TRYING TO SAVE BUCHOLZ.

Testimony Regarding an Axe that May Greatly Benefit the Accused.

There was a more hopeful look in William Bucholz's face yesterday as he took his seat behind the prisoners' rail in the Bridgeport court room. His knowledge of the English language is not great, but he understood that the testimony of Samuel Waring, the first witness called for the defence, was favorable to his case. His counsel claims that if, as the witness alleges, he put the blade of the axe into the fire, and allowed it to remain there until the stump of the handle was burned out, it would be impossible for the experts to discover any corpuscles of human blood upon it afterward. The State's Attorney brands the whole statement as a falsehood.

Julius V. Ellendorf, who at the time of the murder was giving Bucholz lessons in the English language, testified that on the day of the murder he taught him as usual, and did not notice that there was anything indicative of excitement or disturbance in his appearance. He was attentive and studious, as he always was. Others who saw Bucholz on the night of the murder testified similarly.

The State recalled Samuel Waring, and cross-examined him very closely as to his treatment of the axe. In the main he adhered to the story he told on Thursday. The axe was taken away from his mother's house soon after the murder, and was returned, so far as the witness could remember, late in January, though it might have been early in February, or even in March. The handle was split when it was taken away, and on its being returned he broke off the handle as near the blade as possible, and sawed it off close down. He then put it in the fire, and allowed it to remain there a long time. When he took it out the charred stump fell from the hole. Then he went, with his sister Saidee, to a neighbor's house, where he ground the axe thoroughly, his sister turning the grindstone.

Gustav Pitzer, a South Norwalk barber, testified that his shop adjoined Paul Hirscher's saloon, and opened into it by two passages. On the afternoon of the day of the murder Bucholz went to his shop, saying he was waiting for Mr. Schulte, whom he expected by the train. When the old man did not come Pitzer invited Bucholz up stairs, and for half an hour the prisoner played with the barber's little girl, taking the child on his knee and amusing her. Then Bucholz went away, and soon afterward Schulte entered the liquor saloon, and called for some beer. While he was drinking it Bucholz came back, and was invited by Schulte to take some beer. The barber could see that they had two bottles between them. Schulte had two packages with him. One of them looked like a carpet bag, and the other was a package somewhat smaller. After a short time Schulte and Bucholz went out, and the witness did not see either of them again until he was told that Schulte was lying dead in the woods. The witness on the same night saw Bucholz sitting in the kitchen at the Waring House, resting his head upon his hand, and apparently crying. The witness asked him how the catastrophe occurred, and Bucholz said that as they were walking home, he some yards in advance, he heard Schulte cry out "Bucholz, Bucholz." He turned around and saw two men between him and his employer. He ran back to render assistance, but one of the men advanced and struck him on the face. He then ran away, and the man chased him for a short distance. He was unable to catch Bucholz, however, and stopping he called out: "Never mind, I'll catch you yet, greenhorn."

The defence, so far, had examined witnesses to show that Schulte and Bucholz occupied so much time in Hirscher's saloon that it would have been impossible for Bucholz to have traversed the distance between the saloon and Mrs. Waring's house, committing the murder, and hiding the money in the barn on the way, in the time ascribed. They now called George B. Talmadge of South Norwalk, who was in Hirscher's saloon when Bucholz and Schulte entered. He said they remained in the saloon about ten minutes.

I. Mortimer Bailey testified as to the finding of the axe in Mrs. Waring's barn. It looked as though it had been used to cut off chickens' heads, being stained with blood, and having fowl feathers attached. The witness understood that Schulte always carried a large amount of money about his person, and this fact was very generally known. When he paid for the house in which Mrs. Waring lived, he took $5,000 from a bundle of bills in his belt and handed it over to the person from whom he made the purchase. Common rumor said that he was in the habit of carrying all the money he possessed in his pockets or concealed in belts. Lewis J. Blake corroborated the testimony of the preceding witness as to the finding the axe, and its condition. He added that it was very dull. Dr. William C. Burke of South Norwalk also examined the blade of the axe immediately after the murder. He used a powerful magnifying glass, and looked for hairs. He found none, and he was assured that there were none there. There were dried blood and feathers, but nothing more.

