

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 borderline, 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 chin stuck 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.

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 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. 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 mysterious death of Mr. Rice could be probed.

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-degreed" 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

liminary 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

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-



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 motion for the arrest of judgment, he sentenced Patrick to die in the electric chair in the week beginning May 5.

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.

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 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.

nied. 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 15 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 trial 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.

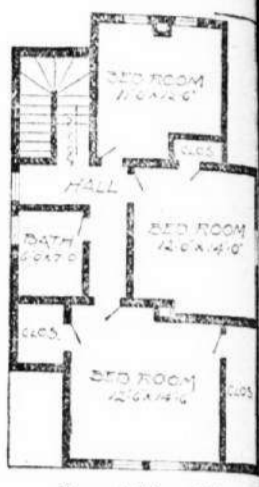
The case shows as perhaps never before in criminal history how easily a man of resources can evade punishment for his misdeeds.

THE AMERICAN HOME
W. A. RADFORD
EDITOR

A good deal of comfort may be secured for \$1,000 or \$1,100 by building a seven-room house like this. Four rooms downstairs with three rooms in the roof, a bathroom and two porches, briefly describes a house that is well arranged and convenient for a small family. It is a house especially well adapted for the village. One reason why this house can be built for so little money is that the work is all plain and straight. The greatest cost in building these days is labor. Carpenter work is expensive and all odd corners and queer shapes cost money. Working on a gingerbread house is like plowing a narrow field crossways. You spend most of your time turning around instead of getting ahead and making a show for the amount of labor you are putting on the job.

The neglected appearance of the houses show at once that the living in them have no interest in property. On the other hand in the villages where the property is owned by the occupants, I see kept lawns, nice walks, well trimmed trees, handsome shrubbery, and many flowers.

It is almost impossible for a man to own a lot without improving it. The thing about the ownership of a lot seems to awaken an interest in life and its possibilities as nature



Second Floor Plan.

The rooms are large enough for comfort, and every one one is well lighted. There is something about the manner in which the front porch is let into the corner of the house that attracts attention in a favorable way. It does not look like a common everyday cheap house, yet it can be built under ordinary circumstances for less than \$1,100. The size on the ground is 26 by 38 feet. Not so small as some houses and not so large as the houses of some of our neighbors. But we should build according to our needs and according to our means. The trouble with too many Americans is that their wants are governed by their neighbor's supplies. Our wants are numerous, but our needs are few. We do need a good comfortable home and that is more than rich men get sometimes after building a castle.

Cheap houses are attractive if kept in good condition and some attention paid to the lawns and trees. It is so much better to spend an hour or two in the evening working among vines

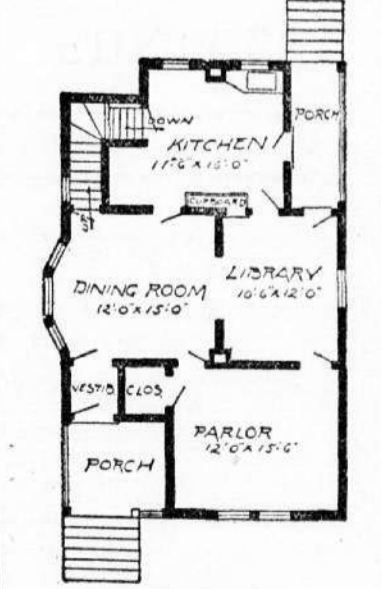
will. I have seen a man build a house on a bit of waste quarry, and in a few years make it a home with roses and fruit bearing. But we have seen luckless fellows renting run-down properties presents a hopeless appearance, living in it year after year without ambition to do better. This cheap house offers a solution for a condition of affairs, and I hope many will take advantage of it.



and shrubbery than it is to spend the same amount of time holding down a box in the grocery store, telling the other loafers how the government should run the country. It is better to have a \$900 house with a few outside attractions and a contented family, than to envy the luck of some other fellow who has had the ambition to work and plan to get a respectable home.

The rooms are just as well arranged as rooms in more expensive houses. The bay window adds to the appearance while giving to the interior a pleasant outlook. The library of a room for the man and his friends with a door opening on the porch communicating easily with the garden. When men have such a respect to themselves, their acquaintances invited to the house instead of meeting them in other places.

This plan is within the reach of any man who has the ambition to own a



Ground Floor Plan.

