LIFE THE STAKE

Albert T. Patrick's Long Fight to Prevent the Carrying Out of the Grim Sentence of Death.

HAS MADE THE LAW A PLAYTHING

Sentenced in 1902 for the Murder of Millionaire William Marsh Rice, By Skillful Maneuvering He Has Thus Far Evaded the Hands of the Executioner.

New York.—Take the average murderer. Sentenced to die, he bows to the seeming inevitable. Like a thing whose spirit has already crossed the border-line, from life to death, he mechanically waits for the end, sometimes moaning, sometimes praying, but always waiting—waiting for the executioner to beckon him forth.

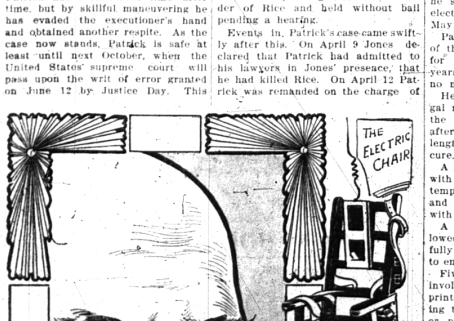
Nowhere can a more striking contrast to the above be found than in the amazing and even brilliant fight of Lawyer Albert T. Patrick against the law, his own stock in trade, says the New York World.

Arrested in February, 1901, for the murder of William Marsh Rice, an eccentric old millionaire who had been found dead five months previously under suspicious circumstances in his apartments at No. 500 Madison avenue, Patrick was tried, found guilty and sentenced to die in the electric chair in the week of May 5, 1902. More than four years have passed since then, and yet Patrick is still very much alive, and actually has a longer lease of life ahead of him now than he had on April 7, 1902, when the grim death sentence was pronounced for the first time upon him.

It is not the purpose to present on this page a review of the celebrated Patrick murder case, with which everybody is already familiar. This article concerns Mr. Patrick alone, and the ingenious ways in which he is playing a long drawn out game against death and the law, and with his own life as the stake.

If Patrick wins, as he really believes he will, he will be indebted chiefly to himself as his own life-saver. If he loses he may go to the electric chair, or he may make an entirely new move calculated to place his opponents in the position of having to play the game all over again.

Dangerously near to the dead-line, Patrick has been forced time after time, but by skillful maneuvering he has evaded the executioner's hand and obtained another respite. As the case now stands, Patrick is safe at least until next October, when the United States supreme court will pass upon the writ of error granted on June 12 by Justice Day. This writ was granted at Canton, O., within six days of the time set for Patrick's execution, and after preparations for putting the condemned man to death had already been commenced at Sing Sing. It was the closest shave Patrick ever had.



ALBERT T. PATRICK.

When Millionaire Rice was found dead in his apartments at No. 500 Madison avenue, on September 23, 1900, there was absolutely no suspicion that his lawyer, Patrick, had murdered him. Not until four days later, when the funeral had been stopped by order of the coroner and Rice's body sent to the morgue, did Patrick learn that he was a suspect. Six days from the date of Rice's death detectives began to shadow Patrick, and finally, on October 4, Patrick and Rice's valet, Charles F. Jones, were arrested, not on a charge of murder, but for forgery connected with Rice's will and a $25,000 check which Patrick had tried to cash after Rice's death.

On the day following their arrest, Patrick and Jones were held in $10,000 bail each on the forgery charge. The bail was purposely placed at that high figure, in order that the two prisoners might be detained while the investigation of the circumstances surrounding the mysterious death of Mr. Rice could be probed.

Had Been Poisoned.

Then, while Patrick and Jones were endeavoring to get somebody to bail them out, the police and coroner worked hard to solve the murder mystery. On October 27 the result of the analysis of Rice's body was announced, showing that the aged millionaire had been poisoned.

Next the police turned their attention to Valet Jones. They "third-degreed" him for two days, and then he told them what they already suspected: Patrick had murdered Rice. Two days later Jones made a still more detailed confession, shouldering all the guilt on Patrick to save his own neck. Having done that, Jones cut his throat in prison, but the police doctors stitched up the gash and saved him for further confessions.

