The Sun.

It Shines for All.

TUESDAY, OCTOBER 22, 1872.

Amusements To-Day.

American Institute—Hall, Sixty third street and Third avenue.
Booth's Theatre—Kelly, &c.
Bowery Theatre—Drama.
Central Park Menagerie—Foot of 74th st. and East River.
Dan Bryant's Minstrels—Twenty-third street.
Dry Dock Circus, &c.—Foot of Houston st., E. R.
Emerson's California Minstrels—718 Broadway.
Fifth Avenue Theatre—Diamonds.
Grand Opera House—Rob Carette.
Olympic Theatre—Grande Duchesse.
St. James Theatre—San Francisco Minstrels.
Steinway Hall—Lecture by John B. Gough.
Theatre Comique—Pigeys.
Tony Pastor's Opera House—Irish Diamonds. Matinee.
Union Square Theatre—Agnes.
Wallack's—Pygmalion and Galatea.
Wood's Museum—Three Musketeers.

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WEEKLY, per year	1 00

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Brighter Prospects—Ohio for Greeley.

We have news of much interest from Ohio. The Liberals and Democrats there have entirely recovered from the effects of the October election, and are setting to work with energy and high hopes to carry the election in November.

Had the whole force of the Democratic party gone to the polls in Ohio the week before last, there would have been a Liberal Democratic majority of 20,000, instead of a GRANT majority of 12,000 or 15,000. There were a great many Democrats who took little interest in the struggle, and allowed it to go by default. It is known in what parts and districts of the State these Democrats are, and effective measures are now being applied to organize them and bring them all into line for the great contest of the Presidency. Our friends are full of confidence that they will succeed in this effort, and that Ohio will give her electoral vote to GREELEY and BROWN.

It is perfectly certain that if the mass of the Democratic party really wish to beat GRANT and elect HORACE GREELEY they can do so. And if they wish to beat GREELEY and elect GRANT that result is also within their power. It will depend upon them; and we are glad to hear that in Ohio at least, where the Democracy have in former times manifested more steadiness and more devotion to principle than in any other part of the Union, they are now getting ready to do their duty in earnest.

Vote the Whole Tammany Ticket!

We do not think that those who desire good government in this city can do better, under existing circumstances, than to vote the Tammany ticket entire.

ABRAHAM R. LAWRENCE, for Mayor, has everything to recommend him that Mr. HAVEMEYER possesses, with the additional advantage of vigorous youth in place of vacillating old age.

Judge LEONARD's manners admit of considerable improvement, in the opinion of the bar generally, although we have never seen him anything but the pink of courtesy. We have, however, to look at him, all things considered, as compared with his competitor for the office; and we do not hesitate to say that he is quite as good as NOAH DAVIS, if not better.

We would not scratch off even the name of GUNNING S. BEDFORD, notwithstanding the objections which we have conscientiously urged against him, when it is taken into account that to defeat him is to elect a nominee of DECOY BLISS—as he was publicly denominated by a delegate in his own Convention. It would be a pretty Court of Sessions that should be influenced and virtually controlled by the DECOY! The minor criminal practice is regarded as disreputable enough as it now is; we do not wish to see it descend to a lower depth.

In regard to City Judge, however, we distinctly make this reservation, in accordance with our previous intimations on that subject: If Judge SUTHERLAND is nominated by any party we shall support him.

All lawyers seem to be agreed in the opinion that a better name than Judge SPENCER's cannot be mentioned for the Superior Court.

CHARLES DONOHUE, for District Attorney, adds greatly to the strength of the ticket. He will administer the office strictly in the interest of the public.

It is as well, on the whole, to rally at once for this ticket and support it zealously. It is the best before the people. There is no use of dividing up into fifty factions. And the ticket can be elected by a handsome majority if its friends take hold promptly and resort to all legal and honorable means to develop its strength.

The Grantites—What O'Brien Did for Them and How They Did Him.

The great achievement of JAMES O'BRIEN's life was his delivering to the organ of the GRANT party the mathematical evidence of the great city frauds.

But he never exposed any fraud more stupendous than the GRANT managers are now practising on him in cheating him out of his promised election as Mayor.

If his fighting days were not over there would be trouble.

What is the Matter with Mr. Havemeyer?

If Mr. HAVEMEYER did not mean to accept the nomination for Mayor, why did he not make his letter of Friday last in which he seemed to decline it more positive and decided, so that every one could know what was his purpose?

On the other hand, if he meant to accept, why did he write such a letter at all? Why convey to the people the impression that you are not going to do that which you are strongly disposed to do, and which you have made up your mind to do if you can get a good opportunity?

Any way, there is something in the dramatic show of this letter of Mr. HAVEMEYER's which is not right. Either it lacks sincerity or it lacks decision. It does not look like the utterance of an earnest and clear-headed man who knows what he means and says it so that everybody can understand.

