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THE EVENING CRITIC.

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FOURTEENTH YEAR. WASHINGTON, D. C., TUESDAY, MAY 16, 1882. NUMBER 4,126.

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SCHOOLEY'S MOUNTAIN SPRINGS, Morris County, N. J. Opens May 15. The best mountain resort in the State. No mosquitoes; charming drives; beautiful scenery. Send for circular. J. WARREN COLEMAN. my4-2m

SPECIAL NOTICES.

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PENNSYLVANIA REPUBLICANS, ATTENTION!

A meeting of the Pennsylvania Republican Association will be held at Marini's Hall, No. 914 E st. n. w., this Monday evening, May 15, at 7:30 o'clock.

By order of the president.

my14-it WM. M. ASH, Secretary.

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GEORGE BYNEAL, JR., DESIRES TO return thanks to his friends and the public generally his grateful acknowledgment of their many kind expressions of sympathy. He is now busily engaged in repairing damages caused by the late fire, and expects shortly to have his place of business more attractive than ever. His store, 418 Seventh street, is now open, and he is ready and able to fill orders promptly. ap25

"YOUNG'S" WONDERFUL CURE FOR RHEUMATISM will eradicate the disease from the system if taken according to the directions. Sold wholesale and retail by the sole agent, THEO. HINRICHS, Druggist, cor. Md. ave and 6½ st. Price 75c. per bottle. Try it. It never fails. ap23-3m

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A Neat Wrought Iron PARK FENCE of one-half inch iron, put up complete at 30c. per foot. Also all miscellaneous iron work.

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DR. ISAAC NICHOLS & CO.'s AMERican Remedy for sale 439 Ninth street northwest. Room No. 1, over W. R. Riley's dry-goods store. Liberal discount to the trade. I. C. RINGWALT, jr. Sole Agent for Washington.

STOVES, FURNACES, RANGES, &c. Tin plates, sheetiron work, fireplace stoves, ranges, furnaces repaired. Tin roofing, spouting, and all kinds of tin work promptly attended to. Send your order to R. H. O. BOUIS, 519 Eleventh st. n. w., near F st.

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WM. B. ENTWISLE'S PHARMACY, Corner Twelfth Street and Pennsylvania Avenue PURE DRUGS AND CHEMICALS.

IF YOU WOULD AVOID CHILLS AND Fevers, Ague and Fevers, Bilious Fevers and other diseases incident to the season, take BROWNING'S BITTERS and you will surely escape them.

BROWNING'S BITTERS have been in use for over twelve years, and no person was ever known to have chills or bilious fevers while using these Bitters. For sale by druggists and grocers generally.

BROWNING & MIDDLETON, PROPRIETORS AND MANUFACTURERS, 610 Pennsylvania Avenue.

SOMETHING NEW.

TANNHAUSER BEER.

Brewed by the Bergner & Engel Brewing Co., and bottled by H. BENZLER & CO., is now ready, and orders can be left at 942 D street n. w. ap25

CHOICE CUT FLOWERS

from my own green-houses in Uniontown furnished for all occasions.

S. STUDER, FLORIST, 808 F street northwest.

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Dealer in Wall Papers, Window Shades, Picture Frames, Pictures, &c. 916 SEVENTH STREET NORTHWEST.

THE DEPARTMENTS.

THE national banknotes received for redemption to-day amount to $529,000.

GOVERNMENT receipts to-day: Internal revenue, $418,368.27; customs, $639,662.16.

THERE will be no more retirements in the Army until Congress has disposed of the pending bill providing for compulsory retirement.

GENERAL E. D. TOWNSEND, U. S. A. (retired), has been appointed an additional visitor to the Naval Academy to represent the army on the board.

THE latest names mentioned in connection with the Tariff Commission are ex-Senator Merrill, ex-Collector Thomas, of Maryland, and Mr. Hayes, of Boston.

WAR DEPARTMENT OFFICIALS regard the Indian troubles in Arizona as virtually at an end, and say that precautions will be taken to prevent further outbreaks.

SURGEON P. H. BAILHACHE, of the Marine Hospital Service, has been ordered to proceed from this city to Evansville, Ind.; St. Louis, Chicago and Detroit as an Inspector.

REPORTS received by the National Board of Health show that the smallpox has appeared in Lynchburg, Va., and that 65 deaths from that disease occurred in Cincinnati last week.

THE Cabinet had a long session to-day. All the members were present. The Tariff Commission was the principal topic under consideration. It is not known what conclusion was reached. The Mason case was also considered.

