The Sun

THURSDAY, OCTOBER 27, 1881.

Amusements To-day.

Abbey's Park Theatre—Le Voyage en Suisse.
American Institute—Industrial Exhibition.
Booth's Theatre—Richard III.
Lyceum Opera House—The Mascotte.
Bunnell's Museum—Afternoon and Night.
Daly's Theatre—Boys' Youth.
Grand Opera House—Fritz, Our American Cousin.
Haverly's Niblo's Garden—Michael Strogoff.
Haverly's 14th St. Theatre—The Strangers.
Haverly's 5th Av. Theatre—Old Heads and Young Hearts.
Madison Square Theatre—The Professor.
Metropolitan Concert—Olivette.
New Theatre Comique—The Major.
New Francisco Minstrels—Broadway and 29th st.
Standard Theatre—Patience.
Theatre Comique—Arria and Messalina.
Tony Pastor's Theatre—Variety.
The Equine Paradox—34th st. and Broadway.
Union Square Theatre—Black Hand.
Windsor Theatre—My Partner.

Diplomacy at Yorktown.

The French and the Germans at the recent celebration at Yorktown fraternized very ceremoniously, and seemed to bear in mind, amid all the pleasant surroundings, that time had not obliterated certain historical events, the memory of which, on one side, was far from being agreeable. As representatives of a Government, the French thought themselves entitled to a more positive recognition than the Germans, who only represented a family.

This distinction was undoubtedly true, and the Secretary of State could not forget it. But Mr. BLAINE, who knows the exact difference between the German and the French vote in the United States, took very good care that the flag of the former should not be neglected, and that the welcome of the STRUENSES should be fully up to their highest expectation. He has sent his son to escort them through the West, and wherever they go among the German people the name of BLAINE will be there, to inform them that it must be remembered in the future. Mr. BLAINE has called on his diplomatic skill more in the last month than in his whole previous tenure of the office of Secretary of State. But he has dealt more with domestic affairs than with our relations with other nations. His diplomacy has chiefly been directed toward building a road to the Presidential nomination in 1884.

The Proper Place for Guiteau's Trial.

The people of the United States are a good deal interested in the question whether GUITEAU is to be tried in the place where the legal right to try him is clearest. It is now settled apparently that his trial is to take place in Washington. There is reason to believe, however, that the jurisdiction of the courts of the District of Columbia to try him for the murder of the late President is more doubtful than would be the jurisdiction of the courts of New Jersey.

All the difficulty in the case arises out of the fact that the fatal shot was fired and the mortal wound inflicted in territory under the exclusive jurisdiction of the Federal Government, while death occurred outside that territory in one of the States.

It is often said to be a rule of the common law that where a felonious blow is given in one territorial sovereignty, resulting in death beyond its limits, the offence is not punishable as murder in the place where the blow was struck.

Many commentators and courts have doubted the existence of such a rule, but on the other hand, its existence has been as often assumed, not only in the opinions of Judges, but in the enactment of many statutes, English and American, designed to change it.

The rule has been explicitly recognized as applicable to the District of Columbia, and in force there. In a reported case, the prisoner was declared entitled to an acquittal because his victim, wounded in the District, had gone into the State of Maryland to die.

Has the law thus laid down been altered by subsequent legislation relating to the District of Columbia?

Reference has been made in several newspapers to a section said to be contained in a Revised Code of the District of Columbia, in the following words:

"If a person be stricken or poisoned in this District, and by reason thereof die within or out the same, the offender shall be as guilty, and be prosecuted and punished in the same manner, as if the death had occurred in this District."

If such a statute is now in force in the District of Columbia, the right to try and punish GUITEAU there for the murder of the President would seem to be unquestionable.

An examination of the authorities, however, indicates that although a provision in the foregoing words was recommended for adoption as part of a Revised Code reported in 1857 by ROBERT OGDEN and WILLIAM B. B. CROSS, Commissioners appointed under an act of Congress passed two years earlier, the Code did not eventually become a permanent law of the District.

It is true that Congress, afterward, in a joint resolution adopted in 1861, said this Revised Code was believed to have been a comprehensive, complete, and accurate compilation of the laws of the District at the period of its execution, and directed that measures be taken to have it further revised and amended and adopted to the condition of the laws at that time; but no such section as that above quoted from it appears in the Revised Statutes relating to the District of Columbia now in force, which were adopted with the Revised Statutes of the United States at the session of 1873-4.

