

IN \$25,000 BAIL.

(Continued from First Page.)

"I will present the case to the attention of the Grand Jury with all speed.

"If the accident was due to the criminal negligence of the corporation, owing to the neglect of the officers and directors of such corporation, or of such as are directly responsible for the negligence, are guilty of manslaughter.

"An investigation by the Grand Jury may develop the fact that the continuation of methods which may have caused the death of the tunnel victims.

"Such officials might prove their innocence before the Grand Jury, or if indicted would have a good defense.

The District Attorney pointed out that this might be the case, particularly in the instance of the officers and directors of the New York, New Haven and Hartford Railroad with reference to the car stoves, which were directly responsible for the death of most of the victims of the accident.

The minutes of their meetings that they recently voted to introduce a safer system of heating.

POSSIBLE INTERESTING COMPLICATIONS.

Another complication which the criminal authorities may have to contend with arises from the residence in Connecticut of several of the officials of the New York, New Haven and Hartford Railroad.

They cannot be treated on requisition from the Governor of this State, even were Morgan G. Bulkeley willing to recognize Gov. Hill's demands on "the Governor of Connecticut."

The reason for this is that the Federal Constitution and laws only permit the return from one State to another of a fugitive, and not of the directors and officers at New Haven are not fugitives. To be such they must have been in this State at the happening of the accident.

They could have remained in Connecticut and have ordered murder to be done in this State and yet could not be arrested on requisition from Gov. Hill.

Then, too, the Grand Jury cannot call for the minutes of the proceedings of the Directors, which are at New Haven, so as to place the responsibility for maintaining the use of car stoves.

District-Attorney Nicolai said that despite these legal bars to the prosecution of the foreign directors, he does not anticipate that they will take advantage of them, but will appear when asked and produce all books and papers required by the Grand Jury.

DEWEY'S CONSCIENCE IS CLEAR.

Chauncey M. Dewey said this morning that if he was bron, hit to court as one of the New Haven directors it would be with a clear conscience on his part. He evidently did not consider the verdict of the jury a just one, for he said:

"The jury holds responsible all the directors of the New Haven road. Now, the directors have nothing to do with the running of the road. They select the managers.

"I am a director in the New Haven and Hartford road, as I am in thirty-four other roads, where I represent the interests of the New York Central.

"Some of the jurors, two at least that I know of, Messrs. J. Seaver Page and Gustav H. Schwab, are attorneys, and they know just how far a director is responsible in such matters.

"In regard to the tunnel, we have been trying to open that tunnel for years; but they won't let us."

"What about the recommendation of the jury to light the tunnel?"

"That proposition was considered long ago, and our experts reported that it would be dangerous to light the tunnel by any system that would be effective."

"Did you also said that steam heating was more dangerous than electric car stoves?"

"He did not think that the New Haven officials living out of the city would take advantage of the extradition controversy now going on between Gov. Hill and Bulkeley. They would appear when wanted."

"This was his opinion of President Charles P. Clark, of the New York, New Haven and Hartford road, who was in the city to-day. He had nothing to say in regard to the verdict of the jury."

"The officers of the road will obey promptly any legal summons," he said.

THE OFFICIALS WILL ALL RESPOND.

General Manager Platt, of the New York, New Haven and Hartford road, who attended the Railroad Commissioners' hearing to-day as an interested spectator, was asked by an EVENING WORLD reporter what his intentions were in the event of being served with a warrant of arrest.

"Of course," he replied, "the officers and directors will readily comply with any warrants which may issue from the Coroner's office. We have no disposition to conceal anything, and there will be no effort made to thwart the actions of the authorities in their legal procedure."

"While we do not expect to suffer any personal discomfort in consequence of this distressing accident, we are prepared for anything."

"I have received no notice as yet that I am wanted on a Coroner's warrant, when I do I shall immediately respond to the same and visit the Coroner's office and furnish the bail necessary for my appearance for examination."

"This, I fancy, will be just as readily done by any and all the other officers and directors as myself."

"What do I think of the verdict? To tell you the truth, I think it is a peculiar, very peculiar verdict," and Manager Tuttle shook his head in a serious, puzzled way.