Mrs. Waring was recalled by the defence, at her own request, to make certain corrections in her former testimony. She had originally been a witness for the prosecution, and, in view of that circumstance, the State's Attorney said it was a little remarkable that she should go to the prisoner's counsel with her explanation. He objected to her giving any testimony on the subject of the axe, and Gen. Smith, the prisoner's counsel, said the State's Attorney should not attempt, in a capital case, to impeach his own witness. The State's Attorney was about to reply, but Chief Justice Park said the Court did not care to hear any more recriminations between counsel. After some further very warm words between the lawyers, Mrs. Waring went on to corroborate her son's testimony with regard to burning the stump out of the blade of the axe. She saw him put it into the fire, leave it there some time, and take it out. When she next saw it there was a new handle in it, and her son and daughter were going out to sharpen it. Miss Saidee Waring also testified that her brother had put the axe in the fire, after sawing the handle off, to burn out the stump. The witness then went with her brother to a neighbor's house, and she turned the grindstone while "Sammy" ground the axe. He ground it for twenty minutes, and until two or three deep dents in it had been almost ground out.

Henry Frederick Shibley, a young man who had been absent from his native city for a period of eight months, and had just come from the Bridgeport jail, where he had been a prisoner, was the next witness. His testimony was a direct denial of the statement made in court by the prisoner Hineman, that there had been no conversation between him and the witness about Bucholz's case. Hineman, the witness said, had told him that he would testify against Bucholz, as it would help his case, and it would not hurt Bucholz, for "he would have to swing anyway."

Hineman, being put on the stand, said that he had played a good joke upon Shibley, and that was the cause of the latter's animosity against him.

The testimony of Shibley and Hineman caused some laughter, and the State's Attorney said: "Persons who would laugh when a man is on trial for murder would laugh over their mother's grave."

The trial was adjourned until Monday.

POLICE CAPTAIN SIEBERT.

The Supreme Court Decides that his Dismissal was Illegal.

In October, 1877, Mark Haggerty, a roundsman upon the police force, was dismissed by the Police Commissioners upon the charge of having neglected to deliver to Police Captain Siebert an anonymous letter making certain charges against himself. In the following November the Police Board dismissed Capt. Siebert for having sworn falsely upon Haggerty's trial that he had never seen that letter before, and that it had never been shown to him, when, in fact, Haggerty had delivered it to him, and he had read and commented upon it. Both cases were taken before the General Term of the Supreme Court upon writs of certiorari, and that tribunal yesterday sustained Haggerty's dismissal and reinstated Siebert.

The idea, says the Court in the Siebert case, that the Board of Police may try and convict persons charged with perjury, arson, or other legal offence, is simply preposterous. The conclusion is that the Board may, under section 55, remove their subordinates, upon conviction, for two classes of offences—the former, offences against the laws of the land; and the other, offences against the rules of discipline. For the former class, conviction must first be had in the courts of justice, and in the latter, in the court of the Board of Police. The relator was convicted and punished for an offence belonging to the former class, and in a court only competent to convict for offences of the latter class. Judge Ingalls writes a dissenting opinion in the Siebert case.

Mayor Cooper to John Kelly.

Mayor Cooper yesterday signed the warrants for the Aldermen's salaries for November and December, 1879. The Mayor sent the warrants to the Finance Department, with a letter reviewing the history of the troubles. The letter concludes:

"In view of the decision of the Counsel to the Corporation now advises me that I will be justified in countersigning the warrants as drawn for the Aldermanic salaries, including that of Mr. Hall. I return herewith the warrants with my signature. The responsibility is none of having assented to the adjournment of the Board in the Corporation. The Board, by its own action, has placed the salaries of an Alderman where it was not entitled. The responsibility is yours of having withheld, on that account, the salaries of twenty-one Aldermen who were entitled, and who were unquestionably entitled to payment, and of disclosing the obligation to which some of them have sought to enforce their rights."

The Champion Medal Life-Saving District.

Mr. John Delaney has received a medal for saving a life, and Mr. Patrick Farley has saved five lives and is about to receive a gold medal. These men reside in the district represented by the Hon. S. S. Cox.

Saratoga's Oldest Resident.

The venerable Stephen Thatcher of Saratoga Springs, N. Y., died last Tuesday, at the age of 95 years. He was the oldest resident of that place. He was married in 1806, and his wife died 1840.