Is there any other legislation which will sustain the prosecution of GUITEAU for murder in the District of Columbia?

The indictment shows that reliance is placed upon the following section of the Revised Statutes of the United States:

"SEC. 731. Where any offence against the United States is begun in one judicial district and completed in another, it shall be deemed to have been committed in any district in which it was begun, continued, or completed, and may be tried and punished in any district in which it shall be prosecuted, in the same manner as if it had been actually and wholly committed therein."

As has been well suggested by a correspondent of the Boston *Daily Advertiser*, the crimes referred to in this section are only such as would be offences against the United States (i.e., the Federal Government) in both the district of inception and the district of completion. But murder at Long Branch, in New Jersey, would not be an offence against the United States.

Another consideration may be urged against the application of this section to GUITEAU's case. The terms "district" and "district" employed therein all may refer to the general judicial system of the United States, and not to the territorial jurisdiction of the District of Columbia, including a peculiar municipal jurisdiction and [illegible] in the District. The law of 1871 [illegible] of the Circuit Courts within Boston, Washington, and Alexandria, gives [illegible] jurisdiction of courts in Utah, and Judge BEASTED was assigned to reorganize the courts of the District of Columbia in 1875. The circuits and districts to which section 731 of the Revised Statutes refers are those and those only to which belong the courts of the United States in the strict sense thus indicated.

Plainly enough, then, there is grave doubt as to whether Washington is the proper place for GUITEAU's trial. But would New Jersey be any better?

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No one has undertaken to criticise the action of the physicians in removing President GARFIELD from the White House to Elberon. If they merited any censure it was for delaying his removal so long. But it will be a remarkable and unforeseen result of the journey if it shall have rendered impossible the lawful conviction of his assassin of the crime of murder.

To-day's Election in Germany.

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The capital feature of the canvass, so far as the friends of free institutions are concerned, is the undisguised and seemingly irreparable dissolution of the National-Liberal party. That once powerful organization, which began by demanding Ministerial responsibility, free trade, and the subordination of the Church to the civil power, has seen each element of its programme summarily rejected or ultimately disavowed by BISMARCK, and by its inconsistent and servile attitude has forfeited its hold upon the public confidence. The course pursued by a majority of its members in the last Reichstag demonstrated that it had no longer any honorable motive for existence, and was merely held together by the hope of making such a bargain with the Chancellor as should assure to it a share of the public offices. Discredited in popular esteem by the withdrawal of men like LASKER to private life, and finally split asunder by the overt secession of its left wing, comprising thirty members, under BAMBERGER, the National-Liberals retained nothing but their deceptive name, and the signs are that even their designation will soon pass into history. From the action taken in Hanover during the present canvass by the adherents of BENNIGSEN, it appears that the pseudo patriots and place hunters who composed the right wing of the National-Liberal party mean to fuse with the party of the Centre, which, under WINDHORST, has heretofore upheld the claims of the Ultramontanes, but which, in view of the altered relations of Berlin and the Vatican, will henceforth be ranked not improbably among the stanch supporters of the Chancellor. By this audacious and cynical change of front on the part of BENNIGSEN, the honest Liberals of Germany cannot fail to profit in the end, for a false and dangerous friend is exposed in his true colors.

Meanwhile a genuine and vigorous Liberal party has been organized, which, although it may win but a partial success in its first engagement, has within it the germs of steady growth, or it represents the convictions and aspirations of the most patriotic and enlightened elements of the German people. The nucleus of the new body is furnished by the Progressists, who seceded years ago from the old Liberal party when the majority of their colleagues, designing to postpone liberty to unity, profaned the word National to their former appellation. The Progressists are now combined, however, with the later secessionists under BAMBERGER, whose thirty members formed the really vital contingent of the National-Liberal party in the last Reichstag. Not a few men, moreover, of high character and conspicuous abilities, who had withdrawn disheartened and disgusted from public life, have been roused to fresh hope by the rumbling of the old Liberal fires, and are strenuously aiding to consolidate the new party. Prominent among the veteran antagonists of BISMARCK who are now rallying to the field is LASKER, whose collaboration with VIRCHOW, RICHTER, and FORCKENBECK results the brightest epoch of German Liberalism. The new party thus constituted and rallied will put forward tenders not less than 150 candidates; and as it has doubtless a wide strength in districts which it does not depend carrying, it looks forward with more confidence to obtaining a majority of its nominees. But even if it should not do all, it would still, so confident is far short of the strength required to frustrate the projects of the Chancellor. But as a strong and tried party it would consolidate, and a powerful influence upon public opinion, and perhaps sometimes restrain the BISMARCK, through it must be admitted that the man of blood and iron is not a sensitive amenable to the restraint of control.

