CLOSING STOKES'S TRIAL.

TREMAIN TRYING TO BREAK DOWN ADVERSE TESTIMONY.

A Dash at the Disagreeing Doctors—The Shock, the Opium, and the Probing—The Defence Calling it Justifiable Homicide—Col. Fisk's Military Clothing Exhibited.

As the great murder trial approaches a close, the popular interest becomes intense. The Sheriff's Deputies and police officers had all they could do yesterday to restrain the crowd which rushed up from the corridor. All through the weary hours of argument a multitude waited outside near the stairway, where of course they could hear and see nothing of what was going forward. Within the court room the temperature was pleasantly cool.

The eastern half of the bar enclosure was occupied almost entirely by ladies. From the general tone of their remarks it is inferred that they sympathized with the dead Colonel. One lady sitting near the clerk's desk kept her eyes intently fixed on the prisoner. She was dressed in white alpaca, and was good-looking through her vail. Stokes took no notice of her.

AN AGED FATHER'S GRIEF.

The father of Stokes is almost broken down. His eyes were red with weeping, and his gray hair was dishevelled. He was continually applying a handkerchief to his face. Mrs. Stokes, the prisoner's mother, and his sister sat between the father and son. They preserved their composure throughout except on one occasion. When Mr. Tremain spoke in eloquent pathos of the misery and dishonor which the forfeiture of the prisoner's life to the outraged laws of his country would bring upon those near and dear to him, both mother and sister were compelled to hide their emotion. Even Stokes bent down his eyes and shivered as the word "hanged" dropped heavily from the counsellor's pleading lips.

A LAUGH.

A curious incident was it when, as Mr. Tremain, speaking of the homicide, said, "he (Stokes) pulls his pistol and fires," a lady in the audience laughed. Mr. Tremain turned his great, passionless eyes toward the offender whence the laughter came, and the court officers, too, rushed thither. But all was again still for a moment, and then a sound of coughing was heard in the same quarter, apparently in apology for the laughter which had preceded.

The only other disturbance was the expulsion of a hyster from the reporter's table for insulting a representative of the press. Court Officer Valentine did his best during the day to keep the court room clear of pickpockets and hysters.

The jury were the centred objects of interest. If a juryman moved in his seat fifty eyes noted the change of position. To the credit of the jury be it said that they listened with becoming patience to the speeches of counsel, and were as immobile in expression as the most severe prosecutor could desire. They seem to be sensible men, though one is a good-looking youth, with mild blue eyes, and evidently sympathetic temperament, and another blacks his moustache, and looks like a Democratic avaricious.

JUDGE INGRAHAM PREPARING HIS CHARGE.

Judge Ingraham spent the whole day preparing his charge, apparently heedless of Mr. Tremain's periods, and District-Attorney Garvin sat like a mute Rhadamanthus taking in and digesting the arguments of his opponent. Judge Van Brunt was on the bench with Judge Ingraham a part of the day.

In resuming his argument yesterday, Mr. Tremain said he would proceed to a complete analysis of the evidence on which the Government relied to maintain and support the proposition that the wound inflicted by the prisoner was a mortal one.

Dr. Wood, who headed the list of medical gentlemen, frankly admitted that he had not charge of the case, but was only a consulting physician. His language was that discovering no other adequate cause to produce death, he attributes the death of Fisk to the shock caused by this wound. The other gentlemen follow in his wake. Weight of opinion, if it be put forward by the people had been sustained by that conclusive proof which the law demands—they had not proved that the wound was necessarily mortal, and that it alone caused the death of Col. Fisk. Dr. Sayre had evinced the strongest feelings of bitterness against the prisoner in his testimony. He had deemed it fit at nine o'clock that evening to tell Col. Fisk he had better make his will, while the evidence showed that

THE ONLY CHANCE FOR LIFE

was perfect quiet, both mental and physical. Dr. Carnochan, when asked his opinion of Dr. Sayre, said he was a great blower. Dr. Steele was a police surgeon, appointed for political reasons. Dr. Tripler was a man claiming to be a physician, but, on his own showing, did not know the A B C of his profession. Dr. Fisher had said of Tripler that he had no idea his words and acts would be mentioned in court, and Dr. Tripler responded that if it was generally known what Fisher did, he would be ostracised from the medical profession. The statements of each were correct. On these men the prosecution sought to rest their case. Dr. Carnochan, however, had testified that Col. Fisk did not die of shock; Dr. Jacobi gave a similar decision, and Dr. Macready said he had no doubt the ball was killed instantaneously. The prosecution had not proved that Fisk did die from shock, and the defense had shown improper probing and excessive administration of opium. The Colonel had not had a fair chance for his life.

THE DAY OF THE KILLING.