It is evident that the old man is wavering and uncertain in his intellects—that he doesn't know his own mind any longer, three days in succession. He is utterly unfit at his age and in his condition to be Mayor of this great city in these days of commotion and danger. Whatever he may have been once, he is not the man now.

The Difference Between Van Nort and Havemeyer.

Perhaps the GRANT wire-pullers have not deceived O'BRIEN so much after all as would at first appear.

They promised him to nominate VAN NORT for Mayor, a weak young man who would not amount to much as a candidate and could be easily knocked over.

But there are two periods of childhood, one at the beginning and the other at the latter end of life; and after all there may not be so much difference between VAN NORT and HAVEMEYER as might be supposed.

Samuel B. Garvin.

While we warmly support Mr. DONOHUE for District Attorney, we do not wish it to be inferred, by any means, that we sanction the violent and uncalled-for denunciation of Mr. GARVIN which Mr. JOHN KELLY indulged in at a recent Tammany meeting.

Judge GARVIN's deportment in his office has been uniformly characterized by dignity and courtesy. He is always a gentleman; which is something to say when roughness and rudeness are so common at the bar.

So far as we have had an opportunity to observe, Mr. GARVIN has discharged his official duties faithfully; and he is a formidable adversary to encounter in the trial of a criminal case. He acquires and possesses, in an uncommon degree, the confidence of juries.

Judge GARVIN has unquestionably injured himself by permitting the Attorney-General, as it were, to wipe his feet upon him by installing a party of his subordinates, deputies, and assistants over his head. If the Attorney-General were himself a lawyer of ability and distinction, and wanted to come into court in person and try some particular case, that would be a different thing. Where not a legal obligation it would be a customary courtesy for the District Attorney to yield precedence to him. But this is not what the Attorney-General has done. Indeed we do not know whether the present Attorney-General ever tried a criminal case. We are sure that he has been notoriously unsuccessful in drawing civil pleadings. But he has put men in over Mr. GARVIN who had little of his experience and no show of a reason for ranking him. Mr. GARVIN has submitted to it meekly as a lamb.

This has hurt him. People lose confidence in those who will not stand up for their own rights.

Mr. GARVIN possesses a judicial cast of mind and fine judicial manners. A very large number of persons are sincerely friendly to him, and will feel solicitous that his personal prosperity shall not be diminished by his loss of the office which, with the exception we have noticed, he has uniformly graced.

The Objections to Noah Davis.

The objections to NOAH DAVIS are not so much to himself personally as to those whom his election would indirectly promote.

Put Mr. DAVIS is too bitter a partisan to be an impartial Judge, however desirous he might be to act fairly.

As District Attorney we recollect that in one instance he recommended a flagrant violation of a statute of the United States.

The True Reform Candidate.

The natural candidate of the Reformers for Mayor is JOHN FOLEY. He is the man whose gold pen gave life to the movement. He has supplied the ideas and the running round.

Such men as WILLIAM E. DODGE and CHARLES O'CONOR are mere followers of FOLEY, who furnishes the brains. Anybody can see by looking at his big head that he is a man of brain.

The new principle of government introduced by Gen. GRANT whereby all relations of the President, or the President's wife, or of his cousins, are to be provided with public offices for their support, is not one which is calculated to impress the American mind very favorably. But disagreeable as the principle seems in itself, its practice becomes unpleasant when the President's relations are largely composed of about the most ignorant, incompetent, and greedy set of creatures that it would be possible to pick out from any family in the country. There may be some of GRANT's relations who in a private capacity would pass muster as reputable citizens; but when one thinks of the public doings of Brother-in-law CASEY, Brother-in-law CRAMER, Cousin LAMPERT, and others of the tribe, and considers that such men are invested with public office in virtue of their family connection, it is difficult for any one having any regard for the honor of the country to repress a sense of humiliation that the President should belong to such a connection, to say nothing of his foisting them into office. Another precious specimen of the ruling family is the Hon. SILAS HUDSON, the President's cousin, Minister to Guatemala. This fellow is an ignorant, illiterate boor, who was appointed from Iowa against the wishes of the Congressional delegation from that State, solely because he was the President's cousin. The Committee on Foreign Relations reported against his confirmation on account of his entire unfitness for the position, but GRANT's influence carried him through. It is now said that he has disgraced his country abroad, not only through his ignorance and stupidity but by the depravity of his personal habits. Frequent humiliating accounts of his career have reached this country from time to time, and now a correspondent of the *Tribune* sends a series of his conduct too disgraceful for publication. The man is notoriously depraved, and his manner of living so odious to all classes in Guatemala that his society is universally shunned not only in diplomatic circles, but in every respectable household. However, there may be those who like to see the country thus represented abroad. If so, they should vote for GRANT, for in voting for his reelection they also vote for the continuance in office of SILAS HUDSON, CASEY, and all the other disreputable members of the ruling family.

