Stanford White with reference to young girls. He said that Thaw had formed no intention of killing White and that he had never carried a revolver until after he had been informed that White had made threats against him. He declared that he knew White had hired the Monk Eastman gang to beat him to death. When pressed for his exact reason for shooting White, he said that when he saw White on the roof garden of Madison Square Garden on the night of June 25, 1906, Providence "had taken the matter out of his hands and removed Stanford White."

Dr. Wagner said that he asked Thaw if he didn't consider this a harsh method to adopt and that Thaw replied:

"I think it was the better way. Now he is permanently out of the way. If he had been sent to prison he might have got out and gone back to his practices."

Both the physicians said that Thaw at no time expressed the least regret for his action; that, on the contrary, he at all times appeared to regard himself as having been the agent of Providence in the matter and that Stanford White, for the happiness of American young womanhood, was very well out of the way.

He told Dr. Evans that it was Roger O'Mara, formerly chief of police in Pittsburg, who had advised him to carry a revolver when he had told him that White had made threats against his life. He added that he had for a long time done everything he could to bring White to justice in a legal way. He once went to District Attorney Jerome with a complaint of the manner in which he said White was corrupting young women and declared that the District Attorney had advised him to let the matter drop.

Another thing Thaw told the experts was that he had appealed to Anthony Comstock to aid him in discovering the details of White's methods with young women. Mr. Comstock, he said, had declined his offer of money to pay the expenses of the investigation, but nothing had come of it. He had also gone so far as to hire private detectives to watch White. They had not made much progress.

Had a Conspiracy Delusion.

Dr. Evans and Dr. Wagner both said that Thaw had a delusion to the effect that his lawyers and several of Stanford White's friends were in a conspiracy to railroad him to an insane asylum. He did not give the names of any of Mr. White's friends but referred to one of them as "Mr. P." He mentioned several young women whom he said White had ruined, but Dr. Evans did not give their names. It is supposed that they were the same young women whose names Thaw mentioned in the codicil to his will. According to Dr. Evans Thaw thus described the plot he believed had been formed against him:

"Lewis L. Delafield and Black, Olcott & Gruber are in a conspiracy with Jerome to railroad me to an asylum. It is all rot. There's nothing to it. They don't want me to come to a trial where I can tell a Court and jury all there is in this matter."

Despite all the physicians could say to him Thaw kept on reiterating that it was all a conspiracy to keep the world from finding out about "the infamous character of Stanford White."

Strangely enough Thaw did not refer in his conversation with Dr. Evans to his own supposed wrongs or those of his wife at the hands of White.

"He continued to tell me of Stanford White," said Dr. Evans, "of the women he had ruined, of the great wrongs he had done to innocent girls in the city of New York, but he failed to refer to himself or any trouble that might be presented to him from the fact that he was there a prisoner charged with crime. It was a noticeable fact to me that he did not refer to any trouble of his own."

Stranger still, perhaps, Thaw did not refer in his talk with the experts to the relations of his wife with White.

Both Dr. Wagner and Dr. Evans were of the opinion that at their earlier visits Thaw was suffering from insane delusions. He repeatedly referred to White as a "beast," a "blackguard," a "creature" and added, with respect to White's actions with young girls:

"I tried to save them. I did not want to shoot him, though he was debauching the daughters of America. I wanted to bring him to court, so that his infamous doings might be held up to light. But Providence took charge of the situation. It was an act of Providence. I was willing to suffer humiliation to bring it before the public.

The Will and the Codicil Let In.

At the afternoon session the much talked of will and codicil that Thaw drew the day he married Evelyn Nesbit were finally admitted in evidence, Mr. Jerome withdrawing his previous objections, probably because it had been sufficiently demonstrated to him that the defence had the witnesses to prove these documents. They disclosed few facts not already known regarding them. The defence relies on the provision for setting aside $50,000 to prosecute any person suspected of being connected with Thaw's death and $7,500 for obtaining legal redress for five young women whom Thaw said White had ruined, as additional evidence of the unsoundness of Thaw's mind when the will was drawn. Dr. Evans said that in his opinion the man who dictated those provisions was of unsound mind at the time.

Throughout the reading of the will and the codicil the utmost precautions were taken to prevent the names of White's alleged victims and of an alleged accomplice of his from becoming public. In every case the person was referred to as "one Miss Blank" or "one Blank." This precaution was not observed in the cases of Anthony Comstock or Dr. Parkhurst, to whom, as well as to several other persons, Thaw devised $2,500 each to be used by them for prosecuting White.

Mr. Jerome had a lively session with Dr. Evans, in which the expert came out very well. The District Attorney endeavored fruitlessly to get Dr. Evans to say that Thaw was a paranoiac when the will was drawn or when he saw him in the Tombs. Had he been able to get the doctor to say this he would probably have moved at once for a commission in lunacy to examine Thaw now, on the theory that paranoia is incurable. The whole drift of his examinations to date has been to fix the temporal scope of Thaw's insanity, and it may yet be that he will get sufficient admissions for such a motion. But that time is not yet. In his examination of Dr. Evans yesterday the expert kept his head and his temper and made several effective retorts to Mr. Jerome's thrusts.

