

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 behead him forth.

Nowhere can a more striking contrast to the above be found than in the amazing and even brilliant flight 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. 509 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.

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., with in six days of the time set for Pat-

rick'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.

When Millionaire Rice was found dead in his apartments at No. 509 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 pushed. 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.

Had Been Poisoned.

Next the police turned their attention to Valet Jones. They "third-degree'd" him for three 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.

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.

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 D. 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 lawyers filed notice of their intention to appeal from the verdict, and to move for a new trial.

Sentenced to Die.

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

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

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 15 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 trial 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.

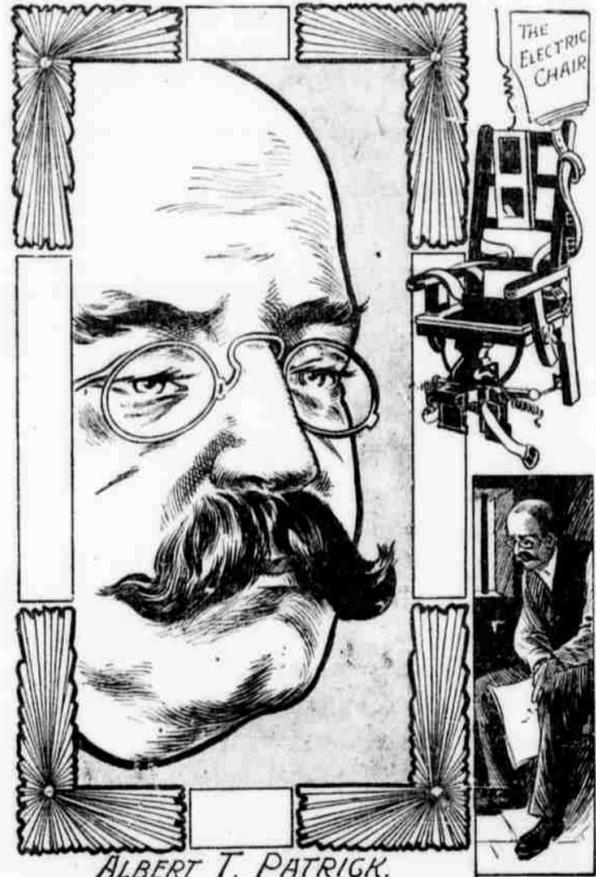
Patrick's next move was more successful. The court of appeals on July 24, just 14 days before Patrick was to die, granted a stay of execution pending a new hearing and re-argument on the grounds of newly discovered evidence. This was followed on October 2 by a motion for a re-argument of Patrick's original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



JONES CONFESSED, THEN ATTEMPTED SUICIDE.



ALBERT T. PATRICK.

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A Prince of Highwaymen

By KATHARINE TYNAN

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I was a born turbulent, I suppose, the child of my hard-riding, hard-drinking father rather than of my gentle mother. If my father had lived things had been better with me, for I remember his great jolly laughter when I had behaved ill, or so my mother thought, yet out of mere childish roguery and daring rather than with evil intent.

He was not many months dead when my brother Aymer was born.

People used to wonder that we could be sprung of one stock—I so dark, he so fair; I so rude and wild in my ways, he all gentleness.

I was ever lusty, and as the years passed I grew strong as a young colt, and unmanageable as one yet unbridled.

He, on the other hand, kept his fair delicacy of look, and was somewhat frail of health, which made another reason for my mother's loving him, since she blamed herself that excessive grief for my father had weakened the unborn child.

I was lonely till my cousin Joan came. Her mother, Dame Winchester, was my mother's sister, and now both were widowed. Therefore they thought well of housing their grief under one roof.

But these are childish things, and let me on to the time of the great war.

My mother was dead before those evil days befell, or else she had died of them, perhaps, as many a loyal lady did. And even at the last, dear soul, she left a barbed wound in my heart, for, said she to me, in those last precious hours while we yet kept her: "Roger, my son, do you love your cousin Joan?"

"I know not, dearest," said I, and reddened, even at that moment, for I was a callow, rough lad, and would have been ashamed to think upon love. She laid her thin hand on mine, and I thought she would have kissed me, for we had drawn closer during her illness, but what she said was:

"Listen, Roger. If Aymer loves her, too, as I fear he does, let Aymer wed her. You will forget. You will go out in the world, among other men and will see other ladies to love. You are strong and valiant, my son; he is gentle and delicate. Let him have his love."

I did not dare disobey, and for my part in certain exploits came to be known as "Mad Malwharling."

But, ah! those glories were well over, and here was I, a ragged cavalier, with but my horse, my sword and my little dog. And ere I joined some way friends of mine, who were making way in another fashion, a great hunger came upon me to look upon the home of my childhood, and see that which I had renounced, and visit once again my mother's grave.

I turned my face westward, therefore, and rode night and day, till the watery sunset of a spring evening showed me King's Beches, with its turrets and chimneys black against the sky.

The window was open and some one was singing, a ripe voice, which I was slow to recognize as that of my brother Aymer.