While the prospects of German Liberals are more hopeful than they have been for some years, the immediate outlook of their political opponents is still more promising. All the factions of the Right have been united into a great Conservative party, which, in the conditions heretofore [illegible] in the influence, seems to have in her support more votes by the substitution of protection for free trade, and would be [illegible] for the satisfactory [illegible] of BISMARCK's foreign policy. It is [illegible] that by the Chancellor's [illegible] that the Workmen's Insurance Bill will draw a great many Socialist votes to the Conservative tickets. Instances would [illegible] to see the Conservatives, who are the Clericals and the anti-Semitics, secure a positive majority of the seats in the Reichstag. The [illegible] Ultramontanes, would seem calculated to greatly strengthen BISMARCK's hand. But BENNIGSEN has already put forth pretensions to supersede WINDHORST in the leadership of the reenforced party of the Centre, and it is not impossible that the Hanoverian statesman, revolted by this assumption, may provoke a schism in the ranks of the Ultramontanes. As we survey the field, however, on the eve of the contest at the polls, it must be owned that BISMARCK seems likely to gain the end for which he has so long striven. It looks as if he would manage in the next Reichstag to muster votes enough to pass the laws on which he counts to vastly multiply the fiscal resources and firmly establish the ascendancy of the central power in Germany.

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The interest with which prominent representatives of the Jewish race are regarding the movement to establish large settlements of their ill-faring brethren of Europe in Palestine continues to grow, and is assuming a practical shape. The project of the removal of a part of the race to its old home in the East finds favor, entirely apart from any religious considerations, because it promises to be a means of relief from ill usage. Religious sentiment and belief would alone win the favor of orthodox Jews for it, but very many look upon it with approval now who on principle would be opposed to colonization in Palestine as a religious movement.

Influential Hebrew journals, the old and learned *Hammagid*, the Berlin *Jüdische Presse*, and the *Habazoleth* of Jerusalem, have been especially earnest in advocating the idea. Strong appeals to the Jews of Russia, Roumania, and Germany are also made by the "Meljadie Hayeschow," an association which has purchased a large plot of ground near Jaffa, and which represents the climate of the country as healthy, the land fertile, and the Arabs not so troublesome as they have been reported. A successful colony of Protestant Christians from Würtemberg, that is settled there, is pointed to as proof of the truth of these representations.

Nor do we hear only of argument and advice. Practical steps appear to have been taken by wealthy and influential citizens of Germany and England, who have applied to the Sultan for a grant of land in Syria, and who propose to construct roads and railways and to establish colonies around the stations. Any profits which may be realized beyond what are necessary to the success of the project are to be paid to the Turkish Government. This proposal is said to be viewed favorably by the Sultan's Ministers. The Jews of Constantinople are also said to have drawn up a memorial to the Porte on the subject.

The fact cannot be disguised that this project is encompassed by difficulties. An unruly surrounding population, a scanty water supply, the lack of an orderly government and of wise and well-executed laws, must be faced; yet, with the influence that the prominent Hebrews of the world can command, the resources and facilities that they can supply, and possibly with some form of foreign protectorate, these obstacles can be overcome, and the land that once was described as flowing with milk and honey can be made to bloom and prosper again. At all events, it is certain that no other field is open to colonization on a large scale that offers better conditions.

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Besides, a step-ladder is a proper symbol of the Republican organization as it is now constituted.

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Why not appoint Colonel GEORGE BLISS?

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We are asked to tell which candidates on the Republican State ticket are favorite and which Half Breeds. As we never had time for impertinences, Mr. CASS and Mr. DAY appear semi-Simonists, Mr. BENEDICT is a pronounced stalwart, Mr. HUNTER is an unadulterated Half Breed of the stalwart type, and Mr. WEMPLE is a Mugwump of the same genus.