Then, suddenly, on February 25, Patrick made his first move to get out. The bail, $10,000, necessary to liberate him, was produced, and Patrick, had already left his cell and was almost free, when orders came to refuse the bail and put Patrick back in his cell. Two days later Patrick was formally charged with the murder of Rice and held without bail pending a hearing.

Events in Patrick's case came swiftly after this. On April 9 Jones declared that Patrick had admitted to his lawyers in Jones' presence, that he had killed Rice. On April 12 Patrick was remanded on the charge of murder. Four days later, at a preliminary examination, he was held for the grand jury, and on April 25 that body returned an indictment against Patrick, charging him with murder in the first degree. Next day Patrick was formally arraigned before Recorder Goff and remanded for trial.

Then it was Patrick's turn to move. On May 10 his lawyers attacked the indictment and asked for Patrick's release. This move failed. Exactly one month later Patrick entered a plea of not guilty and prepared for his trial.

On October 14, when more than a year had passed since the death of Rice, Patrick's lawyers went into court and made a motion for their client's release on the ground that two trial terms had passed without the district attorney bringing Patrick to trial. This motion was denied.

Another month went by, and then Patrick's office boy, who had gone to Germany, returned and confessed that he had bought poison for Patrick before the death of Rice. The closing act of 1901 came on December 9, when Patrick made another effort to get out of the Tombs. He obtained a writ of habeas corpus and demanded that he be either tried or released on bail. The district attorney checkmated this move by announcing that he was ready at last to call the case for trial, and with that understanding Patrick had to go back to his cell once more.

Patrick was placed on trial for his life on the following January 20. Postponements came on February 4 and 5, owing to the illness of Juror John J. Campbell, and it was not until March 26 that the trial ended with Patrick's conviction. Immediately following the announcement of the jury's verdict of "guilty of murder in the first degree" Patrick's lawyes filed notice of their intention to appeal from the verdict, and to move for a new trial.

JONES CONFESSED, THEN ATTEMPTED SUICIDE.

THE POISONING OF MILLIONAIRE RICE

Sentenced to Die.

Recorder Goff called Patrick to the bar on April 7, and after denying the motion for a new trial and another motion for the arrest of judgment, he sentenced Patrick to die in the electric chair in the week beginning May 5.

Patrick was now within four weeks of the dead line. He began a fight for his life, which, although four years have elapsed since then, is by no means ended.

He fought against the powerful legal machinery dragging him toward the dead line, breaking away time after time but only as far as the length of chain which holds him secure.

A notice of appeal was at once filed with the court of appeals. This acted temporarily as a stay of execution, and the dreaded week of May 5 passed with Patrick still alive.

A delay of almost three years followed, during which Patrick successfully checkmated every move made to end his life.

Five great volumes of testimony, involving more than 3,000 pages of printed matter, had been taken during the murder trial. For the proper presentation of Patrick's appeal before the court of appeals it was necessary to prepare all this testimony for the printers in narrative form, and the wording had to be agreed upon by the lawyers on both sides. Then new briefs had to be prepared, and all this took up considerable time.

Patrick's lawyers had six months from the date of the notice of appeal in which to present their case to the court. The six months expired on October 7, 1902, but on the day previous went before the court of appeals and asked for an extension to January 15, within which to file Patrick's appeal for a new trial.

Two days later the court refused the application for an extension of time.

This left the case in suspense. The court record stopped with the court's refusal to extend the time limit which, by the way, had already expired. The court of appeals, although it had stopped the execution of Patrick, had no jurisdiction to fix a new date for carrying out the sentence. Things were at a standstill.

Patrick broke the ice on November 17, 1902, by filing a motion for a new trial. On November 26 the hearing of the motion before Recorder Goff was postponed until December 5. The year 1902 closed with Patrick waiting in his cell for Recorder Goff to decide whether he would grant the motion for a new tial or not.

New Year's day, 1903, found Patrick anticipating an unfavorable decision from Recorder Goff by preparing an appeal from the anticipated decision. February 9 passed without the recorder's decision being announced, and the court of appeals granted Patrick an extension of time under which to file his appeal if necessary.

On March 2 Recorder Goff denied the motion for a new trial. Patrick immediately filed his notice of appeal, and nothing more could be done toward carrying out the death sentence for another six months at least.