Public thanks are due to the GRANT Convention for not nominating for Mayor that first-class dead beat, GEORGE M. VAN NORT. It seems that he holds his present place by the favor of WILLIAM M. TWEED, and that he expected to rise by the influence of TWEED, who is now strong with the GRANT organization. But there are some things too absurd to be done, and VAN NORT's nomination for Mayor was one of them. If the new Legislature want to legislate anybody out of office, VAN NORT will be a good subject for them to begin on.

The Messrs. WINANS of Baltimore, who many years ago announced a plan for crossing the ocean by means of a cigar-shaped steamer in an exceedingly short space of time, have not yet given up their hopes of accomplishing the end they have in view by that means. A few days ago they applied to the Commissioner of Patents for an extension of their patent for hulls of vessels constructed on the cigar plan, and evidence was given in support of their application that they had expended over $1,000,000 in attempting to demonstrate the practical utility of their invention without receiving a cent in remuneration. Having adopted certain improvements in their machinery, the inventors believe they are now in a position to make their invention profitable. They are building two cigar ships in England and one in Russia. The steamer begun many years ago in Baltimore is still unfinished.

The Mexicans propose to say a word for themselves in regard to the Rio Grande troubles. A commission of their ablest lawyers has been intrusted with the duty of investigating the alleged disorders from a Mexican standpoint, and this commission actually has the audacity to charge that the American commission was bribed and intimidated, and that it is interested in making out a case against the Mexicans. It is also alleged that the troubles on the frontier arise simply from an unorganized condition of society, which acknowledges no legal or social obligations; that the freebooting is not confined to Mexicans, and is not all done on the Texas side of the border.

It has all along been apparent that the chief blame for these Texas outrages does not lie with the Mexican Government. There is no more necessity for the disorder on the Rio Grande than for a similar disorganized condition of affairs on the St. Lawrence. The nation which has the larger interests at stake should be especially interested in maintaining an effective police, and our Government has been lamentably neglectful in this regard.

Mrs. WHARTON's trial for the alleged attempt to kill EUGENE VAN NESS by poisoning began yesterday in the Circuit Court of Anne Arundel county. In this case the public will have the statement of the alleged victim himself—a novel feature in poisoning trials, and one which will have considerable influence in determining the amount of credibility to be given to the testimony of experts. VAN NESS is said to be very positive in his belief that Mrs. WHARTON tried to poison him, and the State Attorney is only the more determined by his previous defeat to secure the conviction of the accused in the present trial.

Some three months ago Capt. RITCHIE of the revenue cutter Moccasin captured on the high seas the Cuban schooner Pioneer and took her into Newport. His reason for committing this act of piracy was his ignorance of the flag she carried. A libel was filed in the District Court at Providence against the schooner Resolute, and as such Resolute the Pioneer was condemned for violation of our neutrality laws, and judgment was allowed to go by default.

Now Capt. RITCHIE knows the Cuban flag, and evidently prizes it, for he sent it to the Secretary of the Treasury at Washington as a trophy of his valor. Trophies are won only in war. Consequently, either Capt. RITCHIE committed an act of war on the Republic of Cuba, which act the Administration approves by its acceptance of the flag of the captured vessel, or the Pioneer was not a Cuban man-of-war, and Capt. RITCHIE is guilty of fraud when he calls her flag a trophy.

There is a bitter fight in the Tammany organization in the Fifth Assembly District for the nomination for Assistant Alderman. The Germans claim it, and the 'longshoremen want it. Both sections present good men, but neither will give way to the other. The SUN's candidate is Mr. ISAAC H. HUNTER, a clear-headed and honest colored man, and a warm supporter of HORACE GREELEY. There are 1,500 colored voters in that district. It is time that they were represented in the Board of Aldermen. Give them a show, gentlemen.

The editor of the *Petaluma Argus* has seen the drawings of a new machine for producing perpetual motion, which he is confident will do away with the steam engine, and work a revolution in all branches of business requiring the application of power. By this new invention railroad trains and ocean and inland steamers will be driven at a cost not exceeding mills where thousands of dollars are now required; and a first-class river steamer may be propelled for twelve months for the moderate sum of one hundred dollars. The editor of the *Petaluma Argus* has examined the matter thoroughly, and believes that, though the ignorant may scoff and the unthoughtful deride, the invention has introduced the ideas and arranged the application of known forces that will accomplish all that is claimed. The only thing that troubles the mind of the inventor is that he may possibly have overlooked something essential in the details that can only be discovered by putting the invention to practical use. It is greatly to be feared that his suspicions may prove correct. Many beautiful schemes for producing perpetual motion, which have promised exceedingly well on paper, have failed to produce any motion at all when brought to a practical test.

