WOMEN WEEP AS EVELYN NESBIT TELLS HER STORY

Continued from Page 1.

require all of tomorrow's sessions. There is an impression that Mr. Delmas may strive to have it occupy the entire day in order that the young woman may take advantage of the adjournment over Saturday and Sunday to recover from her fatigue and be prepared for the cross-examination of District Attorney Jerome.

Mrs. Thaw was not allowed to state the names of certain persons, but by consent of counsel for the defense she gave them in whispers to Mr. Jerome, "in order," as Mr. Delmas said, "that the prosecution may have the fullest possible opportunity to refute any of her statements if he can."

Tried to Poison Her Mind.

While most of the afternoon session was given over to the argument as to the admissibility of letters written by Thaw to Mr. Longfellow, Mrs. Thaw continued at length the narration of her story. She told of how she came back from Europe a month ahead of Thaw. During that month friends of Stanford White had told her many stories about the young Pittsburg millionaire, and when he returned to America she refused to see him except in the presence of a third party. When he sought an explanation she told him the stories.

One was that Thaw had put a girl into a bathtub and turned scalding water upon her. Another was that he was addicted to the use of morphine and a third declared he had tied girls to bedposts and beaten them.

Tribute to Her Husband.

"He looked very sad," she said, "and told me they had been making a fool of me. He said he understood why it was done. I afterward got so many conflicting accounts from the persons who had told me the stories and I heard their reputations were so bad that I finally told Mr. Thaw I did not believe the stories. He said: 'You know I have never lied to you,' and he never had."

She paid other tributes to her husband, to save whose life she braved all.

"When I told him the story in Paris," she said, "he came to me and picked up the hem of my skirt and kissed it and said he would always love me. He nearly always called me his angel. We sat together one night until daylight talking the matter over. The effect on Harry was terrible.

White Sent Her to School.

"Stanford White sent me to school in New Jersey in October, 1902, and early in 1903 I became ill. The doctors came and said an operation was necessary. They told me I was very sick, but did not say what was the matter. Mr. Thaw came to see me and was the last person, except the doctors, whom I saw before being placed under the influence of an anaesthetic. He had been told it was dangerous for me to talk. So he came in quietly and kneeled down by the bed and kissed my hand and looked at me for a moment and went out.

"When I recovered I found he had made arrangements for my mother to take me abroad to recuperate. It was while we were in Paris on this trip that he proposed to me."

While the jury was on its way to court this morning a snow shoveler in the street shouted "Vote for Thaw." He was promptly arrested and taken before Justice Fitzgerald and allowed to go after a severe reprimand.

STORY OF EVELYN NESBIT.

Victim of Stanford White at the Tender Age of 16.

New York, Feb. 7.—The announcement that either the mother or wife of Harry K. Thaw would be the principal witness at today's proceedings brought out an unusually large crowd at the criminal court building. The corridors were filled and scores of persons, many of them women, tried every possible way to force themselves by the officers at the court room doors, but after yesterday's laxity the bars were put up again and very few were allowed to pass. However, half a score of women managed to succeed.

Justice Fitzgerald had just taken his seat upon the bench when Mr. Delmas of Thaw's counsel, requested the clerk to call Mrs. Evelyn Nesbit Thaw.

Appeared Unveiled.

The familiar figure in blue, now for the first time without her veil, appeared from the judge's chambers. She stood near the jury box as Clerk Penny administered the oath.

"I swear," repeated Mrs. Thaw in an audible voice at the end of the formal declaration.

Mrs. Thaw took her place in the witness chair calmly. She looked steadily ahead at Mr. Delmas and gave her answers to his first questions in a clear and firm voice, which was soft in quality.

Harry Thaw smiled at his wife as she walked to the witness stand, but she apparently did not see him at the moment. After she was seated, however, she smiled faintly at the prisoner.

Beautiful in Her Simplicity.

Mrs. Thaw's beauty seemed heightened by the simplicity of her dress.

In the excitement of testifying her paleness of the past two weeks fled before a rush of crimson tints in her cheeks.

In answer to Mr. Delmas' first question Mrs. Thaw said she was born Dec. 25, 1884. She told of going to the Cafe Martin to dinner the evening of June 25, with her husband and Thomas McCaleb and Truxton Beale.

"While you were at the Cafe Martin did you see Stanford White?"

"Yes."

"At what time did you see him?"

"I don't know. It was some time after we arrived."

"Where did you first see him?"

"Coming in at the Fifth avenue entrance."

"How long did you see him?"