GENERAL G. M. SCHOFIELD, who is now in the city, has just returned from a year's tour in Europe. As he is at present without a command, and under no assignment, there is considerable curiosity in Army circles to know what is to be done with him.

AMONG those who saw the President to-day were Senators Cameron, Plumb, Davis, Mitchell, Miller and Ingalls, and Representatives Hiscock, Candler, Fisher, Aldrich, Robinson, Burrows, Errett, Tucker, Webber, Hubbell, Walt, McCook, Randall and Van Voorhis, Commissioner Loring and Hon. E. B. Stoddard of Massachusetts.

A CONTROVERSY has arisen over the possession of the site selected for the proposed Marine Hospital at Memphis. Secretary Folger has declined to grant a stay of proceedings in the matter of condemnation for the benefit of a certain railroad company which is trying to pre-empt a portion of the ground under the State laws.

ASSISTANT SURGEON A. C. H. RUSSELL has been ordered to temporary duty at the Naval Hospital, Brooklyn, N. Y.; Surgeon A. M. Owen to temporary charge of the hospital at Pensacola, Fla., in addition to present duties; Passed Assistant Surgeon S. A. Browne has been detached from the Naval Hospital, Pensacola, Fla., and placed on waiting orders.

CAPTAIN JOHN P. WALKER, of the Army, well known in this city, who was recently tried by court-martial at Fort Fred Steele, Wyoming, on the charge of conduct unbecoming an officer and a gentleman, was last Thursday ordered to join the detachment of his regiment en route to Arizona, at Rock Creek, Wyoming, and report to the commanding officer in arrest, to await the result of the trial.

SECRETARY FOLGER has designated Captain G. R. Slicer, Eric Gabrielson and L. G. Shephard, of the Revenue Marine Service, and Surgeons Fessenden and Purviance, of the Marine Hospital Service, as members of a Board to convene in this city on Monday next for the examination of candidates for appointment as cadets in the Revenue Marine. There are only a few vacancies, but there is a large list of applicants.

SECTION 584 of the Postal rules and regulations has been rescinded, it being decided by the law officer of the Postoffice Department to be in conflict with section 3915, Revised Statutes, as amended by act of June 27, 1874, and section 3046, Revised Statutes, as amended by act of August 12, 1876. This is the regulation on which the Straw-bond prosecutions against Boone and others was based. It requires the property of a surety to equal twenty-five per cent. on the aggregate amount of his bonds.

COMMANDER MCCORMICK, commanding the United States steamer Essex, which vessel was sent to Liberia in order to straighten out affairs in the revolting colonies there, has made a lengthy report to the Secretary of the Navy of the assistance rendered the Liberian Government, principally in the transportation of its officers. Commander McCormick says that quiet has been restored in Liberia and that he expects to sail from Monrovia March 24 for Montevideo, where he expects to arrive May 15.

PERSONAL.

—COLONEL FITZGERALD, of the Philadelphia *Sunday Item*, is at the Riggs.

—MR. MOSES TAYLOR, an eminent New Yorker, who has been ill, is recovering.

—MR. OSCAR WILDE has gone to Canada, but will return to New York June 1.

—SENATOR BROWN, of Georgia, has so far recovered his health as to be able to attend to his usual duties, and he promises to occupy his Senatorial chair again this week.

—COLONEL R. G. INGERSOLL will deliver the oration at the opening of the mining and industrial exhibition at Denver on August 1.

—DR. A. BURKE, a brother of the late Under Secretary for Ireland, who was assassinated in Dublin, is living in La Fayette, Ind.

—MAJOR LYDECKER returned to Chicago to-day to wind up his affairs there. He will return here as soon as he turns his Chicago office over to his successor.

—GENERAL WRIGHT and Major Elliott, of the Engineer Corps, are both ill and have been unable to attend to business for several days past. General Parke is acting as Chief of Engineers.

—THE "beautiful Circassian girl" connected with the Bowery Museum has eloped with a young musician. It turns out she was born in New York, of American parents, and has left a husband behind.

—MR. WALTER P. PHILLIPS, who has severed his connection with the New York Associated Press, has accepted a position as American Director of the Geneva Red Cross Society, with headquarters in New York city.

—HON. C. J. FAULKNER, of Oakland, Ripley County, Ind., who holds a position in the Sergeant-at-Arms's Department of the Senate, left the city yesterday for his home in "Hoosierdom" to run for State Senator on the Democratic ticket.

—IT is stated that the mother of Dr. J. M. M. Ambler, who lives near Markham Station, Fauquier County, Va., was so shocked when she heard of his death and the loss of the De Long party that she became ill, and her life is despaired of. A son who lives in the West is now at her bedside.