With regard to premeditation and the design of the prisoner to effect Fisk's death, the theory of the prosecution was that Stokes started upon his murderous errand, rushed out of his house, leaving in some mysterious way that Fisk must be at the Grand Central Hotel. He goes there with this felonious purpose, fired the fatal shot, and was therefore guilty of homicide with this premeditated design. The killing was done in the middle of the day, with no attempt at concealment, and in presence of two servants of the hotel. No sane man would have committed a premeditated murder in this way. Besides, there was a marked absence of grudge. The prisoner had never uttered a word of menace against Fisk. He was afraid of Fisk, but never, with premeditated purpose, exposed his life to the gallows.

The testimony of the boy, Thomas Hart, would be impeached on all points, was contradictory, and should be rejected.

Mr. McKeon here arose and read in a mild voice from "Phillips on Evidence," to show that when the credibility of a witness is impeached, the jury are bound to disregard his testimony.

Mr. Townsend read the evidence of Brennan, contradicting the witness Hart.

Mr. Tremain repeatedly alluded to the fact of Hart being a foreigner, as though that affected his credibility, and Mr. McKeon followed with other heavy quotations from "Phillips on Evidence."

WAS COL. FISK THE PURSUER.

Mr. Tremain went on to contend that Fisk, not Stokes, was the pursuer. The prisoner entered the hotel with an innocent purpose, and in a moment of fear and apprehension he fired at random, and without intending to take life. If he was determined to take the life of Fisk why did he stop firing when two loaded barrels yet remained in the pistol?

The prisoner though indicted came there with the presumption of evidence in his favor. No matter what crimes he may have been guilty of, no matter if he were covered all over with offences, if he appeared here a convict from the State Prison, it would not lie with the prosecution to impute to him any misconduct. If he had been guilty of adultery, it was not for the prosecution to impute that to him. The prisoner swears unequivocally that he had no intention to take life. If he got the pistol to kill Fisk with he had the means and opportunity to do it before.

WAS THE HOMICIDE JUSTIFIABLE?

The third question is, was the taking of this life justifiable according to the laws of the State, under the facts and circumstances disclosed by the evidence? If the prisoner had reasonable ground to apprehend danger, he had a right to kill. The prisoner, if his evidence is true, makes out a case of justifiable homicide. The evidence showed the prisoner could not have retreated without danger of death, and the law of self-defence allowed him to take the life of the deceased, and to take it intentionally. There was no other direct and positive evidence than the testimony of Stokes that Fisk had a pistol in his hand. That he believed he saw a pistol Mr. Tremain had no doubt. It was better for the jury to err on the side of charity than on the side of guilt—that ninety-nine guilty should escape rather than that one innocent man should suffer.

It is only when the proof shuts out every justifiable theory of innocence that they would be justified in consigning the prisoner to the walls of a prison or to

AN IGNOMINIOUS DEATH

on the scaffold. The prosecution had endeavored to show that there was no pistol.

Here Mr. Tremain asked Mr. McKeon to hold up Col. Fisk's military cape. The jurors gazed earnestly on the magnificent red-lined garment.

See, said Mr. Tremain, the facilities he had for putting pistols in here.

[Mr. McKeon then held up the Colonel's panatloons.]

You see his numerous pantaloons, in his almost regal wardrobe, had pistol pockets behind. They have got the Belgian interpreter, and the African valet to prove when he got up in the morning they did not discover pistols in his pocket. Why, he would not have a pistol home or in the offices of Erie, where he was surrounded by his guard; but outside, where he might anticipate some trouble with persons with whose interests he had been brought into collision, or whose fortunes he had ruined, there he went armed.

Mr. Tremain went on at some length to contend that Col. Fisk must have been armed when he encountered Stokes. Speaking of the press, he said he desired to express his acknowledgment to the daily journals of this city for the fairness with which they have treated this defence. The daily press is in the hands of gentlemen of education, of culture, and of integrity, and with one inconsiderable exception they had treated the defence with fairness.

The prisoner believed he had enemies who were plotting against his life, and to prove that they had the testimony of Josephine Mansfield, who had more humanity than the man who is gone to grief.

AN APPEAL FOR MERCY.

After reviewing the character and surroundings of Col. Fisk, Mr. Tremain made an appeal for mercy for the prisoner. "It is a terrible thing," he said, "to cut off the life of a young man, situated as this prisoner is. It is a terrible thing to pronounce the fearful doom that shall result in the pronouncement from the bench of the decree that he shall be hanged by the neck until he shall be dead. Do not shrink from your duty. But you can't close your eyes against the harrowing spectacle that follows from here to the gallows, and when the hour comes that shall terminate his career on earth by your verdict, you want to be sure that you have been right. I can't feel that the interests of the country or the public welfare demands the sacrifice."

JUDGE GARVIN'S ADDRESS.