One of the spectators in court was Dr. Wiley, whose testimony Mr. Jerome tore to tatters on the day the defence began putting in witnesses.

Whatever the dissensions among Thaw's counsel, it was announced yesterday that they have all been healed. There did not seem, however, to be any too much cordiality exhibited between the two camps. Mr. Delmas came in with the ever faithful Mc Pike, who dusted off the Californian's chair with his customary elaborate precaution. When Thaw came in he had a whispered talk with Mr. Delmas. The other lawyers came in together, but when court opened it was Mr. Delmas who again took the wheel, and he continued to be the field general throughout the day. It was rather a successful day for the defence, for not only did Dr. Evans hold his own against the District Attorney but the disputed will and codicil were at last admitted in evidence.

The appearance of Juror Bolton in the box put an end to any fear of a mistrial. The juror had told Justice FitzGerald that he would be able, despite his bereavement, to give his whole attention to the case. The court room was not much more than half filled at either session, more than half the number of spectators being newspaper men. The hippodrome element of the trial has been most exemplarily reduced to a minimum.

Dr. Evans Back on the Stand.

As soon as Dr. Evans went on the stand Mr. Delmas took up his examination where it had been left off on Thursday because of the death of Juror Bolton's wife. Mr. Delmas wanted to know the conversations Dr. Evans had with Thaw on his first three visits to the Tombs, at the end of which, according to the opinion of Dr. Evans, Thaw was of unsound mind. The last of these three visits was on September 19.

At the first question from Mr. Delmas about these conversations Mr. Jerome was on his feet with an objection. He said that, the conversations having taken place on August 4, August 21 and September 19, they were so remote that if any notes were taken of the conversations, or a record of any kind made, these ought to be produced.

"I submit," said Mr. Jerome, "that this witness ought not to express his recollection of these conversations, if there is a record of them, without producing that record. It makes no difference whether he has the actual physical custody of the record or whether it was made by some one else in his presence or whether it was turned over to this defendant."

"Do you know of any rule to that effect?" inquired Justice FitzGerald. "I know of none."

Mr. Jerome admitted that he knew of no such rule, and Justice FitzGerald added that if it was a court record it might be a different thing. Then Mr. Jerome wanted to know if he couldn't cross-examine Dr. Evans about the notes.

"I suppose," said Mr. Jerome, "that no man would ever examine a person under these circumstances; it is contrary to experience—a scientific man without a careful record. Therefore I think that if notes were made they should be produced."

Mr. Delmas said he would find out himself whether or not notes were taken. He told Dr. Evans to explain whether notes were taken of the first three examinations, if they were taken who took them and if they were destroyed how was it done. Dr. Evans seemed at a loss just how to explain about the first three visits and kept talking about the entire eight visits until Mr. Delmas, who didn't seem to be very much pleased with the witness, told him rather sharply that he would have to confine himself to the first three visits and say nothing about the five others. Dr. Evans then said:

"It is fairly possible that I took a few notes at the first three examinations, but they were the most meagre sort of things. I didn't pay much attention to them except when I went home I looked them over and threw them down on the stenographer's desk. I have asked him for them and he says that he hasn't got them. On the third examination I took one of my assistants with me, Dr. Beling, for the purpose of taking down what Mr. Thaw said and what I might say. Mr. Thaw dismissed the physician, his attorneys and counsel, and that closed the note taking so far as note taking was concerned. I do not remember taking any notes. I depended entirely on my memory, and while I may not be able to give it all—may omit some essential parts—I am forced to depend upon my memory for the entire conversation."

That brought another objection from Mr. Jerome. Dr. Evans said that he might omit some essential points, and Mr. Jerome declared that that was just what he was afraid of.

"My point is," said Mr. Jerome, "that we ought to get every fact both for and against this defendant before this jury."

Justice Fitz-Gerald said that the witness could not do anything more than give his best recollection of the conversation. Mr. Delmas told Dr. Evans to do that. The doctor said that in fairness to himself he ought to explain that the conversations might overlap and there were eight visits made by him. This statement angered Mr. Delmas.

"Be kind enough to bear in mind what I am now reiterating," he said severely. "I am only asking you about the first three visits, not the eight visits you made."

His First Visit to Thaw.

Pulling himself together, Dr. Evans got down to the business of telling of what happened at the first three visits. When he went to the Tombs first, on August 4, he had a letter of introduction from Mr. Hartridge. After a little wait he went up to Thaw's cell.

"He spoke to me," Dr. Evans said. "I told him that I was Dr. Evans and that I had come by permission and direction of his counsel to see him and to talk to him. He gave me his hand and we passed the courtesies of the day. He asked me if I would sit down on his bunk or cot and I took a seat. He looked at me with that stare of the eye, showing very much more white than the ordinary eye and with that restless twitching of the eye, and greeted me with that peculiar nervousness that we see only rarely—and in this agitated manner he asked me to have a seat on the side of his bunk. He looked into my eyes and said: 'You have different eyes from'—another doctor, mentioning another doctor's name. Shall I mention it?"