"I don't know. He passed through and went onto the balcony."

"Did you see him leave the balcony?"

Note Passed in Cafe Martin.

"Yes."

"While you were in the Cafe Martin did you call for a pencil?"

"Yes."

"From whom?"

"I think Mr. McCaleb. He said he did not have one."

"Did you ask again for a pencil?"

"Yes. I got one from some one."

"Did you write a note?"

"I did."

"On what?"

"A slip of paper."

"What did you do with it?"

"I passed it to Mr. Thaw."

"What did Mr. Thaw do?"

"He said to me 'are you all right?' I said 'yes.'

"Affected?"

Mr. Jerome's objection to the question was sustained.

"Was there anything unusual in your manner that was visible to others?"

Again an objection was sustained.

"After this how long did you remain?"

"Only a short time."

Had Not Seen the Note Since.

"Mrs. Thaw. Have you that slip of paper now?"

"I have not."

"Have you seen it since?"

"No."

"Did what you wrote refer to White?" Mr. Jerome objected.

"After you left the restaurant, you went to the Madison Roof Garden?" asked Mr. Delmas.

"Yes."

"About what time was it?"

"About the middle of the first act."

Mrs. Thaw said she sat in the seats with Mr. Beale and Mr. McCaleb. Her husband went to the back of the theatre she said. He was away about fifteen minutes and when he returned he took a seat beside her.

"How long did he remain at your side?"

"About half an hour."

"What was his manner then?"

"It seemed to be about the same as ever."

Wanted to Leave the Garden.

"Who suggested going away from the garden?"

"I did."

"The play was not interesting to you?"

"Not a bit."

"How did you start when you went out?"

"I think that McCaleb and I were in the lead and Mr. Thaw and Mr. Beale followed."

"How far had you gone when something happened?"

"Almost to the elevator."

"How far were you from Mr. White then?"

"About as far as the end of the jury box."

"You saw Mr. White sitting there?"

"I did."

"Did you see Mr. Thaw then?"

"Not until a minute or so afterward."

"Did you hear shots fired?"

Heard the Shots Fired.

"Yes, immediately that I saw Mr. White I heard the shots."

"What did you say?"

"I said to Mr. McCaleb: 'I think he has shot him.'"

"Did Mr. Thaw come over to where you were?"

"Yes. I asked him what he had done. He leaned over and kissed me and said, 'I have probably saved your life.'"

"What happened then?"

"I left."

"You were taken from there?"

"Yes."

"You left and did not return?"

"Yes."

"You said that you are the wife of the defendant?"

"Yes."

"When were you married?"

"On April 4, 1905."

"Where?"

Married to Thaw in Pittsburg.

"In Pittsburg, at the residence of Dr. McEwen, pastor of the Third Presbyterian church.

"Who were present?"

"I think Mr. Josiah Thaw, Mr. Thaw's brother," the witness went on, after a moment.

"When had Mr. Thaw proposed for the first time?"

"In June, 1903, in Paris."

"At the time did you refuse him?"

"Yes."

"Were the reasons of your refusal based on an event in your life with which Mr. White was connected?"

Objection was sustained.

"Did you state in explaining your refusal that it had something to do with Stanford White?"

"Yes."

"State what happened."

"Mr. Thaw told me that he loved me and wanted to marry me. I stared at him for a moment and then he said:

Told Him the White Story.

"'Don't you care for me?' and I said that I did. He asked me what was the matter. I said 'Nothing.' 'Why won't you marry me?' he said. He put his hands on my shoulder and asked: 'Is it because of Stanford White?' and I said 'Yes.' Then he told me he would never love any one else or marry any one else. I started to cry. He said he wanted me to tell him the whole thing. Then I began to tell him how I first met Stanford White."

"Be kind enough to remember you are to omit," said Mr. Delmas, "in relating the narrative of what you told Mr. Thaw, the name of any other person save that of Mr. White. Now continue."

"A young lady asked my mother several times to let me go out with her to lunch. She came again and again to me before I sent her to my mother, and she said 'all right.'

Went With Procuress.

"On the day I was to go my mother dressed me and I went with Miss ——, the other young lady, in a hansom, hoping we would go to the ballroom because I wanted to see it. But we went straight down Broadway, through Twenty-fourth street, up to a dingy looking door. The young lady jumped out and asked me to follow her."

"By the way, what was the date of that event?" asked Mr. Delmas.

"As nearly as I can remember it was in August, 1901."

"You were then 16 years old?"

"Yes."