We offer our condolence to Col. CHARLES S. SPENCER in full uniform on occasion of his failure to receive from the GRANT officeholders their nomination for District Attorney. Let him find comfort in the midst of this disappointment by putting on his full uniform and going out at the head of his regiment any one of these fine days to charge upon the casks of lager beer in Jones's Wood. In lager there is no falseness and no disappointment!

The value of artesian wells in countries where water is scarce is generally acknowledged; the great obstacle in the way of their becoming common is the expense which attends them, and the uncertainty regarding the depth to which they must be carried in order to find the required supply of water. At the corner of Prince and Commercial streets in Boston the Boston Gas Light Company have been boring for twenty-one months in the effort to find a supply of water which shall make them independent of the city water works. The contractor began work in January, 1871, and ever since ponderous drills worked by a steam engine have been pounding away night and day into the bowels of the earth, but as yet without a successful result. The original contract was for a well of five inches in diameter, and for 1,100 feet the well was carried down of that bore. Then it was deemed advisible to enlarge the hole to six inches. For the first 300 feet, 80 of which were of surface earth, the rest being limestone, the well was drilled eight inches in diameter, and a six-inch wrought-iron pipe driven in. Below this the walls of the well are formed of solid rock. The present contract is for 2,100 feet in depth, which is 1,000 feet beyond the depth reached in first drilling the five-inch well. The company estimate that if they can find a never-failing supply of water sufficient for their purposes by an expenditure of $50,000, it will prove a profitable operation for them, as they are now paying nearly one-quarter of that sum every year to the Cochituate Water Board. It has very seldom, if ever, occurred that in sinking artesian wells an abundance of water has not been found at a depth less than 3,000 feet.

Mr. CHARLES P. WILLIAMS writes to inquire whether Gen. GRANT can be elected President more than twice. Of course he can. There is no constitutional restriction on his reelection at all. He can be elected as long as he wants to.

President THIERS is excited about VERHUEL, and as no more Communists remain to conquer he is determined to attack the Bonapartists. The result of the Communist executions is that the cause is stronger than ever in Paris, Lyons, and other leading cities, and severe measures against the Imperialists will be likely only to arouse sympathy for them.

We earnestly commend the new translation of VIRGIL's "Æneid," by CHRISTOPHER PEARSE CRANCH. It is elegant, vigorous, and picturesque, worthy of the original, and worthy also to take its place with the many other admirable translations issued by the same publishers (Osgood & Co.), and bearing such names as Longfellow, Bryant, and Bayard Taylor. The "Æneid" is printed in the same superb style as the others, and will long remain a monument to the genius and industry of the translator, and, as we are confident, a favorite with the readers of every age in our country.

The celebrated English editor and author, Emily Faithfull, is to deliver her great lecture on "Queen Victoria and the Royal Family," in Cooper Institute Hall on Thursday evening.

The November number of *Harper's Monthly* is even more interesting than usual. This magazine should be in every family in the country.

OUR LIBERTIES IN PERIL.

U. S. COMMISSIONER DAVENPORT'S ATROCIOUS OUTRAGE.

The Monstrous Attempt to Strike Down American Citizenship—Grant's New York Tool Quailing before an Indignant People—Compelled to Release Mr. Heinrich.

The account of the unlawful arrest and arbitrary imprisonment of Mr. George A. Heinrich by Grant's election officers, as published exclusively in THE SUN of Monday, was read with indignation yesterday. It fell like a thunderbolt on the Grant managers, who had hardly expected so early an exposure of their schemes. The Germans were especially indignant at the outrage. They speak of it in unmeasured terms as an attempt to intimidate the German supporters of Mr. Greeley from taking any active part in the election. The facts fully sustained this view of the case, and shows that Mr. Heinrich's prosecution and secret consignment to Ludlow street jail could have originated only in the hope of lessening his great influence with the German citizens of his district.

THE MAN SELECTED TO BE AN EXAMPLE.

Mr. Heinrich is a very wealthy resident of the Seventeenth Ward, and represented it in the Common Council in 1868. His reputation is of the highest class, and on this account his fellow countrymen of the great East Side regard him as a safe political guide. In the present campaign all his influence has been in opposition to Grant, and for this reason he has incurred the hostility of the Custom House politicians and few Grant Germans living in his neighborhood.

TAKEN FROM LUDLOW STREET JAIL.

Yesterday morning about 10 o'clock Deputy Marshal Turney and one or two other Federal officers appeared at Ludlow street jail, where Mr. Heinrich had been confined forty-eight hours, and produced an order for him. He was remanded to their custody, and was taken by them to the United States Court building in Chambers street. A large number of highly respectable citizens, principally Germans, awaited his arrival there. They were mostly his political and personal friends, and several of them announced their readiness to become his bondsmen. Among the more influential gentlemen present were the Hon. Smith Ely, the Hon. Thos. J. Creamer, Mr. Fred Rollwagen, a large German property owner, Michael Norton, Judge Gross, and Mr. Reigelmann, a wealthy merchant, and several heavy real estate owners.