With the song went the thin music of a spinnet. I hid myself by my hands on the window sill; yet, ere I had looked within, I knew what I should see.

My brother, dressed soberly, yet with richness, leaned by the spinnet which my cousin Joan was playing.

Several years had gone, and something almost maternally had come upon my cousin's beauty, something so noble and so tender that I must swear forever to woman's beauty were perfect looking that. The waves of her chestnut hair were rolled away from the pure outline of her face. I could see her little ears and the full, milky throat below the golden head.

For an instant I feasted on her beauty. Then my eyes wandered to my brother. He looked less slight than of old, but his Apollo grace and fairness, which I used to think, unbecoming a man, had not deserted him.

The whole scene was so peaceful, so full of home, that it made his heart ache who had doomed himself to be homeless. And then a thought came to me that sent the blood surging to my head. Why, it was a home scene I looked upon, and this pair, with their happy quietude, were no lovers except wedded ones!

I had willed it so, or the dead had willed it for me; yet I turned to the night with an oath on my lips and despair in my heart, for never until then, I think, had I realized my love for my cousin. And so, swearing I would not come again, lest worse befall, I strode off to the dell in the wood, where my Saladin pawed the ground, and neighed the way I had taken.

We, gentlemen of the road, drop out of the world we once knew, as much as if we were dead.

Two years did Tom Selby, Dick Lavender and myself lead the highwayman's life, and if I said it had not things to recommend it I should err.

positions, so much I could see, so it was at least five to one against me, but it consorted with my desperate mood to take the coach single-handed.

Now I saw the vantage the woods gave me, and were these fellows as great cowards as I have often proved such varlets to be, the enterprise were safe enough. Therefore as the coach rolled beneath the hangman's tree, I stepped out and crying, "Yield, knaves, to me and my men!" I flourished my pistols in the face of the first man.

"Oh, Lord, highwaymen!" I heard him sob; and, indeed, the wood's shadow might be full of us.

The horses fell back on their haunches and the great equipage came to a standstill. I bent forward, calling to my imaginary comrades to stand, when suddenly, a great oath broke from the immovable figure of a man that sat on the box of the coach, and turning at the sound, I saw the four postillions scurrying like rabbits as fast as their feet would carry them.

"Send your pistols after them, good highwayman!" wheezed the figure on the box; and, in faith, forgetting what ambush there might be, I blazed away with both pistols, so that the rogues ought have real fun for their money.

"Thank you, friend," said I; "but whom do you carry with you?"

"My mistress, a lady so beautiful that when you have beheld her you will not

hurt her, for you gentlemen of the road do not war on beauty."

"Fear not, friend," said I, "I will not hurt her," and so saying I opened the coach door and looked within.

"Madam," said I, "will you not step out and enjoy the beauty of the night? I would fain see if your eyes match your diamonds."

For a shaft of moonlight into the coach had revealed to me the flash of jewels on the fingers of the lady, as she drew rightly about her face her hooded cloak.

Without a word she held out her hand for me to assist her to alight. Then she stood upright in the moonlight, a shining figure all in white, for a long cloak of white satin hid the glories beneath, and since the domino screened her face I could but guess at the beauty within.

"You are from a ball, madam?" I said.

"From a supper at my Lord Greenchester's," she said.

"You shall go free," said I, "on one condition."

"That I yield you my diamonds?"

"That you tread a minuet with me here. It will recall the brave days of old. Afterward, that you will give me one kiss."

She was silent an instant.

"Afterward," I cried, with a passion that fired me of a sudden, "I shall kiss no other woman. Be sure of that. And I shall not ask to see your face."

"You will let me go unquestioned?"

"That shall I."

"You are the prince of highwaymen," she murmured, as she placed in my hand her own, like the petal of a lily.

Then on the turf, below the gallows, we went through the stately dance, and scarce could I tread it because of my desire for the kiss that was to follow.

When we had finished I took her hand and led her to the coach.

"Now, madam," said I, "for your beauty's sake, and your loyalty's, I will, if you will it, forswear the last condition of our bargain."

"The kiss?" she said.

"The kiss?" I answered; though I chafed for the touch of her lips on mine.

"Nay, but you shall not," she whispered, leaning forward from her seat in the coach.

I felt her hands hold me in a vice, soft as they were. They drew me toward the coach. Her lips met mine. Then her arms were about me.

"At last, at last, Roger!" she cried, "and we have been seeking you, I and Aymer, this many a year," and the voice was my Joan's voice.

"But you are Aymer's wife," I cried.

"Aymer's sister, and your wife, if you will have me at last, who have waited so long for you, love! Come home with me. Aymer is your steward, who holds your lands and your house till you come. Come, Roger!"

I answered her tender invitation by taking her within my arms. I had no words to speak, and the future was long in which to ask questions.

I returned to mine own house, a happy lover to find my place kept ready for me. So was my mother's great love for my brother Aymer justified. For a true and dear brother he proved himself to me.

There were four horses, ridden by