REFUSES TO MOVE THAW

DOWLING DENIES PLEA.

Justice Mills Orders Him Returned to Jail, However.

Justice Dowling, of the Supreme Court, who presided at the second trial of Harry K. Thaw, denied yesterday Thaw's application to be removed from the Asylum for the Criminal Insane at Matteawan to some other institution, on the ground that Thaw was a dangerously insane person, not to be punished, but to be kept under restraint, that he might not injure either himself or any one else. The court held also that the state authorities had the power to direct Thaw's removal if it should be deemed proper.

In another phase of Thaw's fight for freedom Justice Mills heard argument at White Plains yesterday afternoon, after issuing a writ of habeas corpus on Saturday, on Thaw's application for a jury trial to determine his sanity at the present time.

On this application Justice Mills adjourned the case until July 13, when further argument will be heard, ordering Thaw to be returned to the Poughkeepsie jail in the mean time. Thus Thaw avoids, for two weeks at least, a return to the asylum at Matteawan, of which he is in so much dread.

Unlike Justice Dowling, Justice Mills, a member of the bench of the Ninth Department of the Supreme Court, seemed yesterday distinctly to favor Thaw, and White's slayer and his counsel felt last night that they had better cause to look for his ultimate freedom than at any time since his acquittal. Justice Mills said after the argument: "I believe it should be only a matter of time when this man should have a jury trial. I am not prepared to say whether it should be now or later."

In denying Thaw's application Justice Dowling said:

Thaw, who had taken the life of another under circumstances evincing cunning, deliberation and cowardice, was acquitted of responsibility for his act on the ground of his insanity at the time of its commission.

The expert witnesses called on his behalf, and testifying on a basis of a life history, beginning with prenatal conditions and extending down to a period after the killing, joined in declaring him insane, and the sole form of insanity testified to by any witness was maniac depressive insanity, wherein the patient, in his maniacal moods, is likely to commit assault or murder, and in his depressed moods is apt to commit suicide.

Both of these periods have been observed in Thaw's case, according to the testimony on his trial. These attacks are recurrent, but at periods which can only be determined by close observation. The sole objections to his present place of commitment appear to be that he has no special privileges allowed him, and that the authorities of the institution deem him insane.

The bitter legal fighting that has always marked any proceedings in this case in which District Attorney Jerome has appeared personally was not wanting at White Plains yesterday, and Mr. Jerome had several tilts with Franklin Bartlett, chief counsel for Thaw. Mr. Jerome made the point that Thaw, as a dangerous lunatic and a victim of paranoia, should not be left in the comparative insecurity of a county jail, and Colonel Bartlett rejoined that Thaw could not be clubbed out of the jurisdiction of the court.

Colonel Bartlett suggested that Justice Mills might feel ready, in view of his arguments as to the unconstitutionality of the laws under which Thaw was committed to Matteawan by Justice Dowling, to order his discharge, but contented himself by appealing for a trial of Thaw's mental condition by a sheriff's jury. He said he felt that Thaw should have this as a matter of absolute right, but he was willing to ask it at the discretion of the court.

Colonel Bartlett made his argument only after determined opposition by Mr. Jerome, who wanted a ten days' adjournment, saying he had had no time to prepare an answer to the writ of Saturday. He said also that the writ had been sworn out too soon after the decision of similar questions by Justice Morschauser and in the pendency of the application to Justice Dowling, the issue of which was not then known to counsel on either side.

Justice Mills allowed Colonel Bartlett to present his argument when he learned that Thaw's counsel was to sail for Europe this morning, but expressed his reluctance to sit again upon questions so recently passed upon by another justice of the same department.

Colonel Bartlett argued that the commitment of Thaw was illegal in that it was for an indefinite term, in that the constitutional prohibition of depriving a man of liberty without due process of law was violated by Justice Dowling's commitment, made under Section 454 of the Criminal Code, and in that, under the same section, Thaw was committed with no provision for his release except a provision in the insanity law allowing him to be discharged in the discretion of the superintendent of the asylum where he was confined.

Justice Mills sustained Mr. Jerome's argument that these points were disposed of by Justice Morschauser, although Colonel Bartlett had said he would take them to the United States Supreme Court if necessary, and said he would decide only the application for a jury trial, intimating that he favored such a trial.

There was some discussion as to where Thaw should be held during the period of adjournment. Justice Mills favored committing him to the Westchester County jail, in White Plains, but District Attorney Winslow said there was no proper accommodation, and Poughkeepsie was decided upon.

