

Dr. Wagner, Expert Alienist, Believes He Was When He

JEROME BLOCKED TESTIMONY.

He and Mr. Delmas Hat' Many Legal Skirmishes-Defendant's Attor-

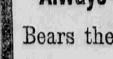
New York, Feb. 12 .- The real legal battle in the Thaw case has begun. Dist. Atty, Jerome and Attorney Delmas for the defense have found their gait and from now on, it is expected, the battle will be fought to the last. In this legal battle, Mr. Jerome would seem to have a shade the better, for he is familiar with the details of practise under the New York

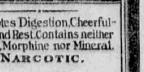
ter, for he is familiar with the op-tails of practise under the New York law, while Mr. Dehmas will have to depend very largely on his associates for advice on technicalities. The fight to keep out the testimony, which would tend to show that Thaw was insame when he shot Stanford White, which was begun yesterday, will be continued today. Dr. R. D. Evans, who is in charse of the Insame hospital at Moris P J. J. will be the first witness of the Insame hospital at Moris P J. J. will be the first witness of the Insame hospital at Moris P J. J. will be the first witness of the Insame hospital at Moris P J. J. will be the first witness of the Insame hospital at Moris P J. J. will be the first witness of the Insame hospital at Moris P J. J. will be the first witness of the Insame hospital at Moris P J. J. will be the first witness of the Insame hospital at Moris P J. J. Will be the first witness of the Insame hospital at Moris P J. J. Will be the first witness of J. J. Will be the state insame hospital at Bing-hampton, N. Y., yesterday, remains to be seen. Dr. Wagner succeeded in answering Mr. Deimas' hypothetical question, but he was unable to get in-to the record his impressions of Thaw based on six visits to him in the Tombs, and various personal and phy-sical examinations. Dr. Evans accom-panied Dr. Wagner on these visits. Unless he can make himself more def-inite in his statements than did Dr. Wagner, there is fittle doubt that the court, following its rulings of yester-dae, will keep out the greater part of Wagner, there is little doubt that the court, following its rulings of yester-day, will keep out the greater part of his testimony. The alienists who ex-amined Thaw based a large part of their examinations on Thaw's own statements regarding himself and the personal and family history of the case. Under the law as interpreted by Justice Fitzgerald, Dr. Wagner was not allowed to testify to anything ex-cept his observations and when he said that he based his opinion as fo cept his observations and when he said that he based his opinion as to Thaw's mental condition largely on Thaw's own statements, and the his-tory of the case. Mr. Delmas was forced to withdraw the question, the answer to which would doubtless have been that the alienist considered Thaw insame when he fired the fatal shot. Whether are answer of the alienists to the hypothetical questions will be

Whether are answer of the allenists to the hypothetical questions will be considered prima facia proof that Thaw's mind was unbalanced at the time of the homicide, and will there-fore open the way for the introduction of the cumulative evidence which Evelyn Nesbit Thaw, May McKenzie, and perhaps several others, are ready to give, is a question that can not be answered until the time comes when the court will pass on it.

bounced last night that it would take about two days more to put in the di-rect case for the defense. This, of rourse, does not take into consideration

There is some talk that Hummell may Phore is some taik that futured may be put on the stand as a witness in re-buttal, but it is more likely that Mr. Jerome is preparing for his cross-examnation of the young woman.





Range of Old Dr.S.M.D.EL PITCHER



ness and LOSS OF SLEEP.