"Your mother dressed you to go?"

"Yes."

"I must caution you to tell only what you told Mr. Thaw."

"I will," said the witness.

First Meeting With White.

"The dingy door opened. Nobody seeming to open it. We went up some steps to another door which opened to some other apartment. I stopped and asked the young lady where we were going and she said, 'It's all right.' A man's voice called down 'Hello.'"

"Did you see the man then?"

"No."

"When did you?"

"When we got to the top of the stairs."

"Who was it?"

"It was Stanford White."

"What did you find in the room or studio to which you went?"

"A table set for four."

"This is all what you told Mr. Thaw?" asked Mr. Jerome.

"It was," replied the witness. "I told him everything."

There was a halt in the testimony here while Mr. Jerome and Mr. Delmas whispered.

"How were you dressed?" asked Mr. Delmas.

"I wore a short dress with my hair down my back."

The witness said they went up into another room where a big Japanese umbrella was swinging.

Mr. Jerome objected.

Taken Out Driving.

The witness said that afterward they went for a drive to the park and returned to the house with Mr. White. She said when she got home she told her mother everything that happened.

"Did your mother subsequently receive a letter from Stanford White?"

"Yes."

"What was in the letter?"

"It asked my mother to call on Mr. White at No. 160 Fifth avenue."

"When your mother returned did she tell you anything?"

"She did."

"What did your mother tell you?"

"He asked her to take me to a dentist and have my teeth fixed and for her to have her own fixed, too."

"She said 'No,' that it was a very strange thing. Mr. White told her that he did that for the other girls.

"When did you see White again?"

Invited to a Party.

"I saw him at the studio. I got a note from him inviting me to a party, saying a carriage would be awaiting me upon the corner. Before he had sent me a hat, a feather boa and a cape. There was another man and a girl with us."

"Where did you go?"

"To the studio in Madison Square garden. We had a nice time there. Mr. White said I was only to have one glass of champagne and that I was to be brought home early. I was brought home early to the door of my house. I told Mr. Thaw that we had several parties of this kind in the tower."

"Did you see Mr. White again?"

"Yes, he came to see my mother, told her that I would be all right in New York and that he would take care of me."

Mrs. Thaw said she met White in September, 1901, in a studio in East Twenty-second street. The door opened of itself, and the house looked at first as though no one lived there. She said she went up stairs and met Mr. White, a photographer and another man.

"What did you see there?"

"There was a lot of expensive gowns there."

"What happened?"

Wanted to Help Her Dress.

"I went into the dressing room to put on the dress. Mr. White knocked at the door and asked if I needed any help. I said no."

She related her experience in the studio and said she had posed until she was very tired and that White, who had come in, ordered food. The photographer had left and after they lunched she went into a dressing room to remove her kimono and put on her dress.

"I shut the door while I was inside. Mr. White came to the door and asked if I wanted help. I said no."

She testified that she drank one glass of champagne and when she dressed she got into a carriage and was taken back to the hotel.

Theatre and Luncheon.

"The next night I got a note from Mr. White asking me to come down to the studio for luncheon after the theatre with some friends. I went down to the Twenty-fourth street studio again, and found Mr. White and no one else there. 'What do you think,' he said to me, 'the others have turned us down.' Then I told him I had better go home and he told me that I had better sit down and have some fruit. I took off my hat and coat. Mr. White told me he had other floors in the garden and that I had not seen all of his places.

"So he took me up some stairs to the floor above, where there were very beautiful decorations, and a piano. I played for him and he took me into another rom. That room was a bedroom. On a small table stood a bottle of champagne and one glass. Mr. White poured out just one glass for me, and I paid no attention to it. Mr. White went away, came back and said:

Drugged Champagne.

"'I decorated this roo mmyself.' Then he asked me why I was not drinking my champagne, and I said that I did not like it, it tasted bitter. But he persuaded me to drink and I did.

"A few moments after I had drank it there began a pounding and thumping in my ears and the room all got black."

Mrs. Thaw was almost in tears at this statement.

"When I awoke my clothes had all been taken off me. I started to scream. Mr. White got up and threw a kimono on me. As I sat up I saw mirrors all around the bed. I began to scream again and Mr. White asked me to keep quiet, saying that it was all over.

"When he threw the kimono over me he left the room. I screamed harder than ever. I don't remember how I got my clothes on. He took me home and I sat up all night crying."

"Where was Mr. White when you recovered?"

"He was upon the bed beside me, undressed."

"What did he say afterward?"

Made Her Swear Not to Tell.

