may have said  
relative to his condition, relative to his state of mind at the time of the  
shooting?" persisted Delmas.  
"Object," said Jerome.

"Objection sustained," said the Judge.  
"We will stand by the question and will except to the ruling," chafed  
Delmas, still showing no heat. "I will pass along to the next visit. What  
did you observe in my client on the third visit?"

"I saw him this time in a room where a good light could fall upon him  
and his face," Dr. Evans assisted me in the examination, which was held  
along the lines of certain questions and answers. There was no physical  
examination at that time."  
"When did you next see him?"  
"On September 25th—several days later. On that occasion, for the first  
time, we took up the physical side of the inquiry. We examined the shape  
of his head, the contour of his head, the condition of his lungs, the condi-  
tion of the reflexes, the strength of his hands and by other customary tests,  
the whole lasting for over an hour."

## HIS OPINION IS BARRED.

The alienist admitted that his opinion, was in part based on things  
that were said to him in the Tombs—statements made by Thaw and others  
concerning the prisoner's mode of living and habits in the prison.  
Then, because of Mr. Jerome's objection, Thaw's counsel withdrew the  
question and pursued a different line.

"Doctor," resumed Mr. Delmas, "I will not put to you a hypothetical  
question based upon what you have heard and not upon what was said to  
you in any of your visits to the Tombs."  
But before framing the question Mr. Delmas asked for a five minutes'  
recess in order that the close, foul air of the room might be purified.  
"I heartily agree with the suggestion," said His Honor.

The Court then ordered a five minutes' recess to ventilate the room.  
The jury, the court, the defendant and the attorneys left the room, where  
the air had become oppressive.

## Women Are Barred from the Court To-Day

Terrible indeed was the disappointment encountered by the female  
railbirds who assembled at the Criminal Courts Building to-day to secure  
admission to the Thaw trial. They encountered two insuperable obstacles.  
One was a new rule, promulgated by Capt. Ricketts, of the Court Squad,  
barring all women except newspaper reporters and the members of Harry  
Thaw's family. The other was Sergt. Barney Kelleher, who was born to be  
a diplomat, but went on the police force because there is more money  
in it.

There was no particular difficulty in spotting one of the female railbirds.  
The women who attend criminal trials in order to hear the testimony and

gloat over the witnesses invariably array themselves in apparel that can be  
heard as well as seen. A woman wearing a green gown, a yellow bonnet  
with purple feathers and a sufficient quantity of diamonds to fill a plug hat  
is on her way to the Thaw trial if she is discovered within five blocks in  
any direction of the Criminal Courts Building.

## STERED TO THE BASEMENT.

Such as these were gently but firmly stopped at the entrance to-day  
and informed that they would not be allowed to enter the room where  
Harry Thaw is on trial. By judicious placing of his men Sergt. Kelleher  
managed to force all these women to the basement. They didn't know  
where they were going, and when they finally landed in the gloomy re-  
cesses at the bottom of the elevator shafts they were surprised and in-  
dignant.

Possibly two hundred of them were assembled there when court opened.  
Their shrill notes of protest could be heard to the roof. In solid ranks they  
charged the stairways leading to the main floor, but they couldn't get above  
the first step.

Some of the elderly women wept in their angry disappointment. The  
few young women climbed up on the bootblack stands and had their shoes  
polished. Next to Justice Fitzgerald's court-room the basement of the  
building was the most interesting section within the four walls.

## THAW IN GOOD SPIRITS.

Thaw was in good shape to-day. The rest of Saturday and Sunday was  
benedictal. While taking his regular exercise in the corridor he passed  
some joking remarks to Rafaelo Casco, who was sentenced to the electric  
chair three years ago, spent over two years in the Sing Sing death-house,  
and then got a new trial. Casco occupies the cell next to that assigned  
to Thaw in Murderers' Row. His English vocabulary is limited. For this  
reason Thaw talks to him. Casco cannot talk back.

Capt. Lynch, who has had charge of the court attendants guarding the  
jury, received word yesterday that his wife had sustained a paralytic stroke.  
Her condition is serious. Capt. Ricketts was shifted from the Appellate  
Division to take the place of Capt. Lynch.

All the jurors reported that they were in fine health and spirits for  
the beginning of the week to-day. Wilbur Steele, who suffered from a cold  
yesterday, broke up his ailment over night and walked down to the Criminal  
Courts Building from the Broadway Central Hotel with his eleven mates.

## MRS. THAW ESCAPES THE MOB.

In anti-lynch honor of Evelyn Nesbit Thaw's ordeal on cross-examina-  
tion, Lawyer Delmas met her by appointment at 8 o'clock at the Hotel Lor-  
raine to-day and had a long talk with her. They rode together from the  
hotel to the Criminal Courts Building in an electric cab and en-tered the  
courtroom from the W. H. street side. Because of the excellent police ar-  
rangements there they were not bothered by the crowds.

May McKenzie and Mrs. J. J. Caine, who rode from the hotel to the  
Criminal Courts Building in the same cab, were not so fortunate. They  
entered the court-house from the Franklin street side, where there was no  
police guard. In the basement they ran into a mob of women who had  
been barred from the court-room.