"Not necessarily," said Mr. Delmas.

"Let's have it," said Mr. Jerome.

A Conspiracy, Thaw Declared.

"Well," continued Dr. Evans, "he said that my eyes looked different from Dr. Hamilton's (Dr. Allan McLane Hamilton). He said that my eyes looked as if I were a sane man, or indicated sanity, or that Dr. Hamilton's eyes suggested insanity. I didn't discuss that question with him. I assured him that I came there to talk with him in a friendly way, not to make what was known as a physical examination. He said: 'All right; I have a note from Mr. Hartridge and am willing to talk.' I said: 'How do you feel, how are you?' He said: 'I am all right,' in a very nervous way, twirling one hand over the other so quickly that it would be impossible for me to imitate him. He said 'I have been subjected to the effects of a conspiracy.' I said, 'How is that?' 'What is that?' 'Lawyer Delafield of New York,' he said [Mr. Delafield was counsel for Thaw after his arrest], 'and the firm of Black, Olcott, Gruber & Bonynge [who were also employed by Thaw, but dropped] 'are in a conspiracy with Jerome'—in mentioning the District Attorney's name as Jerome I mean no disrespect, I am repeating what Mr. Thaw said—'so as to close up this matter and railroad me to an asylum. They want to declare me insane. It is all rot. There is nothing to it. They don't want me to come through a trial where I may be vindicated and where I may tell to a court and jury all that there is in this matter.'

"I asked him if he thought that these men would be parties to so elaborate or great a conspiracy. He said 'yes,' that White's friends desired that this should be, and they had access to Mr. Delafield and Black, Olcott, Gruber & Bonynge, and even to the District Attorney's office, and that they were all in collusion to close the matter up quietly and to defeat any effort on his part or his attorneys to show to the court and to the jury and the world the infamous conduct of Stanford White. These statements came in rapid succession. After his going on in this way for some time his mother and his wife came in—at least they were announced by a keeper and they came to the gate."

Dr. Evans said that he offered to retire, but Thaw said he wanted to talk to him a little longer. Then he presented his mother and his wife to Dr. Evans, kissed them both and asked them to excuse him for a moment. The two women went to another part of the prison.

Talk of White, Not of Himself.

"We resumed our conversation," said Dr. Evans, "and he continued to tell me of Stanford White, of the women he had ruined, of the great wrongs he had done to innocent girls in the city of New York, but he failed to refer to himself or any trouble that might be presented to him from the fact that he was there as a prisoner charged with crime. That was a noticeable fact to me, that he did not refer to any trouble of his, so far as being a prisoner or being charged with a crime. He continued in detail what Stanford White had done."

Mr. Delmas stopped Dr. Evans and cautioned him to give Thaw's statements in detail. He said the jury was entitled to hear every word that was said at that interview.

"On that occasion," said Dr. Evans, "he did not give me the names of any so-called victims but said that Stanford White had assultated, drugged, poisoned and ruined a great number of young women, innocent women. The whole scheme of these people,' he said, 'is to shut me away from the public and to suppress me and the lawyers who are employed by me and have received their retainers,' or something to that effect; that 'they are now in conspiracy with the District Attorney's office and with the influential friends of Stanford White to keep the entire matter away from the public and to prevent me from being vindicated.'"

That was the end of that conversation and the visit. Then Thaw's mother and his wife went to his cell. As Thaw listened to this story a smile flickered at times at the corners of his mouth. He didn't seem to be interested much in what was going on, except now and then he would glance around the court room and then speak to one of his lawyers. Dr. Evans told his story very slowly, pronouncing each syllable very carefully. One critic in the court room remarked that he seemed to be working on time.

The next visit was on August 21. Dr. Charles G. Wagner of Binghamton and Mr. Hartridge went along. This time Dr. Evans saw Thaw in the counsel room. The general surroundings didn't seem to be very good, so they went across the hall to another room, which Dr. Evans thought was a hospital room.

"Thaw came into the room with a pasteboard box under his arm," said Dr. Evans. "There were a large number of papers in it. He had that same nervous agitated manner noted before, and with that same peculiar stare in the eye; with that same air of self-importance as if he was telling us where to go and what to do when he was to be examined by us. We were mere incidents in the situation.

Thaw Kept His Eye on the Attends.

"He watched Dr. Wagner and then he watched me. If I would go around him from Dr. Wagner, where he had been speaking, he would look at Dr. Wagner and then turn around and watch me, as if to determine why I should get out of the range of his vision and what might be my purpose. When I would call his attention to us, as if to engage in conversation, he would rapidly answer me but would turn and try to see what Dr. Wagner was doing. I asked Mr. Thaw, as was my custom, as to how he was feeling or 'How are you?' He said he was 'feeling very well,' that he 'was all right.' I asked him how he slept. He said 'very well' when he once got to sleep. Sometimes he would be in bed an hour at night after retiring before he would get off to sleep. Then he would have several hours of good sleep.

