The Sun

SATURDAY, NOVEMBER 15, 1873.

Amusements To-day.

Academy of Music—Faust—Matinée.
American Institute—Fair Building.
Brooklyn Academy—Matinée.
Barnum's World—Fair, Matinée at 2, and Twenty-second st.
Tony Hall, Broadway and Twenty-third st.
Booth's Theatre—Forty Thieves—Matinée.
Bowery Theatre—Jack Sheppard—Matinée.
Broadway Theatre—The New Magdalen—Matinée.
Dan Bryant's Minstrels, Twenty-third st.
Grand Opera House—A Fluttered Dove—Matinée.
Niblo's Garden—Black Crook—Matinée.
Olympic Theatre—Rip Van Winkle—Matinée.
Theatre Comique—The Maniac—Matinée.
Tony Pastor's—Fun—Matinée.
Union Square Theatre—The Geneva Cross—Matinée.
Wallack's Theatre—Ours—Matinée.
Wood's Museum—Jack Hollaway—Matinée.

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DAILY, per year, by mail or other,	$6 00
SUN WEEKLY, per year,	3 00
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Fifty copies to one address,	80 00
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"The Constitution says that all trials shall be by jury, and the accused is entitled, not to be first convicted by a court and then to be acquitted by a jury, but to be convicted or acquitted IN THE FIRST INSTANCE by a jury."—SAMUEL BLATCHFORD.

The Last Bloody Outrage.

After our flag has been outraged on the high seas, after a register and clearance certifying to the nationality of the Virginius have been treated with studied contempt, and American citizens atrociously butchered in cold blood, then the Navy Department affects activity in equipping vessels for sea, and makes a pompous parade of sudden preparation, in the hope of excusing its notorious incompetency and disgraceful weakness.

Everybody but the Secretary of the Navy, who was absent from his post all summer, has known that Spanish vessels of war have been scouring the Atlantic, Gulf of Mexico, and the Caribbean Sea, with no other object than to overhaul ships under the American flag, and to search them because of the suspicion which malice or fear had excited. They have gone so far as to pursue a vessel into a neutral harbor, and to blockade a neutral port in time of profound peace, in order to carry out this inquisitorial process. The laws and the comity of nations have been openly defied by these highwaymen of the seas, whose hostility and vengeance seem to be mainly directed against the United States, as the power which has borne these repeated insults most meekly. Meanwhile we have maintained an expensive squadron in the waters of the North Atlantic, which, instead of guarding the points threatened with danger and keeping in presence of the Spanish marauders to punish their insolence if need be, is never to be found within call.

When the President's policy was directed to the job of annexing San Domingo—in which his immediate surroundings were largely interested, if he himself was not consenting in the speculation—the whole power of the navy was concentrated at that point, and for the first time Mr. ROBESON gave signs of spasmodic efficiency, in executing the orders issued from the White House. The poor, feeble and struggling republic of Hayti was shamefully menaced with Executive hostility if she dared to assert any of the rights guaranteed to her by the public law, or to thwart the selfish purpose for which this unlawful manifestation was made. A cordon of ships surrounded the island, and the strength of this great Government was employed to intimidate a friendly neighbor for refusing to aid in a territorial spoliation which would have ended in her own overthrow as an independent State.

The Administration was as domineering toward little Hayti as it has been craven before Spain. Indignity after indignity has been perpetrated on the one hand and borne submissively on the other, until every man with an American heart turns from the spectacle in disgust and indignation. The honor of the country has been huckstered around Spanish Legations, and retailed for doubloons to counsel who, through family relationship, controlled the action of the Secretary of State. All the world knows the discreditable fact, and foreign Ministers at Washington have chuckled over the price paid for such infamous treachery.

It is only a few days ago that Mr. Fish boastfully proclaimed through the Associated Press that he had surely stopped the effusion of more blood and the ridiculous excursions which had shocked the civilized world would not be repeated. So much he said had been gained by an exchange of opinions at Madrid and by the influence of the Administration. The assurances had hardly left the wires which carried them to the Pacific and across the Atlantic when the tidings of a still more astounding atrocity were rushed back over them, as if to mock with ghastly horror every promise that had been issued from the Department of State, and to stultify the so-called Government at Madrid which had flashed under the ocean its humanitic orders.

This tragic event brings us face to face with an entirely new and grave situation. If Spain asserts authority over Cuba, it is now shown that she is incapable of maintaining that pretension. Her own subordinates refuse to recognize it. The whole population of the island is therefore hostile to the mother country, the patriots in seeking independence and the volunteers in refusing obedience.

All civilized nations have a direct interest in the actual condition of Cuba. A barbarism is in operation which disregards the laws of God and man, butchers without mercy like an African savage, scoffs at humanity, and boasts especially of its hatred to the flag and its scorn for the Government of the United States. Shall we sit down tacitly in presence of such provocations, permit our citizens to be shot by drum-head courts martial, and negotiate with cabinets that have no power to enforce their own mandates? No, will be the ready answer of a united and resentful people.