"There she is. There's Evelyn!" screamed half a dozen of the female  
railbirds.  
Mrs. Caine was rushed off her feet. May McKenzie retained her self-  
possession and managed to convince the sensation-seeking women closest  
to her that Mrs. Caine was not Mrs. Thaw. Half a dozen policemen ran  
to the assistance of the two witnesses and escorted them upstairs.

There was the usual matinee stampede for admission to the after-  
noon session, with Officer Owens still holding down the job of bouncer. Though  
Chief Ricketts, of the Supreme Court squad, commanded Owens to soften  
his method of throttling and abusing those who had business in the tribu-  
nal the zealous young man was as strenuous as ever. He joined a Rochester  
clergyman who had to collect matter for a Purify society of his home town  
so that the slender minister collapsed in a half swoon.

Owens was only obsequious when a pass of Clerk E. F. Carroll, of Gen-  
eral Sessions, was flashed in his eye. Even the passes of the Assistant Dis-  
trict-Attorneys did not go with him. The deputy prosecutors had to insti-  
tute their friends through locked passages leading through the Justice's  
chambers. Plain-clothes policemen with no concern whatever in the pro-  
ceedings were passed in gentry by this discriminating Corberrus, and so were  
a score of petty politicians of his own bailiwick. Owens caught by the  
neck and slung against the wall a friend of Dan O'Reilly, one of Thaw's  
counsel. He treated an attache of the Mayor's office who wished to see Mr.  
Jerome on a matter of the city's business in the same manner.

George Lauder Carnegie, brother-in-law of Harry Thaw, the defendant,  
was held up at the door by Owens, and when the former attempted to  
identify himself Owens said: "I don't care a damn who you are." Dan  
O'Reilly, one of the prisoner's counsel, was summoned from the court-room  
and he took Mr. Carnegie through a private entrance to the court-room.

## SEE LATER EDITION FOR COMPLETE TESTIMONY OF MRS. HARRY THAW.

WASHINGTON, Feb. 11.—The following statement was given out at the  
White House to-day:  
"The President has communicated with Postmaster-General Cortelyou  
to know whether it is feasible to bar from the mails the papers that give  
the full disgusting particulars of the Thaw case."  
"He does not know whether it is feasible, but if it is he wishes it done."  
Postmaster-General Cortelyou has received the letter from President  
Roosevelt, but he declines to discuss the matter or to indicate what, if any,  
action will be taken by the Department. The President's letter will be re-  
ferred to Assistant Attorney-General Goodwin for the Post-Office Depart-  
ment for a legal opinion. It is expected that the legal division of the  
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## Roosevelt Would Bar Thaw Trial from Mails

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taken by the Department it will be done soon."

## GIRL ON RAMPAGE IN BELLEVUE WARD.

Victim of Epilepsy Smashed Windows When Sent to Alcoholic Section.

Annie Powell, a rosy-cheeked, black-haired girl of nineteen, was arraigned  
before Magistrate Moss in Yorkville Court to-day, charged with breaking  
windows in Bellevue Hospital. Police-  
man Griffith, on duty at the hospital,  
said that Annie came there as a patient  
last week and that yesterday she broke  
loose with a bed slat and terrorized  
three wards before he could stop her  
glass-smashing career.

"Just couldn't help it, Judge," said  
Annie, who talks with a pronounced  
accent. She comes from St. Augustine,  
Fla. "They put me in the insane ward  
and then they put me in the alcohol  
ward, 'an' ah never took a drink in  
mah life. Mah trouble's epilepsy."

Miss Smith, the probationary officer,  
here went out the girl's explanation.  
She recollected that eight months ago  
the girl was taken into Yorkville Court  
charged with attempted suicide. She  
was discharged then when it was learn-  
ed that she had been in the North only  
a few months and had lost her job as  
a servant because of epilepsy. Miss  
Smith secured a place for her with a  
family in Flushing, where she remained  
until last week, when she felt an epilep-  
tic attack approaching and got a  
few days' absence to go to the hospital.  
Magistrate Moss placed her in the  
care of Miss Smith, who will arrange  
for the girl, who is an orphan, to re-  
turn to friends in St. Augustine.

## KING CARNIVAL IS NEW ORLEANS RULER.

NEW ORLEANS, La., Feb. 11.—King  
Rex of the Mardi Gras Carnival, ar-  
rived at New Orleans to-day in a pretty  
naval procession up the Mississippi  
River. The King's yacht was the naval  
reserve vessel Strangler.

The procession included the United  
States revenue cutter Winnet, the  
United States tender Oleaner, Mag-  
dalena and Gen. Newton, and the steam-  
ers Proteus and Anselm. Dozens of  
other craft participated in the parade.  
The King was escorted by a military  
parade to the City Hall, where Martin  
Behrman handed over the keys of the  
city.