VIRGINIA'S STATE DEBT.

Plain Talk by Gov. Holliday in his Veto of the Riddleberger Bill.

RICHMOND, Va., March 5.—Gov. Holliday to-day returned to the General Assembly the bill passed on Monday known as the Riddleberger bill. In his veto message he says that the title of the "act to reëstablish the public credit" is a misnomer, its object being to repudiate a large part of the State debt. He holds that the pretexts set forth in the preamble of the act are empty. The people, he says, by repeated acts of the Assembly, and by the Constitution adopted in 1869, have acknowledged as due the entire principal, more than thirteen millions of which is now attempted to be repudiated by this bill.

The Governor says: "Asserting that the existing rate of taxation is the highest that can be borne, and making no promise even to keep it up to that point for the benefit of the creditors: asserting, further, that . . . Government expenses must be paid and the public school system must be supported, and fixing no promised certain limits to the cost of either, it proposes to give to the creditors their right to be paid their interest out of any money in the treasury not otherwise appropriated. And this is the interest on a debt contracted by your fathers—men who made Virginia so great, so respected, so powerful—the proceeds spent in our midst, making our commonwealth what she is in material development, and for the payment of which they pledged the faith of the State to provide sufficient funds, and for this purpose to levy sufficient taxes. I simply put these declarations side by side without argument or comment.

"Another provision of the bill is that collectors of taxes shall receive only gold, silver, United States Treasury notes, national bank currency, and temporary loan certificates therein provided for, excluding tax-receivable coupons, for the receipt of which the promise of the State has been given, and which the highest courts have decided frequently and in unequivocal terms cannot be avoided without a breach of organic law, to say nothing of the faith of the commonwealth. This the bill impliedly admits; for, not satisfied with vacating these obligations in terms, it attempts by legal ingenuity to escape the bond by denying the remedies given by its own Constitution and laws, affirmed by the highest courts. Admitting the obligation and that it can and will be enforced, the bill by legal machinery attempts to defeat it by limitation of the remedy. The State is made to play the part of an individual in the getting of the money and the putting itself under legal forms to secure its repayment, and then, assuming the rôles of sovereignty, trying to avoid its responsibility by denial of relief, or its limitation to such an extent as to make it defeat its own professed object. To accomplish this end it goes further, and to compel the creditors to yield their evidences of the State's indebtedness, offers a bonus by throwing upon the market vast amounts of what are called 'loan certificates,' which it proposes to sell to the taxpayers at fifty cents on the dollar, thus destroying one-half the revenues, that the interest of the creditors may be wrecked.

"This is a fearful lesson for a republic to teach its citizens—how to break, not to keep, faith—and it must return one day in some form with disastrous import. Could these things be done, and be pronounced in accordance with the State and Federal Constitutions, both of which declare that no law shall be passed impairing the obligation of contracts, would it accomplish the end at which the bill professes to aim? It 'eliminates' a less its own definition—more than $13,000,000 of hitherto acknowledged principal of debt by one stroke of the pen. It 'eliminates' one-half of the promised interest upon the residue; indeed, it proposes to pay no certain amount of interest, but only such sum as may be in the Treasury after future General Assemblies have disposed of what may seem to them proper. It then 'eliminates' nearly all that may be left by subjecting it to State, city, and county taxation, and thus holders of the State's obligations, abroad and at home, are treated worse than civilized nations in these latter days treat a public enemy."

In conclusion the Governor says: "I may say, as we have ever done, that the State of Virginia does not mean to repudiate; but these declarations will not avail. The charges will be brought and fixed, Virginia's history will be stained with a deadly virus, which no efforts of ours or of those who will come after us can erase, and for which no future repentance can ever atone. With these views and convictions I cannot put my signature upon the paper to this bill. I respectfully return it to your honorable body, in which it originated, because I believe it to be in violation of the Constitution of the State, in violation of the Constitution of the United States, in violation of the spirit which has ever moved and inspired the traditions of the common wealth, and made her name so dear to her own citizens and so honored among men."