Thaw looked well when he arrived here in charge of Under Sheriff Townsend, of Dutchess, and had enjoyed the trip down the river. He was taken back to Poughkeepsie this afternoon, where he will be within reach of his counsel, Charles Morschauser, who will be in charge in Colonel Bartlett's absence.

On his return to the Poughkeepsie jail last night Thaw was not permitted to occupy Sheriff Chanler's room, which had been put in order in anticipation of the return from Europe of the Sheriff, who is a brother of Lieutenant Governor Chanler. The jailer put up a bed for Thaw in the corridor of the juvenile department of the jail, in which he will be locked only at night, having the run of the outer hall during the daytime, where there is always a keeper on guard, and using the jailer's office to receive his counsel and other visitors. He will continue to receive his meals from the hotel. Thaw said he was well satisfied with the arrangement.

HOLDS EXPRESS COMPANY LIABLE.

Must Make Good Loss in Excess of $50, Appellate Division Rules.

An important decision has just been handed down by the Appellate Division in the suit brought by Charles N. Martin & Co., of No. 345 Canal street, through Tipple & Plitt, attorneys, of No. 150 Nassau street, against the Adams Express Company, involving the right of the carrier to limit its liability for a lost or damaged shipment to $50 by a stipulation to that effect in a shipping receipt.

Martin & Co. sued the Adams Express Company in the Municipal Court for $430, being the value of a bale of silk shipped by the Adams Express Company to Willimantic, Conn., which the express company failed to deliver.

Tipple & Plitt contended that the express company was liable for the full value of the shipment, on the ground that the stipulation contained in the express receipt limiting the liability of the carrier to $50 was void, in that it was in contravention of the Interstate Commerce Act as amended, which went into effect in August, 1906. The Appellate Division sustained the contention.

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HART WILL UP SOON

Woman Who Said She Was His Wife Lived in This City.

Considerable excitement is looked for in the Surrogates' Court on July 30, when the will of Benjamin Hart, who died in Paris in May, comes up for probate. Lawyers from Paris and London are expected to be in court.

Mr. Hart made a fortune during the Civil War as a clothing pedler or packman in the rural districts; later he invested in New York realty to good advantage. Other speculations in New York and Virginia proved equally profitable, and about thirty years ago he moved to Paris, where he built a home at No. 29 Rue Galilee. There he had a big establishment and entertained lavishly both in Paris and at a castle he built in the country.

Twenty-five years ago Hart and his wife, having no children, adopted an Italian child named Isobel Lucchesi. Subsequently Hart brought the girl to New York to adopt her formally in America, as he had done in France. He made her his heiress. Still later the girl was married to Jean Guillemin, a Frenchman. Two years after adopting the child in Paris Hart and his wife separated. After the separation Hart established Mme. de Ble as his mistress. The presence of the woman in the town house offended Mme. Guillemin. One result was that Hart disinherited Mme. Guillemin and left his millions to Mme. de Ble. This fact was not known until the last will of Mr. Hart was opened after his death. Mme. Guillemin contested the will, alleging undue influence on the part of Mme. de Ble.

Last February a woman rented a furnished room from Mrs. Gilbertson at No. 21 Perry street, in old Greenwich Village, Manhattan. She gave the name of Wright, paid a month's rent in advance and moved in. She received few visitors, and these only women. Mrs. Wright was somewhat afflicted with rhumatism and rarely went out, except to a restaurant. One day she took one of the roomers into her confidence and told an astonishing story. She said she was the wife of Benjamin Hart and showed photographs of Hart, of their hotel in Paris and of little Isobel Lucchesi.

She said she was an English Jewess; that her maiden name was Kate Stayne, and that she was born in a village of that name near London. Mrs. Wright also said that she was married to Hart in London twenty-seven years ago and that they had not lived together more than three years. They decided to separate. Mrs. Hart agreed to leave France upon the stipulation that she receive regularly a fixed monthly sum for her support. It is said that she received this sum for twenty-four years and up to May 2. Then the newspapers of New York published the account of Hart's death, and this was followed by a communication from the lawyers stating that with Hart's death would cease the monthly allowance.

A few days later she left Perry street, after bidding goodby to her fellow lodger and to Mrs. Gilbertson and the latter's sister. To none of them would she confide her plans. She said that she wanted to avoid publicity, and that if any one called and asked for her they were to be informed that she was on a visit to Buffalo on business.

MR. LEARY EXONERATED.

Governor Dismisses Charges Against Superintendent of Elections.

[By Telegraph to The Tribune.]