District Attorney Garvin rose solemnly and earnestly, and proceeded to sum up for the prosecution. The occasion, he said, was one of the deepest interest to the whole community. It always has been, and always will be the case. The dead man speaks not at all, except through the testimony of witnesses. All the sympathy of the jury, the audience, the court, prosecuting officers, and counsel is with the living man, with the relatives that surround him, and the associations with which he is connected. The dead are forgotten, their good deeds are buried with them, and their bad deeds, if they have any, are brought to the surface in the course of a trial like this. There is never any friendly spirit to be manifested on the part of those who defend the prisoner toward the dead. On the contrary, every stain on their characters is referred to. Every single thing that can be brought against them is displayed in characters of living fire, so that, instead of following the old rule to bury a man's bad deeds with him, they bury only the good deeds, and harrow up every failing, every lapse he may have been guilty of.

The dead man is not here to vindicate himself, and his friends scatter after paying him the last sad rites. They go about their usual avocations and leave his memory to take care of itself. The living man stands before you, and your sympathies are enlisted in his behalf.

The decision of the jury in this case would not end their responsibility. Until their dying day the justice or injustice of their decision would affect them.

The prisoner was on trial to-day to be judged by the evidence and rules of law, to be tried by twelve men, and have judgment passed upon him by the Court, to say whether he shall surrender his life here, with blood still upon his hands, for sending into an untimely grave his victim. Unannounced, and without preparation, without a single warning, but suddenly within the twinkling of an eye, and like the sounding of a trumpet, he was struck down while going up the stairway of the ladies' entrance to the Grand Central Hotel, and sent into eternity by a pistol-shot. The prisoner who shot him now pleads for mercy, asks for a doubt in his favor, asks for sympathy at the hands of the jury. Poor Fisk had no jury, no counsel, no friends between him and an untimely death. Without a friend to aid, his life was taken by the prisoner. This is not disputed; the prisoner swears to it himself, yet he stands here asking for protection.

THE PLEA OF THE PRISONER.

On what grounds does the prisoner ask to be discharged? First, insanity, want of responsibility—whatever it may be called. Second, that Fisk did not die of the wound inflicted on him by this pistol-shot. Third, self-defence. In the first place, there was no doubt that this man started in this city, came down from Boston to Josephus Fisk's office, to Justice Bixby's court, to the Hoffman House, and to the Erie Railway office, to the corner of Fourth street, to Chamberlain & Dodge's, and to the Grand Central Hotel, and performed this deed. He appeared to be a sane man, and to know what he was doing.

Did any one claim that on that day he acted as if he was insane? Every step he took, every word he said, and everything he did only served to confirm the idea that he was just as responsible as he is to-day. Surely his counsel did not claim that when he stood on the stand the other day he was not a responsible man. He knew what he was talking about then, and there is not the slightest evidence that on the day he shot Fisk he did not know what he was going about.

With regard to the wound, the physicians swear that a wound was given Col. Fisk that ordinarily proves mortal—a dangerous wound, and, in the language of Dr. Carnochan, the chances were against him. According to the testimony of Dr. Wood, a mortal wound was inflicted by this prisoner upon Fisk.

DEATH OF COL. FISK KILLED BY STOKES.

The majority of the physicians examined testified that no matter what simulants, no matter what anodynes may have been administered, that man died as the result of this wound. Morphine quiets pain, quiets anxiety; the patient goes to sleep. Was there any indication of the effect of over-doses of morphine? The patient talked sensibly and clearly, and expressed what he wanted himself.

He did not propose to discuss doctors' opinions any more than the Tammany ring, the Erie ring or Jay Gould's ring is not a doctors' quarrel. It is not the question of the power of the Erie, Tammany or any other ring. It is a question of justice for the jury to try, the people on one side, the prisoner on the other.

WHERE WAS STOKES GOING?

Where was the prisoner going when he left the Hoffman House? If he was going down to Helen Josephine Mansfield's, why didn't he go in? He knew the ladies of the house. He was intimate with this house. He says he had papers in that house. Why did he not go in?

Do you believe in your souls that when he rode down by the Erie Railway office it was his honest, sacred intention to go to Helen Josephine Mansfield's house? You will find the explanation of Chamberlain why he went to the Erie office. Why did he say to the driver of the cab, "Drive to Broadway and the Grand Central Hotel?"

He didn't say, "Drive me to the corner of Fourth street and the Grand Central Hotel." If he was not going there, where was he going? He changes his mind again, and gets out at the corner of Fourth street. Why didn't he go down Broadway? The answer to that question is that Fisk's carriage came down Fifth avenue and down Broadway to the Grand Central Hotel.

The District-Attorney went on to contend that Stokes's story about the shooting was incredible, and unsustained by evidence.

Judge Ingraham adjourned the Court until twenty minutes past ten this morning.

The jurors were escorted to the Astor House, and assigned to rooms as follows: Hemberger, Hogan, Williams, 54; Stone, Cornish, 72; Hammel, Bond, 97; Tompkins, Hopkins, 96; Lefferts, Whittle, Tucker, 99.

The jury are in charge of Court Officers Valentine, and Nealis, Cook, Hill, and Hart. They are kept strictly secluded.

POST OFFICE ROBBERIES.

Let all who Know Facts on this Subject Report to The Sun.

Correspondence of The Sun.

