The Sun.

WEDNESDAY, DECEMBER 16, 1885.

Amusements To-day.

Bijou Opera House—Adonis. 8 P. M.
Casino—Amotta. 8 P. M.
Comedy Theatre—Kellar. 2 and 8 P. M.
Daly's Theatre—A Night Off. 2 and 8 P. M.
Eden Musee—Tableaux in Wax, &c. 11 A. M. to 11 P. M.
Grand Opera House—Her Atonement. 2 and 8 P. M.
Harrigan's Park Theatre—The Grip. 2 and 8 P. M.
Lyceum Theatre—One of Our Girls. 8:15 P. M.
Madison Square Theatre—Saints and Sinners. 8:30 P. M.
Metropolitan Opera House—Queen of Sheba. 8 P. M.
Mount Morris Theatre—Humpty Dumpty. 8 P. M.
Niblo's Garden—The Rakehelly. 2 and 8 P. M.
People's Theatre—Article 47. 2 and 8 P. M.
Star Theatre—The Black Hussar. 8 P. M.
Standard Theatre—Nile Nitouche. 8 P. M.
Thalia Theatre—Mitterwurzer. 8 P. M.
Tony Pastor's—Rudolph's Ambition. 8 P. M.
Union Square Theatre—Romeo and Juliet. 8 P. M.
Wallack's Theatre—Hoodman Blind. 8 P. M.
3d Avenue Theatre—Kit. 2 and 8 P. M.
5th Avenue Theatre—Nihadi. 8 P. M.
24th Street Theatre—Evangeline. 2 and 8 P. M.

Congress Yesterday.

In the House the debate on the proposed changes in the rules was opened by Col. Morrison, who made a speech advocating his new code of rules. Mr. Randall opposed the scheme, and showed that the tendency of a division of the work of the Committee on Appropriations would be to increase the public expenditures. Mr. Hammond, Democrat, of Georgia, and Mr. Cannon, Republican, of Illinois, strongly supported Mr. Randall's view of the question. Mr. Reed, Republican, of Maine, and Mr. Gibson, Democrat, of West Virginia, spoke in favor of the proposed change. Several other members took part in the debate, which will be continued to-day.

In the Senate the day was devoted to Mr. Hoar's exposition of his bill to provide for the Presidential succession, and to an entertaining debate on a motion to strike out Rule 13, providing that no intoxicating liquors be sold in the Capitol. The motion was lost.

The Great Debate on the Rules.

The arguments against distributing the appropriation bills are conclusive. Even the enemies of Mr. RANDALL outside of Congress, who would like to see that statesman humiliated by a vote of his colleagues, are beginning to admit that a mistake has been made. "We ought to have got rid of RANDALL in some other way," is what they are now saying.

We are not surprised to hear that among the Democratic members of the House of Representatives there is a strong reaction against the distribution schemers, who, only a few days ago, seemed likely to have everything their own way.

Mr. RANDALL'S personal feelings, or any desire that he may have to retain his present great and deserved influence in the apportionment of the national revenues, are a matter of small moment compared with the public interests involved.

To throw the millions to the four winds of heaven in order to gratify a personal spite against a single man, to satisfy a debt of resentment against one man for his attitude last year on the tariff question, and to cripple his influence in future legislation, would be paying dearly indeed for revenge.

We hope that individual common sense averages too high among the Democrats of the Forty-ninth House to allow the perpetration of what would be, perhaps, the most conspicuous and unnecessary political blunder since the party came into power on the tidal wave of 1874.

The Keiley Indignity.

No self-respecting American can read the KEILEY correspondence, the whole of which on Monday was laid before the Senate, without a twinge of indignation at the slur cast upon our Government and people by two European courts, or without a thrill of thankfulness that we have a Secretary of State alive to the place of honor that we should hold among the nations and swift to vindicate the dignity and rights of the republic.

The facts brought out by the letters interchanged between our State Department and the Italian and the Austrian Ministers for Foreign Affairs suggest and justify the cogent distinction drawn by Secretary BAYARD between the right of selecting and the right of rejecting envoys—a distinction which hereafter should be wrought into the groundwork of American diplomacy. It is a distinction which cannot be too clearly formulated, or too rigidly adhered to, and Mr. BAYARD no doubt feels that as a matter of consistency it should have been proclaimed in the first instance and enforced with as much firmness on King HUMBERT's Government as upon the representative of the HAPSBURG Kaiser. Yet the Savoyard dynasty is weak, and, although its treatment of the Pope is abhorrent to faithful Catholics on both sides of the ocean, yet its rescue of the peninsula from foreign domination and the execrable tyranny of the Italian BOURBONS entitles it to some indulgence from all lovers of liberty. But an affront that might be brooked from a struggling nationality, could not for a moment be endured from an empire whose arrogant traditions are unspeakably obnoxious to American ideas.

