

THE EVENING WORLD

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LAST EDITION. M'ILVAINE IS SAFE.

Warden Brush Served With the Stay of Execution.

Judge Platt Denies the Motion for a Stay for Trezza.

There May Still Be an Electrocution at Sing Sing Next Week.

Special to the Evening World. Sing Sing, N. Y., April 12.—The petitions and citations in the case of condemned murderer Charles McIlvaine, sentenced to be electrocuted here next week, were brought to the prison by a clerk in Lawyer A. C. Astania's law office and served on Warden Brush late last evening.

The case was similar to those which were previously listed by the United States Circuit Court in the cases of Wood, Smiler and Steum.

The writ is dated April 10, 1901, and was issued by Judge E. Henry Loombe, of the Southern District.

The news of his life again being spared did not produce a very pleasing effect on the warden McIlvaine, who has often said that he would rather be executed than be compelled to stand the torture of solitary confinement.

The clerk and principal keeper, Connaughton, informed McIlvaine of the action of the United States Circuit Court immediately after the papers arrived at the prison.

The warden is cited to appear in McIlvaine's case at the opening of the United States Circuit Court at Washington on Monday, May 23.

Trezza is awaiting anxiously for news from his counsel. He has been very despondent all the week, but is much cheered by the announcement of McIlvaine's stay.

Warden Brush is exceedingly trying in position. According to warrants in his hands he is required to put to death by electricity some time during the week beginning at midnight Sunday, Nicola Trezza, the murderer of Alexander Salvano, of Brooklyn.

The law requires that a certain number of witnesses shall be present at the electrocution and that they shall be given three days' notice of the date fixed for the carrying out of the law's sentence.

CROSS-EXAMINING JOHNNIE.

Wife-Clubber Smith's Little Son Again on the Stand.

Opening of the Defense of the Police-Man Charged With Murder.

The trial of ex-Police-man William Smith, who is charged with having caused the death of his wife, Mary, by clubbing her on the night of Dec. 31 last, was continued today in the Court of Oyer and Terminer.

The prosecution has already examined its most important witnesses, but the testimony of Thomas Lewis, the saloon-keeper, of One Hundred and Thirty-fifth street, and Fifth avenue, in whose place Smith spent most of the evening of Dec. 31, drinking with some companions, was presented by Assistant District Attorney Stapler at the opening of the Court in the form of a deposition.

Lewis was too ill to attend the trial and testify. He says in his affidavit that Smith and his friend Gillip and the Stewart woman were drinking together in the wine room of the saloon early in the evening.

About 9 o'clock he heard a rap on the outer door, and going out saw Mr. Smith. She asked for her husband, and he sent her around to the private entrance on One Hundred and Thirty-fifth street, and down the stairs.

He said Smith went out by the back door, and after being absent about twenty minutes he returned, and spent the rest of the evening with his companions.

They had several rounds of drinks after that. In answer to some inquiries put by Lawyer Grant at the time the deposition was taken Lewis said that on the evening of January 7 Mrs. Smith again came to his saloon to ask for her husband, and repeated her visit on January 4.

On both of these occasions Mrs. Smith appeared to be in good health and showed no indications of any of the injuries alleged to have been inflicted by her husband.

Lewis is sure that she had no bandage around her head either time that he saw her. He said he knew Mrs. Smith very well by sight, and used to see her often.

Henry J. Hazan, a brother of Mrs. Smith, was called as the first witness, and he merely testified to taking charge of some of the things in Mrs. Smith's house after her death.

RAN INTO THE J. B. SCHUYLER.

The Popular Fishing Steamer Disabled by Collision with a Tug.

Panic Among Her 250 Passengers - The Tug Undenied.

The well-known fishing steamer J. B. Schuyler was run into by a tug while going down the bay this morning, and for a time there was a panic among her passengers.

The Schuyler left her pier at the foot of Franklin street at 8.30 o'clock with 250 people on board, bound for the Chelsea Fishing Bank.

There was a dense fog on the river and bay at the time, and the Schuyler's captain made his way cautiously, blowing the whistle at frequent intervals.

At 10.15, when the steamer was within short distance of Hay Point, a tug, having in tow a city scow, loomed up through the fog so suddenly that she seemed almost to spring up out of the water.

The Schuyler's engines were reversed instantly, and her paddle wheels backed water in a desperate attempt to prevent a collision; but it was too late.

With a terrific crash the tug smashed into the fishing steamer, her bow striking the latter on the port side and over the decks.

The J. B. Schuyler was built in Jersey city in 1895 and is owned by the Essex Steamboat Company, of New Jersey. She is commanded by Clement D. Hancock, a principal stockholder of the Company.

She is 195 feet long, nine feet depth of hold and twenty-five feet beam. Her gross tonnage is 625, and her net tonnage is 400. She carries 250 passengers and is licensed to carry 1,000 feet of water and is licensed to carry 1,000 passengers.