Since Spain cannot call the authors of these cruel murders to account, our duty is to go to the spot and make them answer for every crime which has been committed. We invoke no passion or spirit of revenge, but we do demand the sternest justice, to be administered in strict compliance with law, and every opportunity of defence given even to those who ferociously rejoiced over the victims of their malignity as they fell slaughtered in death.

"He Would not Take Wine."

The country newspapers in the interest of Gen. GRANT, especially those controlled by high-toned and dispassionate postmasters, have been regaling their readers of late with an incident in the life of that hero which they seem to regard as most striking, surprising, and worthy to be preserved. The General, according to this tale, on his last visit to the Profile House in the White Mountains was entertained at a dinner by some of the inhabitants of that region who were anxious to do him honor. It seems that these simple mountaineers had heard somehow, possibly through the medium of the slanderous press, that the General was a drouthy man, with what Old WELLER called "a werry uncommon power of suction." "They feared," says the veracious chronicle from which we copy, "that the wine demonstration would not be long enough and strong enough, and therefore ransacked the country around for several new brands." The fame of the White Mountain country as a wine-growing district is so well known to the world that it is needless to say the "several new brands" were of a racy vintage.

But at the dinner, which seems to have been conducted in most informal style, when the waiter asked the President what he would have, the great man replied, "Roast beef, potatoes, tomato sauce, and a cup of coffee." The entertainers were surprised, manifestly, that he did not at once demand a drink. But the aesculapian wand took to heel of the brilliant array of bottles. He quaffed his coffee as if there had been nothing better on the table. In vain did the negro waiter inquire what wine he would have. In vain did his hosts surround his plate with decanters. Idly and unheeded did the sparkling Huckleberry send up its bubbles. The "Very Old Dry Currant" of "Z. PERKINS-PINE & SON, Vintage of 1853," presented its enticing label to the Presidential eye, but it was unnoticed. The enthusiastic gentleman who cried out, "General, won't you join me in a glass of this capital Old Rhubarb—it's nigh on to a year old and just out of the barr'l," got nothing in response but a grunt of refusal. The rich, heavy bodied Tomato Port and the bright Pokeberry Claret fared no better. The Topaz Gooseberry seemed to grow paler when it recollected mountaineers discovered that they were entertaining a teetotaller who had hitherto been disguised so admirably that nobody had suspected him of lacing one until he stretched his legs under their mahogany. Even the temperance deacon who was warming his vitals with spiced Blackberry Cordial failed in his attempt to press a bumper of that exhilarating stomachic on the illustrious guest. At last, on being asked what he *would* drink, Gen. GRANT replied—we follow copy here—"I have a touch of the dyspepsia; give me a glass of tart lemonade."

It does not seem to have occurred to the faithful parasite who put this story into print that GRANT's reason for declining the Profile House refreshments was not a conscientious aversion to drinks in general, but a profound disgust for the quality of the liquors served before him on this particular occasion. Milk for babes! The idea of proffering the cold juice of currants, tomatoes, gooseberries, pokeberries, and pie plants to a gentleman whose taste for artificial beverages had been acquired and cultivated for twenty years in army mess rooms and afterward perfected during his career as a transporter of wood to the St. Louis market at the taverns by the way, was so utterly preposterous that we do not wonder that Gen. GRANT's disgust found vent in a sarcastical call for some lemonade. No wonder that the sight of such a wine list gave him "a touch of the dyspepsia." To set these fraudulent bottles, with their cold, thin potations, before a man of his stomach was like attempting to feed up the Polar Sea with the takings of a steamer's furnace, or to cool the fires of Etna by pelting snowballs into its crater.

The fact is that Gen. GRANT at this wretched festival was in precisely the case of the young man of whom MARK TWAIN, or somebody else, has told the story, who was invited while on a visit to the capital to dine with a Cabinet officer. He was a green young person, of good principles, from the West—from Galena we think it likely. The table sparkled with plate, flowers, and costly cut glass. Rich viands filled the massive dishes. The music of a band poured into the gorgeous dining hall from the adjoining conservatory. There was everything to charm, to dazzle, to tempt the guileless boy of the West. The beautiful hostess held up her crystal glass, sparkling with champagne, and said to him, with a fascinating smile, "Will you drink a health with me?" "No, madam," said the youth, "I thank you; I never take wine." "What, not a single glass with me?" "No," said he, mildly, but firmly, "I never take wine." "What," interposed the Cabinet officer (bacon something or another, we believe, was his name), "not join my wife in a glass of champagne?" "No, sir," again replied the youth, as his brow grew paler and his lip quivered, while moral heroism lighted up his fine countenance, "I never take wine; but if you've got sich a thing as a first-class article of old rot-gut rye whiskey in the house, I wouldn't mind takin' as many sufferers with her as she likes."