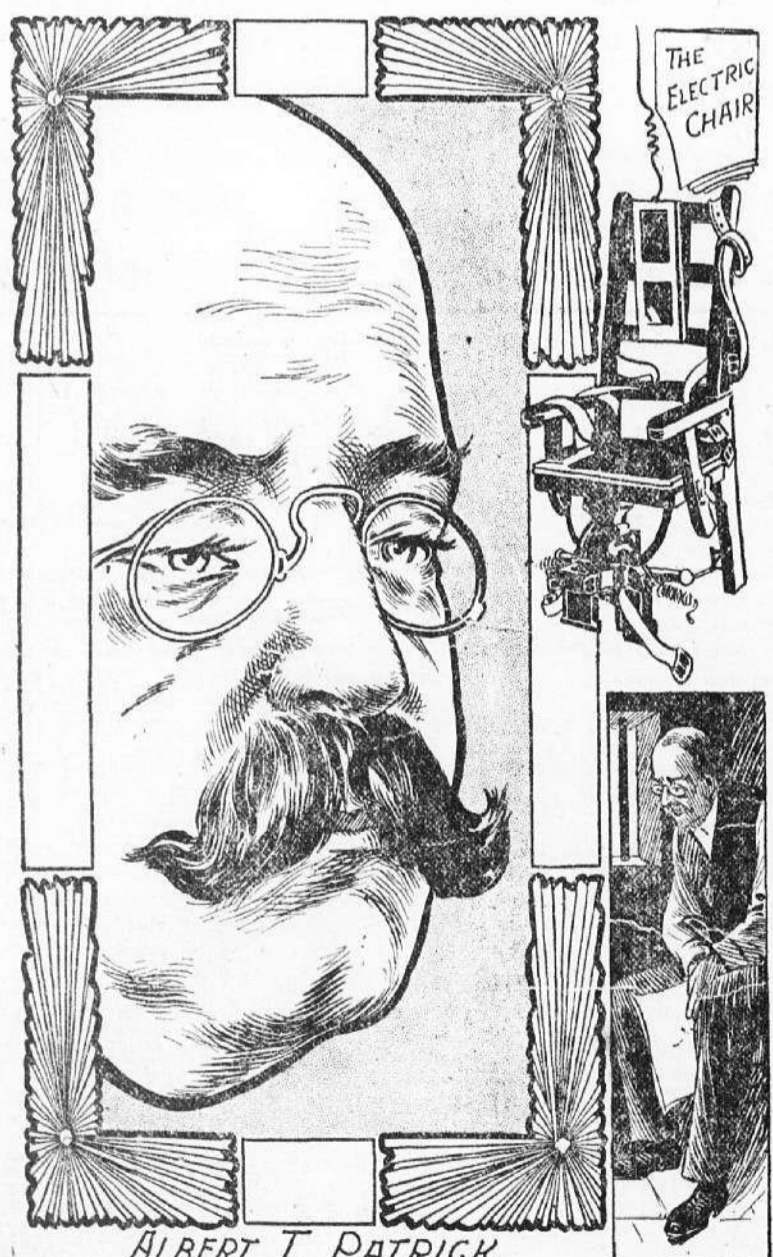
house. It is not necessary to finish the whole house right off from the start. If the frame is put up and inclosed the inside finishing upstairs may be done later. I only suggest this as a means to an end. I know that the start is the hardest thing in building a home. Once started a home is almost dead sure to be finished because an interest has been awakened, and that is the main thing.

In this plan a good deal of attention is paid to the kitchen. The most important room in every house is the kitchen, but many families seem ashamed of it. They have a little bay window partitioned off with a low railing and one little narrow window. I call this a kitchen. Very often the window is so placed that it is impossible to get any air through it, and not much light comes in that way. There is any outlook at all it is the most uninteresting direction. The little eight by five affairs, so often used as a makeshift, are very dark in winter and hot in summer especially when cooking dinner.

It may not be necessary to put the kitchen in the front part of the house still this would be a better arrangement than some plans met with. Some builders make the front of the house as elaborate as possible, often doing a lot of expensive work to have the parlor very fine; but the kitchen is only badly planned but it may be placed wrong and finished (or unfinished) in the cheapest kind of wood and often with a poor floor.

All this is wrong. The best floor in the house should be in the kitchen. The kitchen should be near to the parlor and near to the dining-room. Save steps as much as possible. This does not mean that the smell of cooking should penetrate into the other rooms.

Like Mother Made.
"An eastern physician says strawberries cause insanity."
"I guess that's right; I'm crazy on a piece of strawberry shortcake right now!"—Houston Post.



ALBERT T. PATRICK.

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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 pre-