"He made me swear that I would never tell my mother about it. He said there was no use in talking, and the greatest thing in the world was not to get found out. He said the girls in the theatres were foolish to talk. He laughed afterwards."

"Was Mr. Thaw excited when you told him these things?"

"Yes, he was excited and walked up and down the room. We sat up all night. He said it was not my fault, that no one could blame me, and that I was only an unfortunate girl and that he did not think any the less of me."

"Did he offer to marry you again?"

"Yes, and I told him that if I did marry him the friends of Stanford White would laugh at him and at me, as they suspected our relationship, if they did not know."

The witness told Thaw that it would not be well to marry, owing to his family.

Women in Court Room Cried.

Mrs. Thaw recovered her composure after she got over the most sensational part of the story. Many of the women in the court room were crying, and the most intense silence prevailed.

Mrs. Thaw said that she had told Thaw about her early life with her mother and of her financial difficulties. The money she earned as an artist's model she gave to her mother. That was their only means of support.

"Finally I met Mr. Carroll Beckwith, the artist, in December, 1900, and he engaged me to pose for him, sometimes twice a week. He gave me letters of introduction to other well known artists and I posed for them."

"Did you tell Mr. Thaw all this?"

"I did."

"Did you tell him how much money you made?"

"Yes; it was $17 or $18 a week."

Then, the witness continued, she applied for a position upon the stage. The first manager to whom she applied said that it "was not a baby farm," and they did not want to take her. "I danced for the manager, and he offered me a place, directing me not to tell how old I was."

First Meeting With Thaw.

"When did you first meet Thaw?"

"In 1901."

"How many times had you seen him between the nand 1903?"

"I had only seen him once in the meantime."

"Were you ill during any of this time?"

"Yes; I had to go to a hospital."

"When you saw Mr. Shaw in 1903 did you tell him about going to school?"

"I told him that Mr. White had sent me to school."

The witness told of her sickness and the operation to which she was obliged to submit, and of Thaw's kindness to her at that time, which was early in 1903. After her recovery Thaw arranged the European trip for the witness and her mother. Thaw followed them to Europe.

Letter From Thaw.

Here reference was made to a letter that Thaw wrote to the witness while she was abroad, and Mr. Delmas sought to introduce it as evidence.

Mr. Jerome objected.

"What is the relevancy of the letter?" asked Justice Fitzgerald.

"Its contents have direct reference to the statement made by the witness to Mr. Thaw and is an evidence of the effect upon the mind of Mr. Thaw of the statements so made," replied Mr. Delmas.

"If it were proper to admit the statement of Mr. Thaw after the shooting, 'He ruined my wife,' argued Mr. Delmas, "is it not proper to admit a statement made after the defendant had learned facts to show what the effect of them was upon his mind?"

Mr. Delmas said that he did not have his authorities at the moment.

It was then 12:25 and Mr. Delmas asked for an adjournment until 2 o'clock.

Great Crowd in Court Room.

The courtroom was crowded to its utmost capacity this afternoon. Several extra rows of chairs had been put in place. The only place in the courtroom not invaded by the crowd was the judge's bench.

Roger O'Mara, head of a detective force employed by the defense, had a fifteen minutes' conference with Mrs. Harry Thaw during the recess. Afterward O'Mara went up town with the Countess of Yarmouth.

Former Judge William K. Olcott, who was the first counsel engaged for Thaw in his defense, appeared during recess, and conferred with Mr. Garvan.

He was told that it was understood that Mrs. Evelyn Thaw had made a statement in regard to her relations with White and with Thaw to Judge Olcott when the trouble first came up. Judge Olcott was asked to present the signed statement if it were in existence, or to be ready to testify if he were wanted.

Mr. Delmas was about to renew his argument for the production of the letter of Harry Thaw to an attorney named Longfellow just after the Paris incident, when Mr. Jerome said he would withdraw his objection. He first asked permission to read the letter. It was as follows:

Letter Read to Jury.

"Mrs. N. insisted sailing New York when her daughter left. I kept Mrs. N. in London three months, cost over $1,000. Mrs. Nesbit sails tomorrow for New York. She thinks I kidnaped her 17-year-old daughter. Before she lands she will know that I have always done the best I could. The child cannot be with her mother, because when she was 15 years old she was ruined by a blackguard. Don't worry, but find out her address. Telephone Mrs. N., but not in your name. Ask her if she saw Mr. Thaw aboard. As soon as she answers hang up the 'phone."

