

Jerome Scores First Point in Thaw's Fight for Release From Asylum Woman Tries to Shoot Her Sister's Alleged Betrayer in Court Mrs. Guinness Escaped in Auto With Her Partner in Crime Is New Claim

WEATHER—Rain Probable To-Night or Friday.

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THAW'S OPENING IN FIGHT FOR FREEDOM TAKES ONLY ONE DAY

But Three Witnesses Called to Testify to His Sanity—Others Held to Combat Case Made Out by Jerome.

(Special to The Evening World.)

POUGHKEEPSIE, May 14.—Taking a leaf from District-Attorney Jerome's book, Lawyers Graham and Peabody, who are fighting to secure Harry Thaw's release from Matteawan, rested their case late this afternoon after calling three witnesses. It was thought at first that they had thrown up their hands, because fully twenty persons, including alienists, had been subpoenaed in their behalf.

Mr. Graham explained that he was holding his big witnesses and experts for examination in rebuttal. He will wait until the District-Attorney finishes his fight to have Thaw declared insane before exposing the full strength of his hand.

Mr. Jerome opened his side of the fight by calling Dr. Flint.

Thaw's most visible ground in the opening skirmish. His lawyers had feared on spending the first day in arguing for his release on the ground that his commitment to the asylum was illegal, but the Justice forestalled this by ruling that he would hear evidence as to Thaw's present mental condition now. Unwillingly the "Pittsburgher" counseled the "Bomb's physician," Dr. McGuire, the District-Attorney Jerome took advantage of this opening to draw from Dr. McGuire some interesting facts that had not been brought out in either of Thaw's trials for murder.

Asks for Discharge.

It developed that certain attaches of the prison had told McGuire that Thaw feared he might be assassinated in his cell either by poison or by bullets.

This admission as bearing on Thaw's mental status was regarded as significant. The exact date of Thaw's utterance of the word "suspect" was not brought out.

Although the Justice will hold night sessions, the Poughkeepsie end of the proceedings will last several days.

Thaw, jaunty and confident, listened to the opening evidence with a broad smile on his sallow face.

Justice Morschauser, who is a plump, pink, youngish man, looks something like Dan O'Reilly when he smiles, which he frequently does. He was smiling when he mounted the stand and with the tip of his tongue, seems to disprove the theory of suicide, and Mrs. Weiss declared that she knew of no reason for such an act.

Thaw, he said, had not been personally examined as to his sanity at the time of his commitment to Matteawan in January, no witness as to Thaw's mental state had been heard. He figured further that the language of Justice Dowling's commitment was improper and that the statute on which the commitment was based is unconstitutional, since it deprives a citizen of his liberty without due process of law.

Puts Burden on Thaw.

"A commission in February, 1907, said Thaw was sane," said Mr. Graham. "Furthermore, it was presumed that at the time of his last trial in January, 1908, he was competent to confer with his counsel."

"I will not pass upon that matter at this time," said Justice Morschauser. "Unless you care to rest on your claim of unconstitutionality in the commitment alone, otherwise I will hear testimony as to this man's sanity, holding always that the burden of proof rests upon the relator."

Jerome was quick to take advantage of the opening. He rose up to say that if Mr. Graham had any confidence in his plea he thought Thaw's side ought to be willing to make their fight as that alone and so save all hands a great deal of money and time.

"They bring up two distinct issues here," said Jerome. "I suggest that they drop one or the other."

"I take that position myself," said the Justice. "Either that or else the lawyers for the relator must go ahead and offer proof as to his sanity, and I will pass on both questions at once."

Mr. Graham became slightly confused. He wanted to know if Jerome was ready to go ahead with his side of the case now. Jerome explained that he had a pressing engagement on May 27 with Commissioner Hand, who had heard the charges against him, and after that he wanted to go to the mountains for a rest.

"I will hold sessions of this court" (Continued on Second Page.)

EVENING WORLD RACE CHART SECOND DAY AT BELMONT PARK.

Weather Cloudy. May 14. Track Slow.

273 FIRST RACE—Three-year-olds and upward; selling; \$1,000 added; six furlongs. Post time 1:21, off 2:35. Start fair. Won handily. Winner, ch. c., by Pianoforte—Lady Scarlett. Owner—Reverdyck Stable. Time—1:13.5.