The reduction of the water supply by about one-eighth, made by the Department of Public Works in order to husband the existing stock, has a result in short upon many householders and other consumers in various parts of the city. On the Fourth Avenue [illegible] the pressure is so much reduced that [illegible] water for an hour or two in the morning and evening. The complaint is that the reduction of the supply has been made without any provision for the relief of those who are thus inconvenienced. Perhaps the Commissioner of Public Works, who is a practical engineer, and who is probably better acquainted than anybody else with the facts, should be easily effected. At first sight the reported action of the LEXINGTON faction, or right wing of the National-Liberals, with the Ultramontanes, looks like a "wet moon." There others are not nearly good as weather prophets. The fact that this moon is not quite so wet as they, in appearance, may possibly indicate that it will express wetter weather. What an unfortunate year this has been for weather prophets, whether moons or men!

The Cape County contractors who expected to make money and the military people who expected to make glory out of a revival of the war with the Boers are again disappointed. While the Boers were massing at Durban for a forward move, the Volksraad quietly ratified the peace treaty, with a reminder that they had British promises to modify its terms should they prove impracticable. This was the [illegible] of modifications. A refusal to accept the conditions would have been followed by British advance in force, and the points already conceded by the Boers would have been put at risk.

Some Connecticut National Guardsmen have been visiting Charleston, in South Carolina, and the city has given them such a welcome as is rarely given. Citizens of all colors and conditions have vied with each other in their hospitality to the Connecticut boys; the newspapers have praised them without stint; the white and colored soldiers have treated them with all honor, and there has been, in short, a genuine love feast. This is exactly as it should be. There should be nothing extraordinary in it, but rather in the idea that it could be otherwise.

BOYTON, the pedestrian, has transferred the scene of his arduous activity to the extreme Northwest, where he has been floating down the Yellowstone. Hotels, stories of the sioux, buffaloes, antelopes, and Indians he saw, but seems to have discovered no monsters in the river itself like those which he encountered in the Mississippi. He does not explain why he did not go down the river like other people, in the steamer Eclipse, which would have been more comfortable.

Another heresy trial in the Methodist Episcopal church is imminent. The Rev. Dr. LEWIS, who occupies the important position of President of the Wesleyan Female College in Macon, Georgia, has expressed sympathy with the Rev. Dr. THOMAS of Chicago. The report is that the orthodox Methodists stand [illegible] Dr. THOMAS [illegible] Where [illegible]?

Hope is the Greatest of Frauds.

TO THE EDITOR OF THE SUN—SIR: Which do you think is the greatest fraud, Venus, the weather prophet, or the Microscopical Society?

A FRIEND OF TRUTH.

NEW YORK, Oct. 24. AS DEEP.

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WHAT MAKES THE TROUBLE.

The Hitch in Forming the New Cabinet—MacVeagh and James Bound to Go—President Arthur's Embarrassment.

WASHINGTON, Oct. 25.—The failure of the President to nominate an Attorney-General in Mr. MacVeagh's place either yesterday or to-day will be accounted for by a variety of reasons. It is doubtful, however, whether the true one will be found among them all.

The hitch relates to the Star route cases, and in this wise: The President found these cases a legacy from his predecessor. The fame regarding them was almost world wide. The credit of inaugurating the Star route prosecutions primarily belonged to Mr. James, the Postmaster-General, and in almost equal measure to Mr. MacVeagh, the Attorney-General. Naturally the President supposed those officials would desire to complete the great work they had begun. This view was shared by the public in general; for when Gen. Garfield died, and a new Cabinet began to be talked about, there was quite a general demand that Mr. James and Mr. MacVeagh should be permitted to remain to prosecute the Star cases. To remove them would be deemed the evidence of a wish by President Arthur to shield Brady & Co., the alleged Star thieves.

The President specially requested Mr. James and Mr. MacVeagh to remain to prosecute the cases to the end. Strange to say, and greatly to the surprise of the President, Mr. James and Mr. MacVeagh insisted peremptorily on going out, and at the earliest day.

