

BETWEEN TWO FIRES

Thaw Must Face Lunacy Examination or Electric Chair.

PREFERS DEATH TO ASYLUM

Defense of White's Murderer Uses Plea of Insanity to Clear Prisoner, But Do Not Want Him Declared Insane.

NEW YORK, Feb. 15.—Closer observers of the Thaw trial which has been postponed for several days because the death of a juror's wife believe the present trend of the trial as shown in the past two days, is toward a commission in lunacy to determine officially Harry Thaw's condition of mind. This belief is suggested by District Attorney Jerome's apparent willingness to admit part of the will by his readiness to withhold technical objections to the testimony of Thaw's family physicians tending to throw light upon the defendant's mental status and by his policy of yesterday in admitting without opposition the conversation between Thaw and Dr. Evans when the latter was examining the prisoner in the Tomb.

Counsel for Thaw have reached the opinion that the trial may be terminated abruptly any day next week from this cause. So fully convinced are they that Jerome will make this move that they are planning to fight him on this line. Thaw himself is credited with having declared that he would not face the asylum in preference to Sing Sing and the death chamber, so it can be seen with what feeling this expected move of Mr. Jerome is creating in the camp of the defense.

One of Thaw's lawyers in speaking of the probable plan for a lunacy commission, said yesterday:

"As the case has progressed from day to day we have become more and more convinced by the contest of the District Attorney and his experts who are observing the defendant for him that it has been, and in his purpose to lead the case to the point where he can apply properly for a commission in lunacy.

"I don't want the boy declared insane. We want him acquitted," he added.

The resumption of the trial on Monday will depend on how Juror Bolton, whose wife died yesterday, stands the ordeal put on him by this affliction. It was the general opinion in court yesterday of the men who had studied the jurymen, that Bolton, who appears to be a man of determination, will stand the strain and that the trial will be continued. Dr. Evans will then go on the stand again and it is expected that he will try to substantiate his opinion that Thaw was insane in August by giving Thaw's own words to him during three examinations. Following this testimony from the defense's own experts it is expected that District Attorney Jerome will be prepared to make his appeal to the court for a lunacy commission. If it should be made immediately following the admittance of the testimony from Dr. Evans, Mrs. Thaw will not have to complete her story, nor will she have to face a cross examination which many have predicted would be a terrible ordeal for her.



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Mr. Jerome, when questioned last night on the subject of the possible close of the trial by an application for a commission, declined to discuss the matter in any way.

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