

# THAW'S FIGHT FOR LIBERTY

Man Who Killed Stanford White Making a Strong Effort For Freedom.

TO TRY TO PROVE HIS SANITY.

Proceedings Will be on Writ of Habeas Corpus Issued by Justice Morschauer.

His Attorneys Hold That Burden of Proof is on Mr. Jerome to Prove Prisoner Insane.

Poughkeepsie, N. Y., May 4.—Harry K. Thaw's fight for liberty which has been in progress almost every moment since he shot down Stanford White on the crowded Madison Square roof garden theater nearly two years ago, was continued in the supreme court today. Twice tried for the murder, the second time acquitted only to be sent to the Matteawan state hospital for the criminal insane, Thaw now will endeavor to prove his sanity and his right to complete freedom.

## PROCEEDINGS.

The proceedings which began today were based upon a writ of habeas corpus taken out at the instance of the prisoner to procure his release from the asylum. The writ was issued by Justice Morschauer at White Plains, N. Y., on April 22, on application of James G. Graham, a Newburgh attorney. It was made returnable before Justice Morschauer in this city today.

An interesting insight into Thaw's matrimonial affairs which have attracted much attention since his removal to the asylum, was contained in a statement given out by A. Russell Peabody, one of Thaw's counsel, before the opening of court today. Young Mrs. Thaw, who had such a prominent place in the two trials of her husband for murder and who has begun suit for the annulment of her marriage to Thaw, has not seen her husband since more than two months. Mr. Peabody said, however, that Mrs. Thaw has offered herself as a witness in her husband's behalf should her testimony be necessary to obtain her freedom. He did not know whether it would be necessary to call her to Poughkeepsie, he said, but if he believed it necessary in a case develops, she will be summoned.

## THAW TO GO ON STAND.

Thaw himself undoubtedly will go on the stand in his own behalf, Mr. Peabody said. He declared that the prisoner is willing to submit to any examination the court or the district attorney may desire as proof of his sanity.

Mr. Peabody said he and Mr. Graham will oppose any attempt to have the case transferred to New York county, which would mean that the district attorney Garvin would make at the opening of the hearing. "We want the case tried in Dutchess county," said Mr. Peabody. "This is the only county where Thaw is sane. The writ was made returnable here, and we believe that the crowds of curious people which would be attracted in New York can be avoided in Poughkeepsie."

"We hold that the burden of proof rests upon Mr. Jerome to show that Thaw is insane. He has never been declared to be insane. The district attorney's commission in the first trial adjudged him sane. The jury in the second trial deemed him insane at the time he killed White."

## THAW LOOKS RUGGED.

As the capacity of the courtroom is no more than 200, cards were issued to those admitted. A score of women were among the spectators. When Thaw reached the courtroom at 10:45 he was in the custody of Amos T. Baker, acting superintendent of the Matteawan asylum, and two attendants. Thaw looked rugged, and well, and his appearance indicated that he had plenty of outdoor life at Matteawan. He took a seat at the counsel table with his lawyers and at once entered into earnest conversation with Mr. Graham, who is in charge of the habeas corpus proceedings. A private detective sat behind Thaw and was joined later by Roger O'Mara, the Pittsburgh editor who helped in the preparation of Thaw's defense. Thaw looked nervously at the hands of the clock while waiting for court to open. The proceedings were delayed until 11 o'clock owing to the late arrival of Asst. Dist. Atty. Garvin of New York. In court were Warden Finn of the Matteawan prison, New York, and nine or 10 other attaches, and three chaplains from the same prison, who had been summoned by Thaw to testify as to his behavior while in prison.

The opening of the hearing was delayed by a conference between Dist. Atty. Mack and Dutchess county and Asst. Dist. Atty. Garvin of New York. Mr. Mack then moved that the proceedings be sent to New York county.

Mr. Mack said he was informed that it would cost Dutchess county \$50,000 to have the proceedings tried in Dutchess county. He thought it would be better for the taxpayers of Dutchess county if the proceedings were estimated that such cases must be tried here.