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"This is a fearful lesson for a republic to teach its citizens—how to break, not to keep, faith—and it must return one day in some form with disastrous import. Could these things be done, and be pronounced in accordance with the State and Federal Constitutions, both of which declare that no law shall be passed impairing the obligation of contracts, would it accomplish the end at which the bill professes to aim? It 'eliminates' less its own definition—more than $13,000,000 of hitherto acknowledged principal of debt by one stroke of the pen. It 'eliminates' one-half of the promised interest upon the residue; indeed, it proposes to pay no certain amount of interest, but only such sum as may be in the Treasury after future General Assemblies have disposed of what may seem to them proper. It then 'eliminates' nearly all that may be left by subjecting it to State, city, and county taxation, and thus holders of the State's obligations, abroad and at home, are treated worse than civilized nations in these latter days treat a public enemy."

In conclusion the Governor says: "I may say, as we have ever done, that the State of Virginia does not mean to repudiate; but these declarations will not avail. The charges will be brought and fixed, Virginia's history will be stained with a deadly virus, which no efforts of ours or of those who will come after us can erase, and for which no future repentance can ever atone. With these views and convictions I cannot put my signature upon the paper to this bill. I respectfully return it to your honorable body, in which it originated, because I believe it to be in violation of the Constitution of the State, in violation of the Constitution of the United States, in violation of the spirit which has ever moved and inspired the traditions of the common wealth, and made her name so dear to her own citizens and so honored among men."

LOGAN'S CHARGE ON PORTER.

Accusing Him of Disloyal Conduct in the Face of the Enemy.

WASHINGTON, March 5.—In the Senate today Mr. Logan (Rep., Ill.) continued his remarks in opposition to the bill for the relief of Fitz John Porter. He said that he proposed to confine himself to two propositions, viz., as to whether there was or was not a battle on Aug. 29, 1862, at or near Groveton, and as to whether there was any force in front of Porter during that day. He would try to show that instead of 25,000 men there were only two pieces of artillery and a small force of cavalry in front of Porter. The number of killed and wounded in the engagement of the 29th was from six thousand to eight thousand. These numbers certainly indicated a battle, though the Senator from New Jersey (Mr. Randolph) tried to show that no battle was fought. Mr. Logan read from the evidence to support his assertion of yesterday regarding Porter's disinclination to fight on the 29th.

Mr. Logan proposed to confine himself to the statements of Porter's friends or of Confederates, so that no prejudice could be suspected in the witnesses. He pointed out on the maps the relative positions of the various forces on the field, and said it was evident that there was no obstruction in front of Porter to prevent his pushing forward to strike Jackson's right before Longstreet could come up as Pope intended that should be done. If Porter had obeyed Pope's orders Jackson would have been crushed. Mr. Logan praised Pope's plan in this instance, and eulogized Pope as one of the ablest officers in the army. The Confederate General Stuart reported to show that the Confederates were deceived by Pope's strategy into concentrating their forces to the left of Jackson's command, thus leaving Jackson open to Porter's attack, and it was only Porter's refusal to obey Pope that caused the strategem to fail.

Mr. Logan hoped that he had made a fair statement of the evidence. He thought it proved that to Porter's disloyalty to his commanding officer—not, perhaps, to his Government, but that was just as bad—was due the disasters of the 29th, which led to the defeat of the 30th, in which we lost 20,000 men and 40 large guns.

Mr. Logan defended Douglas Pope from the charge of admitting that he swore falsely before the court in regard to the delivery of the 4:30 order, and severely criticised the Senator from New Jersey (Mr. Randolph) for making that charge against a dead man. He thought that if Abraham Lincoln had ever repented his approval of Porter's sentence, as intimated by Mr. Randolph, he was man enough to say so.

Mr. Logan quoted the testimony of William Blair Lord, before the Board of Review, who swore that, when he was stenographer for the court martial, Porter remarked to him in conversation: "Well, I was not loyal to Pope; there is no denying that." This was what Porter was being tried for, and he thus admitted his own guilt. On Sept. 1, three days after this battle of the 29th, McClellan wrote Porter, recommending him, "for my sake, and the country's sake," to be faithful to Pope. Even McClellan, whom Porter worshipped, had become dissatisfied with his conduct toward Pope.