Albany, June 29.—Governor Hughes dismissed today the charges brought by Max Ihmsen and others, on behalf of the Independence League, against William Leary, State Superintendent of the Metropolitan Elections District, on which his removal from office was asked. The report of ex-Justice Edward S. Clinch, appointed to take testimony on the charges, declared that the evidence did not sustain them in any instance.

This decision of the Governor was no especial surprise here. The charges were presented last January, based on alleged misdeeds which took place during the previous election, when Ihmsen was a candidate for Sheriff in New York County. One was that Mr. Leary's lawyer and a deputy wrote letters to Foley on department stationery. The Governor has had the report of his commissioner for a considerable time, and it was generally understood from his delay in reaching a decision that there was nothing in it detrimental to Mr. Leary or more immediate attention would have been given to it.

Superintendent Leary was here this noon when Robert H. Fuller, secretary to the Governor, announced the dismissal of the charges. He received the earnest congratulations of his numerous friends in the various departments and around the capital.

In his order dismissing the charges against Superintendent Leary the Governor recites the presentment of the charges, the appointment of the Commissioner, the receipt of his report on the evidence, and then says:

"Now, after consideration of the said charges, the evidence pertinent thereto, and the said report, the said charges are hereby dismissed."

Commissioner Clinch, in his report, said there had been no evidence to show that Superintendent Leary from January 1, 1907, to the first day of registration last October, had employed one hundred deputies, and thus wasted $70,000, as charged. The superintendent had $130,000 to spend for deputies, and the Commissioner found that he spent $135,255, but the additional expenditure was justified. The charge that he did not cover the tenement and lodging house districts properly during registration was dismissed, on the ground that he had available for all purposes only 279 deputies, and used these to the best advantage.

Regarding the charge that the lodging house vote was not properly supervised, the Commissioner says:

Whether the examinations were as numerous as was possible with the available force to the superintendent, or whether the lodging houses which were not examined could have been examined within the time allowed by law, does not clearly appear from the evidence, but it is very manifest that a more thorough examination of lodging houses and of the sailors' hotels and boarding houses was needed.

On the question of permitting the wholesale arrest of voters by deputies, Commissioner Clinch says:

It is admitted by the Superintendent that he gave an order that no arrests should be made by deputies for violation of the election law without first receiving his approval. There is no evidence that the order has resulted in the escape of any guilty person or in any failure of justice. Whether the deputies should be vested with the power to arrest for violations of the election law whenever in their judgment an arrest should be made is a question which can be answered best by the test of experience and by the consideration whether the ability of such men who seek and receive appointment as deputies makes it safe to intrust them with the determination of so important a question. I am not enabled, from the evidence submitted, to answer the question to my own satisfaction. No evidence was offered that the work of any deputy was nullified by the order in question.

Superintendent Leary had not reached home from Albany last night. His friends at the Republican Club and elsewhere were glad to hear that the charges against him had been dismissed.

"That course is only what we all expected," said one of them. "These charges were evidently the result of political spleen and vindictiveness."

MUSIC TEACHERS TO MEET TO-DAY.

The twentieth annual convention and music festival of the New York State Music Teachers' Association will be held at the College of the City of New York to-day, to-morrow and Thursday. Music teachers from all over the state will attend. An interesting programme has been arranged by those in charge and special transportation rates have been made to New York from all parts of the State.

ELDER TO FIGHT B. R. T. SMOKE.

After receiving numerous complaints that the Brooklyn Rapid Transit had taken no steps to abate the smoke and cinder nuisance at its Kent avenue power house, Acting District Attorney Elder of Kings county declared yesterday that he would apply to a justice of the Supreme Court to secure an order vacating the stay obtained by the Brooklyn Rapid Transit pending the appeal from Judge Fawcett's decision adjudging the company guilty of maintaining a nuisance.

SENATOR PLATT TESTIFIES.

Senator Thomas C. Platt was wheeled into the Criminal Courts Building yesterday and before the grand jury to testify in the investigation which that body is making into the charge of perjury against Mae C. Wood, who was arrested at the order of Justice O'Gorman during her suit against the Senator for divorce.

TO TRY SIDE DOOR CARS

P. S. C. TO ISSUE ORDER.

Interborough Doesn't Want to Make Subway Experiment.

Without much question, the Public Service Commission will order the Interborough Rapid Transit Company to equip its cars with side door entrances. Abundant indication that this course would be followed was given yesterday by Commissioner Eustis at a hearing held on the proposed order issued to the Interborough about a month ago, based on the recent report of Bion J. Arnold.