DAVENPORT FRIGHTENED.

Eleven o'clock found Mr. Heinrich and his counsel and friends in a small room on the second floor of the building, known as Davenport's room. This was the time and the place fixed for the examination, according to the direction of Davenport on the back of his secret commitment paper. An hour elapsed, and Davenport had failed to appear. The prisoner's friends made fruitless inquiries as to when he would come, and it began to be generally believed that Mr. Heinrich was to be sent back to jail in the absence of Davenport. Rumors of a more than usual number of officials reported that he had been seen a short time before in an office on Broadway, and that he seemed much flurried. A rumor was circulated to the effect that he had become frightened at his criminal folly in refusing to accept bail for Mr. Heinrich, and that he was contemplating Marshal Sharpe and a law officer of the Government as to the easiest way of extricating himself from his perilous position. The rumor was very generally credited by those acquainted with Davenport's character.

After waiting over an hour for Davenport, Judge Gross, Mr. Hirsch, and Mr. Bangel, counsel for Mr. Heinrich, resolved to go before Judge Blatchford and test the question whether a citizen had a right to a legal examination after being arrested.

A WRIT OF HABEAS CORPUS DEMANDED.

The usual application having been made out by Mr. Heinrich's counsel was presented to Judge Blatchford. The latter was sitting in court at the time, and the admiralty calendar. He took the papers and carelessly threw them beside him on the bench, saying that he would look them over. The Judge then devoted his attention to the trial of a suit for the confiscation of a small quantity of smuggled goods, and to the hearing of an argument by Gen. Davies on the part of the Government, which seemed interminable. After waiting in the court room a long time, counsel went out, seemingly under the impression that a case involving a few hundred dollars was of greater importance in the eyes of United States officials than the personal liberty of a German citizen. They returned to Davenport's self-constituted court room, and pretty soon thereafter that august personage rushed in under breathless excitement, and issued from his private sanctum, not heeding the assemblage which was in the examination room.

DAVENPORT DRIVEN TO THE WALL.

After staying closeted with several Grant politicians a few moments, he reappeared and announced his readiness to hear any motion which might be made on the part of counsel.

Lawyer Hirsch arose and demanded an immediate examination, as he said that his client had been dragged from his home to a common jail without, as he believed, any process of law, and that Mr. Heinrich stood prepared to answer any charge which might be preferred against him. He said that the case was one which involved the right of every citizen to be secure in the enjoyment of his own house without interference on the part of any officer not authorized to enter.

Commissioner Davenport replied that he could not give the defendant an examination that day, as the supervisor who had made the charge was there on duty, and could not attend.

He would adjourn the hearing until Thursday. Mr. Hirsch replied that his client was in custody, and that the law provided for an examination. He said that the provision of the law was not subject to the convenience of the officer who made the charge. He could not help repeating that the case was one of vast public interest, and should be disposed of as soon possible.

Davenport—Well, then, I'll give you an examination at five o'clock this afternoon.

Mr. Hirsch—We are satisfied with that, and are now ready to give bail in any amount.

Davenport—I have concluded to take Mr. Reigelmann as bail for $5,000 upon examination. I find that it is unnecessary to have two sureties in this case. Mr. Reigelmann is sufficient.

Mr. Hirsch—We have a number of gentlemen here as bondsmen. Here is Mr. Rollwagen, who will become surety for my client in any amount.

Davenport—It is unnecessary.

Mr. Hirsch—As I said before, the public has a very large interest in this case. It involves the rights of citizens to be secure.

DAVENPORT'S THREAT.

Davenport (interrupting)—You may advise your client as you wish, but I give you notice here that any persons who interfere with my men impersonating at election will get into trouble. They may feel quite sure of that.

Subsequently Mr. Reigelman, who was rejected by Davenport on Saturday, was accepted as bondsman for Mr. Heinrich, and the latter was released. It was rumored that he was unable to sleep during the two nights on which he was incarcerated.

A reporter of THE SUN was told by one of the old United States Commissioners yesterday that Davenport was the first man who had ever sent a Federal warrant from a hotel, or from any place outside of court. He said the thing had never been heard of before in the United States courts.

It was asserted that Davenport had promulgated orders to the election officers as Chief Supervisor, and then used his power as Commissioner to issue warrants for the arrest of any person who might be accused of infracting the law as he chooses to interpret it.

A REPORTER IN THE PRESENCE.

A reporter called at the office of Mr. Davenport, in Chambers street, in the afternoon. He asked for Mr. Davenport. "What do you want with Mr. Davenport?" inquired a dark-featured gentleman, with a moustache and imperial so beautiful as to have been subdued by an untimely frost. The reporter, in a very mild voice, said that he wanted to see Commissioner Davenport.