Let us look at this distinction so forcibly and sagely drawn by Secretary BAYARD in his despatches to Count KALNOKY, the Austro-Hungarian Minister for Foreign Affairs. Let us mark all that it implies, so that our people may hereafter hold their servants in the Federal Administration to a more strict accountability. A nation's right to demand the recall of an objectionable envoy accredited from a foreign power has been repeatedly exercised by our State Department from the day of GENET to the day of CATACAZY. It is a right as inalienable, as inseparable from independence, as the right to levy discriminative duties, to close our ports, to declare war. Any one of those acts a country may do at its own pleasure, and, let us add, at its own peril. It may even, if it see fit, decline to assign any reasons for a proceeding which undeniably lies within its competence. But if any reasons are alleged, they must obviously relate to an offence given by a repudiated envoy during the discharge of his mission, and not before he has assumed it. A State has no right to impeach in advance the motives or discernment of a friendly power in its choice of a diplomatic agent; it has no right to blacken that agent's character or conduct by a summary sentence of exclusion based upon newspaper rumor or mere *ex parte* evidence. It must assume that every Government is the best judge of the fitness of its own employé; the bare fact of his appointment should be *primâ facie* proof of an envoy's qualifications, which only subsequent offence offered in the discharge of his duties should be permitted to confute. In short, the right of rejection is one which logically cannot be invoked in advance of an envoy's reception. If it be so invoked, it ceases to deserve its name; it passes, as Mr. BAYARD says, into a monstrous arrogation of the power to dictate another nation's diplomatic agents. It undergoes a vicious transformation from the function of rejection, which every independent State asserts, to the function of selection, which no self-respecting State will tolerate.

The difficulty of defending on *a priori* grounds his assumption of a right to supervise and overrule in advance the action of our Government in its choice of diplomatic functionaries was so plain to Count KALNOKY that he fell back on the attempt to support his claim by precedents. Here, no doubt, he felt that he was treading upon much more solid ground. In the history of European monarchies there is, unhappily, no lack of instances where weak States, trembling at the possible displeasure of some great power clothed with the prestige of hegemony, have endured serious encroachments on their diplomatic independence and sacrificed their self-respect. There was congenial soil in Europe for the sycophantic doctrine of the *persona grata* when the unconquered Spanish infantry upheld the overweening designs of PHILIP II., when the pride of LOUIS XIV. was not as yet brought low at Blenheim, or while the Austrian predominance was still unchallenged by FREDERICK the Great. But, as Mr. BAYARD retorted, we have naught to do with such examples. For us they have no lesson and no warning. On this side of the Atlantic we make precedents, not follow them. Moreover, if we needed European analogies to teach us the diplomatic attitude becoming a great and a free people, we should seek them in the record of the Commonwealth of CROMWELL and of the first French republic. Much wit, no doubt, had been at first expended on the tinkers and the tailors who had rebelled against the sainted and chivalrous CHARLES I., but the hour came when not a power in Europe dared protest to the Lord Protector CROMWELL that an officer of Ironsides, ex-tinker or ex-tailor, would not be *persona grata*. *Cuistres, canaille*, louts, riffraff, scalawags, such were the epithets applied to the agents of the French republic who were scornfully refused official recognition at the court of Vienna. But within a year much less was said about *personæ gratæ*, when the *cuistres* had wrung Lombardy from the Austrian at Campo Formio.

The KEILEY incident may have its large and wholesome uses, because it fortunately found a genuine American in the post of Secretary of State. It is high time that the people who in Continental courts are stigmatized as the refuse of Europe—just as the builders of another mighty republic were in their young day disdained as "the dregs of ROMULUS"—should affirm their resolution to promulgate their own rules and establish their own precedents. The work has now been well begun by Mr. BAYARD's declaration that we will suffer no foreign power to control our selection of diplomatic agents, or make class or religious discriminations between our citizens which are repugnant to the letter and the spirit of our institutions.

An American Gentleman.

From the published correspondence in the KEILEY case we extract the letters or parts of letters which exhibit the attitude of the gentleman most immediately concerned.