The court of appeals the following June decided against Patrick, refusing to grant a new trial and affirming the judgment of conviction.

Two days later Patrick prepared a new appeal for presentation to the court of appeals for a new hearing and argument. This time it took the court of appeals just three days to decide against Patrick's newest move. On June 14 his application was refused and the court fixed the week of August 7 for his execution.

Patrick's next move was more successful. The court of appeals on July 24, just 14 days before Patrick was to die, granted a stay of execution pending a new hearing and re-argument on the grounds of newly discovered evidence. This was followed on October 2 by a motion for a re-argument of Patrick's original appeal, but on October 27 the court of appeals decided against Patrick by refusing to reopen his case and denying the motion for a re-argument.

On November 10 Patrick asked the court of appeals to amend the record of decision in the case. His motion was denied. Matters began to look grave.

On July 6 Justice Rogers called Patrick to the bar in the criminal branch of the supreme court and sentenced him to die in the week beginning January 22 of this year. Then Patrick made a personal appeal to Gov. Higgins for a stay of execution. The appeal was denied. Patrick then made a public appeal for "a square deal." This was on December 23. Time was getting short and Patrick's resources seemed exhausted.

As a result of Patrick's appeal many petitions reached Gov. Higgins on December 30, asking him to save Patrick's life. Patrick followed these with another appeal to the governor for a stay of execution, but this, too, the governor refused to grant.

When January 1 came and Patrick's execution was only distant seven days, the governor granted Patrick an extension to March 19 in order that he might present the testimony of the Texan witnesses who came to New York city later to tell what Valet Jones had told them about Patrick's innocence.

Patrick waited until February 18 before filing his motion for a new trial on the grounds of newly discovered evidence. His fight for a new t ial began before Recorder Goff on February 21 and ended disastrously, one of the Texan witnesses being arrested and sent to jail for perjury.

On March 12, one week from the date of execution, Patrick received another reprieve, this time to May 21, and on May 14, with the day of execution one week away once more, Gov. Higgins granted a further respite to June 18.

Gov. Higgins dealt Patrick a hard blow on May 30 by vetoing a legislative bill passed at Albany which would have permitted him to obtain easily a new trial on the grounds of newly discovered evidence.

Another very hard blow came on June 11, when Recorder Goff handed down a decision denying Patrick's motion for a new trial. Patrick apparently had reached his last ditch. He was to die within a week.

But on June 12 a writ of error was granted on his application to the United States supreme court. This acted as a stay of execution and is not returnable until the October term of court.

In his prolonged fight Patrick has had the assistance of many celebrated attorneys, but almost every move made has been at his own suggestion or that of Attorney Bell Thomas, who has been his most constant adviser.

Public sentiment in New York has been a great factor in the case. That Rice was murdered has been proved beyond all doubt, but many believe the millionaire's valet, Jones was the assassin. Both Patrick and Jones benefited in a pecuniary way through the death of Rice.

During his stay in jail Patrick has made himself the idol of the prisoners, acting as their legal adviser in many cases. His knowledge of the law is profound, and many a criminal, it is alleged, has attained his liberty through clever technicalities devised by Patrick. The state's attorney's office would be glad to have him liberated or the death sentence, so long delayed, carried out.

The case shows as perhaps never before in criminal history how easily a man of resources can evade punishment for his misdeeds.

An Admirer of Shakespeare.

BY R. MURRAY GILCHRIST.

The very mention of Eunice Beaumont's library brought a warm glow to the dressmaker's pride. The village lies amidst the sycamores near Darrand bridge—a remote place where, until within the last few years education consisted of the three "R's," plain sewing for the girls, and for either sex, the rules of old-fashioned courtesy.

Eunice, however, had natural talents; she loved to widen her outlook; and so, being in straightened means, she made herself mistress of the few books she had inherited from her sire particularly the works of Shakespeare in seven volumes.

She derived a small income from the rent of two cottages near the church; for the rest she did fine needlework for such of the well-to-do as were too conservative to use machine-stitched underclothes. The old parson—Parson Swallow—would wear no other shirts than those she made.

On the afternoon when my Lady Dunmon sent the message for her to present herself at Cresswell hall, she was gathering white raspberries in a narrow garden where luscious century-old things rioted.