"That's who I am," said the personage with the retiring mustache and shrivelled imperial; "what do you want?"

The reporter said that he had culled all the facts relating to the arrest of Mr. Heinrich. The Commissioner drew his hat over his left eye and demanded whence came the reporter. The question having thus been made a leading one, the reporter said that he was from THE SUN.

"I won't talk to a SUN reporter," said Commissioner Davenport.

"But I am not the one you are thinking about," mildly said the reporter.

"Well, I don't care," said Mr. Commissioner Davenport; "I won't talk with anybody from the SUN."

It is understood that the same kind of terrorism as in the case of Heinrich is to be exercised all over the city between this and the 31st of October, thus reducing the registration 10,000 at least.

The Outrage on Mr. Geo. A. Heinrich.

From the Evening Telegram.

That we live in "the land of the free" we have always been taught to believe, but since the gross outrages perpetrated upon Mr. Geo. A. Heinrich, a respectable citizen of New York, by United States Commissioner Davenport, the glorious proposition does not seem so evident. The story of Mr. Heinrich's arrest and confinement in Ludlow street jail reads almost like an Ainsworth romance, and one must needs refer to the almanac to satisfy his dazed senses that this is really the latter part of the nineteenth century. The ostensible crime of which Mr. Heinrich was guilty appears to be the kicking out of doors of an impudent supervisor, one Charles A. Stahl, who in his capacity of a Grant canvasser visited the house of Mr. Heinrich and made himself generally obnoxious. But the real crime for which the unfortunate gentleman was arrested was the zeal which he has shown in the Greeley cause. He also exercises an immense influence over the German voters of the east side of the city, and no doubt in the Grant catechism that is also a sin, the said influence not being exerted in the cause of Hiram.

But Mr. Commissioner Davenport has made a mistake. When he refused the proffered bail of Mr. Heinrich, and chose rather to send him to jail, he thought, perhaps, that the empire had come. All the proceedings were imperial enough. The arrest of Mr. Heinrich, the close carriage, the rapid drive to the star chamber of Mr. Davenport in the Fifth Avenue Hotel, the dramatic situation: "Away with him to the jail!" why, it reads like a spicy translation from a French newspaper. Having begun so nobly, the Government had better build a Bastile, and issue *lettres de cachet*.

The empire, however, has not come as yet, and we trust that Mr. Davenport will be made acquainted with the fact. When the petty servants of the people assume the imperial purple, and hold secret courts in their hotel parlors, there is something wrong, and it is time to advertise for a Hercules to clean the Augean stable. When the renovating task is begun, we trust that all perpetrators of such outrages as Mr. Davenport has been guilty of will meet with their proper reward.

THE BATTLE ROW TRAGEDY.

A Brooklyn Policeman Killed while in the Performance of his Duty—The Battle Row Gang's Sunday Morning Work—The Prisoner Seen to Strike the Fatal Blow.

The trial of Henry Rogers, one of the Battle Row gang of Williamsburgh, who is charged with the killing of Officer John Donohue on Sunday morning, July 7, was begun in the Oyer and Terminer, Brooklyn, yesterday morning. The new jury law having come into operation, the process of impanelling a jury did not consume much time. By noon the following twelve men had been accepted: Simon De Nyse, Jr., farmer, Bay Ridge; James B. Staats, real estate, 136 Seventeenth street; John A. Charlotte, 208 Adelphi street; John V. Hart, fancy goods, 398 Clermont avenue; Hendrick S. Holden, 380 De Graw street; Claude D. Rowe, importer, Franklin street, corner Fulton; Jacques R. Stillwell, farmer, Gravesend; Thos. A. Paterson, merchant, 150 South Oxford street; Edgar E. Griffith, insurance, 41 India street; Barnabas B. Hatfield, 156 Columbia street; Stephen Ballard, leather, 171 Lefferts street; John H. Rollings, 120 Franklin avenue.

THE PRISONER'S APPEARANCE.

Rogers was taken into court handcuffed, preceded by six young men, members of the Battle Row gang, who had been detained as witnesses. Rogers is a powerfully built man, short in stature, and apparently about 35 years of age. His appearance is against him. His face is the face of a rowdy, and there would be little difficulty in singling him out anywhere as belonging to the dangerous classes. District Attorney Britton and his assistant, Gen. Cullen, appeared for the people, and Messrs. Wm. G. Davis and Theodore Edson for the prisoner. The District Attorney in opening the case briefly stated the facts which the people expected to prove, contending that there was in this case a clear intent to kill, first, from the declaration beforehand; second, by the providing of a dangerous weapon beforehand; and third, by the fatal blow.

THE TESTIMONY.

