

PLOT, SAYS WARDEN, WHO PLANS TO FIGHT

Osborne Declares He Will Take Legal Action to Expose Conspiracy.

FRIENDS RALLY TO AID

OSBORNE, N. Y., Dec. 29.—Warden Thomas Mott Osborne intends to take legal action to expose the conspiracy that he says resulted in his indictment yesterday by the Westchester county Grand Jury for immorality, perjury and mismanagement of Sing Sing prison.

Although the warden would not say so in so many words, he let it be understood during a talk to newspaper men in his office at the prison just before he took a train for Albany, having given \$2,000 bail on the two indictments, that he believes Superintendent of Prisons John H. Riley is a party to the conspiracy to oust him.

The only specific act in the alleged conspiracy that Mr. Osborne would name was the expedition of Patrick J. Riley, Donald, Supt. Riley's agent, whose efforts to get papers from the warden's office of the Becker execution last summer caused a personal encounter between himself and McDonald and a wordy one between himself and Mr. Riley.

"Do you mean by that that the conspiracy against you originated in Mr. Riley's office?" he was asked.

He answered, "I am not giving an interview on this subject. I have been following this conspiracy. I know all about it, but I'd be a fool to talk now. I do not think I could be removed as the warden continued, 'it would be disgraceful for Supt. Riley to remove me because of the indictments. I am innocent until proved guilty. If he had any other reason for removing me he should have done it long ago. The indictments are no excuse.'"

The warden walked restlessly across the room and back then turned again to the reporters.

"You can put two and two together," he answered. "I am not giving an interview on this subject. I have been following this conspiracy. I know all about it, but I'd be a fool to talk now. I do not think I could be removed as the warden continued, 'it would be disgraceful for Supt. Riley to remove me because of the indictments. I am innocent until proved guilty. If he had any other reason for removing me he should have done it long ago. The indictments are no excuse.'"

Nothing of the sort," he answered positively. "Last night when I announced to the men that I had been indicted I asked them to read my successor as well as they have read me and I know they will. They have been under a good deal of a strain, but they are all right now and will be right. We have no more to say to the guard."

Warden Osborne refused to discuss his successor, saying he had no positive information on the subject. He was asked specifically whether he would not like to see Dean Kirchoff appointed if any one must succeed him. He hesitated a moment and then declined to discuss that question.

Telegrams of Confidence. Telegrams have come to the warden from several parts of the country assuring him of support and expressing disbelief in the truth of the charges made against him. George Foster Peabody wired from Detroit that "every righteous feeling is outraged by the tardy action" and that the only historic parallel is "one of the most sacred and holy records." A. Lincoln Plaine of Boston wired that the indictment was Mr. Osborne's real vindication. Telegrams came also from the Pathfinders Club of Detroit, the Hebrew Actors Union and Morgan H. Hoyt, editor of the Boston Evening Journal.

Others who sent messages of sympathy and confidence to the warden were ex-senator Edward T. Brackett, Judge Robert H. Roy of Brooklyn, Maud Wetmore of the Civic Federation of Women, Mrs. Francis McNeil Bacon and Charles E. Tremain of the prison commission.

The furnishing of bail, which took place early in the day at White Plains, took but a few moments. Warden Osborne did not enter a plea to the indictments and it is understood he may not appear in person on Monday, but arranges to have George Gordon Battle plead for him.

Courts. Judge William T. Platt fixed and accepted bail at \$2,000 in the absence of Justice Morehauser and Robert S. Brewster of Mount Kisco, president of the Westchester Building Commission, offered real estate, saying he could furnish \$200,000 or \$1,000,000 if necessary.

Warden Osborne plans to go to Auburn tomorrow from Albany and remain there until Sunday, when he will return to Ossining.

Wireless Scouts Honored. H. B. Thayer, president of the Western Electric Company, gave a dinner at the Hotel Astor last night in honor of the men who went to the far corners of the earth to receive the wireless telephone messages recently sent from Arlington, Va., and heard in Paris and Honolulu.

SING SING WARDENSHIP OFFERED TO KIRCHWEY

Dean Declines Post as Osborne, Facing Removal To-Day, Refuses to Resign.

PLEA FOR SUSPENSION

ALBANY, Dec. 29.—After refusing flatly to-night to resign as warden of Sing Sing prison Thomas Mott Osborne delivered a lecture at the Albany High School. His refusal brought from State Superintendent of Prisons John H. Riley the positive statement that he would remove Osborne unless he resigned. George W. Kirchoff, former dean of the Columbia law school, who was offered the wardenship by Gov. Whitman and Supt. Riley to-day, carried the ultimatum of the superintendent and the warden.