After the Italian Government had intimated that Mr. KEILEY's appointment was not acceptable to it, on account of certain opinions expressed by him fifteen years ago in regard to the occupation of Rome and the Pope's dethronement, Mr. KEILEY wrote as follows to Mr. BAYARD:

"The Secretary of State and the President must permit no fear of mortifying me or harming my interests to stand in the way of any conclusion agreeable to themselves."

When the Italian Government appealed to "the good amity" of the American Government to oblige it by appointing another Minister to Rome, Mr. KEILEY at once wrote to the President:

"From the evidence which you have brought to my notice that the present Italian Government holds such prejudices concerning the opinions expressed and still entertained by me in respect of certain public transactions now historic in that country as render it impossible that my presence in Italy would be either agreeable to that Government or to me or useful to my own Government, I recognize the impropriety of retaining the commission with which you have honored me, and, with thanks for the confidence expressed in tendering it, I beg leave hereby to resign it."

When word came from Vienna that Mr. KEILEY would not be received by the imperial court, on account of the religious faith of his wife, together with the threat that the American Minister would find his social position "untenable and even impossible," Mr. KEILEY was in Europe. He at once returned to the United States. Although advised by the Secretary of State that it was not the intention of our Government to recall him, and that he would be sustained in whatever course his judgment might lead him to adopt, Mr. KEILEY promptly wrote:

"I cannot consent to accept the compensation of an office without discharging its duties, and I therefore hereby return to the President the commission with which he was pleased to honor me."

Throughout the affair Mr. KEILEY's bearing was that of a modest, patriotic, self-respecting gentleman. He preserved his own dignity, and he earned, under trying circumstances, the just esteem of his fellow citizens. This fact should be distinctly recognized.

Mr. KEILEY's action and attitude were honorable to himself, and such as to justify the estimate of his character which led in the first place to his appointment by the President.

Out of Wall Street.

The people who gamble in Wall street are all wondering what the VANDERBILT boys, and especially CORNELIUS and WILLIAM, will do with their money. Will they speculate with it, or will they simply nurse their investments, looking first to security?

If the VANDERBILTS follow the course which has been usual during this generation among the heirs to great New York estates, they will withdraw from active participation in Wall street speculation, and devote themselves to the management of their property on the most conservative principles—as the ASTORS and GOELETS, for instance, are doing. The work of accumulation was done by Commodore VANDERBILT and WILLIAM H. VANDERBILT, and almost inevitably and quite logically the grandsons of the founder of the fortune will be concerned chiefly or wholly with its preservation; and that will be a task of tremendous difficulty.

The circumstance that so many individuals of varying dispositions and ambitions are now interested in the property will be likely to promote conservatism in its administration, for the safest course will be the one least open to criticism, and the audacity of one will be counteracted by the timidity of another. First of all we must keep what we have, is pretty sure to be the general feeling.

It is true that Mr. WILLIAM K. VANDERBILT was last year up to his eyes in Wall street speculation, and his mania was to make himself a great power there. But then he was like an extravagant boy at college, who knows that he has behind him an indulgent father rich enough to pay all his debts and sure to leave him a handsome fortune. Now he must look after his own, and the rasher he was last year the more prudent he may be hereafter. Besides, he has tastes and ambitions his father had not. Very likely he will want to be an important social figure, and will rather pride himself on his removal from active business than sigh for his former occupations. It would be a very great thing to double or quadruple his inheritance, but what a terrible calamity would its possible loss seem to him.

Mr. CORNELIUS VANDERBILT's tastes are such that he will never need the excitement of speculation to keep himself from rusting. He is interested in religious, charitable, and philanthropic movements and enterprises, which can easily consume all the time and occupy all the thought he has to spare from the management of his estate. The announcement of his father's death, it will be remembered, was brought to him while he was attending a meeting of the trustees of the American Bible Society.

We think, therefore, that Wall street may as well make up its mind at once that the VANDERBILT millions will no longer be an active force in the stock market. The sons may continue in the railroad management to which they have been educated, but they are not likely to engage in the perilous business of manipulating stocks. These are times in which they will have anxiety enough in looking after the mere preservation of their property.

Is He Alive?

Speaking the other day of the man who was Fraudulent Vice-President of the United States from 1877 to 1881, the question was asked: "Who knows where WHEELER is, or whether he lives or sleeps in oblivion?" He dropped out of sight as soon as he dropped out of office, and of his life since then—if, indeed, he lives—as little has been known as of the burial place of MOSES. Yet he is, or was, a New York man, and there must be men living in this State who remember that he was once an Assemblyman, a State Senator, and a member of the House of Representatives at Washington. In June, 1876, he was known and even respected. By 1877 he had ceased to be respected. During the last four years he has ceased to be known. Instant oblivion was his punishment, a terrible punishment for a naturally amiable and well-behaved person, who once had hopes of political distinction. Nobody knows, nobody has known for more than four years, whether WHEELER is dead or living. Not from idle curiosity, not from any wish to disturb the dead or pain the living, but for the benefit of sincere inquirers after truth, we again ask whether he lives or sleeps in oblivion.