The American Consul at Santiago.

In a recent interview Mr. HAMILTON FISH fell into the strange forgetfulness of blaming Mr. A. YOUNG, United States Consul at Santiago de Cuba, for absence from his post at the time of the murder by Gov. BURRIEL of the passengers captured on the Virginius. In reality Mr. YOUNG owes his life to-day to the fact of having imitated the example set him by his superiors and employers at Washington.

The late Consul PHILLIPS was ignominiously driven out of Santiago de Cuba solely for doing his duty according to his oath of office. He simply reported the truth of the insubordination and lawlessness of the Spanish volunteers. Mr. FISH published his report and poor PHILLIPS had to escape from the city, good fortune and the kindness of the British Consul enabling him to do so under the protection of the British flag. Had he trusted to the flag of his own country he would have been killed on the spot.

After this outrage upon our representative, what has Mr. FISH ever done to enable any successor of Mr. PHILLIPS to remain in safety in his place? Was any reparation exacted for our insulted flag? Was Mr. PHILLIPS reinstated? Was an apology demanded from Spain? Was redress or restitution enforced? Nothing of all this. So far as the State Department was concerned no notice whatever was taken of the outrage. On the contrary, Mr. FISH positively admitted the right of the Spaniards to insult our flag and bully our representative, for—and probably it is the first and only instance in the history of any powerful nation—a new Consul was appointed, and the Spaniards of Santiago were invited to scoff and jeer at the stars and stripes, to spit upon the ensign and outrage the Consul of the United States, immunity being assured them no matter how far they might carry their insults.

Since the recent murders, Mr. YOUNG has started to return to his post. But, should the Evening Star, in which he took passage for Santiago, arrive there before some foreign man-of-war—for he must have learned by the experience of Mr. PHILLIPS that American men-of-war are not instructed to defend United States Consuls in Cuba—he will probably be wise enough to hold his tongue and to refrain either from whispering to any colleague or reporting to the State Department any facts which might militate against the passions of Gov. BURRIEL and his bloodthirsty satellites.

Such is the position in which ULYSSES S. GRANT and HAMILTON FISH—with his son-in-law hired and paid by Spain—have placed the United States in Cuba and before the world.

A Brief Explanation.

That fearless journal, the *Utica Observer*—and there are few abler in the country—speaks as follows in one of its latest impressions:

"THE SUN has done more to expose the corrupt practices of the Administration party than all other newspapers combined. To it—and to it alone—belongs the credit of laying bare the operations of the Credit Mobilier. Its absolute independence in politics, and intensely personal in its discussions. We happen to know that it indulges in no exaggeration when it claims a circulation approximating 120,000. Its advertising patronage is small, which seems strange when its immense circulation is considered."

It is not strange at all. THE SUN is a newspaper; it does not aim to be an advertising sheet; and one reason why it has reached its present standing in the public favor is that its columns are crowded with news and with discussions of principle and opinion that interest everybody rather than with advertisements that in their nature only interest a very limited class. We leave out advertisements sometimes, news never; and when advertising begins to crowd upon our news columns, we regulate it by putting up the price. In this way THE SUN derives a reasonable income from a limited mass of advertisements, while at the same time our advertising friends get more for their money than in any other paper published. Their announcements are not only put into the hands of an immense multitude of readers, but they are printed conspicuously so as to fall under the eyes of all, and are never hidden away in the inner folds of a blanket sheet.

There are some principles in the art of newspaper making which we flatter ourselves are as well exemplified in THE SUN as in any other newspaper that we have examined.

The Right Way.

Spain has on three separate occasions asserted not by words, but by acts, and after due warning of the consequences of such acts, that she is at war with Cuba. The three occasions are the capture of the Mary Lowell, the searching of the Florida, and the capture of the Virginius, all on the high seas. Spain is entitled to stop American vessels on the high seas only in time of war.

Let President GRANT at once and without one moment's delay accept Spain's assertion, and enjoin American citizens to maintain a strict neutrality between the belligerents. This is his first, his clear and bounden duty. It cannot possibly be construed even by Spain as an unfriendly act; for in doing it he simply confirms what Spain herself asserts. It will also materially help him in enforcing satisfaction and reparation for the outrage on the Virginius.

Is there any other country or any other Administration in the world where the shame and the scandal would be tolerated of the non-issue of the Secretary for Foreign Affairs being kept in the pay of another Government whose relations to that Administration were of a most critical and delicate nature?

If such a thing were to be made known in England, or any other free country than this, the Administration would not last a single day.

If the Administration really have any doubt as to the nationality of the Virginius, or question her right either to hoist the United States flag or to enjoy the protection which used to be accorded to that flag, they had better inquire of the United States Consul at Kingston, Jamaica, who is now in this country. The Virginius was in port at Kingston when that gentleman left, and she was duly cleared by his Vice-Consul, Mr. NUÑEZ.