"Good mornin', Miss Beaumont," said Mrs. Dunmon's young groom. "Her ladyship's housekeeper, Mrs. Dunn, she's sent me to inquire if you're free to come down to Cresswell to-morrow? A darning job on a old chair as has been stored in the lumber-room for Lord knows how long. Her ladyship came upon it awhile ago, and wants it in use again. Mrs. Dunn she spoke of you, and here I am to ask if it's convenient."

The old woman flushed with pleasure; never before had such an interesting piece of work fallen to her lot. "The vastly good of Mrs. Dunn, she said, "and of her ladyship, too, for that matter. Ay, I'll be glad indeed to come."

The next morning she was shawled and bonneted by nine; but the young man did not appear until 11; and the stable clock at Cresswell hall was striking 12 when she alighted from the dogcart. She had never visited the place before save on the rare occasions when it was thrown open to the public; now that she was about to occupy benefit beneath its roof, the magnificence seemed to increase tenfold.

An elderly woman, portly and dignified, came out into the courtyard. She wore a black silk gown, and a white muslin apron with a crimped border Eunice curtsied; the other did the same, then offered a friendly hand.

"I'm glad you could come so promptly," she said.

After many timorous questions concerning etiquette, the old maid was taken upstairs to a small boudoir where Lady Danman, a tall and handsome woman of middle age, sat in the window recess writing letters. She nodded kindly, then sealed her envelopes with faint-hued wax, and after dismissing Mrs. Dunn preceded Eunice along a gallery and up several staircases to a great attic lighted with semicircular windows.

"TO THINK OF IT!" SHE SAID.

"This is the room," said the lady, "and here is the chair." She removed the chintz cover. "The needlework, as you see, is frayed, particularly on the arms. I want you to restore it. It was, I have found, given to Lord Danman's ancestor by Queen Elizabeth herself. By the merest chance I came upon a mention of it in an old housekeeping book."

As she reached the doorway, a shrill cry of something not unlike terror made her turn. "My lady! my lady! I most humbly ask your pardon. Out—"

"You are afraid of being alone?" said Lady Danman. "One of the young maids shall sit with you—"

"This not that," said Eunice, in a low voice. "I was but taken aback seeing a gentleman looking at me from between the clocks!"

Her ladyship laughed merrily. "My good soul," she said. "It is but a bust of Shakespeare—a copy of the one in Stratford church. Ah, I see it does look real, with the light falling on its painted cheeks and the old curtain hanging from the bracket."

Eunice's hands were tightly clasped. "I ask your pardon again, my lady," she said. "But—did you say Shakspeare—the great Shakespeare of the plays?"

"The very Shakespeare," said Lady Danman. "The immortal bard. And now I really must go. You will be in excellent company."

She retired, leaving the spinster and the bust in a silence as profound as that of an empty church. For a time Eunice resolutely attended to the matching of her silks; but at last a reverent curiosity forced her to approach the presentment of the genius. Dust lay thick upon brow and nose; she took a folded cloth from her apron pocket, and with trembling fingers carefully wiped all away. The color ing now became vivid; she could have sworn that the bland face grew kinder because of her touch.

"To think of it!" she said with bated breath. "To think as I should be alone with him!"

The clock struck somewhere in the distance. She was too conscientious to spend time in adoration that should be spent at work, so she filled her needle and knelt beside the chair steadfastly striving to forget the wonderful strangeness of her surroundings. The exquisite darning appointed to her; she put into it all her skill. It was slow, however, and when Lady Danman came up again, about five o'clock, only one shift was done.

"You are doing it beautifully," said the lady. "Now, be off to Mrs. Dunn's parlor—you've done quite enough for one day."

The spinster deliberately replaced her needle in a housewife of gate green silk embroidered with purple and rose-colored flowers. She turned toward the bust, her eyes filled with an odd wistfulness.

"My lady," she said, "I feel in my heart that you are kind—that you will not believe that I ask for the mere sake of folly—"

"Ask anything you please; I'll answer if I can."

"About the head—do you believe that Shakespeare was really like that? I'd be glad to know—to know would save from much pondering."

Lady Danman assumed her wisest look. "Most authorities agree, yes, I believe it."