On a slip of paper inclosed was written: "If you cannot read this don't worry. Please telephone her incog. and wire me at my expense."

The letter was signed "H. K. T."

Another Letter Shut Out.

Mr. Delmas offered another letter written by Mr. Thaw. Mr. Jerome objected on the ground that there was nothing to indicate its date.

Mr. Delmas declared that the letter was admissible as tending to show a state of mind, regardless of when it was written.

"Suppose it should have been written yesterday," suggested Justice Fitzgerald.

"I think it would be admissible," replied Mr. Delmas.

"That the defendant is now insane?" quickly interposed Mr. Jerome.

"That he was insane on the night of June 26, 1906," said Mr. Delmas.

Justice Fitzgerald sustained the objection.

"If the claim is that the defendant is now insane, the letters are admissible," remarked Mr. Jerome.

Mrs. Thaw was shown one of the letters and asked: "Was this letter written before or after June 25, 1906?"

Mr. Jerome objected on the ground that Mrs. Thaw was not qualified to express an opinion.

The court sustained the objection.

The subject of letters was then dropped.

Evelyn's Return From Europe.

In response to questions by Mr. Delmas, Mrs. Thaw described her return from Europe in 1906, which preceded the return of Mr. Thaw. She said that she brought a letter from Thaw to Mr. Longfellow, which she delivered. She first saw Thaw a month after his return at the hotel where she was stopping. She refused to see him alone, so another man was present at the interview.

"The second man," asked Mr. Delmas, "was a member of the bar, a man of standing in the community, was he not?"

"Yes."

"What happened at this interview?"

"I sat on a trunk. Mr. Thaw came toward me and I asked the other man not to leave the room. Mr. Thaw said to me, 'What is the matter? Why don't you want to see me any more?' I told him I had heard certain things about him and did not care to see him. He asked me what I had heard and I said:

What She Heard About Thaw.

"'I have been told that you took a girl and put her in a bathtub and poured scalding water on her.' I also told him I heard he took morphine."

"Did you tell Thaw who told you those stories?"

"Not at first. Later I told him a friend of Mr. White told me."

"What did Mr. Thaw do?"

"He shook his head sadly and said: 'Poor little Evelyn, I see they have been making a fool of you.' I told him that Mr. White had taken me to Abe Hummel's law office and had shown me papers in a suit in which a girl had made charges against Mr. Thaw.

"How long did the interview last?"

"About ten minutes."

"What did Mr. Thaw do on leaving?"

"He kissed my hand and said he did not care what I did, that I would always be his little angel."

"Did he often call you angel?"

"Nearly always."

Several Meetings With Thaw.

Mrs. Thaw said she met Harry several weeks later on the street. "He came up to me," she said, "and said I was looking badly. I told him I had not been well. He told me I should not put rouge on my cheeks as it was not becoming to a girl of my type. I said I had put some on because I was so pale. I then met him upon the street one day, but he only bowed. The next time I saw him was at the cafe Beaux Arts I was invited to dine there with another girl and found Mr. Thaw one of the party. I told Mr. Thaw I was going back on the stage. He said I was looking badly and would pay anything to keep me off the stage. I met him again a few days later with the same girl at the same restaurant. He asked me to tell him all about the stories. I told them all, the story of the girl in the bathtub, of tying a girl to the bedpost and whipping her, and I told him all the stories that friends of Mr. White had told me; that Mr Thaw took morphine and that it was while he was under the influence of the morphine that he did those awful things.

Why the Stories Were Told.

"He said he understood why these stories had been told me, as White and the men who told them hated him. He asked me if I ever saw him take morphine and I said I had not, and that I had told Mr. White that I never had seen him with a hypodermic syringe.

"After that I saw Mr. Thaw often. One day I found the man who had told me of having been at a hotel one night and hearing screams in a room, he broke in and said he found Mr. Thaw whipping a girl who was tied to a bedpost. I asked him to tell me the story again and he did so. But his story this time was that it was a waiter who saw the incident. It was different than the original story. I asked him 'why,' and he said, 'I told you that to please somebody.'"

Mrs. Thaw said she finally told Mr. Thaw that she could find nothing in the stories that had been told her about him.

"What did Thaw then say to you?"

"He said it was all right. 'You know I never lie to you,' he said."

Mrs. Thaw said she saw Harry Thaw the night of Christmas eve, 1903, at the Madison Square theatre.

Longfellow on the Stand.

Mrs. Thaw was here directed to step aside temporarily to allow the testimony of Frederick W. Longfellow, to whom Thaw's letters offered in evidence had been addressed.