—UNINTENTIONALLY THE CRITIC omitted the name of Mrs. Watts, of Forest Grove, Oregon, in the list of those who accompanied the visitors to the Carlisle, Pa., Indian school on Saturday. Miss Watts is a teacher in the Indian school at her home, and is an accomplished educator.

—SENATOR CAMERON was in a generous mood when he returned to Washington from Harrisburg last week. When congratulated on the result of the Convention he denied that it was due to his efforts. "The Republicans of Pennsylvania are to be congratulated," he said. "It was their convention and they have chosen good men."

—A CURIOUS history is that of the lace worn by the Princess Beatrice at the Duke of Albany's wedding. The Princess herself found it, years ago, when in girlish curiosity she was rummaging among a quantity of cast-away odds and ends in one of the Queen's apartments. On being cleaned and repaired it was found to be very old and valuable, judges rating its worth as high as $150,000. It was recently presented to the Princess by the Queen.

The Dresses of a Bucal Bride.

New York Times.

Contributions to the trousseau of the Duke of Albany's bride were made by famous modistes on both sides of the channel. Twelve dresses were finished long ago by Worth, and twelve others came from the hands of Carlsay. One of Carlsay's was the bridal dress which the Queen of Holland gave to the bride, who is her sister. Queen Victoria gave a turquois blue velvet dress made in England. It is brocaded with a raised pattern of roses and leaves, on a satin ground, over a petticoat of blue satin nearly covered with lace six inches wide. The Duke gave an evening dress of pale blue satin, trimmed with iridescent embroidery, the bodice being of blue satin, brocaded with silver roses. He also gave a short dress of Oriental blue and yellow brocade, the jacket bodice opening over a waistcoat of cream satin.

DORSEY ON DECK,

UPSETTING "DECOY" BLISS' GAME,

Bumbfounding Companion Merrick. Worrying Wylie and Amusing Everybody Else to See the Predicament the New York Shyster, the Philadelphia "Only Son," and the Maryland "Rock Turtle" Lawyer Had Got Themselves in By Their Infamous and Illegal Course—The Case Postponed to Suit the Persecution and Against the Earnest Protest of the Victims.

When the Criminal Court opened this morning Justice Wylie sat alone on the bench, not a special prosecutor in the Star-Route cases, attorney for the accused or defendant being in the chamber. The Judge, clerk and jury had it to themselves for a short time. The first to appear were Colonel Enoch Totten, Judge Jere Wilson, Mr. Jeff Chandler, counsel for General Thomas J. Brady, and General Brady himself. These four gentlemen arranged themselves before the counsel tables, and passed the time of waiting in social conversation. It was apparent that so far as lawyers and client were concerned they were ready to proceed, as they had been when the day first set for it arrived, and the Government then pleaded for a postponement for frivolous reasons offered. The Judge stood the delay until

His Patience Was Exhausted,

and then dispatched a messenger for Assistant District Attorney Taggart, who soon came in.

"Mr. Taggart," spoke the Judge, "I don't see any assignment put up for to-day."

"No, sir," he replied. "There was none put up. I understood that the Star-Route cases were to be proceeded with to-day."

"Well, gentlemen of the jury," said the Court, "you are excused until to-morrow. There will be nothing for you to do to-day."

At this point Mr. William H. Turner and Mr. John R. Miner, with his counsel, Mr. L. G. Hine, and Mr. A. B. Williams, of General Brady's corps of legal gentlemen, joined the group at the trial tables. Later they were joined by Colonel Robert G. Ingersoll and Judge Carpenter.

After a wait of twenty minutes "Chum" Bliss' companion, Merrick, put in an appearance and slipped out of his overcoat, and during the progress of the proceedings Attorney-General Brewster entered the chamber and remained until they closed.

His Honor said that they were a little tardy in getting to work.

Mr. Merrick—"Has Mr. Williams (the Marshal) made his return to the writ in the case of John W. Dorsey?"

Deputy Marshal Williams—"I have it here."

Mr. Merrick—"Did you find the fugitive?"

Deputy Marshal Williams—"I have not found him."

The Marshal presented the writ, with the following return on it:

"I certify that, after diligent search, I am unable to find the within-named John W. Dorsey in my District, so that I may have him before this court, as I have within commanded.

"C. E. HENRY, U. S. Marshal.

"May 16, 1882."

Mr. Merrick—"What information have you in regard to Mr. John W. Dorsey?"

Deputy Marshal Williams—"I have no information whatever."

Mr. Merrick—"Did you make any inquiry for him?"

Deputy Marshal Williams—"I have made inquiries throughout the District."