## MUST HAVE COMMISSIONS.

Mr. Garvin said that the trial would involve sending commissions to Paris, Rome, Carlo and other places in Europe to obtain evidence as to Thaw's sanity. He thought that the case should be concluded under the jurisdiction where it originated.

Mr. Graham opposed the motion. He contended that the proceedings should be tried under the statute in the judicial district where the habeas corpus had been granted. He said that the cost of the proceedings had been estimated at \$50,000. He added with the murder trial and that the New York district attorney could not let money get him. Then being asked if he would let money get him, he said: "No, I would not. I would let money get me. Do not despise it. The relation of the church to wealth should be sympathetic, not antagonistic."

# CADETS CAMP AT GOLDEN GATE

Three Hundred Utah Boys All Well and Happy in Their Wonderland.

CHEERS GREET BATTALION.

Californians Shower Praise and Fragrant Flowers Upon the 300 from Salt Lake High School.

(Special to the "News.") San Francisco, May 4.—The model battalion of the Salt Lake High school is now the home of the cadet battalion of the Salt Lake High school. The camp was not captured by the cadets, but Gen. Funston presented it to the boys in blue from Utah before they arrived in the city. Arrived at Oakland, the youngsters took to San Francisco, up Market to Van Ness avenue and then to Sutter street, where cars were boarded for the presidio, all was a triumph for the spick and span cadets. Men, women and children thronged the streets and through a crowd numbering into the thousands the boys marched with military tread to the music of the splendid band which have with them, conquering wherever they appeared. Gay bunting dressed the avenue through which they passed, schoolchildren lined the route, and the soldiers with California's most fragrant blossoms. Everywhere happiness, cheerfulness and hospitality. The cadets, who are now at the Salt Lake camp, have come, they have seen and they have conquered. Not all fields have been invaded for their stay in this city has only begun. When they leave, however, their victory will be numbered by the places they have seen.

## GOOD TIME MADE.

The cadet special train arrived 30 minutes ahead of its schedule. All along the way Capt. William C. Webb, commandant of the cadets, had expected to detain at Oakland and then, after baggage was transferred to the waiting transports, to take up a march for Fort Mason. A telegram from General Passenger Agent Horsburgh of the Southern Pacific was received stating that the state after the arrival of the cadets might pitch their own camp and show the army how such a task is accomplished by 300 vigorous, high-spirited boys. The cadets were at home in their camp 30 minutes before the train arrived. E. W. Wilson, a former Salt Lake, had taken advance steps to make their stay a little more pleasant. He had a straw stack on the camp and all hands were soon busy dilling the beds with the straw and very soon after neat bunks were in place in the tents.

## LIKE TRUE SOLDIERS.

The appearance of these tents 30 minutes after the cadets arrived was a picture of soldierly neatness. Each tent was like a miniature of the barracks. The equipment was in neat piles; everything in order and the 300 hungry boys were lined up in front of their tented city in the greatest of discipline. There was a little difference in that gone through in other military camps. In addition to looking to the appearance of the boys, the condition of their tented city was a matter of great importance. The boys were in a rigid inquiry as to the health of each boy was undertaken by Capt. Tyndale and his assistants in the hospital department. To the surprise of the boys, not one of them had so much as a cold, a headache or other ill. The health of the command from Capt. Webb down to the boys was excellent.

## THEY LIKE THE COOK.

The "biggest man in camp," judging from the fact that he completely fills the heart of every lad in the tented city, is Arnold Bruger, a Swiss cook who has the inner man of each one of the cadets at heart. The boys love to cook a meal for 300 boys and have it fit the taste of every one of them. That is what Bruger is doing, though. He has been with the cadets in all of their previous camps and he has a great service with the regular army and with the National Guard of Utah. He is a jolly little fellow and is always ready to please and to do the boys' bidding. He can do for the boys.