"I thank your ladyship most earnestly. I cannot describe the gratification I have felt in being so near—in working almost as it were under his supervision—in winning his approval. And it seemed to me as if the distance betwixt him and me were not so great, after all."

Lady Danman withdrew in a maze of thought. "Good Heavens!" she said. "The creature's either mad or a genius! What a remarkable thing—a woman of her order knowing anything of Shakespeare!"

At home the old maid moved in a dream of delight. Her cottage that evening was transformed into a romantic grange, her garden into Juliet's garden, into the Temple garden, into Sweet Anne Page's garden.

In the morning she rose early, set her house in order, and after breakfast went to a clough where Grass of Parnassus grew in a marsh with Ragged Robin and Water Speedwell and tall bullrushes. The first flower had tempted her; Grass of Parnassus must surely be the finest to place before the effigy of her genius. It grew sparsely, two hours passed before she found more than a little posy. Then her skirts were draggled, her feet wet, her wrinkled cheeks gleaming with the heat. But she felt no weariness now; in her veins flowed the blood of immortal youth.

The groom found her curiously silent during the long drive; in fact more than once she failed to reply to his observations upon the weather.

At Cresswell hall, after her dinner with good Mrs. Dunn, she placed her tribute on a little table before the painted bust, and set to work immediately. The darning became poetry; the chair was sacred as having been in existence in the days when Shakespeare lived.

Lady Danman came up again in the afternoon, and stood for awhile in the doorway, the old maid kneeling beside the great chair, diligently plying the bright needle. So engrossed was Eunice in her work that her ladyship moved to her side before she was aware of her presence.

Her eyes fell on the flowers before the bust; she was still sensitive enough to feel a curious pang, as if something had thrust her back into the distant past.

"Grass of Parnassus!" she said. "How strange—how very strange!" Eunice snipped the last thread. "The work's finished now," she said. "I hope and trust your ladyship'll be well satisfied."

"I am more than satisfied," said Lady Danman. "I thank you—I have learned something from you—something that I cannot pay for."

Eunice replaced her needle in the housewife. "My lady," she said, "I'll be better pleased if no mention of payment is made—if you'll take what I've done as a gift. It has been a privilege—I'd a hundred times not have money. It has meant much to me—far more than I can ever tell you. Ay, I know that I'm presumptuous in asking this favor; but once in my life I'll sew for nought. I've come as a suppliant to talk of money before him."

She pointed to the bust. Lady Danman's perplexed frown gave place to a radiant smile. "I'll offer you no money." She took Eunice's gnarled hand; the old maid stood very proud and stately in her own little way.

"I thank your ladyship," she began. "But Shakespeare has never had greater honor paid him. The bust is yours; it shall be taken to your house this very evening."

"My lady! my lady!"

"It is yours," said Lady Danman, again moving to the door, half-ashamed of the weakness that made her voice quaver.

(Copyright, 1906, by J. Joseph B. Bowles.)

Medical Student—What did you operate on that man for?

Eminent Surgeon — Five hundred dollars."—Puck.

"VANADIUM" DEPOSITS FOUND.

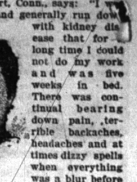
What promises to revolutionize the making of iron and steel is the recent discovery of large deposits of almost pure vanadium in Peru, South America. It is reported Standard Oil interests are identified with the company which has secured concessions from the Peruvian government. Vanadium is a gray white powder, and is the element which has given the peculiar toughness and resistance to Swedish iron. By its use it is claimed steel can be insured against fracture, and armor plate produced at half its present weight and thickness.

Educational Enterprise.

Prof. Wilbur Jackman, of the University of Chicago School of Education, is leading a movement in favor of erecting Chicago schoolhouses out in the suburbs far enough so that each may have five acres of ground around it.

TERRIBLE TO RECALL

Five Weeks in Bed with Intensely Painful Kidney Trouble.



Mrs. Mary Wagner, of 1367 Keosuth Ave., Bridgeport, Conn., says: "I was so weakened and generally run down with kidney disease that for a long time I could not do my work and was five weeks in bed. There was continual bearing down pain, terrible backaches, headaches and at times dizzy spells when everything was a blur before me. The passages of the kidney secretions were irregular and painful, and there was considerable sediment and odor. I don't know what I would have done but for Doan's Kidney Pills. I could see an improvement from the first box, and five boxes brought a final cure."