The Spaniards had the same right to capture the Virginius, and to shoot as pirates those who were on her, as they have to take any yacht out of the Bay of Biscay and shoot those on board on the charge of disturbing the peace of the Spanish Peninsula.—*Cincinnati Commercial.*

Exactly. Acting on this principle they seized the British yacht Deerhound, carrying arms and ammunition to the Carlists, and proposed to kill the men on board of her, just as they have now killed the men on board of the Virginius; but remembering that the British Government is in the habit of protecting its subjects and avenging any wrongs they may suffer in foreign countries, these same Spaniards changed their purpose and let the Deerhound and her crew go in peace. Had she been an American vessel they would doubtless have confiscated the yacht and butchered every soul on board.

There was a time when Gen. DIX's order, "If any man pull down the American flag shoot him on the spot," found an echo in every American heart. On June 7, 1862, an American citizen, WILLIAM B. MUMFORD, was hanged at New Orleans for hauling the American flag down that had been hoisted on the mint in that city.

Now, an American Secretary of State is found who is willing to excuse the act when committed by a Spaniard.

Splendid Glass for the President's Table.

From the Elmira Advertiser.

At the Corning Glass Works a set of glassware, destined for the Presidential Mansion, has just been completed. It consists of two dozen goblets, which are cut about half way up the bowl, the remainder of the bowl being richly engraved, and prominent among it is the United States coat of arms; four dozen champagne glasses and saucer bowls, cut and engraved as the goblets; two dozen regular champagne glasses, engraved as the others; six dozen canary-colored hock glasses; seven dozen ruby-bowl, tint-stem sauterne glasses. These colored glasses are very superior. There are also four dozen claret, six dozen sherry, and four dozen cordial glasses; two dozen finger bowls, which are cut and engraved with the coat of arms; three dozen punch glasses, with handles; four dozen ice-cream plates, cut and engraved as the glasses. The value of this glass is about $2,000. It is not a full set, but designed to make good the full set sent to the White House some time since. It is all gotten up with the best of taste, and of most exquisite pattern. The engraving is perfect. We noticed, besides the above, a large number of entirely new and beautiful samples of preserve dishes, shell and other forms; also bottles, decanters, &c., which far surpass anything we have ever seen.

FROM THE STATE CAPITAL.

Liberals Above Par—The Speakership—Federal Office holders Warned—The City Charter—Municipal Heads in Danger.

Correspondence of the Sun.

ALBANY, Nov. 13.—Some of the Democratic State officers recently elected have been here, as have also a few prominent members of the incoming Legislature. So have a pretty large number of leading politicians, more especially from the central and western counties and those in the southern tier. These gentlemen, and the Republicans particularly, talk very plainly about the results of the election in this State, the causes of the partial Republican defeat, and what is likely to turn up in the Legislature.

DEFERENCE TO THE LIBERALS.

Since it has become evident that all those Democrats on the State ticket who are elected owe their success to the Liberals, and that if Hopkins and Platt are elected their triumph is solely due to Liberal votes, the leaders on both sides stand cap in hand before the Liberals and want to know their further pleasure. This tone of feeling is very prevalent among Republicans. A distinguished Republican remarked yesterday: "We must win back the Liberals or our power is gone; and if they want anything reasonable done, it must be done; and if they want any obnoxious heads cut off, way off they must go!" "We can afford to chop off heads," continued he, "but we cannot afford to let this State go over to the Democrats." The amusing part of the thing is that the Democratic leaders talk in the same strain; though the stunning blow which the elections have given the Republicans make them the most anxious to secure the Liberals.

THE SPEAKERSHIP.

The canvass for the Speakership of the Assembly is going on vigorously. There are four prominent candidates, viz.: Prime of Queens, Husted of Westchester, Batchelor of Saratoga, and Alberger of Erie. If reports are to be credited, at least one of them is making pledges to members as to places on committees. Gen. Husted was supposed until very recently to have the inside track; but formidable opposition to him begins to crop out in influential quarters, and the tide seems to be turning here at the capital in favor of either Alberger or Prince. The anti-Custom House Republicans say they prefer anybody to Husted, and that the party cannot flourish in the State unless the Federal officeholders and the municipal bureau chiefs in New York city leave the Legislature to manage its own affairs.

HANDS OFF OR HEADS OFF.

Some prominent Republicans here say with emphasis that they desire to witness no such sort of tactics at the organization of the Legislature in January as was exhibited at the Republican State Convention in September, when there were present and running the machine at Utica the Collector of New York, the Naval Officer, the Surveyor, the United States District Attorney, the Postmaster, the Corporation Counsel, two or three back-pay and two or three forward-pay members of Congress, together with a score or more of Federal and municipal officers. These objecting Republicans assert that the ostentatious management of the Utica Convention by these officials, and the cowardly resolution they brought forward on the salary question, and the one or two decidedly bad names they placed on the State ticket, largely contributed to the defeat of the party at the polls. "If they come to Albany and try to organize the Legislature," said a prominent Republican to-day, "they will give the finishing touch to the party—*or to themselves.*" "They must keep their hands out of the Legislature," remarked another leading Republican, "or I am in favor of going for their heads."