Mr. Logan said, to the gentlemen on the other side of the Senate, that it was a matter of bad taste for any one to ask them, who fought us openly and bravely, to restore the men whom we had kicked out of our own army during the war for misconduct. The man who stood in active opposition to the enemy's guns and saw his comrades whipped, was unworthy the name of soldier. There was no need to wait for orders. Grouchy's failure to support Bonaparte at Waterloo lost the latter his empire. Porter's failure to support Pope postponed the success of the Union army, and entailed great misfortunes on the nation.

In conclusion, Mr. Logan protested against the passage of this bill as condoning a great crime and being a dangerous precedent, doing injustice by postponing the promotion of the worthy for that of the unworthy, and devoting the public money to purposes unauthorized by law.

Mr. Carpenter (Rep., Wis.) obtained the floor, and the Senate adjourned until to-morrow.

A Great Tide of Immigration Predicted.

A despatch from London yesterday says that since spring set in multitudes of people from the farming districts of England and Ireland have been flocking into Queenstown to take passage for America. The London Times predicts that after Easter there will be an unusual rush of emigrants to our shores. Mr. Jackson, Superintendent of Castle Garden, said yesterday that the people who landed at that place during February, 1879, said he, "only 2,700 emigrants were received here. In February, 1880, the number was 6,000. This is the largest number of emigrants for the month of February since 1873. The famine in Ireland and the revival of trade in the United States are the causes of this increase in emigration, and there will be a great falling off in the number of emigrants, but little abatement until the condition of affairs in Ireland changes for the better."

Regulating the Duty on Sugar.

WASHINGTON, March 5.—Mr. Carlisle (Dem., Ky.) introduced a bill in the House, to-day, to regulate the duty on sugars. It provides that tank bottoms, syrups of sugar-cane juice, melado, concentrated melado, concentrated molasses, and all sugars not above No. 13 Dutch standard in color shall pay a duty of 2 40-100 cents per pound; above No. 13 and not above No. 16 Dutch standard in color, a duty of 2 75-100 cents per pound; all above No. 16 Dutch standard in color, a duty of 4 cents per pound; provided that nothing herein contained shall be construed to alter or repeal the act approved Aug. 15, 1876, to carry into effect a conference between the United States and the King of the Hawaiian Island.

The Tax of Distilled Spirits.

WASHINGTON, March 5.—Mr. Butterworth (Rep., Ohio) offered a preamble and resolution in the House to-day, declaring that the agitation by Congress of the question of reducing the internal revenue tax imposed by law on distilled spirits is not demanded by any present public emergency, and that, in view of the great injury which would necessarily result therefrom to a large number of our citizens who are engaged in manufacturing and dealing in said articles, it is inexpedient. The resolution was referred to the Committee on Ways and Means, notwithstanding the effort made by Mr. Mills (Dem., Texas) to have it referred to the Committee on Agriculture, on the ground that he wanted it to go to a committee which would bring it back.

The Wall Street Memorial to Washington.

WASHINGTON, March 5.—In the House, today, Mr. Chittenden of Brooklyn introduced a bill granting permission to the New York Chamber of Commerce to erect, without cost to the Government, a suitable statue or group commemorative of the inauguration of George Washington as first President of the United States, on the front of the Sub-Treasury in New York city.

Suicide at Twelve Years.

CANASTOTA, March 5.—Eugene Hooper, an orphan, twelve years old, who has lived with the widow Williams, hung himself in her barn. In one of his mittens was a note stating his suicidal purpose.

Wanted—Females.

A.—UP-TOWN ADVERTISERS May leave their favors for THE SUN at the only authorized up-town advertisement offices,
1,238 Broadway, corner of 31st st., till 9 P. M., and
308 West 23d st., corner of 8th av., till 8 P. M.
760 3d av., corner of 47th st., till 8 P. M.
92 East 14th st., corner Union square, till 8 P. M.
No extra charge.

A.—WHEELER & WILSON operators wanted on shirts, drawers, and scarfs; best prices paid; no work given out. FISK, CLARK & FLAGG, 686 B'dway.

ARTIFICIAL FLOWERS.—Good rosemakers wanted; good wages and nightwork. MARX HELD & CO., 553 Broadway.

ARTIFICIAL FLOWERS.—Wanted, rose, bud, and piquet makers; small hands; paste-s beaders. KEIM BROS., 99 Prince st.

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