## UP TO LAST NIGHT, THERE WAS SOME SUPPLEMENTED EXCITEMENT IN THE HEART OF EVERY CADET. NOT EVEN CAPTAIN WEBB WAS FREE FROM IT. GENEALITY WAS NO EXCEPTION. AFTER A SONG THAT RANG THROUGHOUT THE PINE FOREST BACK OF THE CAMP AND SKIRTING THE BAY, IN WHICH EVERY CADET JOINED, the bugles from the guard tent (which has no occupant, by the way) in martial harmony sounded "Quarters." The song was followed by cheering from the boys. Are they homesick? Not one of them. The good old High school yell, "With a vew," with a vew, with a vew, every lad poked his head into his tent and waited for "Taps."

## BUSY WRITING LETTERS.

The brief intervals between "Quarters" and "Taps" was a good deal like a session of the Ready Letter Writers' club. Postal cards, letter paper, envelopes and stamps were brought out in amazing number and soon a story of the day was on its way to the ones at home. There are lots of these cadets who look at pictures they brought with them. Some of them are of proud mothers and some of them are of proud fathers. They are happy, but they are not homesick. They are happy, but they are not homesick. They are happy, but they are not homesick.

## SLEEP CLOSES BUSY DAY.

"Taps" sounded from the guard tent at 10 o'clock, and in a second the entire camp, except for Captain Webb's tent, was in darkness. There was not a sound to be heard over the tented city and the sentries patrolled their posts before 300 sleeping boys from the Salt Lake High school, who were dreaming of the wonderland into which they had been carried by the fast Southern Pacific train in less than 30 hours.

## "REVILLE" ACCOMPANIED BY THE FIRING OF A MONSTER CANNON AND THE ROLL OF DRUMS, AWAKENED FROM THEIR DREAM-STATE THE 300. IT WAS THE BEGINNING OF THEIR WEEK OF MILITARY ROUTINE.

Following the reveille the cadets assembled by companies in front of the tents, each roll calling every man present and ready for anything that might chance his way. The "set-back" exercises were gone through, calculated to limber up joints and lull muscles. Then the 300 made a

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# CONSPIRACIES TOO NUMEROUS

Portuguese Government Completed Investigation of Plot To Assassinate King.

WILL BE NO PROSECUTIONS.

Because There Are So Many Prominent Persons Either Suspected or Implicated.

When King Manuel Takes the Oath Of Office He Will Grant a General Political Amnesty.

Lisbon, May 4.—The government has completed its investigation into the plot that led to the assassination last February of King Carlos and the crown prince of Portugal, but it would appear that the conspiracy had so many ramifications and that so many persons of position are either suspected or implicated that it has been decided not to bring any prosecutions. Nevertheless, in order to keep up appearances, King Manuel when he takes his oath of office, will grant a general political amnesty. This, however, will only cover offenses up to Jan. 30; the assassinations occurred Feb. 1.

Although King Manuel has expressed his willingness to repay to the treasury the money advanced to the late king, Carlos, the cabinet on account of the present condition of the finances of the royal house has decided to ask parliament to cancel these debts.

Dr. Jose de Alperim, chief of the Progressive dissidents, who has been a thorn in the side of the monarchy, is believed to have made a deal with the government by which one of his followers will enter the cabinet at the earliest opportunity.

The civil governor of Lisbon has issued orders that all arms in the possession of private persons be surrendered immediately. After May 3, any persons having arms in their possession without the proper permission will be severely punished.

# A FERRYBOAT CAPSIZES

St. Petersburg, May 4.—A ferry boat on the river Dnieper capsized yesterday near Bakhoff. In the government of Mohiloff and 120 persons were drowned as a result. The boat was filled with peasants and their wives and children and was crowded and became unmanageable in mid-stream. The passengers got into a state of panic and overturned the boat by crowding to one side.

# COMMANDER KILBY ASKS TO BE RELIEVED

Chicago, May 4.—Fearing physical breakdown, Commander George A. Kilby, the western head of the Salvation army, has requested Gen. Booth to relieve him of his command.