At a late hour to-night the situation which has grown out of the indictment of Warden Osborne hung in this fashion. With Supt. Riley threatening summary removal unless Osborne resigned, with Osborne refusing flatly to resign, but offering as a concession to submit to a temporary suspension pending the trial of the indictments, and with former Dean Kirchoff acting in the embarrassing capacity of mediator, after he had been sent from New York by Osborne's friends to plead for the latter's retention as warden until the trial, the prospect of an immediate adjustment of the situation was as remote as it was last night.

The day was marked by conferences in which Gov. Whitman, Supt. Riley and Dean Kirchoff discussed the wardenship problem. No sooner had Dean Kirchoff arrived in Albany on a noon train than he was offered the wardenship. Later it developed that he had declined it pending the outcome of the conferences. His primary object in coming to Albany was to use his influence with Gov. Whitman and Supt. Riley to keep Osborne in the wardenship until the trial.

Sent For by Riley. Early to-day Supt. Riley wired Dean Kirchoff to come to Albany. When the dean arrived the superintendent thought he had come in response to the telegram. Dean Kirchoff stated his mission and was then offered the post of warden. His attitude to-night was that he could not accept the post without proving disloyal to the friends of Warden Osborne, in whose behalf he came to Albany. He is understood, however, that if the warden agrees to resign he will accept the position temporarily.

After his indictment Mr. Osborne wrote a letter to Supt. Riley asking that he be merely suspended and not permanently removed pending the trial. It was learned to-night that this letter did not alter the attitude of Supt. Riley. "Osborne is not going to remain as warden of Sing Sing while those indictments are hanging over him," said Supt. Riley to-night, when asked if he had changed his attitude. He made this assertion with the same show of determination as characterized his expression of last night and it was substantially this message that Dean Kirchoff carried back to Osborne from Riley after the conference preceding the Osborne trial.

There is one thing certain, if Supt. Riley is to be understood literally, that Osborne will resign or be removed summarily. Dean Kirchoff can have the post if he wants it, and if he doesn't another good man will be picked for the place without delay.

Dean Kirchoff was waiting in the Albany station when Mr. Osborne arrived on a late afternoon train. He was warmly greeted by the dean and together they walked in the blinding storm along the principal street of Albany to a local hotel.

As Mr. Osborne registered he said to the clerk: "I hope you aren't afraid of harboring an indicted criminal."

In Role of Peacemaker. Dean Kirchoff said his mission to Albany was in the interest of peace and only a temporary suspension of Warden Osborne, if such were possible.

"My purpose in coming here was that of a peacemaker," said the dean. "I want to prevent a break if possible which might injure the cause of prison reform through some action here."

Asked if his mission had been successful, he said: "Well, partially, I think."

"Dean, have you positively refused to accept the wardenship?" he was asked.

"Well, has it been definitely offered to me? You see, the position is not vacant. I do not want the job. In fact, I could not take it permanently. But I made it clear to the governor and Supt. Riley that I would take it temporarily in order to bridge over the break that might come in the management of Sing Sing prison as a result of this affair. But I said I would only do this by the unanimous consent of all parties concerned. I can say nothing now until I have talked further to Warden Osborne."

After their arrival at the hotel Warden Osborne and Dean Kirchoff were in conference for an hour and a half. At this conference Warden Osborne made it plain to the dean that under no circumstances would he agree to resign.

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George W. Kirchoff.

They parted a short time before the hour scheduled for the lecture and Dean Kirchoff carried to Supt. Riley the message that Osborne would agree to a temporary suspension, but would not resign.

Supt. Riley Firm. Supt. Riley was just as firm in his refusal to agree to a temporary suspension as Osborne was in his determination not to resign. Riley was unmovable and sent back his ultimatum to Osborne—Resign immediately or suspension to-morrow.

An avalanche of telegrams urging the retention of Osborne until the trial and expressing confidence in his ability to do the job, poured into the Executive Chamber and the Prison Department to-day. Francis Lynde Stetson was one of the senders.

Warden Osborne disappointed an audience of 200 or more Albany high school students by failing to present his side of the Sing Sing imbroglio. He made only slight reference to the Westchester Grand Jury and then only to charge that it had undone all the reform work he had accomplished during his wardenship.

The elective system as far as it relates to Judges and District Attorneys is responsible for most men being in prison, Warden Osborne said, and then made his reference to the work of the Westchester Grand Jury. In this connection, he said, it was unfair to compare Albany to Sing Sing.

Frank Tannenbaum, I. W. W. leader; John Callahan, Izzy Blum, and Dick Richards made addresses.

RALLY TO WARDEN'S AID.

Friends Plan Public Meeting at Carnegie Hall.

There will be a public meeting in Carnegie Hall Monday night, January 3, to endorse the work and protest against the treatment of Warden Thomas Mott Osborne.