## WOMEN ASSASSINS SENTENCED TO DEATH.

ST. PETERSBURG, Feb. 11.—The trial  
of Miles Klimova and Terentevna, the  
two women implicated in the plot to  
blow up Premier Stolypin with bombs  
at St. Peter and St. Paul here to-day. The  
accused, who declined the assistance of  
counsel, were condemned to death, but  
at the request of Mile. Klimova's father,  
who is a councillor of the empire, the  
sentences were commuted to hard labor  
for life.

# EVELYN THAW NOT ALLOWED TO TELL ALL OF HER STORY

Court Halts Repetition of Scandals Involving Stanford White Which, Told to Thaw, Finally Led Him to Murder.

## Full Stenographic Report of the Evidence Taken at the Thaw Trial.

John Denniston Lyon, of Pittsburg, forty-five years old, called as a witness in behalf of the defense, said he had been in the banking business a little over a quarter of a century, and is at present vice-president of the Lincoln National Bank.

Q. You are acquainted with Harry K. Thaw, the defendant at the bar? A. Yes, sir.

Q. Did you have in your hand certain papers which you have just taken from the envelope? A. I did.

Q. What did you see in the envelope? A. I saw that second envelope opened, and I saw that it was sealed.

Q. Did you see it? A. I did.

Q. Are they to-day in exactly the same condition they were in at the time you took them out of the envelope, excepting for marks upon them by the court, and excepting for the fact that this letter, at the corner here, was not put on by me.

Q. But was put on by the clerk here during the course of the trial? A. During the course of the trial it was put on by some one.

Q. Did you ever transact business for him? A. I have.

Q. For how long? A. For some time.

Q. Did you ever transact business for him? A. I have.

Q. For how long? A. Why, ever since he was twenty-one.

Q. I handed you an envelope (marked defendant's Exhibit M for identification) and ask you to look at it carefully, and tell me if you have ever seen that envelope before? A. I have.

Q. When, for the first time, did you see it? A. I could not give the exact date.

Q. Give us approximately? A. It was some time prior to April 1, 1906.

Q. Was the envelope at that time in the condition it is now—that is, cut open, or was it sealed, and did it apparently contain a package? A. It was sealed, and apparently contained a package.

Q. Under what conditions did you see it at that time? A. It was handed to me by Mr. H. K. Thaw.

Q. Are you familiar with the handwriting of H. K. Thaw? A. I am.

Q. Is that his handwriting? A. It is.

Q. Was that handwriting upon the envelope when you first saw it? A. It was.

Q. The envelope apparently containing a package was left with you by him, or placed in your hand? A. It was.

Q. What did you do with it? A. I took it and put it in my box in the Safe Deposit & Trust Company of Pittsburg.

Q. How long did it remain in your box at Pittsburg? A. Until the latter part of November, 1906.

Q. At that time—did you personally take it out of your box? A. I did.

Q. What was its condition so far as being sealed and in the safe condition? A. It was in the same condition as when I received it.

Q. What did you do with it then? A. When I took it out of the safe deposit company, I took it to the Union National Bank.

Q. Did you ever hear Mr. Thaw refer to any threat made by Stanford White against his life, or to his apprehension of danger to his life at his hands? A. No.

Q. Mr. Jerome—that is, objected to as reading and reciting no time is fixed. The Court sustained.

Q. Did you ever hear any statement made by Mr. Thaw having reference to threats alleged to have been made against his life by Mr. White? A. No.

Q. Mr. Jerome objected. He said the defense had been given great leeway in the presentation of evidence because of the presence of the jury. He said that a defense should be made. There was a long argument, and Mr. Delmas put his question in three different ways, and when objections to them as being a leading question were made, he asked a pistol in Mr. Thaw's possession? A. Yes.

Q. When for the first time? A. I don't exactly remember the date. It was in

(Continued on Third Page.)

## WIFE'S NOTE ON NIGHT OF KILLING IS IN EVIDENCE.

Evelyn Nesbit Thaw then resumed the stand for direct examination by Mr. Delmas.

Q. You have testified, madam, that upon the evening of June 25 last, and while you were at dinner at the Cafe Martin, after having called for a pencil, you took from the pocket of your husband a paper which was into the hands of a man named Dan O'Reilly? A. Yes, sir.

Q. Mr. Delmas called the District-Attorney for a note taken from Harry Thaw at the time of his arrest. It was produced and marked Exhibit Q for identification.

Q. Did you see that identification as now handed to you, madam. Will you kindly state whether that is the paper you wrote and handed to your husband upon that occasion? A. Yes, sir.

Q. Mr. Delmas—I is I refer it in evidence.

Q. THE DELMAS-PAPER, OPENED BY MR. DELMAS AS EVIDENCE IN THE THAW TRIAL—WAS HERE A MINUTE AGO, BUT WENT OFF AGAIN.

Q. Did you ever hear any statement made by Mr. Thaw having reference to threats alleged to have been made against his life by Mr. White? A. No.

Q. Mr. Jerome objected. He said the defense had been given great leeway in the presentation of evidence because of the presence of the jury. He said that a defense should be made. There was a long argument, and Mr. Delmas put his question in three different ways, and when objections to them as being a leading question were made, he asked a pistol in Mr. Thaw's possession