HOUSTON, Texas, June 30.—In the Southwestern States under Grant's administration the Post Office Department has been used as a political machine to an extent hitherto unheard of in this country. By means of the straw bid system through which, under Postmaster-General Creswell, the Department has been enabled to award its contracts for mail service to the political friends of its chief at exorbitant prices, regardless of the interests of the public or the rights of legitimate bidders, hundreds of unscrupulous politicians have been provided for at the public expense. These contracts are frequently farmed out at high prices, and sometimes they are let, and sublet, and relet again, scurvy politicians receiving great sums for conveying mails which they never touch, while those who do the actual service are well or ill paid, not according to the manner in which they do their work, but in proportion to the political influence which they possess or are able to control.

But as badly and dishonestly as the business of awarding contracts has been managed, the public have suffered infinitely worse from the downright robberies of the mails which have become so common since Grant has been in office. You at the North can have no conception of the character of the men who are in many instances selected as local postmasters through the South. They are taken from the most disreputable class of the most unprincipled political crew that has ever disgraced a community. When the character of the thieving carpet-baggers and scalawags who have preyed on the South for the past few years in the leading State offices is considered, some idea may be formed as to the kind of men who would be likely to be selected for such comparatively unimportant positions as the post offices of the smaller towns. Of course there are some respectable men among them, but the majority of them are petty-larcony rascals of the most depraved type, and, as a natural consequence, the violation of correspondence, the destruction of newspapers and other publications of anti-Administration politics, and robberies of money and drafts from letters passing through the mails are matters of daily occurrence.

Throughout all the Southwestern States, the people are suffering from robberies committed in Grant's post offices to an extent that people at the North would scarcely credit, and it is high time that a general exposure of the thieves should be made. THE SUN has rendered a great service in showing up the rogueries in the Navy Department; now let it shed a little SUNLIGHT into the dark recesses of the Southern post offices, and the people will be astounded at the revelations which would follow. If a tenth of those who have had their letters opened and robbed in the State of Texas alone would only send a statement of their cases to THE SUN—and I wish they would—you would have a record of depravity which would be without parallel in the history of any Government department on earth. THE SUN is read in all parts of our State. I hope the letter I have given may be acted on at once, for the effect would be to strike such terror into the hearts of the mail robbers that for the remainder of Grant's term in office we could commit remittances to the custody of the United States mails with some hope of their reaching their destination. At present very few of us can do so.

LONE STAR.

The Phœnix Park Riots.

LONDON, July 12.—The suit of O'Byrne against the Marquis of Hartington, Chief Secretary for Ireland, for damages for injuries received by the attack of the police during the Phœnix Park riot in Dublin, which has been on trial in that city for some time, was brought to a close yesterday, and resulted in favor of the plaintiff, the jury awarding him £50.

A TALK WITH MR. STRAUSS.

HE IS ENRAPTURED WITH THE GREAT METROPOLIS.

He Compares New York with Boston—And Complains of the Hot Weather—Thinks the Lager Beer Very Bad—His Home on the Beautiful Blue Danube.

A SUN reporter had an interview with Johann Strauss, the famous Austrian composer, yesterday. Mr. Strauss has a magnificent suite of rooms in the Clarendon Hotel. The entrance is guarded by a footman who receives innumerable cards, letters, and notes, and who is occasionally relieved by a pretty servant girl whom Mrs. Strauss has brought with her from Vienna. Mrs. Strauss has another maid, so that there are three servants to take care of the composer and his wife. The latter has noble blood in her veins, having been born a countess; and two maids for a travelling countess is surely not too much.

Johann Strauss was standing in the centre of his room when the reporter entered. He is 45 years old, tall, good-looking, has a black moustache, long, flowing black whiskers, a fine forehead, black hair which is brushed back, a quick, expressive eye, and an honest, genial expression of countenance. He was elegantly dressed after the latest Viennese fashion. Any one seeing him walk down Broadway would take him to be some swell from Murray Hill. Johann Strauss is evidently a ladies' man. He is neat, rather handsome, and has very agreeable manners. He talks very naively, as if he was speaking entirely without reserve or constraint.

HOW STRAUSS LIKES AMERICA.

The SUN reporter asked the famed composer how he liked America.

Johann Strauss (in German—he does not speak any English)—Oh! this country is superb, magnificent. I never had an idea of the grandeur of this country, and I never would have thought that there is so much appreciation of good music here.

Here a card was sent in: "Das geht so den ganzen lieben Zag," he said.

Reporter—How did you like Boston?

Johann Strauss—I did not like it. Boston is Puritanical, stupid, dull. There is no life in the street. There is no display of elegance or luxury. The women are homely and do not dress nicely. I don't like Boston. But with New York I am perfectly charmed (mit New York bin ich ganz entzuckt).

MRS. STRAUSS.