Mr. Gleason examined the witness.

He showed Mr. Longfellow the letters and asked if they had been received by him.

Mr. Jerome objected to the testimony unless the defense waived the right of professional privilege as between Mr. Longfellow as counsel and the defendant as a former client of the witness.

"I desire to cross-examine this witness," said Mr. Jerome, "and as he was formerly counsel to Thaw, I may——"

"I withdraw the question put to Mr. Brother," said Mr. Delmas.

"Were you attorney for Thaw when you received this letter?" demanded Mr. Jerome.

"Yes."

"Did you receive it in your professional capacity?"

The witness examined the letter closely.

"I presume the letter came to me in a professional capacity," answered Mr. Longfellow.

Envelope Destroyed.

"Have you the envelope of this letter?"

"I think not, the envelope probably was destroyed."

"You have made no search?"

"No."

"While there is doubt as to the existence of the envelope of a letter which may come by mail, no other evidence upon the point can be received," ruled Justice Fitzgerald.

"But," argued Mr. Delmas, "I have asked the witness to state from memory whether he received the letter previous to June 25, 1906."

"You may answer that," said the judge.

"Yes, two years before," said Mr. Longfellow.

On cross-examination Mr. Jerome drew from the witness that he had refreshed his memory from a letter book in the office.

"Was that a book having to do with professional relations with clients?"

"Not altogether," said the witness.

Mr. Jerome withdrew objection to a letter which had been shown the witness for identification.

Another letter was shown for identification and another argument ensued.

Wrangle of Counsel.

Arguments between the counsel took up most of the time of the afternoon session. Throughout the afternoon there was nothing startling and those who were anxious for sensations were in gloom.

Mr. Longfellow was finally allowed to say that the second letter shown him was received in November, 1903.

"Was it received in a professional capacity?" insisted Mr. Jerome.

"While it may have been," said the witness, "it does not follow that I carried out the instructions it contained."

Mr. Longfellow identified four or five letters and fixed their dates as prior to June 25, 1906. Mr. Jerome persisted in asking whether or not the letters came to the witness in his professional capacity. The witness said again that he presumed they did, though he did not carry out the instructions.

"I communicated their contents to Mrs. Thaw," he said, "and that's all I ever did."

Long Letter Read.

To introduce the letters Mr. Delmas recalled Mrs. Thaw and then proceeded to read the first one. It was quite lengthy, requiring more than fifteen minutes in the reading. The letter began:

"Dear Longfellow," and said among other things:

"Evelyn has left me six or seven letters and telegrams from the blackguard. If they wish to begin a row I am ready for it. I prefer to reach New York so as to go to Philadelphia [illegible] then to Port Huron in time for the wedding on November 18. I would return to New York in time to meet the Lady Yarmouth, who lands on the 24th. The more row the better.

Her Mother Didn't Count.

"Maybe we will be married after the Lady Yarmouth arrives; maybe after the row. Her mother don't count."

The letter then referred to some unmarried woman, whose name was omitted as a "trickster," "schemer," etc. Thaw referred evidently to Miss Nesbit and her mother when he spoke of them as "unfortunate" and the "blackguards who are blackmailing her."

"The matter of being married is most secret," the letter continued.

"If the suit for kidnaping is begun it must not be mentioned, but we will need two staffs of reporters. You get one staff, and I know the kind I want and will secure them when I land."

The letter constantly referred to "that blackguard," and said "Miss N. would give all she possessed if she could have been sent to school by me instead of him. She should never had remained on the stage so long, and if they had listened to me she would not. It resulted in her name being falsely connected with two others besides that blackguard. Poor girl, she was poisoned when she was 15¾ years old.

Evelyn to Get Property.

"Remember that if I die my property is all to go to my wife, but in the event of her death must not go to her relatives. Her wretched mother must not receive anything. I would provide for her brother, however.

"Poor girl, if I die she may not live to be 21."

The next letter read to the jury, dated November 13, 1903, was also addressed to Mr. Longfellow. It said in part:

"Please send some one to inquire at 202 or 204, or perhaps 206 West Forty-sixth street, if Miss —— is there or where a letter or 'phone message can reach her. I slept seven and three-quarter hours on the train, which is a record since she came home. My responsibility is gone, and I know she can thank me for any faith, human or divine, she has. Everything that she had lost is like a glass of water in a river. I am overstrained, you see."

At this point adjournment was taken until tomorrow.