There are people in Texas who want to know, and the oracles they consult do not agree. Thus that stanch Democratic journal, the *Austin Statesman*, tells an inquirer that "WHEELER died after his term had expired." But that equally stanch Democratic journal, the *Galveston News*, asserts that "WHEELER is alive and well." Doubtless the discussion will continue until the question is settled, if settled it can be, one party strenuously contending that the man is dead, and the other firmly convinced that he is still alive and will yet be found. Some light might be thrown upon the subject by researches in this State, the scene of his disappearance or concealment. Unfortunately for the partisans of the life theory, it will be difficult even in the face of the strongest proofs to persuade any considerable number of people that he is still alive. But for the truth of the record it would be interesting to know.

JOHN ALEXANDER LOGAN is said to be loaded up with facts and fancies about offensive partisans and removals offensive to him, and so a mile or two of big talk will presently be annexed to the *Congressional Record*. Poor old *Record* and poor old LOGAN DHU! He needs a new trainer. He ought to save his "greatest efforts" for the homestretch, and not strain himself at the start. It's a long way yet to 1888, and people may get tired of the wild wind from the prairies if it blows all the time.

It is an interesting fact that Gen. LOGAN made more reputation and more friends by judiciously muzzling himself after the election last year than he has ever made by prolonged public gabbing.

To-night is the fiftieth anniversary of the great New York fire of 1835, the most destructive ever known up to that time in the United States.

It broke out about 9 o'clock on Wednesday evening, Dec. 16, in the building occupied by Messrs. CRAWFORD & ANDREWS, 25 Merchant street, now Hanover. The night was bitterly cold, the mercury at zero. It blew a gale, and the fire spread rapidly. When daylight came hundreds of the finest business buildings in New York, with their rich contents, were in ruins. Soon after the flames broke out efforts were bent toward removing property and taking it to places of presumed safety, and the Merchants' Exchange and Reformed Dutch Church were resorted to for this purpose. Within a few hours these buildings were also heaps of ruins, and the Post Office was also destroyed.

South street and Front street were both completely burned down from Wall street to Coenties slip, and Pearl street from Wall to Coenties alley, where the fire was stopped by blowing up a building. William street was burned out on both sides through its curve to South street. Beaver street was burned half way to Broad street, and Exchange place from Hanover street to within three doors of Broad, where the blowing up of a house checked the fire there. Stone street was burned down from William to 32 on one side and 39 on the other. Wall street was burned on the south side, from William to South, except the numbers from 51 to 61 inclusive.

The total number of houses and stores destroyed was 674; and as these were situated in the region between Broad and South streets, and between Wall street and Coenties slip and its extension, it covered the places of business not only of bankers, but of many of the largest shipping and wholesale dry goods merchants. A few vessels took fire in their rigging, and cinders set fire to a roof or two in Brooklyn. The light of the fire was seen forty miles up the Hudson. Engines came from Newark; marines from the navy yard under Lieut. REYNOLDS and sailors under Capt. MIX guarded property; militia forces the next day patrolled the streets. The total destruction of property was estimated at between fifteen and seventeen millions.

The production of highly deceptive and prepossessing artificial eggs is said to be a growing industry, and its progress will be watched anxiously by grocers and housekeepers. In an Ohio town called Fremont there is a poulterer who must be getting particularly anxious. He has capital locked up in hens, and now he sees a beautiful chance to manufacture eggs without the intervention of those tame villatic fowls. The opportunities of fraudulent oviculture will appeal with irresistible force to the ha'penny soul of this Fremont hen man.

Southern Dakota knocks at the door of the Union for admission. When she comes in, give her another name. Call her either simply Dakota, or find some wholly new appellation.

An anti-monopoly meeting on the silver question is to be held at the Metropolitan Hotel this evening. THOMAS EWING and A. J. WARNER of Ohio are both to be present, and a number of other gentlemen who are identified with the silver side of the controversy may also be expected to take part in it. It will be an interesting meeting, and we trust that its utterances will be wise and effective.