Here Frau Strauss entered. She is a brunette, has a very pleasant face, and is very ladylike. She was dressed with exquisite taste after the latest Viennese fashion. She greeted the reporter cordially, and addressed him in very good English, but when she found that the reporter spoke German she said, very good naturedly,

"Ach, das ist ya praechtig; da koennen wir ja Deutsch sprechen." (Why, this is perfectly splendid; then we can speak German.)

Frau Strauss—I think we should stay longer if it was not for this terrible heat. You know it's very hot in Vienna, but this heat is perfectly monstrous. Last night we could not sleep a wink; we did not sleep five minutes in the whole night, and still the clerk says he has given us the coolest rooms in the house.

WOULDN'T LEAVE VIENNA FOR THE WORLD.

Reporter—Could you not make up your mind to stay in this country?

Frau Strauss (laughing and showing her teeth, which are very pretty)—Oh, dear, dear no, not for the whole world. We would not leave Vienna for the world. We have everything so charming there; there are a thousand ties that bind us to Vienna. We live in Hietzing, right out of the city. In our own house, which we occupy by ourselves, we have the finest air. We have our horses and carriages, ride and drive where we want to, and have everything our hearts can wish for. This hotel is much better than the St. James Hotel; but still, you know, hotel life is not what home life is.

Here Herr Strauss came back from the other room, whither he had withdrawn, to talk with a visitor. Three cards were sent in. "Engaged," was the answer in every instance.

STRAUSS'S LOVE FOR MUSIC.

Reporter—Were you very fond of music when a child?

Herr Strauss—Oh, yes, very fond. I was trained for the opera originally, but when I had composed my first waltz my career was decided.

Reporter—How old were you then?

Herr Strauss—Was you a boy then? I will send you this waltz; it has never been published. I am now collecting the best American compositions, in order to publish them in Germany.

Reporter—When do you compose, in the daytime or at night?

Herr Strauss—Altogether at night. I don't know of a single waltz that I composed in the daytime. *Der lieber Herrgott!* (Thou dear Lord!) Do you know how much I pay here for a shave? Fifty cents! fifty cents! a whole gulden! *Ist das nicht schonderbar?* There is one thing that is very poor here, the beer. Oh! in that respect this country is very deficient, very.

DOESN'T LIKE AMERICAN LAGER.

Reporter—I thought the beer here was better than in Germany.

Herr Strauss—Oh! dear, dear, no! No comparison. It's awfully bad here, and I am actually sick for want of our delightful Vienna beer.

Frau Strauss—The beer is thick and heavy here. Oh! it's very poor.

Her Strauss (smacking his lips and throwing himself back in his chair, in an attitude of rapture)—The beer in Vienna is divine, divine (*goettlich, goettlich!*) Go to Vienna, drink beer, and die. (*Goettlich, goettlich!*) But in every other respect New York charms us. Everything here must be very pleasant. New York is much more gay than London. What a bustle, what an uproar there is here all the time.

MRS. STRAUSS ON BROADWAY.

Frau Strauss—Oh! Broadway is so magnificent. What a throng of vehicles all the time. Why, the Ring (the finest street of Vienna) is nothing compared to Broadway as far as life and bustle are concerned. The horses are here much finer than in Vienna. I have been in the Central Park. It's superb; much finer than our Prater. I have seen all the celebrated parks in Europe, but I never saw one that surpassed the Central Park in grandeur and beauty.

Here Herr Strauss was called away. Frau Strauss spoke of the Grand Duke Alexis. She said he had been invited by her husband to her husband's house in St. Petersburg and blow on the cornet-a-piston. When her husband meets the Emperor Francis Joseph in the Imperial Gardens in Schoenbrunn, to which he is invariably admitted, the Emperor says, "Gruss sie Gott, wie gehts?" (God greet you, how are you?) Her husband had a standing invitation to all the court festivities, being Knight of the Order of Francis Joseph. She said her husband had resigned all his positions, and did nothing now except working in his nightgown at home and composing operas, "which pays him infinitely." His last opera was produced sixty times in Vienna. For his services in Boston he had received $25,000 (£5,000).

STRAUSS ON AMERICAN RAILROADS.

Herr Strauss (coming back)—I want to mention something else to you that is perfectly awful, monstrous. There are no lannwaechter (flagmen) on the railroads here. Why, it's perfectly monstrous.

Frau Strauss—My husband says he'd rather be killed at once, and be done with it, than to take another trip on an American railroad. He knows he'd be a dead man, any how.

Herr Strauss received here three or four more cards. "It goes like this all day," he said. "In Boston I was bored out of existence by people asking for autographs, and then I have about fifty callers a day who beg for money. They are in every instance Germans. Not one American has begged of me."

The reporter took his leave, thanking Herr Strauss for his kindness. Herr Strauss gave the reporter a cigar, which he said was as good as any in Vienna, and his photograph. Then he said: "I am glad to have seen you. You are a nice, amiable fellow."

The reporter blushed, and bade the famous composer good day.

Six Pounds of Diamonds Stolen.

From the London Times.