"We are all anxious to have the fullest investigation into the circumstances of the accident, so that all the tunnel disaster, and might the safety of trains through the tunnel might be preserved and carefully considered," added Mr. Tuttle.

"I know that no officer or director of the New Haven road would attempt to block any action of the Coroner by contesting the service of his warrant, and he will only have to comply with it, when ready response will be made and bail quickly furnished."

WHY THE CENTRAL WAS NOT CONSIDERED.

In 1889 a Coroner's jury captured and held the New York Central Railroad Company responsible for the death of three men in an accident similar to the recent tunnel disaster, and demanded that the tunnel be lighted.

An EVENING WORLD reporter called upon Gustav H. Schwab and Julian M. Elliott, who joined in the verdict which condemns the New Haven road and Engineer Fowler for the recent accident, and demands that the New York Central should be compelled by the Legislature to make more openings for lighting and ventilating the tunnel, though that corporation comes in for no consideration.

The jurors named were asked to explain these things.

Mr. Elliott declined to be quoted. Mr. Schwab said:

"The New York, New Haven and Hartford Railroad was captured because through its agent, Engineer Fowler, the accident occurred. That road alone was responsible.

"No company could prevent the fog that was so dense that morning, and, though it was a mooted question or a time, it was concluded that the signalman must have set the proper signal."

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Mollvaine and Trezza Resentenced to Death at Sing Sing.

Both to Be Electrocutted During the Week Beginning April 30.

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State Detective Jackson and Keeper McKeown brought the murderers into court while the lawyers were summing up in the case of William J. Smith, charged with murdering Joseph Carroll. If Smith is convicted he will be hanged, as his crime was committed before the electrocution law went into effect.

The court-room was crowded, and there was a stir when the murderers entered the room, manacled together, and it was noticed that Smith moved uneasily in his chair and a look of fear came over his face.

McElvaine was first brought to the bar. He stepped briskly up, wearing the same leering smile which he affected in his trial.

Judge Moore dwelt on the fact that he had had two fair trials, and had long escaped punishment through technical details.

The Court of Appeals, said the Judge, "has affirmed your conviction, and it is now the duty of the Court to fix the time when its sentence shall be carried out."

"It is directed that the sentence of death be put in force by the Warden of Sing Sing Prison on the 30th of April, and the warden is directed to carry out that sentence."

Then the Judge said, still addressing McElvaine:

"If I am able to make any impression upon you, I am:

"The wonder of which you were convicted was a most atrocious one, and I warn you not to hope to escape the penalty. Prepare for the death which is almost sure to come on the day now fixed."

McElvaine was then taken downstairs, and Trezza arraigned.

He is a swarthy young Italian, and stood calmly at the bar.

His counsel, ex-Judge Daly, made a long motion in arrest of sentence, producing affidavits by Trezza and others to the effect that Trezza had been already put in solitary confinement at Sing Sing while the case was undecided, and that he could not be again sentenced.

Judge Moore promptly overruled this motion and directed the interpreter passed sentence of death.

The formal sentence was in precisely the same terms as McElvaine's. It also fixed the week beginning April 30 for the execution.

Both McElvaine and Trezza will be taken back to Sing Sing to-day.

McElvaine's crime was one of the most brutal that ever came to the notice of the Brooklyn police. On the morning of Aug. 25, 1889, he, accompanied by several other thieves, went to the grocery kept by Christian W. Luca, at 171 1/2 Jay street, with the intention of burglarizing the place.

While his companions remained on guard outside of the building, McElvaine entered the place through the rear, and proceeded to gather up all he could find.

He reached the back sleeping upstairs, and was awakened by the noise in the store and started down to find out what was going on.

He saw Luca, who was asleep upstairs, and stabbed him again, and again, inflicting upon Luca fatal wounds in his own blood, and in the presence of Trezza, who was a witness to the crime a few hours later.

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He had tried to peep him, and sent his son-in-law to call on her. As the young man was about to enter the door, he was arrested twice at Salvano, who fell to the floor and finally was killed.

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