Index	Starter	Wts.	St.	St.	Fin.	Jockeys	Op.	Hi.	Cl.	Pl.	Sh.
273	Temperance	97	12	15	15	Garnier	12	15	15	6	3
274	Pontoon	101	8	21	62	Callan	20	50	20	8	5
275	Personal	101	1	21	21	Callan	10	20	20	8	5
276	John Morris	96	3	9	5	McAbee	10	5	6	2	6.5
277	Hickory	101	1	12	12	McCarthy	15	20	20	8	5
278	John O'Halloran	101	1	12	12	McCarthy	15	20	20	8	5
279	Sandal	110	8	21	21	Koenig	40	60	60	20	12
280	McAbee	101	1	12	12	Horne	100	100	100	40	20
281	Greenham	100	7	16	16	Burns	10	15	8	6	2
282	McAbee	100	7	16	16	Hickman	20	20	20	8	5
283	McAbee	100	7	16	16	Hickman	20	20	20	8	5
284	McAbee	100	7	16	16	Hickman	20	20	20	8	5
285	McAbee	100	7	16	16	Hickman	20	20	20	8	5
286	McAbee	100	7	16	16	Hickman	20	20	20	8	5
287	McAbee	100	7	16	16	Hickman	20	20	20	8	5
288	McAbee	100	7	16	16	Hickman	20	20	20	8	5
289	McAbee	100	7	16	16	Hickman	20	20	20	8	5
290	McAbee	100	7	16	16	Hickman	20	20	20	8	5

274 SECOND RACE—Handicap for mares and fillies; three-year-olds and upward. Post time 1:42, off 3:05. Start fair. Won easily. Winner, b. m., by Florist—Mellow Belle. Owner—E. A. Forsythe. Time—1:01.25.

Index	Starter	Wts.	St.	St.	Fin.	Jockeys	Op.	Hi.	Cl.	Pl.	Sh.
274	Zienap	122	8	15	15	Burns	7	12	16.5	6	10
275	Personal	101	1	21	21	Callan	10	20	20	8	5
276	John Morris	96	3	9	5	McAbee	10	5	6	2	6.5
277	Hickory	101	1	12	12	McCarthy	15	20	20	8	5
278	John O'Halloran	101	1	12	12	McCarthy	15	20	20	8	5
279	Sandal	110	8	21	21	Koenig	40	60	60	20	12
280	McAbee	101	1	12	12	Horne	100	100	100	40	20
281	Greenham	100	7	16	16	Burns	10	15	8	6	2
282	McAbee	100	7	16	16	Hickman	20	20	20	8	5
283	McAbee	100	7	16	16	Hickman	20	20	20	8	5
284	McAbee	100	7	16	16	Hickman	20	20	20	8	5
285	McAbee	100	7	16	16	Hickman	20	20	20	8	5
286	McAbee	100	7	16	16	Hickman	20	20	20	8	5
287	McAbee	100	7	16	16	Hickman	20	20	20	8	5
288	McAbee	100	7	16	16	Hickman	20	20	20	8	5
289	McAbee	100	7	16	16	Hickman	20	20	20	8	5
290	McAbee	100	7	16	16	Hickman	20	20	20	8	5

275 THIRD RACE—The Maiden; \$1,000 added; two-year-olds; five furlongs. Post time 1:52, off 3:15. Start fair. Won easily. Winner, b. c., by Mellow Belle of St. Louis. Owner—E. A. Forsythe. Time—1:01.25.

Index	Starter	Wts.	St.	St.	Fin.	Jockeys	Op.	Hi.	Cl.	Pl.	Sh.
275	Staten	115	3	15	15	Burns	1	2.5	1.5	1.5	1.5
276	John Morris	96	3	9	5	McAbee	10	5	6	2	6.5
277	Hickory	101	1	12	12	McCarthy	15	20	20	8	5
278	John O'Halloran	101	1	12	12	McCarthy	15	20	20	8	5
279	Sandal	110	8	21	21	Koenig	40	60	60	20	12
280	McAbee	101	1	12	12	Horne	100	100	100	40	20
281	Greenham	100	7	16	16	Burns	10	15	8	6	2
282	McAbee	100	7	16	16	Hickman	20	20	20	8	5
283	McAbee	100	7	16	16	Hickman	20	20	20	8	5
284	McAbee	100	7	16	16	Hickman	20	20	20	8	5
285	McAbee	100	7	16	16	Hickman	20	20	20	8	5
286	McAbee	100	7	16	16	Hickman	20	20	20	8	5
287	McAbee	100	7	16	16	Hickman	20	20	20	8	5
288	McAbee	100	7	16	16	Hickman	20	20	20	8	5
289	McAbee	100	7	16	16	Hickman	20	20	20	8	5
290	McAbee	100	7	16	16	Hickman	20	20	20	8	5

276 FOURTH RACE—Two-year-olds; selling; \$500 added; four furlongs; straight race. Post time 2:03, off 3:25. Start fair. Won easily. Winner, b. c., by Kinley Mack—Lady Linday. Owner—J. McLaughlin. Time—0:48.