The appeal of the President has thus far been comparatively unsuccessful. Mr. MacVeagh has from the first been unyielding, and nothing could shake his resolution to go. Yesterday the President determined to make another effort to induce him to remain. He sent for Mr. MacVeagh, meantime withholding the nomination to the Senate he had determined to make for Attorney-General, if a new one should be necessary. There is no adequate authority for saying precisely what was the result of the President's labors with the Attorney-General. It is inferred, however, that the head of the Government conceived that there was reason to hope that Attorney-General MacVeagh might be induced to remain to prosecute the cases in connection with the preparation of which he has acquired so much distinction, and to prosecute which the President supposed he would assert that it was his right to remain in the Cabinet. Whatever is the final result of the President's work and efforts, the unexpected delay or hitch in Cabinet-making yesterday and to-day has this explanation.

Mr. James, though animated by a spirit similar to that of Mr. MacVeagh, has been less resolute, he being a much less determined man naturally. But he fully meant to go, as did the Attorney-General. The President conceived that it was the right of Mr. James, as well as of Mr. MacVeagh, to be permitted to remain to reap the glory of closing up the Star cases, and he was not a little surprised when Mr. James, like the Attorney-General, insisted on retiring.

It has been observed that both of these gentlemen seem to have lost their interest in the Star cases. At least they do not appear capable of being won by the glory which their prosecution promises to them officially or individually. It would seem that public opinion, when it so promptly and decidedly expressed itself in the demand on President Arthur not to disturb Mr. James and Mr. MacVeagh, reckoned without the will of the two gentlemen.

Mr. James had seemed to consent to remain and complete his work; and the President has acted on this presumption, as in the case of Blaine and Kirkwood and the rest, who, although for the most part preferring to retire now, will accommodate the President by remaining till the regular session. But to-day Mr. James appears to have acquired new resolution, and fortified himself in the determination not to stand on the order of his going, but to go at once. His reason is that he is not going to remain to prosecute the Star cases, whether because he had acquired new light on the subject or because it had become disagreeable, for reasons which he did not choose to give.

Whatever be the final determination as to these two Cabinet officials, the President will not be accused of a wish to get rid of them so that he may show some favor to Brady & Co. He has done his best to have the Star cases go through as they were begun, and to have the glory or otherwise fall where it will belong.

STILL DIVIDED.

The Park Board Not Yet Agreed as to the Employment of Messrs. Olmsted and Vaux.

The Park Commissioners seated themselves at their quadruplex table an hour late yesterday. Three of them had held a caucus just previously, to which Mr. Lane was not admitted, and a petulant flush now overspread Mr. Lane's head. Secretary Barker took what may be called the pendulum weight of his tongue, and that member ran riot for a period with the minutes of the previous meeting.

Mr. Lane moved the removal of Mr. Aneurin Jones, Superintendent of Parks, and the substitution in his place of Mr. Calvert Vaux with a salary of $3,500. The motion was lost by a vote of three to one.

Motions made at the last meeting came up in reversed order. Mr. Oliffe's motion to make Mr. Samuel B. Parsons supervising architect of the parks was rejected, three to one. Mr. Wales's motion to make Mr. Vaux and Mr. Frederick Law Olmsted consulting architects was rejected, two to two. Mr. Lane's motion to make Mr. Olmsted consulting architect was rejected, two to two. Mr. Wales's motion to make Mr. Vaux consulting architect, with a salary of $2,000, was rejected, two to one. Mr. Oliffe not voting. Finally Mr. MacLean's original motion to make Mr. Vaux supervising architect in place of Mr. Jones, with a salary of $3,000, was rejected, two to two.

Mr. Wales said that he thought Superintendent Jones had been unjustly criticised. He had been charged with things which he had not done in Mr. Jones's place, which was Superintendent of Parks, and not supervising architect. Whatever he had done he had done extremely well, and if he had transgressed his duty, Mr. Wales was sure he would feel sorry for it. Mr. Wales was sure that no Superintendent of Parks had ever seen so well to it that the money expended by the money paid to them—something that the taxpayers should appreciate. Mr. Wales said that he was not ready to vote in favor of Mr. MacLean's motion to appoint Mr. Vaux supervising architect, he asked the gentleman if he would accept the place if it should be offered him. Mr. Wales said that Mr. Man was had been faithful in the employ of the Park Board for twenty-three years.

Mr. Wales asked Mr. Lane if his motion to make Mr. Vaux Superintendent of Parks was intended in hostility to Chairman Martin, and if the motion required the present supervisor to be [illegible] Mr. Lane said that he was [illegible] at that. Mr. Lane said that he was in earnest. Mr. Vaux was a partner, and could dominate arrangements with [illegible] to dispose of his time. Mr. Wales expostulated against the idea of Mr. Vaux being placed in [illegible] position [illegible] as Superintendent and [illegible] money.