"I then invited him to a general conversation on one subject or another, but he again began his rapid conversation and his manner became excited. He told me the same story that he had told me on previous occasions, looking right at me in an excited manner. He said 'this man,' 'this creature'—one time it was 'this man' another time it was 'the dead man,' 'this creature,' 'the beast,' 'the blackguard'—sought to take the virtue of every pure minded woman that came in the sphere of his observation.' I will state here that I do not remember him using the exact words 'sphere of his observation,' but came before his notice

Didn't Want to Kill White.

"'I tried to save them; I tried to save them. I did all in my power to do so,' he said. I then referred to the death and he said, 'I never wanted to shoot that man. I never wanted to kill him. I never had any desire to kill him. I knew he was a vile creature; that he was debauching the daughters of the mothers and fathers of America.' He said especially 'of New York' and finally 'of America.' He said: 'But I did want through legal means to bring him to trial. I wanted to bring him before a court, so that his inafmous doings might be held up to the public and that he might be brought to justice and suffer for that which he had done.'

"He said he did not know why, but it did not result that way. He said, 'Providence took charge of the situation. This was an act of Providence, but had it been my judgment I would have preferred for him to suffer the humiliation and all that comes from laying bare this matter of his doings before a court and before the public.'

For a time Thaw had been quite frisky while this story was being told. First he laughed and talked with Mr. Peabody. Then he would turn around to Dan O'Reilly and chat with him. Becoming tired of that, he read a letter or two. But as Dr. Evans went on with his story his face, which had a pretty good color when he entered the court, became pale again and he rested his head on his hands and seemed to be weary of the whole thing.

"I asked him what he did to bring this before the public," Dr. Evans said, continuing his story. "He said, 'I went to Mr. Comstock. I went to Mr. Jerome, I went to the Pinkertons and other detective agencies and they reported back to me. Mr. Jerome said I had better let it drop, there was nothing in it. The detectives said they would work further on it, but did not give a report which warranted me or enabled me to bring an action against him or have action brought against him in a court of law.' Mr. Comstock had not given him encouragement or done for him what would enable him to bring the creature to justice. He did, however, mention the connection—some connection with Mr. Comstock and his counsel, a prominent lawyer in this city, who was, he said, an adviser or counsel to Mr. White, and at the same time he said he was counsel to Mr. Comstock, or for his society."

De Lancey Nicoll in the "Conspiracy."

"Did he mention the name?" asked Mr. Jerome.

"De Lancey Nicoll," said Dr. Evans. "And he seemed to think, or expressed the opinion, that that was another link in the conspiracy between the District Attorney's office and Mr. Comstock—lukewarm attention that was evidence of this collusion in existence between them and White's influential friends. He mentioned a Mr. P., who was a friend of Mr. White. He did not give the name."

Mr. Delmas wanted to know more about "Mr. P," but all that the witness could say was that he understood it to be the first letter of a man's name.

"Mr. Thaw said," continued Dr. Evans, "that it was a man who was associated with Mr. White in luring away maiden and innocent women, women whose minds, he said, were entirely pure and clean, by the use of alcohol in the form of wine and drinks, knockout drops or other such means as to render these young girls incapable of protecting themselves. He said that another means which he had good reason to believe had been employed was that of using physical force—getting them into this man's dives and dens.

"On this examination as on the former one Thaw disclosed no anxiety as to his personal affairs; he disclosed no feeling as to his attitude or his relation to his trial, excepting a great desire to lay before the public, first, the persecution which he suffered from—if I may correct myself—first, the great wrongs that Stanford White had done to the young women of America, but particularly a certain class of young women that lived in the city of New York, and, secondly, his persecution—that he was persecuted by a conspiracy of people to prevent him from laying these matters before the public, and again he referred to the matter of having carried a pistol, and I asked 'Why?' and he said: 'I carried a pistol because I was advised to do so by Roger O'Mara, that he was an important man as a detective in Pittsburg—I think he said ex-chief of the detective bureau or something like that.

White Hired Agents to "Do" Him.

"He said that O'Mara had told him that he had better protect himself after he had told O'Mara of the fact that he had on several occasions had thugs—or on several occasions thugs had jostled him around and had endeavored to get him into a quarrel or a street brawl—and he told me that these people were the hired agents of Stanford White—he not wanting to take upon himself the danger of an attack or an encounter in person, had hired the Monk Eastman gang and such people to get him (Thaw) into difficulties, so that he would do something that would enable them to kick him to death or mutilate him. He again reiterated and went over and over again the same thing—that he had no intention of shooting Stanford White. 'The shooting of a man,' he said, 'I think is a terrible proposition—for any one to take a gun and shoot. I wanted by legal process to bring him to justice, but this act of Providence came and settled the matter in this way.'"