The good people of the little Wisconsin city of Madison have at last lost patience with the roller-skating rinks and determined to get rid of them. Half a dozen divorce cases and much scandal originating at these resorts have been made the ground for action by the Common Council intended to drive the rinks out of the town. If this should prove to be the beginning of a crusade against roller-skating rinks, it would, at least, be a cause of rejoicing for the proprietors of other kinds of shows and entertainments, for during the past year or two the rinks have decidedly had the call with the amusement-seeking public in small towns and cities. It must be said, also, that in many places besides Madison the skating rinks have been a very prolific source of scandal, which has predisposed public opinion against them.

The declaration of the Republican State Convention on the case of District Attorney DORSHEIMER may lead to his rejection, as he was appointed in place of a faithful official removed before the expiration of his term.—*New York Tribune.*

There must be an error in the foregoing paragraph. Mr. ELIHU ROOT, Mr. DORSHEIMER's predecessor, was not removed, but resigned of his own free will, holding that the office of United States Attorney should be occupied by an officer whose political sympathies were in harmony with those of the Administration.

There is a policeman in New York who resembles YUM YUM in "The Mikado;" that is to say, he appears to have been very wide awake on Sunday afternoon, when he arrested an honest little boy as a suspicious person, because he was carrying a package of toys and would not tell where he got them.

The inalienable right of the Young American to carry toys without let or hindrance at the Christmas season was promptly asserted by the police Sergeant, who let the boy go as soon as he was brought before him.

The officer who made this arrest has a great future before him if he will only apply some of the same zeal he showed on this occasion to the enforcement of the Excise law and the law against gambling.

The Silver Question in Germany.

TO THE EDITOR OF THE SUN—*Sir:* My letters from England announce the return of Mr. H. H. Gibbs of the Bank of England from the conferences on the silver question with Prince Bismarck, to which, as I some time ago informed you, he was invited by the German Chancellor. He was treated with the greatest distinction and courtesy by the Chancellor, and he preserves a discreet and commendable silence as to the tenor of their discussions. When you remember that Mr. Gibbs himself is an earnest bimetallist, the significance of this reserve will be made evident to you, perhaps, by the following extract from the *Berliner Börsen-Zeitung (Beilage No. 518)*, for Mr. Gibbs is also a patriotic Englishman. The Secretary of the Treasury will see that it is at least premature for us to legislate against silver on the theory that Germany will not act on the question "without the concurrence of Great Britain." Your obedient servant,

WM. HENRY HURLBERT.

"We must advise the partisans of the gold standard not to rely too strongly on statements made in the *North German Universal Gazette*, to the effect that the settlement of the question depends upon England. Has it escaped their notice that the Government, on this understanding, has put itself upon the bimetallic standpoint, and has accepted a solution of the question of standards in the sense of bimetallism? Whether it will better to wait or not to wait for England before carrying out this solution is no question of principles at all. But since it is growing steadily more and more clear that the damage and the danger are vastly greater for us on the side of this waiting for England than they will be if we take action alone, and under adequate guarantees—in concert with France—we would seem to be reasonable to expect, within certain limits, a revolution as to the points of view on this subject such as has already taken place within the bimetallic party itself. Till within the past year the bimetallists were in favor of reestablishing the double standard only in concurrence with England; but they have become convinced that this view reposed only on a prejudice, *and they are more and more rapidly coming to the conclusion that to adopt bimetallism without the concurrence of England is the surest means of overthrowing the commercial preponderance of England.*"

Mr. Vanderbilt and his Architect.

From the Boston Post.

Mr. Vanderbilt never gave a thought to an artist's or an architect's reputation. He couldn't understand why a man should complain of a change in his plans which would injure him, so long as the owner and employer paid for it. When the plans for his big house were in course of preparation he was urged by his architect to prepare for a larger dining room than he was contemplating.

"Why," said the man of art, "you can't give banquets in such a room."

"Oh, d——n banquets. I'm not going to give any."

"But you must. A man can't live in such a house as you are building without giving large entertainments."

"Well, if I give any," said Vanderbilt, "I'll give them in the picture gallery."

The picture gallery adjoined the dining room, so the butler's pantry was arranged to open into both rooms. But one morning, when the walls of the great house had gone up two stories, Mr. Vanderbilt made his appearance in his architect's office. Hunt was building William K.'s house, and was giving the young man a noble banquet hall, thirty feet high, and splendid, with carving.

"Why, my son's dining room's going to be bigger than mine," shouted the excited millionaire, wiping the perspiration from his brow. "I can't have that, anyhow," he continued.

