

MAIN CASE NEARLY CLOSE

Jerome Will Call No Expert Witness to Rebut Testimony of Defense's Alienists.

INSANITY IS NOT MADE OUT.

Defendant's Counsel Cannot Call State's Experts of Last Year in Sur-rebuttal.

Several Witnesses Testified That Thaw Seemed Perfectly Rational the Night of the Tragedy.

New York, Jan. 28.—The Thaw case progressed today to within a few hours of its close. When the noon recess was taken the state had practically conceded its case in rebuttal and the defense had only a few witnesses to call in sur-rebuttal. The summing up of the attorneys will begin tomorrow.

Mr. Jerome caused distinct surprise by announcing that he would call no expert witnesses to rebut the testimony of the alienists introduced by the defense.

He said he would rely on arguing that a competent case of insanity had not been made out. His move also prevents the defense from calling the state's experts of last year in sur-rebuttal to question them as to their declaration before the lunacy commission that Thaw was an incurable paranoiac and likely to do violence if allowed to go free.

The proceedings were materially speeded by an agreement of counsel today to the effect that the jury testimony of Abraham Hummel concerning the affidavit Evelyn Nesbit is said to have signed in 1903, charging cruelty against Harry Thaw as grounds for divorce, be taken as true.

This obviated holding court on Blackwell's island, where Hummel is serving a sentence. In return for the concession by the defense, Mr. Jerome allowed the state to introduce in evidence the testament had been held up for want of proof as to its custody.

The witness set apart a sum of \$50,000 for the purpose of investigation in case the maker did a violent or suspicious death. The prosecution brought several witnesses forward to say Thaw seemed rational the night of the tragedy.

CONFERENCE OF COUNSEL.

Before the opening of the state's case in rebuttal in the Thaw case today, the attorneys for both sides had a conference of counsel, having as its object the arrangement of a compromise as to admitting certain evidence—principally the copy of the Evelyn Nesbit affidavit—into the case.

Mr. Littleton will admit the affidavit. This arrangement would allow the state to introduce the copy of the affidavit, which was signed by Evelyn Nesbit, as evidence of the state's case.

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DESERT EVENING NEWS.

TRUTH AND LIBERTY. TUESDAY JANUARY 28, 1908 SALT LAKE CITY UTAH FIFTY-SEVENTH YEAR

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