That settled the second visit. Mr. Delmas thought that something of the physical examination might go well at this point, but he was reminded by Mr. Jerome that the physical examination was not made until the fifth visit. So Dr. Evans had to confine himself to telling the story of the third visit, which was on September 19. He said that his assistant, Dr. Beling, a very quick man at taking notes, was along. So were Dr. Wagner and Mr. Hartridge.

Thaw Broke Up the Third Visit.

"Thaw came into the room," Dr. Evans said, "with a large box under his arm, a standing collar unbuttoned in front, part of it hanging out this way and the other part this way [Dr. Evans indicated what the collar looked like], and with a show of much nervousness and agitation."

Thaw's manner was just about the same as on the other visits, Dr. Evans said. He had a bunch of papers under his arm. He wasn't rude, according to the doctor, but he didn't act like a man who had an engagement to talk to some persons. They walked into the hospital room and Thaw at once said to Mr. Hartridge: "Where are those papers?"

"'I cannot give them to you now,' said Mr. Hartridge," Dr. Evans went on. "Mr. Thaw said: 'I want them now, I've got to have them now.' Mr. Hartridge in a very quiet manner and soothing tone of voice said to him: 'I will attend to that. Go on with the doctors. I will let you have the papers later on.' 'No,' he said. 'It is important that I have those papers to review them and look them over and look into them.' Mr. Hartridge said: 'Now, I wouldn't pay any attention to that,' as though to placate him. No argument or anything seemed to pacify him and his eyes were set toward Mr. Hartridge during the time he was addressing him. Mr. Hartridge was like a brother talking to a brother and trying to meet his demands. Then Mr. Hartridge said: 'I will bring those to you tomorrow,' and he said: 'No, to-morrow won't do; they have got to be looked after now. I will have to look after them now.' And Mr. Hartridge said to him, firmly: 'I cannot do it now,' and he said: 'Good day, I am very sorry, doctor,' and that was all. I said: 'Whatever is your pleasure in this matter shall be observed,' and he went to his cell in an agitated manner."

Dr. Evans said that there was nothing in the conversation which indicated what the papers were. Then Mr. Delmas asked Dr. Evans what opinion he had formed of Thaw's condition of mind at that visit. Mr. Delmas didn't frame the question to suit Mr. Jerome, and after a little quibbling, brought about somewhat because of Dr. Evans starting to give his impressions instead of his opinion, Dr. Evans said:

"Mr. Thaw exhibited a highly explosive mental makeup in that without adequate excuse he stood ready to dismiss from his presence his counsel and physicians, and as I have before said, his memory I looked upon as then good. He had agreed to have us come and visit him, Dr. Wagner from his travel of three or four hundred miles——"

"Is this an expression of opinion or summing up?" asked Mr. Jerome.

"I agree with you," said Mr. Delmas to Mr. Jerome. "You are giving us the detailed base rather than the deduction. The deduction is all that I asked for."

"He showed an excitable and explosive condition of mind," said Dr. Evans, "not characteristic of a well balanced or sound mind. He exhibited a defective reasoning in dismissing from him his counsel and his physicians, whom he had agreed to have there for a specific purpose. He showed further defective reason in putting aside professional men who he had been assured were there for no unfriendly purpose and this explosive, very explosive condition of the mind, or an exhibition of a tendency to it, along with the defective reasoning in abruptly putting everything from him, in his peculiarly suspicious manner, his agitated nervous way of dismissing us, his manner of leaving us, was a picture of mental instability and mental unsoundness."

Mr. Delmas asked Dr. Evans if Thaw had repeated to him the names of the young women whom he believed Stanford White had ruined. Mr. Delmas impressed on Dr. Evans that he was not to give the names. But before he got to an answer Mr. Delmas asked if he had read the codicil to Thaw's will. Dr. Evans said he had read part of it, and Mr. Delmas wanted to know if the names of the young women whom Thaw had mentioned were in the codicil. Dr. Evans was not allowed to answer that because Mr. Jerome said it was an indirect way of getting before the jury the contents of the codicil, which was not then in evidence. Justice FitzGerald agreed with Mr. Jerome's view, and Mr. Delmas promptly said that he would first get the will in evidence.

Before Dr. Evans left the stand Mr. Delmas asked him if Thaw contended that he was sane. Dr. Evans said he did, Thaw remarking that there were 200 or 300 persons who would say that he was crazy, "but there was no way they could pr ove it."

Thaw, Dr. Evans said, always insisted on repeating his address in Pittsburg. Mr. Delmas was anxious to have the exact words he used, but Dr. Evans was sorry he couldn't repeat them, for the reason that he couldn't remember the number or the street in Pittsburg.

"He did not want to be mistaken for anybody else," said Dr. Evans. "He exhibited a suspicion that he might be taken for some other person, and one of the means he took to make it perfectly clear that he was Harry Kendall Thaw of Pittsburg, and the one and only Harry K. Thaw was that he was born and resided with his mother and father on that street at that number, which he gave. The name of the street and the number I have forgotten."

Dr. Evans said that he classed Thaw's statement that he had pursued White by legal means, but that Providence had intervened, as an insane delusion.