THE CITY CHARTER.

It is well understood here that an effort will be made to overhaul your city charter during the session. It is known that a pretty large number of Republicans in the Senate and Assembly, and very likely all the Democrats in each, are in favor of making more of the heads of bureaus elective than the existing charter does. The offices particularly mentioned are those of comptroller and corporation counsel. Others named the chamberlain, the commissioner of public works, and the head of the tax commission. At all events, there seems to be a disposition to not let the winter go by without the usual overhauling and amending of the charter of New York city. On this question, as well as upon legislation generally, it must be borne in mind that the Senate is nearly, if not exactly, a tie, and that the Republican majority in the Assembly is about twelve; and therefore in matters upon which the Democrats are united it will require the aid of only one or two Republicans in the Senate and a half dozen in the Assembly to carry a bill through. As to the veto, nobody believes that Gov. DIX will apply it to any fair measure, based on sound principles, by whomsoever it was passed in the Legislature.

JOBBERY.

Greasy jobs are already shadowed forth. But honesty is the watchword at the capital at this present time, and members in the State Hall and in the State Capitol have got to affect that virtue whether they possess it or not. The margin between the two parties is so narrow that each can easily watch the other, and the people will keep their eyes on both more intently than for many a year past. Therefore it will be a hard winter for greasy jobbery.

An Alabama View.

From the Southern Argus, Selma, Ala.

THE NEW YORK DAILY SUN is one of the most wonderful manifestations of modern journalism. Unpretentious in size and modest in the proclamation of its merits, it has within a few years attained the largest daily circulation of any paper in the United States. Its prominent feature is the freshness, independence, fearlessness, and audacity of its editorials, though as a newspaper it is quite as satisfactory as the higher priced contemporaries. Its specialty is the exposure of corruption in high places, in doing which it takes shelter under no ambiguous generalities, but strikes directly at the persons it names and the crimes it specifically denounces. The municipal government of Philadelphia and the District of Columbia administration receive its particular attention, while all such public outrages as the salary-steal bill and the Credit Mobilier bribes are dealt with in its columns as in those of no other paper. Its influence in exciting the present uprising against official incompetency and corruption cannot yet be fairly estimated. It is published at $8 a year, and after reading it a single week we do not think anybody in this section will be willing to exchange it for any other New York paper.

Not Deacon Richard Smith, but his Wicked Partners—A Dull View of the Case.

From the Indianapolis Sentinel.

It is not the habit of the good deacon to calumniate and revile his neighbor. He is of a meek and lowly spirit, and is not only long suffering and long enduring—as instanced in the beautiful patience with which he bears the manifold sins of his depraved partners—but also in the consistent delicacy which compels him to keep all complaint from the eye of the public. The *Sentinel* having applied the rod of correction to the scandalous men who deceive and delude the good deacon, does not expect retraction at their hands, but when a private note shall reach here from the hands of the truly good exclaiming the conduct of his partners, it shall be laid before the people as text for the guidance of future great and good men.

Frauds in the Rochester City Treasury—The County Treasurer $50,000 Short.

ROCHESTER, Nov. 15.—It has recently come to light that an over issue of county loan bonds was made during 1868 and 1869 by the City Treasurer to the amount of $25,000. The bonds charged on the Treasurer's books as having been paid were never issued. The entries were so intricate that had not one of the regular issues been presented for payment, which was charged on the books as having been paid and a duplicate of which was in the Treasurer's office, the irregularities would never have been discovered. Harvey P. Lapham, City Treasurer from 1866 to 1869, was arrested last evening, and gave bail in the sum of $50,000 for his appearance.

It is rumored that the deficit in the office of County Treasurer, Mr. L. M. Dentler, is more than $50,000. He claims an error in his books, and says his accounts are correct. Experts are now examining the books.

A Recent Dialogue.

"Mother, everybody's poor now, ain't they?"

"Yes, my son; there is a panic."

"Well, last summer you said that every poor man had to work hard to pay our President $25,000 more a year; now, why don't they tell him he can't have it this winter because the poor men want it to buy bread for their children?"

TRIAL OF WM. M. TWEED.

A STARTLING QUESTION RAISED BY COUNSEL FOR DEFENCE.

Has the Statute under which Mr. Tweed is Indicted been Repealed? Motion to Direct an Acquittal Denied—Testimony of Deputy Comptroller Storrs and of S. C. Lynes—Where is Richard B. Connolly?