Mr. Merrick—"With what result?"

The Court—"There is the return, signed by the Marshal himself, that he has made diligent inquiry; that is sufficient."

Mr. Merrick—"We have sent a warrant, Your Honor, to Texas, Vermont, and to New York."

The Court—"He may be in court."

Mr. Merrick—"He may be. I do not know. I judge he can hardly be in court in view of the return made by the Marshal."

The Court—"A man may voluntarily come into court if he can call him."

Mr. Merrick—"Then let's have him called."

The Court—"Call him."

The crier was about to make the call when Judge Carpenter arose and said: "If the Court please,

Mr. John W. Dorsey is in Court.

It was the purpose of the counsel from the first that he should be here, and his own purpose as well. The pledge was made in good faith at the time it was made, and we have never had any other idea. He did not, unfortunately, get our message, and was two days late in getting here. He has been in the city for ten days, and is now in court. Mr. Dorsey, please come forward."

Mr. Dorsey Then Came Forward.

Judge Carpenter—"We now, Your Honor, enter the plea of 'not guilty' to the indictment."

The Court—"He will have to answer for himself."

Mr. Merrick—"I ask, Your Honor, that Mr. Dorsey be arraigned."

Mr. Ingersoll—"We have first some motions to file. We do not care about arguing them. They are the same as in the other cases."

The Court—"Then if they are the same as made in the other cases, the same order will be made as in those cases."

Mr. Dorsey was then called upon to plead, and stating that he had read the indictment and was familiar with the contents, waived the reading and pleaded not guilty.

Judge Carpenter stated that he would give bail in the course of two or three hours.

Mr. Merrick—"May it please Your Honor, the Government is ready to proceed. The witnesses are here, but there is a condition of things which makes it seem to me proper to the consideration of Your Honor. Mr. Rerdell was one of the defendants in the indictment now pending before the court. By a failure to describe him properly in that indictment, it has been quashed as to him. His case is now before the Grand Jury. The witnesses who are here are in attendance for the purpose of testifying in the case now before the court are before the Grand Jury in Rerdell's case. If this indictment be tried now, we must have the same ground gone over again when the indictment against Rerdell comes down, and about the presentment and indictment of Rerdell I presume there can be no doubt. It is for Your Honor to say whether the Government should proceed further upon the present indictment, which will probably occupy not over three or four weeks, and subsequently occupy the same amount of time in the trial of another one of these conspirators. The Government respectfully asks the consideration of the Court of the condition of things, and submits to abide by the direction of Your Honor.

Mr. Totten—"If the Court please, that is

A Most Extraordinary Statement

that we have just listened to. I have never heard of the like of it in a criminal case or in a civil case. Rerdell, it is true, was indicted improperly, but so far as our clients are concerned the two officers of the Government have nothing to do with Rerdell. His indictment on the same paper with them, or on any other paper, can make no difference to them. As we have already invited Your Honor's attention to the impropriety of trying these officers in connection with private citizens, it is not daty nor fair for me to speak of it again. But the spectacle of the court postponing this trial for the purpose of allowing

Experiments to be Made With the Grand Jury

touching Rerdell, strikes me as being a little extraordinary. I might here invite Your Honor's attention to a great many rumors circulating abroad, touching this matter of the experiments in the Grand Jury room. For my part, I never heard of the like before."

The Court—"I cannot act upon rumors. I do not know anything about them."

Mr. Totten—"Very well. Your Honor does not know, either, anything about what is going on in the Grand Jury room. I do not understand upon what basis this motion is made."

We Are Here Ready to Proceed

with the trial of this case now. There are no absent persons now that they complain about. Peck is not here, because he is dead; Sanderson is not here, because he was improperly indicted; Vaile is in the same predicament; John W. Dorsey is here."

The Court—"What predicament do you refer to—is he dead?"

Mr. Totten—"I said he was in the same predicament as Sanderson, improperly indicted. Peck is dead. I submit to the Court that it is a very extraordinary proposition to ask a court of justice, ready to go into the trial of citizens who are charged with crime, with a very grave and serious charge, to wait until an experiment shall be concluded in the Grand Jury-room as to another man. I should like to know, Your Honor, how that is going to help us. Suppose the Grand Jury bring in an indictment against Rerdell, will Your Honor consolidate the indictments? We are told that Mr. Rerdell has made some kind of a confession; made it in 1881. Shall that indictment be consolidated and merged with this one in order to use that confession, if there was one, to the damage and detriment of our clients?"

The Court—"Oh, no. As to that, a confession of one conspirator is not evidence against the others, unless it be made in the course of the conspiracy."