"How did you, in the scientific study of the mental condition of Mr. Thaw at that time, the ultimate result of which you have given, class his repeated statements of a conspiracy between the honorable District Attorney and other gentlemen equally honorable in the community?" asked Mr. Delmas.

"I looked upon them as an insane delusion," said Dr. Evans. "There was nothing from which to make a substantial basis in my mind for such a conclusion. I looked upon it as defective reason, and would classify it as a false belief of the same character."

As a rule, said Dr. Evans, remorse, repentance or the fear of punishment characterized the conduct of a sane man who committed a crime. The absence of these things, Dr. Evans added, indicated a man of unsound mind. All the testimony has been that Thaw never showed any signs of repentance or remorse.

Dr. Wagner Corroborates Dr. Evans.

Then Dr. Wagner was called. He was with Dr. Evans on the second and third visits to the Tombs. From what he had seen he agreed with Dr. Evans that on the third visit Thaw was insane. He went over practically the same story as Dr. Evans as to these visits. Thaw told him that shortly after the shooting Drs. Flint, Macdonald and Mabon, the experts for the prosecution, had called on him and asked to be allowed to make an examination, but he declined, and they went away. Then Thaw said Dr. Macdonald called again. Mr. Jerome seemed to be surprised at that and wanted to know if it wasn't Dr. Hamilton, but Dr. Wagner held to it that Thaw said it was Dr. Macdonald. Mr. Jerome, who had been making lots of notes of the testimony of the two doctors, jotted that item down. Dr. Macdonald was not in court as he has been laid up with a bad cold.

In one of his talks with Dr. Wagner Thaw declared that he felt it was his duty to protect young girls, "prevent them from being ruined, and lead them along a moral life." As to his conclusions as to Thaw's mental state, referring to the various delusions, Dr. Wagner's did not differ materially from those of Dr. Evans.

"Thaw told me," said Dr. Wagner, "that he had no thought of killing White before the shooting; that his whole desire was to get evidence that would put White in the penitentiary, where he would suffer for his criminal acts, and had the detectives he had employed reported to him anything on which he could base an action he would have at once brought the matter into court, but that the detectives reported in a negative way, so that he couldn't use anything that they had found."

It was still within a half an hour of the usual time for adjournment, but Mr. Delmas popped up with one of those "Your Honor, I must again ask for your indulgence" which have come so often from the defence's table. It seemed that Mr. Delmas wanted some of his witnesses to read the Thaw will. Justice FitzGerald suggested that it would save time, and asked for a copy of the will so that he could look it over at luncheon and become familiar with it. Mr. Delmas said that he did not want to introduce the whole will in evidence but only material parts of it. Mr. Jerome said, however, that if the will went in at all it would go in in full.

WILL AND CODICIL ADMITTED.

Names of Other Victims of Stanford White Are Suppressed.

The afternoon session opened up with another check for the defence. When Dr. Evans resumed the stand Mr. Delmas showed him the codocil to the Thaw will and asked him if he had read it. Mr. Delmas was obviously much surprised when the doctor said he hadn't, and there was a wait of ten minutes while the witness read the document. Then counsel asked him if the codocil contained some of the names Thaw had mentioned to him in the interviews at the Tombs as being victims of Stanford White.

Mr. Jerome was up in an instant with an objection.

"In a case like this," said he, "where it is sought to bring in a tide of idle and scandalous talk——"

"I object to that, if your Honor please," interrupted Mr. Delmas, "and take exception to it, and I desire it to be noted as improper conduct on the part of the learned District Attorney."

"Do not characterize it," said the Court.

"Well, your Honor," said Mr. Jerome, "I was adressing the Court and not the jury. We have got twelve men of intelligence here who are not going to decide this case on the talk of counsel, but on the evidence. I mean that this document, whether true or false, contains matters which are of a highly scandalous nature."

There was more argument, at the end of which Dr. Evans was excused and Dr. Graeme Hammond was called. He had no sooner taken the stand, however, than Mr. Delmas changed his mind and recalled Dr. Evans. He handed the doctor a copy of the Thaw will proper and asked him if he had read it.

"No," said Dr. Evans.

"Why," said Mr. Delmas, after glaring in a surprised way at his associate counsel, "I understood that you had read it this noon."

"I obtained a copy, but I haven't had time to read it," said the witness. "But I am perfectly willing to do so."

"I think it is perfectly absurd," snapped the District Attorney, jumping to his feet, "to call men here after seven months of preparation and fritter away time looking at documents. I won't concede anything."

"Mr. Jerome," remarked Mr. Delmas, icily, "you are not compelled to concede anything, even ordinary courtesy. That is your right, if you choose to exercise it."

"I do exercise it," said the District Attorney.

"Nevertheless," resumed Mr. Delmas, "proceed, doctor, with your reading."

It took Dr. Evans nearly twenty minutes to read the nine typewritten pages of the will Harry Thaw executed on the day of his marriage to Evelyn Nesbit.