The crowds which demanded entrance into the Over and Terminer yesterday afternoon seemed as interested in the fate of the Boss as when the first warrant was served on him two years ago in his office on Broadway. But few were admitted, however, as with a large number in the court room it is difficult to have the atmosphere pure. No women were present. A trial involving only a fine or a brief term of imprisonment is not harrowing enough for female nerves. The twelve men in the jury box listened to the evidence with attention, though the faces of some indicated that they did not understand the sinuous process of getting money for work done for the county.

Mr. W. H. Peckham closed his argument, and Deputy Comptroller Richard A. Storrs was called

MOTIONS AND EXCEPTIONS.

Mr. Graham said he had a motion to make; first, that the Court compel the prosecution to elect some particular offense in this indictment under which they claimed the conviction of Mr. Tweed; and second, to compel them to elect out of the 220 counts one on which they claimed the conviction of Mr. Tweed.

Judge Davis—The same motion was overruled on the former trial.

Mr. Graham—Exception.

I now move that the prosecution state whether they claim that Mr. Tweed is liable to conviction under this indictment because the Board of Audit did not meet, and he, as a member, did not meet with them, or whether because when the Board of Audit met, he was guilty of some delinquency or defalcation of duty.

Mr. Peckham—We don't claim that he did not meet at all.

Judge Davis—He was at the first meeting.

The prosecution will be entitled to a conviction if they prove the case on both or either grounds.

Mr. Graham—I move for a direction that the indictment be quashed, or that the jury acquit Mr. Tweed on the counts or under the counts to which I call the attention of the Court. Each count of the indictment, as I understand, but the first, must allege to the claim as a certain other claim, but the third and fourth counts in each set of the indictment are charging that the claim therein mentioned was set forth in the claim, but the claim in the first count is the same as in them. I make the same motion in reference to every count in the indictment which alleges a claim presented to the Board of Audit to be fraudulent or partially false, and the liability of the Grand Jury to set forth in the indictment particulars of the alleged fraudulent claim. Which this motion was made before Judge Ingraham he felt its force, and left it evidently for the trial.

Also the same motion in reference to the counts two, three, and four, on the ground that the Board of Audit had no jurisdiction to settle them to be false. Such counts disclose felonies not admissible under an indictment for misdemeanor only. I move in reference to the second and third grounds of the indictment on the ground of their semi-colon uses.

Judge Davis overruled the motions, and John Graham smiled in his polite way for the benefit of exceptions.

A SWIFT TRIAL.

Judge Davis added: I am extremely desirous, and it is due to the jury that this case should progress as rapidly as possible, and where questions arise that have been passed upon by the Court at a former trial, I hope that counsel will not urge them.

Mr. Graham—These points were not taken before.

Judge Davis—I find no fault with counsel for presenting these points. I would add that I am only allowed two hours to sum up on each side, and it is two as at the former trial.

Mr. Richard A. Storrs, the Deputy Comptroller, testified that A. Oakey Hall was Mayor; R. B. Connolly, Comptroller; and Wm. M. Tweed, President of the Board of Supervisors in 1869.

Mr. Peckham produced the law of 1869 providing for a Board of Audit.

Mr. Graham said that his learned associate, Mr. Bartlett, had drawn up all the points raised by Mr. Field against the admission of the law of 1870. Under the Constitution this law should have been passed by a two-thirds vote, and it did not appear on the face of the session laws that it was passed by a two thirds vote, i.e. presumption is that it was not.

Judge Davis did not think it necessary to argue the point, as it was not stated to have had a quorum. He had overruled the point raised.

Mr. Willard Bartlett suggested that the point of Mr. Field's argument was that the trial must stop on the ground that the law was invalid, and that Mr. Tweed was neither a de facto nor de jure officer under it. The Court, therefore, should quash the indictment or direct the jury to acquit Mr. Tweed. Overruled.

Mr. Storrs was again proceeding to testify, when Mr. Graham objected to the witness on the ground that it was not shown that Mr. Tweed ever filed an oath of office, or filed a bond.

THE LAW'S PRESUMPTION.

Judge Davis thought the law presumed that the oath was taken and the bond filed.

Mr. Graham said the point was that Mr. Tweed did not take an oath as member of the Board of Audit.

Into the prosecution admitted, the defence admitting that Mr. Tweed took the oath as Supervisor.

Other motions were made, objections offered, and exceptions taken in the proceedings.

Mr. Storrs described the case of the vouchers in the Comptroller's office, and their disappearance in September, 1871.

Mr. Graham said that there was no proof that the vouchers were stolen. They might have been taken out by Connolly, who was first official custodian, and who had never been on the witness stand to testify concerning them. It was

MR. TWEED'S INTEREST

to keep these papers in being. They would have told a tale in his favor which none of these papers can possibly tell. One of the original papers in court was without his name appearing that frauds were perpetrated without his signature or approval. And yet he is in this long and smoke suspected of being instrumental in removing the vouchers.