By the arrival of the mail steamer Celt at Southampton we have advices from Cape Town to the 18th of May. The Cape *Argus* says that large parties continue to arrive at the Diamond Fields; but the number of persons who are leaving daily is nearly proportionate. There have been several large "finds" during the fortnight. Several accidents have occurred at the diggings—some of a fatal character—owing to the dangerous state of the claims.

On the 6th ult., the Post Office at De Beer's New Rush was robbed of a very valuable mail bag, containing about 800 letters and diamonds weighing about six pounds. Great excitement prevailed on the Fields on the discovery of the robbery. A reward of £100 was offered by the authorities at De Beer's, and an additional £100 by the Government for the discovery of the thieves. Commenting on this occurrence, the *Argus* says:

We are not at all surprised at the intense excitement on the fields over the loss of a Cape Town post-bag valued at many thousand pounds. The bad callings of many a digger and the produce of many an extensive purchase were contained in the stolen bag. Nor are we surprised at the loud and angry complaints at the folly of the officials in permitting so large an amount of property to be left utterly unprotected. A correspondent informs us that on his knocking at the window of the room in question in the time of the cart starting, it yielded to his touch. It was then found that a pane of glass had been broken from the window, the bolt withdrawn, and the mail bags, which lay piled on the shelf ready for despatch, been reached by the hand of the thief without his taking the trouble to enter the building. Making every allowance for the sense of security into which officials and others have been lulled at the Fields from the fact that crimes of this kind have been almost unknown, it is difficult to conceive of the infatuation which could make such carelessness possible. On the whole, the robbery is the most serious calamity that has yet befallen the Fields. We fear we can cherish little hope of the recovery of the property. A small bag is easily placed beyond the reach of search, and rough diamonds may be conveyed where there is no possibility of identifying them. We have heard rumors lately of sharpers starting from England for the Fields, and our first apprehension of their work, if it be such, shows what havoc a few clever thieves can make among the insecure buildings which cover valuable property.

The Prince on his Way Home.

LONDON, June 12.—Lieut. Frederick D. Grant, son of President Grant, sailed from Liverpool yesterday on his return to America.

THE CASE OF THE CUBAN SCHOONER-OF-WAR PIONEER.

Letter from her Captain to Secretary Fish.

NEW YORK, July 11, 1872.

To the Hon. Hamilton Fish, Secretary of State, Washington, D. C.

SIR: I yesterday forwarded you by wire my protest as commander of the Cuban schooner-of-war Pioneer against her seizure, and as a duly commissioned officer of the republic of Cuba I again respectfully demand her release. This demand is made upon the ground that at the time of the seizure the vessel was a regularly commissioned vessel of the Cuban republic, and upon the high seas.

I contend that she was beyond the jurisdiction of the United States.

Capt. Ritchie himself admits that she was four miles from the land, thus placing her one mile beyond the marine league recognized as the limit prescribed by international law, and I could produce many authorities where the vessels of one belligerent have been captured by the forces of another within four miles of the coast of a neutral power, and the capture considered legal and in no way a violation of neutral rights.

Regarding any question that may be raised concerning the outfit of this vessel, it is my duty to myself to state that we are prepared to show by positive proof that we have in no way violated the neutrality laws of the United States. This vessel was regularly purchased by agents of the Cuban Government in foreign waters, beyond the jurisdiction of the United States. None of her crew were engaged for war purposes in this country. Her ammunition, small arms, gun-carriages and everything belonging to her equipment as a vessel of war were purchased and placed on board of her by agents of the Cuban republic in foreign waters beyond the jurisdiction of the United States.

That the Cuban revolutionists had the legal right to fit out this vessel, and send her out under their flag, I think cannot be doubted, and the simple fact that the Government of the United States has not recognized them as belligerents does not justify the seizure of their property by officers of the United States Government upon the high seas.

Belligerency is a matter of fact and not a matter of opinion. The Government of Peru has recognized the independence of the Republic of Cuba, and many, if not all, of the other South American Republics and Governments have recognized them as belligerents. Last fall the Government of the United States issued a proclamation, as I understand, declaring that they would observe a strict neutrality between the Government of Spain and the people of Cuba. Why issue such a proclamation if you did not recognize a state of war as existing between the Government or peoples specified. You certainly cannot recognize such a state of war without recognizing both parties as belligerents.

We have it reported from Havana that the Spanish fleet has been ordered to sea in search of this vessel the Pioneer, with orders to capture her wherever found, and it is also reported that they have been using American waters as their cruising ground, and American ports as their places of rendezvous, and all this with a view to the capture of this little Cuban schooner, of the glory of which United States officers have robbed them. Why is this, if the Cuban flag is not that of a belligerent?

The Spanish Government have built their war ships in American ports. The arms and ammunition with which they are seeking to destroy this Cuban Republic have been purchased mostly in American cities, and shipped openly and without concealment to the Island of Cuba with the full knowledge and consent of the officers of this Government.