"Now, doctor," said Mr. Delmas, when the reading was finished, "in view of the letters which you have already read and in view of the facts you testified to this morning, state whether in your opinion Mr. Thaw, at the time he executed this will and codicil, was of sound or unsound mind?"

Insane When He Made the Will.

"I am of the opinion," said the witness, "that at the time the defendant executed these papers he was not of sound mind." He added that in those papers he found evidences of the same unsoundness of mind which he discovered in the defendant when he first visited him in the Tombs.

Then the District Attorney took up the cross-examination of Dr. Evans. He got out of the witness that the form of unsoundness of mind the defendant had when he executed the will was called developmental insanity. Mr. Jerome asked if it was paranoia, and the witness said he wouldn't classify it as such. Mr. Jerome wanted to know if the delusions were systematized, and Dr. Evans said they might be or might not be; he could not say as to that from merely learning that they existed at that one time.

"They were not so fixed," said the witness, "that he held continuously to one parent delusion and that all of the other delusions were offshoots of this one in particular—this parent delusion—making it a perfect system of or unization of delusive ideas, such as characterizes a well defined case of paranoia. He did not hold continuously to one particular idea during his entire conversations with me."

Dr. Evans mentioned as one delusion that had nothing to do with the parent, or Stanford White delusion, the idea Thaw had that his physicians and lawyers were trying to railroad him to an asylum.

Dr. Evans and the District Attorney had a long sparring match about the word "parent" as applied to delusions. Dr. Evans would not admit that there were any delusions shown by the will which could be called parent delusions. At one time Mr. Delmas broke in with the remark:

Retorts Courteous—and Otherwise.

"It is very plain that the doctor is not answering as the learned District Attorney would wish."

"Yes, he is, exactly," replied Mr. Jerome.

"Then," asked Mr. Delmas, "why interrupt him?"

"Because I do not wish him to walk into a hole without seeing the hole," said the District Attorney.

"I do not think you are quite that charitable," retorted Mr. Delmas, and everybody grinned.

But Mr. Jerome returned to the "parent delusion" subject.

"I say that there is a well defined delusion," said Dr. Evans finally, "but as to whether it is a parent delusion I cannot say."

"That is what I have been trying to get you to answer several times!" cried Mr. Jerome.

"And what you have answered half a dozen times," interpolated Mr. Delmas.

"Do you want to testify?" inquired the District Attorney sarcastically of counsel for the defence. "If so, take the stand!" But Mr. Jerome was not the only one to use sarcasm. The witness irritated him a bit by his answers, and the District Attorney snapped out:

"Do you pay any attention to the questions?"

"A little," said the witness wearily.

"What did you understand my question to be?" insisted Mr. Jerome.

"I understood the substance of your question to be that you were trying to get at the truth of the evidences of delusion or insanity here, and I tried to give it to you."

"No, I was not trying to get the truth——" began the District Attorney.

"Oh, you were not?" the witness came back grimly. "All right."

"No, sir; not from you," retorted Mr. Jerome. "Was the defendant, when he executed this will and codicil, of such unsound mind as not to know the difference between right and wrong?" asked Mr. Jerome a little later.

"I am unable to say," answered Dr. Evans.

"What are you able to say?" inquired the District Attorney sarcastically. Dr. Evans smiled broadly and looked calmly at the District Attorney as he replied:

"I am able to say a good many things that I am not permitted to say." Nobody in court had any doubt about the nature of those things.

The Codicil Admitted and Read.

Then the codicil was offered in evidence and after some debate was admitted, Mr. Jerome withdrawing his objections. Mr. Delmas rea it to the jury, omitting most of the names mentioned in it, especially the names of the young women whom he mentioned as Stanford White's victims. With certain omissions here is the codicil:

I, Henry Kendall Thaw, of the city of Pittsburg, State of Pennsylvania, do hereby publish this codicil to my last will and testament, to be taken hereafter as part thereof.

I give and bequeath to R. D. Marshall of Pittsburg the sum of $7,500, upon the condition that he employ part or all of this said sum in obtaining legal redress and substantial damages from one —— and one Stanford White of New York, N. Y., for the benefit of one —— [giving a woman's name], who, in May, 1903, resided in a boarding house kept by one Mrs. ——, about No.—— in —— street, New York, and who, in December, 1901, resided in a flat at —— upon whom a degrading assault was committed in the spring or summer of 1901 by the said —— and the said Stanford White, who, accompanied by an older woman, persuaded the said —— [repeating the young woman's name] to enter a house at ——, New York; a house furnished and used for orgies by several inhuman scoundrels, and which was known to many persons in New York under false pretences of ordinary social uses; and did then administer sedatives or cocaine, or by other means did reduce the said —— [repeating the young woman's name] to a semi-comatose condition and then remove her apparel——

The codicil then describes two forms of assault which it declares the unnamed man and Stanford White committed upon the unnamed young woman, "thereby," it says, "doing irreparable injury to her body and mind and reputation, for which the heaviest reparation should be demanded." The document then proceeds:

The said R. D. Marshall is also to employ part of any residue of said bequest in obtaining legal redress and substantial damages for one —— [naming another young woman], who was injured by the said Stanford White, and for —— [naming still a third young woman] and —— [naming a fourth], now acting at Lew Fields's Theatre in New York, or for any other of the victims of the criminal instinct of the said Stanford White; also for —— [naming still another young woman] and for other young American women he attacked but who succeeded in frustrating his purpose of raping them, to obtain compensation for the indignities he put upon them.