Not being able to agree, the Board decided to again lay the various motions over until the next meeting and adjourned.

The Parks.

TO THE EDITOR OF THE SUN—SIR: An examination, say, for example, [illegible] at the Board meeting to-day. The decision was to put the work of the trees in charge of Mr. Vaux now, as [illegible] Mr. Frederick Law Olmsted consulting landscape architect [illegible] question, Mr. MacLean [illegible] best whom there is not a [illegible] Mr. Jones, as superintendent of Parks, who is [illegible] Mr. Jones and to put Mr. Vaux in his place, and then [illegible] Mr. Olmsted to supervise the work. This was the simple, straightforward way to do it. My association, by their votes, refused to give Mr. Olmsted charge of the work, and resolved to give charge of it to Mr. Olmsted and Mr. Vaux jointly. As they [illegible] by their votes, was to [illegible] to make Mr. Vaux [illegible] Mr. Olmsted and put Mr. Vaux in his place [illegible] Mr. Olmsted [illegible] and was [illegible] consent to [illegible] the work will appear.

JAMES LANE.

CHAIRMAN OF THE PARK COMMISSIONERS.

CITY OF NEW YORK, DEPARTMENT OF PARKS.

Aid for the Irish Famine.

TO THE EDITOR OF THE SUN—SIR: I beg to acknowledge the receipt of the following contributions to the fund started by Mr. John Boyle O'Reilly:

H. C. $5.
W. H. $5.
Mr. Hugh F. McDermott, $10.

With many thanks for your own kindness to the cause, I remain respectfully,

W. H. WALLACE, M. D.,
146 East Forty-eighth street.

OCT. 24.

THE SUPPRESSED REPORT ON JOHN SHERMAN.

WASHINGTON, Oct. 25.—"What was the motive for suppressing the exhumed report on the operations of the Treasury Ring?"

The question occurs to all who read the report laid before the Senate. In the first place, it will be perceived there has been no material exaggeration of the facts in the case. The report justifies previous representations of Putney's operations. The light thrown on the official conduct of Upton, Power, and Lambiere is strong, and justifies the entire condemnation of those officials. The principal reason heretofore believed to exist for not making the report public is that the discoveries bore heavily against Secretary Sherman, and convicted him of gross carelessness, or worse. It required a few days only to convince Secretary Windom that there was something wrong in the investigation, so far as it has gone. What was the influence that stopped it and suppressed the report?

The natural conclusion is that it was stopped because it would prove extremely damaging to Secretary Sherman. That he subsequently called for the report does not disprove the correctness of this conclusion, for it cannot be disputed that the proceeding, even with the testimony yet suppressed, is extremely damaging to him. Nor is it probable that more than a part of the facts have been brought out. The report itself says that "for want of time" the investigation is incomplete.

It is a curious circumstance that an investigation which had already unearthed so much that was criminal and grossly irregular should have been stopped "for the want of time." The reason assigned is clearly in lieu of the real one, to wit: the necessity that was felt for shielding the ex-Secretary. Evidently, Sherman in the Senate, in calling for the report, under the conviction that he could not afford to do less, hoped that, damaging as the disclosure would be to him, it would be the end of it, and felt that this would be preferable to the full disclosure, which might be prevented by this mode of treating the matter. Will the investigation be suffered to rest where the Commission left it "for the want of time?" Will there be no time hereafter to take it up and pursue it to the end? The question will have a negative answer, no doubt, if the influence which stopped the investigation and suppressed the report continues to dominate.

John Sherman is an anxious man; and well he may be. The report cannot be recalled. Its compelling statements are in the public mind, fully sustaining previous suspicions, so far as it goes, and they will be carried there so long as he is on the public stage, and they should there be no further disclosures, the testimony already taken, and which he fought successfully to suppress, is yet to be made public.

That Sherman should have such a state of things going on in his immediate presence—to put it no stronger—in view of his own use of power and patronage in his hands to purchase the nomination at Chicago, is not strange. When the watch dog is untrustworthy, what may reasonably be expected of the fold? Is it too much to conclude—will not an intelligent public at once conclude—that Sherman, Upton, Power, Pitney, Lamphere, and the rest, were operating on