Remodelling the cars now in use, it is estimated, would cost about $1,500,000. The probability is that any order issued by the commission will be for a trial of the scheme on some fifty cars; then, if the trial proves successful, the order will be extended to all cars. Mr. Arnold's plan contemplated four doors, two for entrance and two for exit, arranged at the ends of the cars in a manner similar to the doors of the "pay-as-you-enter" cars funning in Madison avenue. It would be impracticable to have doors in the centre of the subway cars, because of the curved platforms and the danger arising from wide gaps between the platforms and centre of the cars.

Frank Hedley, general manager for the Interborough, testified at yesterday's hearing that side-door cars of this type would not aid in reducing existing traffic congestion. He believed it would not be feasible to teach the travelling public to use the separate entrances and exits made necessary by the plan. Alfred A. Gardner, of counsel for the company, enlarged on the difficulties which would be experienced if the scheme were tried. He said the passengers would have to be guided by railings to the proper entrances, and it would be extremely difficult to have the trains stopped at the right places along the platform. He estimated that the extra doors would cause a 15 per cent reduction in seating capacity, but Mr. Arnold's report had answered that objection by figuring that this loss would more than be made up in the additional speed obtainable through facility in loading and unloading at stations. Mr. Gardner said that any experimenting with this new type of car would be ineffective and probably dangerous.

"But what are you doing to provide for the increase of traffic?" asked Commissioner Eustis. "There are no new subways or elevated lines being built; your own figures show an increase of 20 per cent each year in the number of passengers being carried; there will be an increase of 50 per cent over the present number in two or three years. What are you doing to provide for it?"

Mr. Gardner replied that the subway now was not running at its greatest capacity during rush hours, but that otherwise the company was doing everything possible to furnish the best service. Commissioner Eustis indicated his belief that cars of the type suggested by Mr. Arnold would be a great improvement, and suggested that twenty or thirty cars be remodelled and tried out. Mr. Gardner replied that nothing could be learned from that kind of an experiment.

Mr. Arnold estimated that it would cost $2,000 each to remodel steel cars and about $1,500 each for the composite cars. There are 350 steel cars and 500 of the other type, making a total cost of $1,450,000. The Interborough's engineers say these figures are too low. Mr. Hedley testified in May that it would cost $1,800,000 to transform the cars now in service.

In the course of the hearing it was brought to light that an engineer named Putnam, of No. 100 Broadway, had served notice on the company that he would claim the protection of the patent laws for the style of car recommended by Arnold. Commissioner Bassett wanted details. Mr. Gardner said that the company only recently had received notice of the application for a patent.

The commission held its regular meeting yesterday, instead of to-day, because Commissioner Bassett will sail for Europe to-day. He will inspect city railways there, among others the suspended railroad at Elberfeld.

By resolution the commission decided to return the certified checks deposited by the third lowest bidders on the Fourth avenue subway. Checks deposited by those whose bids were larger have lready been returned, and those deposited by the lowest and second lowest bidders will be returned if the bidders give bonds. The Board of Estimate has not acted on the bids, and the commission took this action because there may be considerable delay which might put the bidders to considerable inconvenience.

A complaint that the Interborough company was causing a nuisance by the use of soft coal, which produced undue smoke at its powerhouse, was dismissed. The commission decided, on investigation, that the smoke nuisance was minimized as much as possible. A hearing on a proposed increase of service on the Brighton Beach line of the Brooklyn Rapid Transit was set for July 10.

Various reports as to alleged excessive cost of the commission drew a sharp denial from Chairman Willcox yesterday, in which he showed in detail that the commission actually had cost less than the Rapid Transit Commission in its last year, though this body is charged with far greater duties and broader work. He said:

We have comparative figures for the first six months of each year, and they show that from January to July, 1907, the Rapid Transit Commission spent $469,734 55, while from January to July, 1908, the Public Service Commission spent $462,903 81. Apparently the Public Service Commission cost $2,169 26 more than the Rapid Transit Commission for a similar period, but this excess is more than counterbalanced by the additional expenses which this commission has incurred in prosecuting the work of the State Board of Railroad commissioners, the State Commission of Gas and Electricity and the State Inspector of Gas Meters.

Really the total for the year, $863,372 98, is properly not all chargeable to this commission, for it includes about $12,000 which this commission paid during the first months of its existence for the compensation of the former Board of Rapid Transit commissioners. Hence the actual cost of the Public Service Commission for the first year of its existence is only about $853,000.

MANY PARK VANDALS PUNISHED.

Of 128 Arrested in Booklyn 126 Are Fined $10 Each.