"I thought this was all settled. I thought——"

"Oh, no matter about that. I won't have my son's dining room bigger than mine. How much will it cost to change mine and make it bigger?"

"A good deal," answered the architect. "There will have to be new foundations, the walls that are up will have to be taken down, and——"

"What do I care for that? How much will it cost?"

The architect made some figures, and told Mr. Vanderbilt that it would cost $30,000.

"Well, go on and do it," was the answer.

But the architect objected. He told Mr. Vanderbilt that to tear down the walls would hurt his reputation. People would think that there had been a defect in his plans. The Crœsus heard this in open-mouthed astonishment, and when the architect at last asked:

"What will the sidewalk committee say?" answered:

"What is that to you? Don't I pay for it?"

The Proposed Change in the Rules of the House of Representatives.

Extract from a Private Letter.

WASHINGTON, Dec. 13.—We are having a quarrel over the rules of the House. They have kept the House free from steals and scandals after having purged an Augean stable. But perhaps that is not what is wanted. I don't blame members trying to further their business. The way adopted by new hands is not always the best, as they will discover. What grand log rolling there will be! Come and see for yourself. It will remind you of old times.

An Honor to the White House.

From the St. Louis Republican.

Miss Cleveland is a very interesting lady, and the Mormon passage is fully equal in literary merit to the choicest examples of her style in "George Eliot and Other Studies." We come more and more to appreciate the dispensation which placed Miss Cleveland in the White House as we grow better acquainted with her.

Gold and Silver.

TO THE EDITOR OF THE SUN—*Sir:* Mr. Atkinson has stated that the supply of gold has not diminished since 1849. Why did he select that date?

Prof. Jevons, a high authority, says: "From 1809 to 1849 gold rose in the extraordinary ratio of 100 to 245, or by 145 per cent., rendering Government annuities and all fixed payments, extending over this period, almost two and a half times as valuable as they were in 1809."

Mr. Atkinson has selected a time when gold had more than doubled in value for comparison with the present. Prior to the discovery of America by Columbus the amount of the precious metals was only a fraction of what it now is. Why not, then, compare the present stock of gold with the amount in 1492? The essence of Atkinsonism is this: "When the mines of precious metals yield a diminished amount, and money consequently rises, let all industry be said, and debtor should bear the loss resulting from low prices and dear money. When new mines are discovered, or old ones increase in productiveness, let industry should turn after the cheapening of the word dollar in the interest of creditors. Creditors should have the benefit of all natural appreciation of the value of money. But should be protected from loss when prices rise. They should be guarded by the rule, Heads I win, tails you lose."

This may be equal and exact justice to all men in Mr. Atkinson's eyes. To me it looks like unmitigated rascality. In the present case the roguery is the greater from the fact that the bullion value of 1,000 ounces of silver will now buy more property than it would twenty-three years ago, when the silver dollar was worth more than the gold dollar. Silver has not fallen in value, gold has been forced up by legislation, and now all kinds of trickery and sophistry are used to endeavor to conceal the gigantic robbery. JOHN W. PRITCHARD.

NEW HAVEN, Dec. 8.

The West Shore $50,000,000 Mortgage.

The West Shore $50,000,000 mortgage was filed in the Register's office yesterday. It is given to the Union Trust Company to secure $50,000,000 in 4 per cent. bonds, maturing in the year 2361. The mortgage is dated Dec. 3, 1885, and says that J. Pierpont Morgan, Chauncey M. Depew, and Ashbel Green purchased the road as trustees in pursuance of the plan of reorganization.

John Kelly's Health.

From the Mail and Express.

Mr. John Kelly is gradually recovering his old time strength. He may be seen on any fine day slowly walking in the neighborhood of his home, and one day last week he walked as far as Eighty sixth street and took—nearly two miles—without any assistance or any signs of fatigue. He will start for the south in a few weeks to remain for a month or more. Office seekers anxious to gain his influence find their efforts fruitless. About half a dozen have made personal appeals without success. A friend said this morning: "Yes, Mr. Kelly is almost himself again, but he will not under any circumstances resume politics."

AGENT AVERILL'S ADVERTISEMENT.

He Admits Sending a Bill to Phelps, Dodge & Co. for 1 Per Cent. Commission on $13,000.

Lawyer John E. Parsons opened the second day's defence of Phelps, Dodge & Co., charged with having wilfully inveigled the late George O. Hovey of Boston into purchasing a $140,000 building in Chicago by representing that it was under a yearly rental of $15,000, when it was rented for only $13,000, by calling Col. A. J. Averill of Chicago to the witness chair. Col. Averill was Phelps, Dodge & Co.'s real estate agent in Chicago. He testified that Mr. Hovey had been made acquainted with the details of the lease to Mandel Brothers. He had told Mr. Hovey no less than three times that the rent of the property up to July 1, 1875, had been thrown off.