Mr. Totten—"But if one of these co-defendants has made a confession, and the subject matter is submitted to the consideration of a petit jury, it cannot but damage the other persons who are connected with them in the charge. I suppose that all there is left of these conspiracies is what Mr. Rerdell has accidentally, or for some purpose of his own, said at some time or other, long after the time passed by, when this conspiracy was dead, if it ever existed. Will Your Honor consolidate the Rerdell indictment with this one? What good can come of this waiting? There is some other purpose, Your Honor. What is it? Your Honor does not know. I do not know. We come into court; we are not consulted about this; we know nothing about it; we are told that we are to get ready and go on to trial. These gentlemen have been pressing the Court for a trial from the outset; so much so that Your Honor limited us, I thought, very unreasonably in the argument of the preliminary motions which were vital to this case, and the day was fixed within two months after the time of the indictment being filed in this court. We were called upon to plead with every manifestation of haste on the part of the Government. Now we are invited—Your Honor is moved to postpone the hearing of this case for some ulterior purpose. How it is to be managed, how it is to be brought about, I do not know. We will probably find out before we will get through with the case. Now, we object to any such ground as that being made the basis of a continuance here, or of a postponement. I say it is unprecedented. The like of the motion never was heard in a court of justice before. I would like to know what evidence the gentlemen have that there is going to be an indictment. Is the Grand Jury going to be managed by them? Who is managing the Grand Jury? Are they not made up of good and lawful men of this District? Are they to find indictments against persons because they are invited to do so? It seems to me this is an extraordinary predicament to get into; it is an extraordinary motion to submit for the consideration of a court."

A Lively Passage Between Counsel.

Mr. Merrick—"If Your Honor please, the gentleman seems to have misapprehended the situation entirely. I have made no motion. Nobody on the side of the Government is undertaking to manage the Grand Jury; nobody is interfering with it. The counsel understand as well as we do that the case is before the Grand Jury."

Mr. Totten—"But I do not understand the balance of your remark."

Mr. Merrick—"What is that?"

Mr. Totten—"That there is nobody on the part of the Government trying to manage the Grand Jury."

Mr. Merrick—"There is nobody. Do you know of anybody?"

Mr. Totten—"No. I do not think you are."

Mr. Merrick—"Certainly not. Nobody is attempting to manage the Grand Jury. My brothers on the other side know that the case is before the Grand Jury."

Mr. Wilson—"Do you say there is nobody before the Grand Jury on behalf of the Government?"

Mr. Merrick—"Yes; the prosecuting officer of the United States for this District is before the Grand Jury."

Mr. Totten—"He has no business there."

Mr. Wilson—"He is there examing and cross-examining witnesses."

Mr. Merrick—"Yes, sir; he is there examining and cross-examining witnesses."

Mr. Wilson—"I am glad that admission is made in the presence of the Court."

Mr. Merrick—"Certainly the Court is familiar with the fact that the prosecuting officer of the United States for the District of Columbia is before the Grand Jury, and nobody else. Is there any objection to it?"

Mr. Totten—"Yes; very serious objection."

Mr. Merrick—"Well, you can make it at the proper time."

Mr. Totten—"We certainly will."

Mr. Merrick—"He is there with the knowledge of the Court. My brothers know the case is before the Grand Jury, and the Court knows it. The Grand Jury has been down here and consulted the Court."

Mr. Totten—"We were not invited to be present."

Mr. Merrick—"Everybody who was present was invited to go out."

Mr. Totten—"Except——"

Mr. Merrick—"Except the prosecuting officer of the U. S. for the District of Columbia."

Mr. Totten—"I deny that he is the prosecuting officer of the United States."

Mr. Merrick—"You are mistaken; look at the records and you will find he is. Now, then, I have presented to the Court the situation. The Government has its witnesses here, fifty or eighty. They are before the Grand Jury. We have an indictment now pending. Our witnesses are here to testify with regard to that indictment before the Petit Jury. One of the conspirators has broken through that indictment by reason of a defect in it. If we go to trial on the indictment now we must go over precisely the same ground at a later day in reference to another one of these conspirators."

Mr. Wilson—"Do you want to go to trial on this indictment?"

Mr. Merrick—"I do; if the Court directs me to do it."

Mr. Wilson—"Well, then, let's go on and try it; and let us see what the Government has to say."

Mr. Merrick—"Mr. Wilson himself was ready the other day. First he was not ready and then he was ready."

Mr. Wilson—"Oh, no."

Mr. Merrick—"And when it was found that the case would have to go over, after stating that he was ready, he got up and stated that he could not be ready until he had examined some papers."