Index	Starter	Wts.	St.	St.	Fin.	Jockeys	Op.	Hi.	Cl.	Pl.	Sh.
276	Lucille R.	103	3	15	15	McAbee	7	10	5	6.5	1
277	Personal	101	1	21	21	Callan	10	20	20	8	5
278	John Morris	96	3	9	5	McAbee	10	5	6	2	6.5
279	Hickory	101	1	12	12	McCarthy	15	20	20	8	5
280	John O'Halloran	101	1	12	12	McCarthy	15	20	20	8	5
281	Sandal	110	8	21	21	Koenig	40	60	60	20	12
282	McAbee	101	1	12	12	Horne	100	100	100	40	20
283	Greenham	100	7	16	16	Burns	10	15	8	6	2
284	McAbee	100	7	16	16	Hickman	20	20	20	8	5
285	McAbee	100	7	16	16	Hickman	20	20	20	8	5
286	McAbee	100	7	16	16	Hickman	20	20	20	8	5
287	McAbee	100	7	16	16	Hickman	20	20	20	8	5
288	McAbee	100	7	16	16	Hickman	20	20	20	8	5
289	McAbee	100	7	16	16	Hickman	20	20	20	8	5
290	McAbee	100	7	16	16	Hickman	20	20	20	8	5

277 FIFTH RACE—Handicap; three-year-olds and upward; \$1,200 added; one mile and a sixteenth. Post time 2:14, off 3:35. Start fair. Won easily. Winner, ch. g., by Hastings—St. Priscilla. Owner—August Belmont. Time—1:41.15.

Index	Starter	Wts.	St.	St.	Fin.	Jockeys	Op.	Hi.	Cl.	Pl.	Sh.
277	Priscilla	117	1	14	14	E. Dugan	3.5	4.5	3.5	1.5	1.5
278	Personal	101	1	21	21	Callan	10	20	20	8	5
279	John Morris	96	3	9	5	McAbee	10	5	6	2	6.5
280	Hickory	101	1	12	12	McCarthy	15	20	20	8	5
281	John O'Halloran	101	1	12	12	McCarthy	15	20	20	8	5
282	Sandal	110	8	21	21	Koenig	40	60	60	20	12
283	McAbee	101	1	12	12	Horne	100	100	100	40	20
284	Greenham	100	7	16	16	Burns	10	15	8	6	2
285	McAbee	100	7	16	16	Hickman	20	20	20	8	5
286	McAbee	100	7	16	16	Hickman	20	20	20	8	5
287	McAbee	100	7	16	16	Hickman	20	20	20	8	5
288	McAbee	100	7	16	16	Hickman	20	20	20	8	5
289	McAbee	100	7	16	16	Hickman	20	20	20	8	5
290	McAbee	100	7	16	16	Hickman	20	20	20	8	5

278 SIXTH RACE—Three-year-olds and upward; selling; \$1,000 added; one mile. Post time 2:25, off 3:45. Start fair. Won easily. Winner, b. c., by Hastings—Tullie. Owner—J. McLaughlin. Time—1:40.25.

Index	Starter	Wts.	St.	St.	Fin.	Jockeys	Op.	Hi.	Cl.	Pl.	Sh.
278	Tullie	106	5	12	12	E. Dugan	8.5	2	6.5	2.5	1
279	Personal	101	1	21	21	Callan	10	20	20	8	5
280	John Morris	96	3	9	5	McAbee	10	5	6	2	6.5
281	Hickory	101	1	12	12	McCarthy	15	20	20	8	5
282	John O'Halloran	101	1	12	12	McCarthy	15	20	20	8	5
283	Sandal	110	8	21	21	Koenig	40	60	60	20	12
284	McAbee	101	1	12	12	Horne	100	100	100	40	20
285	Greenham	100	7	16	16	Burns	10	15	8	6	2
286	McAbee	100	7	16	16	Hickman	20	20	20	8	5
287	McAbee	100	7	16	16	Hickman	20	20	20	8	5
288	McAbee	100	7	16	16	Hickman	20	20	20	8	5
289	McAbee	100	7	16	16	Hickman	20	20	20	8	5
290	McAbee	100	7	16	16	Hickman	20	20	20	8	5

279 SEVENTH RACE—Handicap; three-year-olds and upward; \$1,200 added; one mile and a sixteenth. Post time 2:36, off 3:55. Start fair. Won easily. Winner, ch. g., by Hastings—Tullie. Owner—J. McLaughlin. Time—1:41.15.

Index	Starter	Wts.	St.	St.	Fin.	Jockeys	Op.	Hi.	Cl.	Pl.	Sh.
279	Priscilla	117	1	14	14	E. Dugan	3.5	4.5	3.5	1.5	1.5
280	Personal	101	1	21	21	Callan	10	20	20	8	5
281	John Morris	96	3	9	5	McAbee	10	5	6	2	6.5
282	Hickory	101	1	12	12	McCarthy	15	20	20	8	5
283	John O'Halloran	101	1	12	12	McCarthy	15	20	20	8	5
284	Sandal	110	8	21	21	Koenig	40	60	60	20	12
285	McAbee	101	1	12	12	Horne					