Have the same privileges been extended to the Cubans? I answer, and the records of our courts will answer, no. They have been persecuted in every way. They have been tracked through the streets of the cities like felons, and dragged from their houses by American police officers under warrants issued by American judges, and upon what charge? No other than that of conspiring against Spain.

It has been left for the United States Government in the nineteenth century to declare it a crime for the slave to strike for his freedom.

Is this United States neutrality? or is the course that has been pursued by the United States Government regarding Cuba in accordance with your interpretation of international law? I have the honor to be, sir, your obediant servant,

FRANCIS L. NORTON,
Commander of Cuban schooner-of-war Pioneer.

THE SARATOGA RACES.

One Hundred and Sixty Fivers on the Track—The Programme for To-Day—The Result of Last Night's Pool Selling.

SARATOGA, July 12.—Saratoga is filling up fast, and there is every probability of a fine race meeting. There are one hundred and sixty horses at the track, the majority of which will run. All the leading magnates of the turf are here, including August Belmont, Leonard Jerome, W. R. Travers, John Hunter, J. F. Purdy, D. D. Withers, H. P. McGrath, Zeb. Ward, D. J. Crouse, and others.

To-morrow there will be four races, commencing with the Travers Stakes for three-year-olds, one mile and three-quarters. The following will start: Belmont's Wade Hampton and Gray Planet, Harness's Meteor, McDaniels's Joe Daniels, Jennings's Silent Friend, Pennock's Brother to Connolly, Thomas's War Jig, and Morrissey's Generoso. The second race is a dash of a mile and a quarter, for which the following will start: Ortolan, Harry Bassett, Tubman, Lyttleton, Victoria and Quintard.

The third race is the Flash Stakes, for two-year-olds, half a mile. The following horses will start: Hunter & Travers's bay filly Luna and chestnut colt Saturn, McDaniels's chestnut filly Cora Linn, Little's chestnut colt Fellowcraft, Morris's chestnut colt Eclipse, Lorillard's of Mollie Jackson, McGrath's bay colt Tom Bowline, Belmont's chestnut colt Silk Stocking and chestnut filly Electra, Walden's chestnut filly Minnie W. and chestnut colt Liverpool.

The fourth race is a dash of a mile, the entries being Kingfisher, Fadladeen, and Ramadan. Pools were sold last night as follows:

TRAVERS STAKES.

Belmont	100	Thomas	30
McDaniels	120	Pennock	10
Jennings	100	Morrissey	8
Silent Friend	20		

THE MILE AND A QUARTER RACE.

McDaniels	50	Ortolan	5
Lyttleton	18	Quintard	5
Victoria	10		

THE FLASH STAKES.

McGrath	100	Walden	25
Belmont	100	McDaniels	15
Morris	50	Fellowcraft	6
Hunter	25		

THE MILE DASH.

Kingfisher	100	Ramadan	10
Fadladeen	65		

A BURGLAR'S STAGE COMBAT

An Erie Watchman's Desperate Struggle with a Burglar in the Grand Opera House—Pistol Shots Exchanged.

Recently several immense cases of valuable "properties" and costumes of French manufacture, intended for the new spectacle, "Roi Carotte," which Augustin Daly will produce at the Grand Opera House in August, arrived by the steamer Ville de Paris, and were temporarily stored, some within the iron-grated gates of the Eighth avenue hallway of the theatre, exposed to public view. Late on Thursday night a burglar, no doubt tempted by the display of costly goods, entered the establishment through the house in Twenty-third street occupied by Col. Fisk at the time of his death. He was discovered by Sam Singleton, an Erie watchman, while crouching in the vestibule.

The burglar was seized, and although Singleton is a man of extraordinary strength, the outlaw, who fought desperately for his freedom, actually loosened the grasp of the watchman. He then ran up the parquette aisle and made for the stage, but was again seized just as he passed the orchestra railing. Another fight of at least five minutes' duration followed among the music stands, which resulted in the burglar reaching the stage, but with the indomitable watchman directly after him.

A rough and terrible combat, probably "never before equaled on any stage," ensued, neither man uttering a word beyond an occasional exclamation of exultation as the alternating chances seemed to favor one or the other; but finally, made desperate by his failing strength and the wonderful tenacity of his antagonist, the burglar drew his pistol and fired, but it missed its aim and lodged a slug in one of the columns of Col. Fisk's private box.

Blinded by the fire, Singleton was compelled to release the desperado, who sprang to his feet and darted like a deer across the stage, through the door to Twenty-fourth street, whence he escaped. Several shots were fired after him.

Who Pays for the Music?

To the Editor of The Sun.

SIR: Capt. John Waters, of the United States receiving ship Vermont, is a very fine officer. He is also a graceful dancer, and gives a ball every Friday night to the pretty young women of New York and Brooklyn. Of course all the shoulder-strapped gentry connected with the navy yard join in the dancing. The Vermont's band plays for these entertainments, and it furnishes the best of music. You could not tell it from the Tyrolean. But who pays for all this enjoyment? Why, the poor sailor. Jack's rations are reduced to pay for these balls, and the slush fund pays a great part of the expense. The fine officers and beautiful ladies enjoy these festivities, while poor Jack is serving in his hammock or on duty.