Of the 128 persons arrested in Prospect Park, Brooklyn, on Sunday, for destroying the plants, throwing rubbish on the lawns, building fires and playing ball, 126 were fined $10 each by Magistrate Steers in the Flatbush police court yesterday morning. Fifty were able to pay, but the rest had to be taken to Raymond street jail to serve out time at the rate of a day for each $1. Of the number arrested only seventeen were from Brooklyn. From the East Side of Manhattan 104 came. Five came from Jersey City and two from Philadelphia. Three were naturalized Americans and there were 100 Russians.

There have been 224 arrests in the last three weeks, and most of those arrested have been fined. Magistrate Steers is working with Inspector Miles O'Reilly and Park Commissioner Kennedy in checking the destruction of the park. He said yesterday that he had been in communication with a Jewish rabbi, named Veldt, and had learned that a movement was on foot in Manhattan to obtain the co-operation of the Yiddish newspapers in educating the East Siders to act orderly in the park.

ARGUMENT OF STAND VENDERS.

Counsel Says City Has No Right to Privileges in Many Streets.

M. B. Feeney, counsel for the Newsdealers' Association, in opposing at a public hearing in the City Hall yesterday afternoon a proposed ordinance preventing the owners of various kinds of vender stands on public property from selling them, struck a new line of argument. He declared that in the development of the city streets were laid out through private property, and that the city had no right to regulate stand privileges in many of the thoroughfares because the city did not own them. He cited Park Place, between Broadway and Church street, as an example.

There was a big crowd at the hearing, most of them Italians. Alderman Dowling, who introduced the proposed ordinance, said that its purpose was to prevent a common species of swindling, where men sold something they really did not own for from $50 to $1,000.

The aldermanic Committee on Legislation will report the ordinance favorably at to-day's meeting of the board

TARS "CHAW" NEW PLUG

A BRAND FOR EACH DAY.

Smoking Squad of Seventy Sailors Puffing Away.

Over at the Brooklyn navy yard there are seventy blissful sailors, machinists and stokers. They care not for the stars that shine—in enamelled tin on advertised brands of "chewing and smoking" tobacco. In fact, their duty just at present is to act as a committee of the whole United States navy and decide which of thirty different brands is the ideal plug for the man behind the gun, the monkey wrench and the shovel. It is no lightsome task and no grand jury was ever more solemn and conscientious than these seventy grizzled old men who "chaw" and smoke with full knowledge that the comfort of Uncle Sam's sea fighters hangs on their wagging jaws and puffing lips.

On board the receiving ship Hancock a Tribune reporter yesterday found "Paddy" Coyle and "Tom" Watson, able seamen of twenty-five years' standing, sitting beside "Jack" Hughes, master at arms, just abaft the starboard hatch or somewhere near there. Before them was one of those simple classic affairs of papier mache which the navy provides in the interest of spotless decks. About them, but at a respectful distance, stood a group of young chaps, rookies, so to speak, who have just entered the service and are being broken to bit and halter on the Hancock. The youths looked as if cigarettes were more to their liking, and evidently old "Paddy" Coyle had this in mind when he finally let off an exhaust he was in the smoking class, and said: "When we picks out the right sort of terbaccer it'll make sailors or dead men out of these kids. By the time they eat a half pound of the kind we're going to take they won't be able to be seasick."

"Yes," said "Tom" Watson, gnawing off a .44-calibre slug from his slab, "yes, this is a mighty serious matter and it ain't to be taken in a frivolous an' jokin' way. Why, I remember back in 1893 some of these medical sharps picked out what they said was a chemically pure terbaccer. Maybe it was, but it was so blamed full of molasses that it tasted like candy and you couldn't light it in a pipe any more than you could a wet cable on a windy night. I was out on the China station and sooner than use that terbaccer pie we used to chaw an' smoke the Chinese stuff till the ship smelled like a laundry."

"There's nothin' like a good piece of terbaccer," observed "Paddy" at this stage of the game. "I was on the Petrel, the smallest ship in Admiral Dewey's fleet at Manila, an' I remember how good that chaw I had tasted. Course I had to swallow the juice, 'cause you ain't allowed to spit on the deck even in time of battle."

Old "Tom" Watson recollected about this time that he was on the Raleigh in Manila Harbor, but he growled slowly, because he said the tobacco he got that day was salty. "Jack" Hughes, as befitted a master at arms, said nothing at all, for he was chewing a quid of "Stock E" with the meditative aspect of a shorthorn steer.