Mr. Wilson—"Oh, no."

Mr. Merrick—"The Government has pressed this case. It intends to press it. It asks for a trial. It asks for a trial at this term of the court. It simply submits to Your Honor and to your consideration whether or not your time is so valueless that you shall consume four weeks in the trial of five men, and then four weeks more, over the same ground in the trial of one man. Whether, in your opinion, the Government should be subjected to this double expense, or whether it would be wiser to wait a few days to see what will be the result of the proceedings now before the Grand Jury. My associate is not here.

He is Now Engaged Before the Grand Jury

in his capacity as Assistant District Attorney for the District of Columbia. I simply submit that condition of things to Your Honor. All that I say to the Court and to the gentlemen is this—we ask for a trial at this term of the court. Having submitted the situation to Your Honor, I propose to abide Your Honor's wise judgment in the premises."

Mr. Wilson—"I would like for the counsel for the Government to say whether he proposes to try these defendants on this indictment."

Mr. Merrick—"I shall do whatever the Court directs to be done."

Mr. Wilson—"Now, if your Honor please, the gentleman says he wants a trial at this term. At the former occasion when this case was set for trial the statement was made to the Court that the Government could not go to trial because of the absence of John W. Dorsey; that was the reason given. It seemed to me to be very strange, that when there were other defendants named in this indictment who were not present that that should be given as a reason for a continuance of this case until this time. It was fixed for to-day at the request of the Government. Mr. John W. Dorsey is here to-day. If they were ready for the trial of this case two weeks or ten days ago, but for the absence of Mr. John W. Dorsey, Mr. John W. Dorsey being now in court, and as the counsel for the Government says all their witnesses being here, and they being ready, as my brother Totten has well said, there is some ulterior purpose in this application for postponement which is not disclosed to the court."

Mr. Merrick—"None but what I have stated, brother Wilson."

Mr. Wilson—"If Your Honor please, is there any reason have they offered any reason why this cause should be continued?"

Mr. Merrick—"I have not asked it to be continued."

Mr. Wilson—"They have been pursuing these defendants for more than a year; they have upbraided us on every occasion in seeking to lodge a trial; they have indicted after the most careful preparation; they have employed attorneys from abroad, who were reported to be particularly skilled in drafting an indictment; they have brought this indictment into court, and it has stood the scrutiny of the Court. Now, what reason do they give for not proceeding with the trial simply that they are trying to indict another man. That is the reason that is given. That they are trying to indict Mr. M. C. Rerdell. Suppose they had him indicted, and had that indictment here to-day, that indictment against Rerdell, could you consolidate that indictment with this? No, Your Honor. Could you try these defendants upon that indictment? No, Your Honor; but these gentlemen would be compelled to go to trial upon this indictment. Now, what reason do they give for postponing this case? I submit to Your Honor, none whatever."

The Judge's Decision.

The Court—"A criminal case, and the prosecution of a criminal case, are different from a civil cause and the prosecution of a civil cause in several respects. In a civil cause, where a day has been assigned for trial and the plaintiff is not ready and gives no good reason for its postponement or continuance, the defendant may push him to a non-suit, for the reason that the defendant's rights of property are involved. He has a right in court to insist upon a trial, so that his rights in that respect may be determined and settled. But in a criminal case it is different. There is no such thing as a non-suit in a criminal court, except after a delay of a certain number of terms, and if the cause is not duly prosecuted of course there is an order of discontinuance, but the privilege is not allowed to a defendant to come into court, and because the Government is not ready insist upon the trial. That is not the practice in a criminal case; and for this reason probably. I have not heard a reason assigned, but I can see it might well be, because there is no right of property involved in a criminal case (*a voce, ex voce* cries, "The right of liberty is involved, which is quite as important." The Government presumes that every criminal is innocent of the charge against him—(*voce, ex voce*, cry, "How can a criminal be innocent?) so that postponement does no harm; it keeps him out of the enjoyment of no rights of property that he is entitled to; it can do him no harm in character, because he is presumed to be innocent. For these reasons, I suppose, non-suits are not allowed in criminal cases. On the other hand the law gives the Government the right of pressing a prosecution, and the Court will see that the prosecution goes forward, unless some good reason is assigned for the postponement on the part of the defense. For satisfactory reasons shown, the Court always allows a continuance or a postponement. So it is in regard to a prosecution. The Court will not force a prosecution to an immediate trial at the instance of the defense, if the Court sees that the interests of the public and justice require the postponement. Now, it does seem to me that in this case a postponement for a brief period, ten days or a week, is not likely to result in any serious injury to the defendants. One of them, Mr. John W. Dorsey, against whom process has been running all over the country and diligent search made for him in this District, appears in court for the first time this morning, and has now entered his plea for the first time. The Government does not ask for a postponement on that account, and has announced itself ready to go to trial now, as far as Dorsey is concerned. If the Government, however, chose to submit that matter to the Court the Court might say, in consequence of the non-appearance of Mr. Dorsey until this morning, it might have a postponement for a reasonable time, but it does not ask it on that ground, and I shall pass that over.