Sold by all dealers. 50 cents a box. Foster-Milburn Co., Buffalo, N. Y.

FROG WAS TO BLAME.

Weather Prophet Had Simply Put Faith Where He Believed He Had a Right.

James Wilson, the secretary of agriculture, was discussing an antiquated kind of farming.

"It is about as profitable and logical," he said, "as the weather reading of a Connecticut farmhand I used to know.

"This farmhand claimed that he could read the weather infallibly. On a walk with me one afternoon a frog croaked, and he said:

"'We will have clear weather for 24 hours. When a frog croaks in the afternoon you may be sure of 24 hours of sunshine.'

"We walked on, and in 20 minutes or so a heavy shower came up and we were both drenched to the skin.

"'You are a fine weather prophet,' said I, as we hurried homeward through the downpour. 'You ought to be ashamed of yourself.'

"'O, well,' said the farmhand, 'the frog lied. It's to blame, not me. Am I responsible for the morals of that particular frog?'"

AWFUL ITCHING ON SCALP.

Hair Finally Had to Be Cut to Save Any—Scalp Now in Good Condition—Cured by Cuticura.

"I used the Cuticura Soap and Ointment for a diseased scalp, dandruff, and constantly falling of hair. Finally I had to cut my hair to save any at all. Just at that time I read about the Cuticura Remedies. Once every week I shampooed my hair with the Cuticura Soap, and I used the Ointment twice a week. In two months' time my hair was long enough to do up in French twist. That is now five years ago, and I have a lovely head of hair. The length is six inches below my waist line, my scalp is in very good condition, and no more dandruff or itching of the scalp. I used other remedies that were recommended to me as good, but with no results. Mrs. W. F. Griess, Clay Center, Neb., Oct. 23, 1905."

WISDOM OF THE ANCIENTS.

Attention to small things is the economy of virtue.—Chinese maxim.

The ways to enrich are many and most of them foul for you.—Tacence.

Provided a woman be well principled she has dowry enough.—Plautus.

Where the love of the people is assured the seditious are thwarted.—Bias.

He is truly rich who desires nothing, and he is truly poor who covets all.—Solon.

It is a greater offense to steal dead men's labors than their clothes.—Synesius.

To do a kindness to a bad man is like sowing your seed in the sea.—Phocylides.

We ought either to be silent or speak things better than silence.—Pythagoras.

The public has more interest in the punishment of an injury than he who suffers it.—Cato.

The Things We Eat.

Too much meat is absolutely hurtful to the body. Sailors on board of ships get scurvy when their supply of vegetable food is exhausted. The digestive organs of the human body demand vegetable food, and if we don't eat enough vegetables we pay for it dearly.

Nature gave us wheat, and in every kernel of wheat nature has distributed iron, starch, phosphorus, lime, sugar, salt and other elements necessary to make bone, blood and muscle.

EGG-O-SEE is wheat scientifically prepared. Cooked, and made into crisp flakes, EGG-O-SEE goes into the stomach ready for the digestive organs to convert it into life-giving substances with but little effort.

EGG-O-SEE eaters are a clean-eyed, strong and happy lot. The proof of a pudding and the proof of EGG-O-SEE is in the eating. EGG-O-SEE besides being solid nourishment is most palatable. Every mouthful is a joy to the taste and direct benefit to your health. A 10-cent package of EGG-O-SEE contains ten liberal breakfasts. Our friends advertise us. They eat EGG-O-SEE for a while. They grow strong. They are well and happy and they pass the good word along.

Next time you send to the grocer's tell your boy or girl to bring home a package of EGG-O-SEE. Have your children eat EGG-O-SEE. It is their friend. They'll eat EGG-O-SEE when nothing else will taste good.

You try EGG-O-SEE and you can deduct the cost from your doctor's bills.

We send our book, "Back to Nature," free. It's a good bookful of plain, good, common sense. If you want a copy, address EGG-O-SEE Company, 10 First St., Quincy, Ill.

A man might give his wife more spending money if she wouldn't spend so much of it on things for him that he doesn't want.

Good luck is like a faultless wife. Somebody else always has it.