In various nooks and corners of the big yard and on board the dispatch boats and the submarines Viper and Cuttlefish there were similar tests going on. They will last for a month probably, and those connoisseurs who have been chosen are looked upon as the luckiest men in the service. To a seasoned tar the prospect of thirty days—each day meaning another brand of black, stinging tobacco—is pretty near like getting a wish from a fairy godmother. Then there will be the happiness of filling out a blank with a vote as to which of the lettered brands is the best and why and wherefore.

Pay Inspector Jewett, who is distributing the samples, said that each man would file his vote with his commanding officer. Then the officers will get together and compare notes. The three brands most in favor will then be tested chemically, and that one of the three which is pure will be chosen. The contract to be awarded will call for one hundred thousand pounds, which will be retailed to the sailors of the navy all over the world at about 40 cents a pound, and will be a sufficient supply for six months.

WILLIAM F. WALKER ~~LOSES~~ FIGHT.

Absconding Treasurer Will Now Be Extradited from Mexico.

William F. Walker, the absconding treasurer of the Savings Bank of New Britain, Conn, who disappeared on February 10, 1907, a defaulter to the extent of more than $500,000, according to the best estimate, has lost his last legal battle in Mexico, where he has been bitterly opposing extradition since the Pinkertons found him, and will begin his journey to stand trial in Connecticut within five days.

The Supreme Court of Mexico has finally decided against Walker, and this information was conveyed to Governor Woodruff of Connecticut yesterday in a telegram from Acting Secretary Adee, of the State Department. According to this telegram, the Mexican authorities at Ensanda have been ordered to hand Walker over to the United States authorities.

Part of the money Walker is alleged to have stolen belonged to the Baptist Convention of Connecticut, and had been deposited through his influence. He had lost great sums in a bond swindle and a wire tapping scheme, and apparently fled when he saw that he had no chance to get even.

The chase for Walker began after his disappearance, when he sent a telegram from New York to New Britain, saying that he had been killed in a trolley accident. He was finally arrested in Lower California on December 14, 1907.

HONDURAS SURRENDERS BAILEYS.

Officials of Export Shipping Company To Be Brought Here for Trial.

Puerto Cortez, Honduras, June 29.—President Davila has ordered that Francis G. Bailey, his brother, Albert W. Bailey, Charles H. H. Myers and Captain Albert Oxley shall be turned over to the custody of Lieutenant Peter W. Beery, of the New York Police Department.

The prisoners will be confined in the American consulate here until the arrival of a steamer to take them to the United States. The President of Honduras has ordered that the Goldsboro, together with her cargo, shall be delivered to Albert G. Greeley, the former American Vice-Consul here, who, however, declines to accept any individual responsibility in the matter.

Washington, June 29.—Bailey and his associates, it is said, are wanted on the charge of conspiring to use the mails of the United States to defraud. Their surrender to the American authorities is purely an act of comity on the part of the Honduran government, there being no extradition treaty between the two countries.

Francis G. Bailey and his brother were, respectively, president and secretary of the Export Shipping Company of New Jersey; Myers was the agent of the General Supply Company, and Oxley was the master of the steamer Goldsboro. The Goldsboro left New York on May 2 having on board property of the Export Shipping Company valued at $200,000, which, it is alleged, Bailey illegally obtained. The cargo was discharged at Puerto Cortez and the name of the Goldsboro changed to Atlantida. Subsequently, at the request of the American authorities, the men were arrested and the vessel was seized by Honduran officials.

KILLED BY A HIGH DIVE.

James Gibbons, a laborer, dived thirty feet into two feet of water yesterday and broke his neck. He was killed instantly. Gibbons had been practising a high dive from the pumping shed of the Lion Brewery at 10th street and the North River. Twice he made the leap successfully, but the third time miscalculated and landed in shallow water.

FINDS DIAMOND PIN IN MATTRESS.

Detective Welsh, of the West 37th street station, arrested Molly Durant, a chambermaid of the Hotel Pierrepont, No. 43 West 32d street, last night on a charge of grand larceny. According to his statement, she admitted that she had taken a diamond brooch belonging to Miss Mabel Murtha, an actress and a guest of the hotel, and had hidden it in a mattress in the actress's room. The detective says he found the brooch in the mattress

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ARMY AND NAVY NEWS.

[From The Tribune Bureau.]

Washington, June 29.

ORDERS ISSUED.—The following orders have been issued:

ARMY.

Captain ALEXANDER T. OVERSHINE, 7th Infantry, from Chickamauga Park, to regiment.

Captain ALFRED W. BJORNSTAD, 28th Infantry, to Fort Sheridan, thence to Army School of the Line, Fort Leavenworth, August 15.