The ground upon which it has been submitted to the Court, whether a postponement should take place, is different. It is this: The Grand Jury is sitting, and has a new indictment before it charging one Rerdell as a conspirator in the same acts with the parties who are under indictment, and now before the Court; and that if this present case is tried Rerdell may have to be tried separately, so that there will be two trials where one would be sufficient. Now I can very easily see, myself, without its being suggested by counsel, or having any information on the subject, that if this indictment, which is now pending before the Grand Jury, in respect of Rerdell, is a separate indictment, the question will arise as to the authority of the Court to order its consolidation with yours. Counsel for the defense now say that the Court has no authority to order such a consolidation, and that two trials are necessary, at any rate. That is a question which the Court has not looked into. The counsel for the defense may be right on that subject; but it is a question that has not been argued, and which may have to be argued. Certainly, if the consolidation may be ordered by the Court it will be a great economy of expense, and of time also, to have but one trial instead of two. I cannot anticipate now what may be the decision of the Court on that question of consolidation. There is no motion pending, and the law has not been argued or discussed. I think that no harm will be done to the defendants, and the public's interests will be promoted by a short postponement of this trial. Let us see what the Grand Jury is going to do with the case before it."

"I shall postpone the trial of this case for, say, ten days. To-day is Tuesday—put it Thursday a week."

Mr. Totten—"We will make an exception to the postponement and have it entered of record."

Mr. Merrick—"Postponement of the trial?"

Mr. Totten—"Yes."

The Court—"The Marshal suggests that there is no writ out and Mr. John Dorsey is not on bail."

Mr. Carpenter—"We propose to give bail to-day within an hour or two."

Mr. Merrick—"I ask for another writ."

Mr. Carpenter—"We will give bail within an hour."

The Court—"The Court will sit here until bail is given. I think there is no danger of Mr. Dorsey going away."

Mr. Merrick—"He turned up under very peculiar circumstances this morning. He didn't turn up until the time had actually arrived for trial."

Mr. Carpenter—"He turned up very inconveniently for you; you would have a capital excuse for not going on, but now you have none."

Mr. Dorsey Gives Bail.

Shortly after 11 o'clock Mr. Dorsey came into court and gave sufficient bail.

BOLD BEN BUTLER

Vows That He'll Never, No, Never, Enter a Criminal Court Room Again.

The following story of General Butler we find in the Philadelphia *Day*:

General Benjamin F. Butler has declined to act as counsel for Guiteau, notwithstanding the urgent appeals of his relatives. It is not generally known that General Butler some years ago made a vow never to enter a criminal court again as counsel for any prisoner under a criminal indictment. The reason he assigns for such action carries with it quite a history.

It appears that during his second term in Congress one of his henchmen—and a faithful friend—who was sheriff of one of the counties in his Congressional district, received a telegraphic dispatch from the sheriff of an adjoining county, asking him to arrest a prisoner who had escaped from his custody and was on board an incoming train. On the arrival of the train in question the sheriff arrested and took the sheriff behind him up pro tem. In the railroad depot, from which he subsequently escaped. Pursued by the sheriff, the prisoner halted at the bank of a creek, produced a pistol, and then threatened his pursuer with death should he advance one step further. The courageous sheriff, however, advanced, did his duty, and met his death in consequence. The man was hunted down and in a short time safely lodged in jail. Then came the funeral of his victim, at which General Butler, next to the widow and fatherless, acted as chief mourner. Some six months after this, says General Butler, he was in the Criminal Court, when the prisoner before mentioned was arraigned for trial. In answer to the presiding Judge, he represented himself as being without counsel, and requested that I should be assigned to defend him, which request was granted. I pleaded all sorts of excuses, but in the state of Massachusetts a similar request from a prisoner on trial for his life never passes unheeded, and I was compelled to act as defender of the very man who had so cruelly deprived one of my best friends of his life. "Once assigned," said he, "I forgot everything but my official oath and my duty to record. It is thought the committee will recommend the removal of the folding room work to above ground quarters.

Engineer Melville.