Social dance Sat. & Wed. evenings by Prof. Eastman, Redmen hall, 323½ State

EXCURSION TO CENTERVILLE.

Via Salt Lake and Ogden railway, Saturday, Feb. 9. Grand ball, Alberta hall. Enlarged orchestra. Train at 7:45.

SALT LAKE ROAD AND SHORT LINE

Arrangements Between the Two Companies Brought Out at Los Angeles Hearing.

J. ROSS CLARK ON STAND

SUBJECT FULLY COVERED BY EXAMINATION.

Los Angeles, Feb. 7.—The first day of the interstate commerce commission in Los Angeles on the subject of the Harriman merger was consumed in the direct examination of a single witness, J. Ross Clark, brother of United States Senator W. A. Clark, director and second vice president of the San Pedro, Los Angeles & Salt Lake railway. Mr. Clark's examination by Attorney C. A. Severance for the commission was comprehensive and complete. The line of questioning covered every range of the subject as it applied to the relations of the Clark road and the Harriman system, and a great mass of new facts were elicited. Mr. Clark proved a willing witness and gave information freely enough, although he was hampered occasionally in his explanation by a lack of knowledge of the details of the business. He, however, readily referred his inquisitor to the managers of the various departments of his company for the desired information.

Terms Were Compelled.

The most important fact brought out was that showing the reason and the necessity, from the viewpoint of the Clarks, for the disposal of one-half of the road to the Harriman people. It was shown that when the building of the Clark road was commenced from Salt Lake City and Los Angeles, that the Oregon Short Line, a Harriman property, so harrassed and retarded their progress, and finally, getting possession of the only available pass through the Utah mountains, in the shortest direction to Los Angeles, compelled the Clark road to come to their terms, sell to them one-half of their property and make an ironclad agreement to maintain the same freight rates as the Harriman roads for a period of ninety-nine years. As a final act of coercion of the Clarks, the Harriman interests began a survey of a road between Salt Lake City and Los Angeles, and implied, at least so Mr. Clark testified, the threat of building a parallel line.

Many Attorneys on Hand.

The court room was well filled with attorneys, witnesses and spectators. Many prominent railroad men were among those present, most of them subpoenaed as witnesses. The commission was represented by Attorney C. A. Severance, of Minneapolis, who has had charge of the government's case during the inquiry in several other cities. The Harriman lines were represented by P. F. Dunne, of San Francisco, assisted by E. C. Durbrow. Judge Kelley appeared for the Salt Lake road and T. J. Norton for the Santa Fe.

History of Salt Lake Route.

J. Ross Clark, brother of Senator W. A. Clark, and a director and second vice president of the San Pedro, Los Angeles & Salt Lake road, was the first witness called by Mr. Severance. The attorney for the commission plunged immediately into the subject in hand, namely, that of determining the relations of the Clark road with the Harriman system. Senator W. A. Clark and associates joined with R. C. Kerens and associates, of St. Louis, in purchasing terminal facilities at San Pedro, and later the same parties incorporated for the construction of the line between San Pedro and Salt Lake. Mr. Kearns, of Salt Lake, and associates also joined in the enterprise. The survey for the proposed road proceeded from both Los Angeles and Salt Lake.

Clash in Meadow Valley.

In the Meadow Valley wash, a large canyon in Nevada, which the witness testified was absolutely necessary to build through in order to get from Salt Lake City to Los Angeles, much opposition was encountered from the Oregon Short Line. This company owned about a hundred miles of old grade at this point which the Salt Lake road attempted to appropriate, but on which point they were defeated in the courts. The Clark corporation was at this time entirely an independent line, free from contracts or agreements with other roads. It was the purpose of the Clark and Kerens interests to construct and operate a line of their own.

At this point Mr. Severance proceeded to show how the coalition between the Harriman interests and the new Clark corporation was effected.

Agreement Was Forced.

Later the survey which had been interrupted began again and was once more stopped by the Utah, Nevada & California Railroad company, a subsidiary corporation of the Oregon Short Line, which instituted suit to maintain control of the canyon. This canyon was about 100 miles long and so narrow that the surveys of the two roads crossed each other twenty-six times in passing through it. The canyon, it appeared from the testimony of Mr Clark, was the key to the situation. He admitted that the reason he entered into a traffic agreement with the Harriman interests to maintain rates into southern California territory was because he could not get through the Meadow Valley wash without it.

Later it was brought out that the same interests which were holding up the Clark line in the Nevada canyon had started their survey east from Los Angeles toward Salt Lake, indicating ostensibly the genuineness of their intentions.