Officer Thomas Campbell, the first witness called, testified as to the fact of finding Donohue lying insensible on the sidewalk in front of Hugh McGoldrick's place in Flye street, and to finding near by a broken club and some broken Scotch ale bottles.

Dr. Rufus Gilliett of the City Hospital testified that there were three scalp wounds on Donohue, one fracturing, and another causing a depression of the skull. The cause of death was the fracture and its effects. He could not say positively the nature of the instrument with which the blows were inflicted; any heavy, blunt instrument could have caused them.

Hugh McGoldrich, who keeps the saloon in front of which Donohue was killed, testified: Rogers and over twenty others were inside my place on the night of the murder. It was about 2:15 A. M. I found a wooden bar in Rogers's hand belonging to me. I was looking for it, and he said, "I think this is what you are looking for" and I said "Yes." He said, "I want this, and you can get something else to shut up your door." (Shown club.) It was longer than that. He gave it to me. I didn't see anything in his hand that evening. (Shown club.) I have seen it before lying at the door of my bar-room. Might have seen it that night, but don't remember. As I was going in the house I heard Rogers say, "I must have something anyhow," and I saw him take something—what, I cannot say—from behind the counter. Closed up my place and went to bed. The parties outside were singing and keeping me from sleep. Knew nothing about the assault until Officer Hoffman came in and told me.

On the cross-examination he said Rogers had for three or four nights taken sticks with him for the purpose of breaking the gas lights which were sleeping in the wagons and making fun of them.

THE PRISONER'S THREATS.

William Hibert testified: I know Rogers. He was at McGoldrick's on the night Officer Donohue was. I did not see Rogers there. There were a number of people there. I heard Rogers say, "I" or "we"—I don't know which—"will lay him out." In about fifteen minutes Officer Donohue came along and said to us, "Boys, this won't do; all you can do is to go inside." The officer was a few feet from Rogers. I went toward Union avenue, and stood by a lamp post. I saw Rogers fall, and heard the sound of the blow. Cornelius Denver was the nearest to Rogers. The rest were under the shed in front of McGoldrick's. When Donohue fell, I saw Flint (the at liberty witness, escaped last Tuesday from the officers on the way from the Court House to Raymond street jail) go to the street, raise a stone, and say, "I'll give it to him too."

Cross-examined—Ritchie and Flint had stone bottles in their hands. When I was running away, after Donohue fell, I heard another sound of a blow on the sidewalk. In my judgment the second blow was given with a stone or a bottle. Rogers was intoxicated. I did non notice any liquor on the others. I have often seen Rogers and Officer Donohue on Grand street talking together apparently very friendly.

ROGERS SEEN TO STRIKE THE FATAL BLOW.

Cornelius Denver testified: I have known Rogers over twelve years. I saw Rogers about 12 o'clock that night in McGoldrick's. A number of others were there. Rogers was at the bar. I can't say whether he was drinking or not. I was outside when the others came out. As soon as they got outside Gardiner began to sing. I did not see anything in Rogers's hand. He was standing by the door. When Officer Donohue came along and told them that they would have to stop singing, and turned on his heel to go away, Rogers stepped out from the street, and raising the club struck the officer on the head. As the officer fell, Rogers was struck he threw out his hands toward Rogers. I did not see Donohue fall, as I ran away.

Abraham Gibson testified: I have known the prisoner about five years. I was in McGoldrick's about 12:30 on that night. Rogers was in the room when McGoldrick ordered us all out, as he wanted to shut up. Rogers said on getting outside, "It is time for that d——— ——— to come along." When Donohue came along and told us to go home, I started for home. As I went down the street I heard a noise. On looking back I saw Donohue fall. Rogers was standing by him. I did not see the blow struck.

Edward Clark testified: I have known Rogers three or four years. I got to McGoldrick's after 12 o'clock that night. I did not see Rogers until Officer Donohue came along. I was the nearest to him as he came along. He passed me. I heard him speak to the crowd. When the officer started to go down the street I saw Rogers step out from the shed and with his two hands strike the officer on the back of the head. The officer then threw up his hands and fell. I know it was Rogers because I saw his face. On seeing the officer fall I ran home as fast as I could. It was not the light of the moon but the gaslight which enabled me to see Rogers. The reason I ran away was because I feared that Rogers would hit me if I interfered.

POSITIVE TESTIMONY OF ROGERS'S GUILT.

Richard McLaughlin sworn: I have known Rogers six or seven years. I also know Donohue. I went to McGoldrick's about 12 o'clock that night, and saw Rogers standing outside at the coal box with Denver. He had something in his hand. An hour after I came out I heard Rogers say, "If Jack Donohue comes along to-night I'll kill the (expletive)." When Rogers hit Donohue the officer was facing toward Tenth street. He struck the blow so hard that it turned the officer completely around.