Chief Engineer George W. Melville, who is making the hazardous and almost hopeless search for the missing boat and party of the Jeannette under command of Lieutenant Chipp, is a man of very striking appearance. He was born in New York city, and in his young days his family was well-known among the old Knickerbockers. He is a heavy-built man, weighing about 190 pounds, and is about five feet eleven inches in height. Of large and powerful frame, he is of light complexion, and has bright, piercing blue eyes. He is supple, and a skilled athlete. When he returned from the Arctic in the Tigress, in November, 1873, he visited the engineer's office in the Navy Yard, and when met by his brother officers the natural question was asked, "Well, George, how do you feel?" He answered, "As bright as a new uniform, and I never felt better," and to prove the assertion he turned a handspring without the least difficulty. When serving his time in the machine shop he could do more work in the same time than any other man, and when passing through the shop if he met an obstruction he higher than his shoulder he would spend no time in going around it, but would jump over it with the greatest ease.

LIEUTENANT GREENE's report on the "moonlight schedules" for street lighting, published exclusively in THE CRITIC, was to-day transmitted to the Senate Committee on Appropriations by the Commissioners. The Commissioners recommend that the Appropriation bill be amended to allow the street-lamps to be lit for 3,500 hours per annum.

A CROOK-ED DISCUSSION.

The Senate Gravely Debates a Bill That Should be Paid Without a Word—The Son-in-Law of His Father-in-Law Howls in the House—Capitol Notes.

If crab-apples were in season it might be supposed, from the ugly face Mr. Hear made this morning, that he occasionally had one in his mouth. It will be all right in a day or two, however, and he will feel better when he learns that his opposition to Mr. Worthington only afforded a little pastime and amusement. Mr. Dawes, up to a late hour, was not in his seat; but it is thought he too will survive the shock. Mr. Rollins, who is not the ugliest man in the world, looked pleased over his victory over the two Massachusetts Senators. The few Senators who voted with Hoar and Dawes are believers in Senatorial courtesies.

Mr. McPherson presented a petition in the nature of a remonstrance from citizens of Jersey City against the policy of James G. Blaine, in regard to our foreign citizens.

Senator Don Cameron presented about fifty petitions.

Committee Reports.

By Mr. Sherman, a joint resolution from Library, authorizing the Librarian of Congress to accept the library offered by Dr. Joseph M. Toner on certain conditions. Passed.

By Mr. Anthony, from Printing, favorably, a joint resolution authorizing the printing of 15,200 copies of the Smithsonian reports. Passed.

By Mr. Farley, from Commerce, favorably, H. R. 1903, to amend the Revised Statutes in relation to the collection districts in California. Passed.

By Mr. Rollins, from Public Buildings and Grounds, to erect public buildings at Syracuse and Rochester, N. Y.

By Mr. Hampton, Military, to erect a monument to Major-General the Baron De Kalb.

Bills for the relief of W. S. Kimball, Wm. H. Morgan and others.

By Mr. Vest, Territories, to establish a Federal Court in the Indian Territory.

By Mr. Cockrell, Military, to restore the Fort Benton military reservation to the public domain.

H. R. 5575, to erect a public building at Jackson, Tenn., was passed.

The bill to pay William H. Crook, disbursing officer at the Executive Mansion, $4,000 for signing land warrants for the President since July 1, 1878, a duty which had before been performed by a special clerk at $1,500 a year, and which work he chiefly did out of his regular office hours, was taken up and discussed, the morning hour expiring without a vote, and S. 67, authorizing the Secretary of the Interior to ascertain and certify the amount of land located on military warrants in certain states, was taken up, Mr. Plumb on the floor.

House Proceedings.

After the usual preliminary business, the introduction of some new pension bills and reports from the Judiciary Committee on sundry bills which were put on the calendar, the reports from the District Committee mentioned elsewhere, Mr. Crapo moved to dispense with the morning hour for the call of reports of committees, which was done, and the House resumed the consideration of the bill to extend the charters of national banks and the son-in-law of Peter Cooper took the floor and spoke at length, gradually drawing Messrs. Kelly and Kasson into a tariff discussion.

The debate was in progress when this report closed.

District in Congress.

Mr. Urner has presented a bill amending the Revised Statutes relating to the District of Columbia as follows: Section 534—giving societies and congregations power to organize according to the rules of such societies, etc. Section 536—extending powers of such society organization to any limit within District laws and the Constitution of the United States. Section 537—giving further power to the trustees, etc., of societies, and allowing the latitude in regard to elections, etc., provided for in section 535 of the Revised Statutes. Section 541—giving trustees and officers of societies power to execute deeds and make conveyance of society property not heretofore granted or devised to them. Section 542—extending and giving power to