Mr. Stephen C. Lynes, who had immediate charge of the vouchers under Connolly, testified that he could not find them on Monday, Sept. 11, 1871. Mr. Lynes was cross-examined at length by Mr. Fullerton, and described the circumstances surrounding the loss of the vouchers.

The Court ruled that there was ample evidence of the loss of these papers, and that parol evidence of their contents was admissible.

Mr. Storrs, recalled, testified that the missing vouchers were similar to those produced, but in favor of Drake, Miller & Co. and others. Mr. Tweed's name was, he thought, on the certificate of audit. He had examined the vouchers at Mayor Hall's request to see whether his name was on the certificate. The witness proceeded

GARVEY'S SIGNATURE

to sixteen checks, all but two endorsed by Garvey, and those two endorsed one by Ingersoll & Co. and the other by a man named King. A large bundle of warrants was offered to him, which were examined, and pronounced Garvey's signature on them to be genuine. The witness added, in reply to Mr. Peckham, that he had not seen Mr. Connolly lately.

Q.—Is he absconded?

Mr. Graham—Why don't you tell the jury that you filed a lot of indictments against him, and he ran away?

Mr. Peckham (to the jury)—Yes, we filed a lot of indictments against him, and he ran away.

Mr. Graham—Why don't you tell the jury that you filed a lot of indictments against Woodward, and he ran away?

Mr. Peckham (to the jury)—We filed a lot of indictments against Woodward, and he ran away.

Mr. Graham—That is the way we lose our witnesses.

Mr. Peckham—And we filed a lot of indictments against your client, and he didn't run away.

COUNTY AUDITOR WATSON'S DUTY.

Mr. Storrs was cross-examined at length by Mr. Graham. He testified that the stamp of County Auditor Watson was on the vouchers, and it was Watson's duty to examine the papers before stamping them. Watson was a good accountant. The book of audit was written up mostly by Copeland and Lynes. The warrants were made out by Mr. Lynes, who remained connected with the office until October, 1871. The County Auditor's stamp was put on the vouchers before they went to Messrs. Tweed, Hall, and Connolly for their signatures, so that when the vouchers came to them it had the County Auditor's certificate that it was correct. The first item of the county flabbily account of 1870 was to Canning S. Bedford.

Mr. Graham—Yes, the city Judge. The first man benefited by this was the man who tried to shut up Mr. Tweed without bail.

Mr. Lynes was recalled, and described the routine of the vouchers. The entries in the audit book were all made by the witness or Mr. Watson. He did not know what the Auditor did with the vouchers when he received them. Mr. Watson was quite often absent, sometimes to make inquiries as to the correctness of bills. Could not tell as to what particular bills he made such inquiries. Saw much of Mr. Watson having his time delayed by applicants, telling witness that he had not satisfied himself as to the correctness of the bills. At one time it was the practice to have the bills against the county sworn to. It was observed up to 1869, and abandoned to great extent then. Bills used to come in with affidavits all of one, but more without. Think it was always the practice of the County Auditor to put on his stamp before it will went to the Board of Audit.

MUST THE CASE FAIL?

Mr. W. O. Bartlett, said: I wish in fairness to the Court to state that at such time as shall be proper I desire to present a point which I think is fatal to the whole case. That point is that the statute under which this indictment is framed has been entirely repealed. There is no ground on which either of its two legs—that is to say, either of the two sets of counts—can stand.

Judge Davis—I have no doubt of your good faith, and this discussion should take place at an early day, for if counsel can convince me that the third point is any event fatal, it is not desirable to detain the jury.

THE BEECHER SCANDAL.

A Congregational Controversy Growing out of the Business Meeting on Mr. Tilton's Case—Another Meeting to be Held.

From the Brooklyn Union, Nov. 14.

On the last evening in October, it will be remembered, Plymouth Church held a business meeting after the regular weekly prayer meeting, when the committee appointed to make investigation into the Bowen-Beecher-Tilton scandal presented their report, recommending the dropping of Mr. Tilton's name from the rolls. The result of that meeting is well known. Mr. Tilton's name was dropped, and at the suggestion of Mr. Beecher, the subject also was dropped for that evening at least. But Mr. Beecher's speech was a remarkable one, and some of his statements were held to be so at variance with the opinions of the orthodox, that no inconsiderable trouble has resulted therefrom.

To rightly understand how his remarks surprised some of his persuasion who adhere to church rules, it is only necessary to compare the one with the other.

Mr. Beecher said:

The Congregational Church is the most unorganized of all churches in the world, so far as ecclesiastical machinery is concerned.

His church, he held, is not a close organization and has never been, but the door of entrance is as large as humanity. The door of exit from the church, it may be assumed, is as large.

In reference to the dismissal of Mr. Tilton Mr Beecher said to the church officers interested in the matter:

You have only to take up this matter, stop the proper business of the church, and you will reach a point where you can do nothing. You will end just where you began, and I hold it not to be wise, not to be aimed for, and certainly not to be, according to my judgment, a matter of the church.