The plaintiff's allege that remitting this rent practically made the average rent for three years the terms of the lease $13,000 a year, and that Mr. Hovey was not told of the fact. Lawyer Davies, for the Hovey executors, adjusted his gold-bowed glasses, and nodded to Lawyer Whitehead, his colleague, as if to advise him to keep his weather-eye open, when he began the cross-examination of Col. Averill. He didn't care to know much about the conversations between Mr. Hovey and Col. Averill, but he said he did sadly want the witness to explain this advertisement in the *Chicago Tribune* of May 1, 1875:

FOR SALE—First-class business property; an elegant marble store on State st., between Washington and Madison, now under rental of $15,000 per annum.
A. J. AVERILL, 127 Dearborn st., room 5.

"When I inserted that advertisement," the Colonel testified, "I didn't know that the property was under a rental of $13,000 a year. I thought it a truthful advertisement.

Q.—Did you not on Feb. 5, 1875, send to Phelps, Dodge & Co. a bill for $130, stating it to be 1 per cent. commission on the yearly rental of $13,000 paid by Mandel Brothers? A.—I did.

Q.—Was the bill correct? A.—The bill speaks for itself.

Q.—Would you insert another advertisement similar to this one in the Chicago *Tribune?* A.—From the experience I had then I would; from the experience I have now, I would not.

On the redirect examination Col. Averill testified that the advertisement was inserted by him, that he paid for it, and that Phelps, Dodge & Co. were not informed.

Col. Luther H. Pierce of Chicago testified that $140,000 was cheap for the building; that it was really worth $155,000 when Mr. Hovey purchased it.

"In 1875," continued the witness, "when Mr. Hovey visited my office and saw a picture of the building, he said it was the finest piece of property in Chicago, and the minute he saw it he made up his mind to buy it."

Col. Pierce was of the opinion that Mr. Hovey had got a prize.

Henry A. Kohn, who modestly said he owned a good slice of Chicago, was called by Mr. Parsons to tell what he knew of the valuation of property in that city.

Mr. Kohn said he believed the property worth $150,000. The trial was adjourned until to-day.

ORANGE COUNTY'S TWO JAILS.

Paying $1,600 to Find Out Whether the One at Newburgh is Legally a Jail.

GOSHEN, Dec. 15.—It has just cost Orange county $1,600 to find out for a certainty whether it has two county jails or not. The fact that it has two county seats—Goshen and Newburgh—is well known, and it was supposed until three years ago that there was a legal jail in each place. Culprits had been committed by the courts to the Newburgh jail as well as to the Goshen jail from time out of mind.

In November, 1881, John Roach obtained a judgment against John P. Kivlin, in Albany county. Kivlin evaded judgment and came to Newburgh. Shortly afterward an execution against Kivlin's person was issued, and he was arrested by Sheriff Odell and placed in Newburgh jail. A few days later Kivlin gave bond in the due form for the usual jail liberties. These were then only at Goshen, and the Board of Supervisors being in session passed a resolution extending them to prisoners at Newburgh. The next day Kivlin was released, and disappeared. In December Roach brought suit against the Sheriff to recover the amount of his judgment against Kivlin, on the ground that the law required that the latter should have been placed in the county jail, and that the Newburgh cells were not the county jail, and had no jail liberties upon which the prisoner had been released. Judge Barnard heard the case in 1882, and decided in favor of Roach, holding that the cells in the Newburgh Court House were not a county jail under the law. Judgment was given against Sheriff Odell for the full amount. He appeals to the Board of Supervisors to relieve him from the situation in which the result of the litigation had placed him. The Board passed a resolution requesting the Sheriff to fight it out, and guaranteeing the legal expenses of the subsequent litigation.

Sheriff Odell appealed from Judge Barnard's decision to the General Term. The judgment was reversed. The Sheriff had this decision, declaring that Newburgh jail was a legal county jail, affirmed by the Court of Appeals, and then came before the Board of Supervisors last year to have them order the payment of the $1,600 it cost him to carry the litigation to a conclusion. The then Board refused to do so, on the ground that it would be unconstitutional, and told Sheriff Odell to pay for his own law suit.