I bequeath $2,500 each to the following legatees upon the same conditions as the above bequest to R. D. Marshall of Pittsburg: Richard Roe Perry of Washington, Adolph Marks of Chicago, Ill.; the Rev. Dr. Parkhurst of New York, Anthony Comstock of New York and Frederick W. Longfellow of New York. Should the said —— [naming the young woman first referred to] not survive my decease for the period of one year, all the above bequests are reduced by one-half. Should the said ——, the said ——, the said —— and the said —— [naming all the young women before referred to] none of them survive my decease for the period of one year, all the above bequests are hereby annulled and become void, unless my executors decide that the said legatees named in the codicil may obtain legal redress for some other American girls, victims of the said Stanford White's treacherous assaults. Should the said Stanford White not survive me three months after the probate of my will, all bequests in this codicil are hereby revoked and become void.

In testimony whereof, I have hereunto set my hand and seal this 4th day of April, 1906.

HENRY KENDALL THAW.

The witnesses were F. C. Perkins, the lawyer who drew the will, and Annie M. Connaugh and Frances E. Pierce, the latter of whom testified last week to her signature.

The will itself was then read, Mr. Jerome insisting on the reading of the whole because he said certain parts of it indicated perfect saneness on the part of the testator. A large part of the will is of no public interest whatever. It starts out with bequeathing Harry Thaw's one-fifth interest in the Thaw homestead on Fifth street, Pittsburg, to his brothers, Josiah and Edward, and to his sisters, the Countess of Yarmouth and Mrs. George Lauder Carnegie. Various other Pittsburg real estate is similarly disposed of. To fourteen different persons whose names were not read the sum of $1,000 each is bequeathed. Some score of persons are to get $500 each, their names also unread. These gifts are made "simply as tokens of my friendship." The will then proceeds:

I direct that my executors pay to my wife, should she survive me, $5,000 in lieu of dower.

Should my wife survive me, I give $50,000 in trust, the income to be paid not less often than semi-annually, to my wife during her natural life, without liability to assignment, charge or anticipation by her, and this sum shall be in no manner liable to attachment, execution or process of other sort for any debts or liabilities which she may incur or contract. Should my wife not survive my decease, I will and direct that said executors shall set apart and securely invest and keep invested a fund sufficient to produce an annuity of $500 to be paid in quarterly instalments to Howard Nesbit, now at the Chester Military Academy at Chester, Pa., for and during his natural life, without any power in him in any way to assign, charge or anticipate the enjoyment thereof, and the same shall be in no manner liable to execution, attachment or other process for debts or liabilities which he may contract or incur.

Provision for Prosecuting His Slayer.

In case I die other than a natural death, or upon my death there shall be any suspicion surrounding the cause of my death, or in case I should be made away with in any suspicious way, without full knowledge of the circumstances of my end being known, I direct that my executors immediately set apart the sum of $50,000 to be used, in all or in part, in discovering the circumstances relating thereto, and should any person or persons be suspected of guilt in connection therewith, the said sum to be used in bringing to justice such suspected person or persons with the utmost diligence. Should any larger sum be required for such purpose, I authorize my executors to expend such additional sum or sums as may be required to effect such purpose or purposes at their discretion.

After disposing of several other small personal legacies the will goes on:

All the rest, residue and remainder of my estate, real, personal or mixed, and including the estate of which under my father's will I have power of appointment or testamentary disposition, I give in trust. My executors shall have full power and authority to appoint a trustee for said trust. From the income arising from said trust shall be paid to my wife, should she survive me, in lieu of dower, twelve thousand dollars annually, in quarterly instalments, during her natural life, or so long as she remains unmarried, without being liable in any manner to assignment, change or anticipation by her.

Should my wife survive me and marry, then she shall be paid from the income arising from said trust during her natural life, the sum of $4,000 annually, in quarterly instalments, in place of the aforesaid sum of $12,000.

There follow several sections providing that in case of the death of Evelyn Nesbit Thaw the sums bequeathed to her shall go to certain other persons whose names were not read in court. The will appoints as executors John Denniston Lyon, a cousin, and Josiah Copley Thaw, a brother of Harry Thaw, together with a third person whose name was not read in court. The testament is witnessed by the same persons who witnessed the codicil.

Dr. Evans being still upon the stand there followed a delay, Mr. Delmas having sent for a document which he wished to submit to the witness.

"If we are going to adjourn again," suggested Mr. Jerome, just the least bit acidly, "I suggest that this time we have the doctor and the instrument impounded somewhere