Following officers to camp of instruction, Leon Springs: Captains STOCKLE, 8th Cavalry; WELLS, 11th Infantry; ELTINGE, 15th Cavalry; GRAHAM, 19th Infantry; HOWELL, 6th Infantry; MERRILL, 7th Infantry; RHEA, 7th Cavalry; Van DUYNE, 4th Infantry, and TAYLOR, 3d Cavalry.

Following officers to camp of instruction, Chickamauga Park: Captains MOORE, 20th Infantry; MURPHY, 19th Infantry; SMITH, 15th Infantry; CRAIN, 27th Infantry; BUGGE, 28th Infantry; ARNOLD, 1st Cavalry; PARKER, 12th Cavalry; SEXTON, 8th Cavalry; BURT, 9th Infantry, and CHITTY, 4th Cavalry.

First Lieutenant SAMUEL G. TALBOTT, 28th Infantry, to regiment.

Following officers detailed range officers, national match, Camp Perry, August 12: Captains BAKER and BOOKMILLER, 9th Infantry; SAYRE, 8th Cavalry; SMITH, 4th Infantry; HARRISON, 7th Cavalry; JAMERSON, 29th Infantry; SMITH, 20th Infantry; M'CLINTOCK, 13th Cavalry, and ESKRIDGE, 11th Infantry; First Lieutenants WHITE and CARTER, 16th Infantry; WINTERS and BALL, 13th Cavalry; AWL, 9th Infantry; WILLIAMS, engineers; SMITH, 9th Infantry, and CAMPBELL, coast artillery; Second Lieutenants MERCHANT, 13th Cavalry, and DICKMAN, 11th Cavalry.

First Lieutenants EDWARD G. HUBER and JOHN S. LAMBIE, Jr., medical corps, to Company C, hospital corps.

First Lieutenant FRANK R. CURTIS, 13th Infantry, to Army Signal School, Fort Leavenworth, August 15.

First Lieutenant CLARENCE S. NETTLES, 25th Infantry, is retired.

Second Lieutenant ADNA R. CHAFFEE, Jr., 15th Cavalry, to his regiment.

Contract Surgeon CHARLES A. CATTERMOLE, home, for annulment of contract.

Leaves of absence: Captains JAMES M. WILLIAMS, coast artillery, and WILFORD J. HAWKINS, ordnance department, one month; HENRY S. HATHAWAY, signal corps, one month ten days; THEODORE LAMSON, medical corps, and ARCHIBALD W. BUTT, quartermaster, and Second Lieutenant ERNEST B. SMALLEY, 10th Infantry, two months; Colonel GEORGE F. T. HARRISON, coast artillery, and Major FRANKLIN O. JOHNSON, 2d Cavalry, three months; First Lieutenant CLARENCE S. NETTLE, 25th Infantry, four months.

NAVY.

Commander F. C. BOWERS, from the Hartford; to bureau of steam engineering.

Lieutenant Commander H. A. BISPHAM, detailed inspector in charge 4th Lighthouse District, Philadelphia.

Passed Assistant Surgeon G. F. FREEMAN, detached navy yard, Boston; to the Montana.

Passed Assistant Surgeon J. H. PAYNE, Jr., detached recruiting at Cleveland; to navy yard, Boston.

Assistant Surgeon E. C. WHITE, to recruiting at Cleveland.

Passed Assistant Paymaster J. F. KUTZ, to office general storekeeper, navy yard, Mare Island.

Major H. L. ROOSEVELT, Captains E. A. GREENE and W. L. REDLES, commissioned in marine corps.

MOVEMENTS OF WARSHIPS.—The following movements of vessels have been reported to the Navy Department:

ARRIVED.

June 26—The Powhatan, at navy yard, New York; the Dolphin, at Newport; the Wisconsin, at Mare Island.

June 27—The Chickasaw and the McKee, at Newport; the Birmingham, at Boston; the Idaho, at Colon; the California, at San Francisco.

June 28—The Nebraska, the Kentucky and the Yankton, at San Francisco.

SAILED.

June 27—The Idaho, from Colon for Guantanamo; the New Hampshire, from Colon for New York; the Fox, the Davis, the Rowan and the Goldsborough, from Astoria for Eureka, Cal.; the North Carolina, from Guantanamo for Cape Lookout; the Marietta, from Curaçao for Guantanamo.

BIG NAVAL TUG LAUNCHED.

Portsmouth, N. H., June 29.—The United States naval tug Patapsco was launched from the navy yard here to-day, Mrs. R. W. Ryden, wife of Assistant Naval Constructor Ryden, acting as the craft's sponsor. The Patapsco is 160 feet long, being one of the largest ocean going tugs afloat, and cost $150,000. She was built to accompany American naval squadrons to any part of the world.