A SEAMAN.
U. S. RECEIVING SHIP VERMONT, July 11.

James Fisk Forget Pain Paint.

Had he used it he would not have been poisoned by opium. Theo. D. C. Miller, M. D., graduate of Bellevue College, New York, said:

"Dr. Wolcott's Pain Paint is the cheapest and best pain curer under heaven, and the greatest blessing to mankind ever known in removing all inflammation.

Half pints are $1 (double strength), at 191 Chatham square, New York.—Adv.

Furniture, carpets, and bedding—an immense stock and low prices—at B. M. Cowperthwait's, 105 Chatham street. Weekly and monthly payments taken.—Adv.

THE CUBAN EXPEDITION.

FULL PARTICULARS OF THE LOSS OF THE FANNIE.

Her Cargo Landed and Probably in the Hands of the Patriots—Four Spaniards Captured and Set to Work—Gen. Ryan's Escapade—He Returns to Nassau.

Correspondence of The Sun.

POINT HERRADURA, JURISDICTION OF GUANTANAMO, Free Cuba, June 23.—I hasten to comply with my promise to furnish you a full account of our trip. We fairly started on the Fannie on the night of the 9th inst. Our departure begins at a point in the Atlantic 35 miles due east of Barnegat. At that time the schooner which took us out to the Fannie left us to return to New York.

On the third day out, at about 9 P. M., a pistol shot was heard, apparently from one of the state-rooms aft. There is a house on deck on the Fannie, and a gangway all round it inside the bulwarks. Some of the engineer's watch were sitting, at the time of the shot, forward of this gangway, and went into the saloon to learn its cause. Instantly

COL. RYAN WALKED OUT

of his stateroom, which was on the lower side of the ship and opened into the saloon, and stated that he had fired that shot, that he had been lying on his bunk asleep, when some one had stabbed him with a dirk knife through the window. In confirmation of this statement he showed a small scratch on his abdomen, a vest out of which a piece had been cut, and several slits in his shirt. A dirk was found lying on Ryan's bed; it belonged to one of the expeditionists who had complained two days before of its having been abstracted from the saloon table where he had left it. Still more strangely, the sheath of the knife was found outside the window of Ryan's room, on deck in the gangway, although nobody could have passed that way without having been seen by the engineers, who were at the forward end of it. Nobody believed Ryan's yarn, and the Cuban was delighted to recover his knife.

PATCHING THE FANNIE.

On the 15th we put in to a little cove on the northwestern end of Crooked Island, keeled the Fannie over, and mended a steam pipe that had been leaking considerably. We were delayed only some six hours. Everybody worked with a will, from Gen. Peralta down. The Fannie is not fast, anyhow, but as she had taken aboard all hard coal (except some fifty tons of soft, which were underneath everything), she steamed slower than her fair average. The idea of burning anthracite was that no smoke might be seen, but anthracite requires a good draft, and that element unfortunately was wanting.

We made land first on the Friday evening, but too late to select a landing spot, or even for our guide to make out his exact position, so we put out again to sea, outside the track of the gunboats which never venture far from land.

ON A CUBAN REEF.

At dusk on Saturday we again headed for the coast, and made a point a little to the eastward of this place. About 8 P. M. we saw the lights of a gunboat coming up the channel. She passed us outside. About 9:30 the Fannie, when going at about eight knots an hour, struck on a reef. The night was hot and hazy, and the land appeared to every one on board at least three to four miles off. As soon as she struck her engines were backed; but she never budged an inch. She went on at the top of a very high tide.

As soon as Capt. Brown saw that she could not be moved unless the next tide rose higher, Gen. Peralta ordered the cargo to be landed. This was accomplished in five hours; for before four o'clock this morning everything was ashore. Gen. Peralta has divided the expedition and the cargo into five parties, and I am confident there is not a box of arms or ammunition within three miles of this place, and the whole of it is put away where the Spaniards will have hard work to find it.

THE FOUR SPANIARDS.

I can give you little news of the revolution, except such as I have gathered from four Spaniards whose acquaintance I made under rather strange circumstances. This place is about half way between Boca de Sagua (the mouth of the river Sagua de Tanamo) and Point Ceballos, from either of which it is distant about three leagues. About half a mile eastward of here is a little hut, right on the coast, which has been used by the Spaniards as an outpost for a fort they have at Sagua. This hut is inhabited by four volunteers, two of whom constitute a watch. The two off watch seeing the Fannie sailing, came down to the beach one morning in a canoe, and learning of her disaster, offered to paddle round to Sagua, where they said there was a gunboat which might come and help us off. Just fancy the politeness of the offer!

THE FOUR SPANIARDS AT WORK.

However Gen. Peralta happened to be superintending the landing and despatching of the cargo, and to him these