WHAT THE CHURCH DISCIPLINE IS.

Section 6 of Article I. says:

No member shall be deprived of church privileges except by regular process. Any member having cause of complaint against another should immediately seek to have it removed in a Christian manner, according to the directions of the Saviour in the eighth chapter of Matthew.

Article II. is more to the case in point. It reads as follows:

At each annual meeting of the church the committee shall report the names of such members as have absented themselves from the church and communion of the church during a period of not less than one year, and for whose absence no good reason shall appear; and after a second reading of such names at a following annual meeting all such persons shall be considered as no longer members of the church in good and regular standing, and the fellowship of the church shall be withdrawn from them.

Section 3 prescribes inflicted on offenders are: Private rebuke, public admonition, suspension, or excommunication, according to the aggravation of the offence; and in cases of suspension or excommunication notice thereof shall be given from the pulpit at the communion season.

Mr. Beecher's statement of the church discipline and the Congregational manual are held by members of that denomination to be widely different, and to contain no authority for the majority for some of his assertions, and to learn wherein he gets the right to define Congregationalism as he did, and to see wherein the church falls short in this important particular of church discipline, it has been decreed here, by the

CLINTON AVENUE CONGREGATIONAL CHURCH

and one or two others, to appoint committees to wait upon Plymouth Church and confer on the subject discussed in the discourse explained. These proceedings have been conducted with the utmost privacy, but there is no question but that all the Congregational churches in the city are moving in the matter, and are determined to have the power and importance of Congregational church discipline made clear to the stronghold which they say rests upon it.

A committee of eight members from the Clinton Avenue Church (Rev. Wm. I. Buddington) has been chosen by the officers of the church to act in concert with Dr. Storrs's and Dr. Scudder's churches, and like committees from these churches have likewise been selected.

The names of those appointed from the Clinton Avenue Church are A. S. Barnes, H. B. Stollmann, James Elwell, A. T. Libby, F. R. Candler, Mr. Walworth, Mr. Thomas Thorp, and the pastor.

As yet no time has been appointed by Plymouth Church for the meeting, but it is believed that at the next regular business meeting of the church the day will be named.

It Breaks Out in a New Place.

New York Correspondence of the Boston Advertiser.

In an unexpected quarter the Tilton scandal comes up. The sermon delivered in the capacious Plymouth Church gave great offence to Congregationalists. These have been taunted by Presbyterians and others with having no government. Quite a general demand has been made that the case should be tried according to "Congregational usage." If Tilton has been wrongfully accused, justify him. If guilty, expel him.

In Brooklyn, where Congregationalism is very strong, action has already been commenced. A private circular was sent out from the pen of one of the pastors, which was read at a public conference. Prominent among the actors is the Rev. R. S. Storrs. On Friday night a meeting of the Clinton Avenue Church was held to take action on this matter. A committee of seven were appointed, to be joined by a committee of seven from Dr. Storrs's church. These fourteen men have been empowered by their churches to address a letter to Plymouth Church complaining of its action in the Tilton matter, demanding that Plymouth Church shall deal with Tilton just as they would with any other sinner.

This letter addressed to Mr. Beecher's church is the first step of discipline required by the gospel. If Plymouth Church shall "hear the brethren," all well is smooth and well. If not, then other steps will be taken. A council of churches will be called, and if it shall see the matter will be pushed to the extremity, even to the cutting off of Plymouth Church from the denomination for unruly walking.

Now it is very easy to see what all this will come to without once being in danger of the sin of a prophet. Mr. Beecher's still, small, blandest and most laughable strategic tell Boston, Storrs, and their conferences, to mind their own business. Plymouth Church will respond by saying to these churches "We have managed our own business for the last twenty-five years, and are able to do so for the next quarter of a century. Discipline your own members and keep them straight, and that is about as much as you can attend to." The idea of cutting Mr. Beecher off from Congregationalism is simply laughable.

The Plymouth Prayer Meeting.

Mr. Beecher was not at the Plymouth Church prayer meeting last evening. In his stead Mr. McKay conducted the services.

THE METHODIST MISSIONS.

A Live Tilt in the General Missionary Committee Meeting.

The General Missionary Committee resumed its conference yesterday, Bishop Wiley presiding. The Alabama Conference was granted $10,000. A motion to reduce the Baltimore appropriation from $8,000 to $7,000, was lost. A direct appropriation of $10,000 was made for the Canton Mission. Thirteen thousand five hundred was appropriated for current expenses, and $14,000 for the purchase of the property, making altogether an appropriation of $[illegible] for the Mexican Mission.

Dr. Dashiel moved a further appropriation of $10,000, contingent, for Mexico.

The Rev. Otis Gibson thought they were again going too fast. At the rate of increase over last year it might be expected that with the enlarging of the Mexican brethren they would be a year demand $[illegible].

Dr. Nelson thought that if Dr. Butler, the Mexican super