NEW MILITIA COUNCIL NAMED.

Albany, June 29.—Adjutant General Nelson H. Henry announced to-day that Governor Hughes had named as the new National Guard Militia Council, provided for by the new military law, the following:

Major General Charles F. Roe, commanding division, National Guard, New York, ex-officio; Captain Jacob W. Miller, commanding Naval Militia, New York, ex-officio; Brigadier General Nelson H. Henry, Adjutant General State of New York, Albany, ex-officio; Brigadier General James H. Lloyd, commanding Third Brigade, Troy; Colonel George C. Fox, commanding 74th Regiment, Buffalo; Major Frederick A. Wells, 23d Infantry, Brooklyn; Major William Verbeck, 3d Infantry, Syracuse; Major Charles I. De Bevoise, commanding Squadron C, Brooklyn, and Captain John F. O'Ryan, commanding 1st Battetry, New York.

Colonel George C. Fox and Major Charles L. De Bevoise are detailed to serve for one year; General Lloyd and Major Wells, two years; Major Verbeck and Captain O'Ryan, three years.

The new council is directed to convene for its first session at the Adjutant General's office, Albany, on July 27 at 2 p. m. It is to recommend to the Governor from time to time action relating to the military law, regulations, organization, equipment, duty and discipline of militia, and to report on matters referred to it by the Governor or by the Legislature.

RHODUS BROTHERS HELD.

Central Life Securities Organizers Charged with Fraud.

Chicago, June 29.—Birch F. Rhodus, Edward F. Rhodus and Thomas Rhodus, organizers of the Central Life Securities Company and half a dozen subsidiary concerns, were arrested tonight, charged with using the mails in a scheme to defraud. The complaint upon which the warrants for their arrest were issued was made by William M. Ketcham, a United States postoffice inspector. He charges the Rhodus brothers with a violation of Section 5,480 of the United States statutes and asserts that the letter used in the alleged scheme to defraud was received by O. M. Holliday, of Melrose Park, Ill.

The defendants were at once arraigned on the charges, the hearing of which was postponed until July 9. A joint bond of $15,000 was then filed and they were released. None of the Rhodus brothers would discuss the arrests.

United States District Attorney Sims said that developments before the grand jury to-day were responsible for the arrests. Mr. Sims refused to say what the developments were, but said that the investigation of the Central Life Securities Company and its auxiliaries would probably be prolonged for several days. Twenty-five or more witnesses have already been heard in the case, but others are to be summoned and it will be several days before the inquisitorial body is ready to report.

M'INTYRES FILE SCHEDULES.

Thomas A., Jr., Says His Liabilities Exceed Assets by $3,000.

The individual schedules of John G. McIntyre and Thomas A. McIntyre, Jr., of the bankrupt brokerage firm of T. A. McIntyre & Co., were filed yesterday by their counsel, Patton & Patton. As to Thomas A. McIntyre, Jr., the schedule shows that the young broker has only $2 cash on hand and that among the debts he owes is one for "75 cents for jewelry" to Tiffany & Co. McIntyre's liabilities are given as $18,652 45 and his assets as $15,537. The latter, besides the $2 in cash, consist of bills, notes and securities, $9,450; household goods, $100; carriages, $700; debts due on open accounts, $2,285, and deposits in banks of $3,040 12. He owes Mrs. Anna Knox McIntyre, of No. 346 West End avenue, $7,500 on four notes.

The individual liabilities of John G. McIntyre, a brother of Thomas A. McIntyre, Sr., amount to $2,623 50 and his assets to $27,583. It does not appear that he has any cash, and his household goods are valued at $100. His assets are made up of these items: cash, bills and securities, $600; carriages, $2,200; debts due on open accounts, $6,324 23; deposits in banks, $18,358 84, and property claimed to be excepted $100. John G. McIntyre owes Ewen McIntyre, his father, $2,500.

FOUR-YEAR-OLD ACCUSED OF HOMICIDE.

Edward O'Donnell, four years old, of No. 319 West 124th street, had an experience yesterday not usually given to children of his years. Detective McCullough, of the Harlem bureau, arrested him on a charge of homicide, took him to the Children's court and arraigned him before Magistrate Olmsted. The coroner, to whom he was sent, held the lad on a charge of homicide, pending an inquest, and paroled him in the custody of his father, Bernard J. O'Donnell. The O'Donnell boy injured a playmate, Albert Decker, in a quarrel. Peritonitis set in, and the Decker boy di-