The witness here illustrated how Rogers stood and struck the blow, saying, "It was so hard that I think it killed him." Rogers, the prisoner, who was seated by his counsel, stared at the witness, exhibiting intense emotion. When the witness said that he did not consider Rogers too drunk not to know what he was doing, the prisoner, who had been intently watching him, lowered his head and clinched still firmer his clasped hands.

At the conclusion of this witness's testimony Hugh McGoldrick was recalled by Rogers's counsel. He testified to the friendly relations existing between Rogers and Donohue. He never heard any one say that Rogers and Donohue were bad friends. The case was adjourned until to-day.

The Foley Cadets.

JOHN FOLEY, Captain.

HIGH PRIVATES.

Charles O'Conor,	Edwards Pierrepont,
W. R. Vermilye,	Henry Clews,
C. P. Timpson,	John Harper,
Peter Cooper,	Wm. A. Wallace,
R. C. Root,	Myer Stern,
Oswald Ottendorfer,	Henry Clawson, Jr.,
George Jones,	Wm. E. Dodge,
Benj. B. Sherman,	Charles M. Hall.

Trainings frequent.

Notice to Registered Citizens.

The Police Board yesterday passed the following resolution:

Resolved, That the Superintendent of Police instruct the captains of the several precincts to inform the members of the force subject to their command that the United States officers are now verifying the lists of persons who have registered, and that they have the right to verify them by proper inquiry and examination at the respective places assigned by registered persons as their residences. It is an offence to obstruct or interfere with those officers in the performance of duty, or to refuse proper aid and assistance when required by them.

The Terrace Garden Winter Opening.

The Terrace Garden Theatre will open with German opera on the 18th inst. Mme. Louise Lichtmay will be the prima donna and directrice of the enterprise, and Mlle. Clara Pearl the contralto.

A despatch was received yesterday from Berlin from Mr. Max Maretzek stating that the following named artists have been engaged:

Mr. Spangler, Lafontaine, baritone; Horn, tenor; Mlle. Brede, coloratur (prima donna); Mlle. Beckman, soubrette, &c. Mr. Carl Bergmann will be musical conductor.

The French Assembly Elections.

PARIS, Oct. 21.—The returns from Algeria of the elections yesterday, to fill vacancy in the National Assembly, are very incomplete. Those that have been received show that M. Crémieux is ahead of all the other candidates.

The Radical candidates have been elected to the Assembly in the Departments of Calvados and Indre-et-Loire.

THE PATENBURG MASSACRE.

Resuming the Investigation—Shrope and Fahy Examined—A Motion for the Discharge of Delay and Bogue Denied.

The investigation in Flemington concerning the Patenburg massacre was resumed at 11 o'clock yesterday morning, but was checked before the accustomed time of closing the session in consequence of the absence of witnesses. The counsel for the State signified their intention of offering further testimony, and asked for an adjournment until Thursday next, to produce their witnesses. These are mostly negroes who fled to Virginia. The first witness called yesterday was Charles N. Shrope, who testified as follows:

I am the son of Theodore R. Shrope. I remember the circumstance of the riot near Patenburg. It was on Sunday morning. I was at James Stockton's the Saturday night before. I can't tell the time on Sunday morning I came home, but it was before sunrise. I don't remember whether our people were up or not, but I think my father was. I know Pat Delay, the prisoner, and saw him that morning. I think I saw him at the door of my father's house. I stood at the door also. We saw some men coming down Stockton's lane, and were looking at them. I went from the door out after an armful of wood. After I took the wood in the house I think I brought out the quart measure to my father at the gate. The measure was brought out to take some milk up to the boarders. I think Pat Delay stood at the gate at this time. I ate breakfast that morning in my father's house. Pat Delay, my brother, Lewis, and my father and mother were there.

THE REPORT OF A GUN.

I heard the report of a gun while we were eating breakfast. It sounded to be up the road toward the Gallagher shanty. We—myself, my brother, and Pat Delay—got up when we heard the gun and went out toward the gate. My father got up and went to the door and then went back again. When we got to the gate we saw some men in the road. They seemed to be up by Gallagher's shanty. They came on down and went into Stockton's lane. I think Pat Delay was with me at that time. I next saw Pat Delay on the porch talking with a man named James Shields, as I have heard since. I think they were getting ready to shave. I went to get ready for Sunday school. I don't remember that I saw Pat Delay after this.

Cross-examined by Mr. Allen—The milk was to go to John Gallagher's shanty. Nobody took the milk to the shanty. I was to, but when I saw the men my father wouldn't let me. I was at the door of the house when I first saw the men. The way I came to go to the door, my mother said, "What is that? Look at those men! What does all that mean?" I think I was near the stove when my mother said this. I think my brother and Pat Delay were about there at the same time. I think I saw Patrick Delay there. I had not seen him before that that morning. I have had no conversation with my folks about Delay. I did not say Patrick Delay was arrested and he was not in the riot at all.