Harriman Got Half.

The matter resulted in Mr. Harriman's securing a holding of a one-half interest in the Clark road, and the directorates was equally divided between the two interests. It was also shown that the Salt Lake road did not after entering into this agreement with Mr. Harriman, build a complete line between Los Angeles and Salt Lake, but contracted to use certain trackage of the Santa Fe between Riverside, Cal., and Daggett, Cal., and of the Southern Pacific between Riverside and Colton, which they are doing today. It was shown by the agreement that Mr. Harriman obligated himself to secure the latter concession from the Southern Pacific in favor of the Salt Lake road and Attorney Severance inquired of the witness:

"Mr. Harriman therefore negotiated with himself to induce himself to grant your road the use of this certain track?"

"We secured such a concession," said Mr. Clark.

Preferential Agreement.

The preferential freight agreement between the Union Pacific and the Clark road, by the terms of which neither could divert any business to other lines in each other's territory, was dwelt upon. The Southern Pacific was named as the sole exception in this part of the contract.

The ninety-nine-year contract between the Clark line and the Union Pacific and the Oregon Short Line, with particular reference to that part where all parties were prohibited from giving any better terms to other outside roads than those maintained with the contract parties, was gone over. The witness stated that the agreement was made on their part in order to get into southern California, with their line. Here Commissioner Lane interrogated the witness at length upon the necessity of the agreement from the standpoint of the Clark road, bringing out testimony already quoted. Mr. Clark was still on the stand when a recess was taken.

Long End for Southern Pacific.

Mr. Clark resumed his testimony when the hearing reconvened at 2:15. The Harriman-Clark freight agreement was again taken up. Mr. Severance called attention of Mr. Clark to a clause in the contract which provided that notwithstanding the preferential agreement between the Clark road, the Union Pacific and the Oregon Short Line, the interchange of business with the Southern Pacific by all three of these lines should not be disturbed by the terms of the contract. The witness did not know who put this provision in the contract or why it was done. He admitted that this might allow the Union Pacific and Oregon Short Line to divert traffic to the Southern Pacific, notwithstanding that the original agreement was drawn, he thought, to compel the observance of the preferential agreement.

Mr. Clark said that his own road had not cut the freight rates on California fruit shipments because he deemed them low enough already. He said that their traffic manager could cut freight rates without consulting the Harriman interests. He had done so. Mr. Clark said he knew little or nothing himself about their traffic business in detail, but that General Manager Wells supervised that. Here Commissioner Lane said:

"If you, Mr. Clark, know nothing about rates in detail on your road, how do you know whether Mr. Stubbs of the Union Pacific does not dictate to Mr. Wells the freight rate on your lines?"

"I know he does not."

"How do you know it?"

"Mr. Wells would not take official dictation from Mr. Stubbs."

The hearing adjourned at 4 p. m. to resume tomorrow.

Willie wailed and Winnie wheezed, while Wintry winds whined weirdly. Willie wriggled while Winnie wheezed wretchedly. Wisdom whispers, winter winds work wheezes. Wherefore we write, "Use Kennedy's Laxative Cough Syrup." Nothing else so good. Sold by Charles Van Dyke, 280 Main street.

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THE DEATH RECORD.

Preston H. Leslie.

Helena, Mont., Feb. 7.—Former Governor Preston H. Leslie died at his home in this city this morning, at the age of 88 years. Mr. Leslie had the distinction of being governor of Kentucky and of the territory of Montana. He was born in Kentucky in 1819 and was admitted to the bar in 1840. He served several terms in the Kentucky legislature, in both houses, and in 1869 was elected speaker of the senate and succeeded to the governorship on the resignation of Governor Stevenson, being re-elected in 1871 by a large majority. In 1887 he was appointed by President Cleveland governor of the territory of Montana, serving acceptably until the state was admitted to the union, and then serving as United States district attorney until 1898.

Viscount Goschen.

London, Feb. 7.—Right Honorable Joachim Goschen (Viscount Goschen) died suddenly this morning at his residence, Seacox Heath Hawkhurst, of heart failure. His death was quite unexpected. Viscount Goschen, who was born in 1831, had a distinguished public career. He was chancellor of the exchequer in Lord Salisbury's second administration and afterward was first lord of the admiralty, serving in this position for five years.

Benjamin W. Harris.

Bridgeport, Mass., Feb. 7.—Former Congressman Benjamin W. Harris died at his home here today, aged 83. He was known in congress as the "father of the new navy."

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Ara

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