Three Other Fog Collisions. The ferryboats Puritan and Wampanoag, of the North Ferry, came together in the fog at 7 A. M. to-day off the slip at the foot of Whitehall street. The passengers were momentarily frightened, but nobody was injured.

IT IS TO BE RECORDED.

The Tunnel Bill Ready for the Governor's Signature.

Not a Dissenting Vote Was Cast in Either House.

Even the Railway Advocates Laid Their Bill Aside.

Special to the Evening World. ALBANY, April 12.—The better-type Tunnel Lighting and Ventilation bill was passed by unanimous vote of the Assembly to-day.

The bill is identical with the measure passed yesterday, and it now goes to the Governor for his signature.

Everything had been smoothed for the final passage of the bill, and it would have gone through the Assembly yesterday but for the refusal of the House on the Ketchikan bill, and the prolonged discussion of that measure which followed.

Even Gen. James W. Husted, of Westchester, the recognized champion of the New York Central Railroad Company's interests in the Assembly, laid his tunnel bill aside so that there should be nothing in the way of the passage of the necessary remedial legislation.

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AT THE GOVERNOR'S RECEPTION.

Judge Gildersleeve Goes Up To Succeed Judge Ingraham, who Gets Judge Brady's Place.

Justice Alfred Stecker's Ambition Cruelly Repressed.

Special to the Evening World. ALBANY, April 12.—(Gov. Hill 10-day report to the Senate the nomination of Judge George L. Ingraham, of the Superior Court, to succeed the late Justice John H. Brady, of the Supreme Court.

Ex-Judge Gildersleeve, late of the Court of General Sessions, is named to succeed Judge Ingraham on the Superior Court Bench.

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INDICTED DIRECTORS' CASE.

Argument for Change of Venue Set Down for To-Morrow.

Counsel for the indicted New York, New Haven & Hartford Railroad directors, appeared before Justice Patterson in Supreme Court Chambers this morning.

The argument on their motion for the transfer of their case from the Court of Criminal Sessions to the Court of Oyer and Terminer was set down for 11 o'clock to-morrow morning.

Massachusetts Can Have Wall. Edward Wall, alias Ed Whelan, alias Allen Wheeler, who is wanted in Lynn, Mass., for a jewelry store robbery, is locked up at Police Headquarters, awaiting extradition papers.

Identified the Footpads. William Hart and John Williams were identified by John Brennan in Harlem Court to-day as the men who robbed him on upper Third Avenue last Saturday, and they were held in \$1,000 bail.

King Humbert's Subjects Detained. Giulio Sarbo, a Sicilian, who is accused of attacking a man in Italy, and an Italian seaman, who worked around the docks, and the only patient in the hospital at this time.

Another Murderer Who May Die of Old Age. Coroner Levy to-day committed to the Tombs John Brandon, charged with causing the death of Elizabeth Wenrick last Saturday by throwing a lamp at her. She died at Bellevue Hospital Sunday.

Robbed After the Circus. Corwin was knocked down and had his ankle broken, too.

Romain Schwartz Makes a Desperate Attack Upon His Employer. Romain Schwartz, a twenty-year-old clerk for Victor Barone, a commission merchant, called at his employer's house, 63 Seventh avenue, this morning and demanded some money.

HE FIRED FOUR SHOTS. Barone opened his pocketbook and took out a five dollar bill, when Schwartz drew a revolver and fired four shots blank at Mr. Barone, all fortunately going wide of his mark, with the exception of one ball which went through his hand.

Schwartz then made a grab for the pocketbook, but he was seized and held until policeman came and took him to Jefferson Market Court, where he was remanded for examination Saturday.

POINTERS ON THE RACES.

Tipsters' Opinions on the Various Winners To-Day.

Another good card is presented by the Guttenberg Association to-day. Nearly every event is a sprint, and there are some good class horses entered in each race.

The first race is a dash of seven furlongs. The Sheriff's last race showed he was in good shape, but he was miserably handled. He may win to-day. Lima is expected to second, and he will be a contender.

The second race is a six and a half furlong dash. Perfid looks to have the best of the weights and he ought to win. Sir George appears to be getting a little state yesterday, but he should be second and Empire Kelly may beat the others.

The third race is for two-year-olds at half a mile. The race should go to Lester. His race with Little Sandy, Cloche and others was a fine one, and he was gaining on the others at the end. The Petaluit colt should be second, and Promise may be third.

The fourth race is a mile. Ed McGinnis, on the form he showed in his last races, should win to-day. Aftermath may be second and Repeat third.

The fifth race is a five-furlong dash. Meriden apparently overcame the lot and she should win handily. Rambler ought to be second and Lousie, who worked very fast yesterday, may be third.

The sixth race, at half a mile, may go to Ned. Puzzle may be second and Harwood ought to beat the others.

Refer to the Sporting World makes these selections: First Race—Lady Puffler, Pericles, Sheriff, Second Race—Xenophon, Sir George, Third Race—Lester, Perfid, Sir George, Fourth Race—Aftermath, Rambler, Fifth Race—Meriden, Brianzo, Sixth Race—Anomaly, Laura S.

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