Sorrow and regret were freely expressed by many thousands of Chicagoans yesterday when the word of his resignation was received. A demonstration on a large scale will be tendered the commissioner and his wife next Wednesday night.

Commander Kilby has been in command of all Salvation army operations, extending over two-thirds of the United States, for the past three years. His territory extends westward to the Pacific coast from a line north and south between Duluth and New Orleans. The headquarters have been in Chicago.

Mrs. Kilby has had oversight of the army operations throughout the west connected with the aid for women. This embraces slum posts, rescue and children's homes.

Before coming to Chicago, Commander Kilby was in charge of the work of the Salvation army in the south. Mrs. Kilby has been in the Salvation army, serving in all parts of the world.

# FINEST FLOTILLA OF SUBMARINE BOATS

New York, May 4.—The finest flotilla of submarine boats the United States has ever put together will assemble in New York harbor in a few days on the arrival here of the Chilean fleet.

The Chilean fleet, which is headed by the battleship Albatross, will be accompanied by the torpedo boat Albatross, the submarine boat Albatross, and the submarine boat Albatross.

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# SEE PRESIDENT ON BIG PROJECT

Governor Cutler Spends Three Days on the Strawberry Inspecting Irrigation Plant.

MORE MONEY BADLY NEEDED

After This Summer \$100,000 Per Year Could Be Used to Advantage in Carrying on Construction.

When President Roosevelt, who knows the western country more intimately than any previous chief executive, meets the governors of all the American states in his Washington conference this month, Gov. Cutler of Utah will be prepared to stand any amount of cross-examination on important government work now in progress in the Utah mountains.

The governor returned to Salt Lake last night, after an arduous trip to Strawberry valley in which three days were spent examining into details of the construction work going on at the head of Sixth water, a branch of Diamond Fork of the Spanish Fork canyon.

The governor's party consisted of himself, Elias A. Smith of the state board of corrections and Isaac Russell. They left the railroad at Government Switch, four miles this side of Thistle Friday morning and were there met by J. Leavelle, chief of the government operations.

WALKED OVER SNOW BANKS. A four-horse team and mountain wagon were utilized to make the 25-mile drive to the tunnel mouth on this side of the western Strawberry ridges. Deep snow prevented the team from going the entire way to the summit, and this portion of the trip was completed on foot, the party often walking over snow banks several feet deep. From the ridge top the Strawberry valley was visible through glasses. While Mr. Leavelle pointed out the places where an immense government dam will be constructed to make the valley a more complete reservoir, and where the dredging of a channel into the new tunnel will be undertaken, the plan being to stop up Strawberry river where it now cuts its way through the mountains to the westward watershed, emptying into the waterways feeding Utah Lake.

Friday evening the party slept at the government camp on this side of the ridge, where the tunnel is being run in. The tunnel is being run in a northwesterly direction, and the tunnel is being run in a northwesterly direction, and the tunnel is being run in a northwesterly direction.

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# CARRIAGE MEN OUT ON STRIKE

Wagon and Automobile Workers in Salt Lake Walk Out This Morning.

EIGHTY THROW DOWN TOOLS

Trouble is Not One of Hours But Wages Paid for Their Work.

Raise of Twenty-Five Cents for Skilled Men and Helpers is Hinted at as Being the Hitch.

Carrriage, wagon and auto workers, to the number of 80 are out on strike, the walk-out occurring this morning. The dispute between the men and their employers, various firms about town, is over wages. Skilled workers are now paid \$3.50 per day, nine hours, and helpers, \$2.25, same number of hours to a day. The men are content with the hours but asked their employers to raise the wages. The raise was left to the employers and upon their refusing the men walked out. All the strikers are union men but that they are not pressing their union affiliations to any great extent in the matter was evidenced by a number of shops paying more money to union men running, and they will continue to do so. Men employed in shops of this nature are not to be engaged out of the statements of the strikers continue to hold good.

HELPERS JOIN STRIKERS. Carrriage, wagon and auto workers comprise those men who build,