Men and women in various walks of professional and public life in the city yesterday met or talked over the telephone regarding the indictment of Mr. Osborne. They all agreed that something should be done at once to show their understanding and appreciation of his prison reform work and assert their indignation at the attitude of certain persons who have continuously fought the warden since he went to Sing Sing.

Some of those who have already given their names to the movement are Adolph Lewishon, George W. Wickersham, John Henry Hammond, Judge Wadhams, George Gordon Battle, Mrs. Carrie Chapman Catt, Miss Mary Garrett Hay, Mrs. John Flagler, Mrs. Frances Bacon, the Rev. Percy Stekney Grant and the Rev. John Haynes Holmes.

A meeting will be held at the Hotel Belmont at 5 o'clock Friday afternoon to arrange plans for the Carnegie Hall meeting. Mr. Osborne will be one of the speakers at Carnegie Hall.

The Prison Association, whose offices are at 135 East Fifteenth street, will assist in the defence of Mr. Osborne, according to O. E. Ladd, secretary of the association. It has not yet been decided. In a statement issued yesterday by the association a resolution expressing its sympathy for Warden Osborne was passed at the last regular monthly meeting, was included.

The Women's Municipal League also issued a statement expressing confidence in Warden Osborne.

OSBORNE IS PRAISED. Ex-Convicts and Judge Wadhams Denounce Removal.

Thirty-five graduates of Sing Sing on the Hudson met last night at the Labor Temple, Fourteenth street and Second avenue, to form an Alumni Association and to express their confidence in their former Prexie, Warden Osborne. Incidentally they issued a statement which was in effect a mild reproof of Gov. Whitman for removing the warden and a vigorous attack on the motives and methods of his former deputy warden.

They heard also a proposal of the Rev. William H. Wadhams of General Sessions, who was scheduled to be present, could not appear, but sent this statement: "I do not take any stock in the charges at all. From personal investigation I know that the prison is well run—better run to-day than ever before. The practical effects of the work are already beginning to make themselves felt, and all good people ought to stand behind Warden Osborne."

When Teixeira, as a widower came to New York with his mother and daughter, then little girls, he and his mother attracted attention by purchases of improved real estate in the upper West Side of Manhattan, the parcels bought being said to reach a total value of about \$4,000,000 in a short time. Stories of the amazing splendor of the West End avenue decorations and of the vast gold mines owned by mother and son in Brazil began to be noted about Teixeira, then in his 30s, figured as complainant in a charge of blackmail which never reached the indictment stage. He disappeared from New York in 1899, but reappeared again two years later as a Brazilian representative to the Buffalo exposition. In 1903 the West End avenue house was auctioned off, Teixeira being said to have lost vast sums through overconfidence in promoters and others who had heard of his wealth.

RICH BRAZILIAN GIRL FLEES FROM FATHER

Georgina Teixeira, Related to Dom Pedro, Leaves Long Island Home.

TO SUE FOR HER ESTATE

Miss Georgina Teixeira, her grandmother, who is a cousin of the late Emperor Dom Pedro of Brazil, and a maid are in voluntary confinement in rooms in the Townsend House, a hotel at Fort Jefferson, L. I., because, according to Miss Teixeira, her father, Dom Eugenio de Teixeira, who formerly figured in the newspapers extensively but has been "little heard of during the last ten years, had been detaining her "practically as a prisoner" at his home at Setauket, L. I., and would not let her, she says, administer her estate.

The father, who holds the Brazilian title of Marquis and at times had been reputed to be enormously wealthy, has another daughter, Miss Caroline, by his first wife, and a young son by his present wife, who was Miss Leona Hand of Setauket. Fortunes running anywhere from \$5,000,000 up to four times that amount were supposed to be owned by Teixeira and his mother, if stories that got abroad soon after the family arrived here in 1884 meant anything, but in 1903 the splendid home at 918 West End avenue, Manhattan, which Teixeira, who is a painter and sculptor, decorated himself, was sold at auction, together with the lavish furnishings, and "The Count" disappeared from the newspapers until his daughter's troubles became known yesterday.

Beyond setting checks, Miss Teixeira says, her father has permitted her to have little or nothing to do with the management of a fortune which, she says, she inherited from her mother. Recently she managed to leave the Setauket home of her father and stepmother on the plea of going to church. Instead she and her grandmother and a maid went to the office of Peace Justice Jacob S. Dreyer of Fort Jefferson and told her story.

Dreyer sent the girl and her grandmother to District Attorney Greene of Suffolk county, who advised them to go to the plea of going to church. Instead Teixeira at present is building a pretentious residence in Bayview avenue, Setauket.

Miss Teixeira has engaged a lawyer, George L. Furman, to petition Surrogate-elect Selah B. Strong, when he takes office next week, to ask for an accounting of Miss Teixeira's estate from her father.

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