The Sheriff brought the matter up again at the present session. It was made a special order for Saturday last. The constitutional objection to paying the bill the Supervisors of 1881 had guaranteed was again urged. The matter was put over until to-day, when a resolution to pay the Sheriff was adopted.

Farming Out the Right to Sell Liquor.

TO THE EDITOR OF THE SUN—*Sir:* The high-license plan is the best that has yet been put in operation, in this country at least, for the management of the liquor business, but it is not the best possible. The true way, as well in the interest of public economy as of morality, is to farm out the retailing of alcoholic drinks to the highest bidder. In towns and small cities the total monopoly should be thus sold to the single highest bidder, while large communities, like New York and Brooklyn, should be conveniently divided up, as wards or election districts. I published this plan some years ago in the Oswego *Palladium* and, if I do not misremember, the Chicago *Tribune*, but had not the good fortune to attract much attention to it. The arguments in its favor, which I will set forth at some length, are numerous and weighty.

1. It easily settles what the privilege of selling strong drinks is actually worth, and has in this respect a great advantage over the high-license system, where no man can positively say whether one hundred dollars or five hundred or five thousand would be the most expedient figure to set it at.

2. The man or company who in any town or city or section of a city should buy this monopoly could securely be trusted to see that no unlawful selling was carried on within his precinct; in which watchfulness, moreover, he would not fail to have the co-operation at least of taxpayers in general, whose burdens his expensive purchase would go to relieve.

3. Meanwhile, whoever might be injured—wife, parent, or child—by the conduct of his business, would have a surer remedy than they can look for against the common run of saloon keepers, whether under high license or low.

4. It is safe to say that this monopoly, when the value and proper management of it came to be well understood, would sell for enough to meet all the ordinary and legitimate current expenses of any municipality or populous town where it might be introduced, which fact would go far to reconcile to it even those who are now the most hostile to the practice of drinking. Now what are the objections to this plan? C. C. P. CLARK.

OSWEGO, Dec. 10.

Nominated to Office.

WASHINGTON, Dec. 15.—A large batch of nominations, which were made during the recess, were sent to the Senate to-day for its action. Most of the names have already been printed. The list includes: Collectors of Customs—William Reed, at Champlain, N. Y., and Isaac B. Poucher, at Oswego, Naval Officer—Silas W. Burt, at New York. General Appraiser of Merchandise—At the Port of New York, George P. Brower. Appraiser of Merchandise—In the District of New York, Lewis McMullen. Surveyors of Customs—H. S. Beattie, at New York; Addison D. Cole, at Albany. Assistant Appraisers—In New York city, Edgar A. Brown, Edward Rowe, David C. Halsted, Charles K. Stutt, Daniel J. Moore.

Collectors of Internal Revenue—Robert Biggs, First district, New York; John A. Sullivan, Second district; Isaac Liess, Fourteenth district; Samuel J. Tilden, 27, Fifteenth district; Samuel Klatz, Fifth district of New Jersey.

There are in the list a large number of Indian agents and receivers of public money.

The President sent in these new nominations of Postmasters in this state: William H. Tappan, at Baldwinville; John Vanderburgh, at Mattituck.

New Postmasters.

WASHINGTON, Dec. 15.—The Postmaster-General to-day appointed these fourth-class Postmasters:

Connecticut—At Elliott, Chas. F. Martin; Jewett City, James H. Finn; North Stonington, Chas. H. Brown; Plainfield, Henry C. Starkweather; Taftville, Richard C. Kelley.

New Jersey—At East Millstone, Geo. H. Gerhard; Yardville, Daniel C. Rowell.

New York—At Clyde, Albert D. Grimsby; Crescent, James A. Knight; East Molineux, Chas. H. Harrington; Hawkinsville, Simon O'Connor; Jonesville, Daniel J. Howard; Lake Carmel, Jas. Lee; Lakefield, Henry Martin; Richmondville, James L. Munn; Schenevus, Irving F. Hynds; Schodack Landing, John S. Peaslee; Seward, Martin H. Hoffman; Unadilla, David Black; West Providence, Walter Lorch.

Reciprocity With Canada.

TORONTO, Dec. 15.—The *Globe's* London correspondent interviewed Sir John A. Macdonald on his arrival in England. Sir John said that while it was by no means certain that President Cleveland's promised proposal to Congress for the appointment of a joint commission would meet with acceptance, he thought the outlook was favorable as he considered that there was a much stronger feeling in the United States in favor of reciprocity than had previously existed.

A New Collector.

UTICA, Dec. 15.—Special Revenue Agent Hale is transferring the Twenty-first district internal revenue collectorship from James Armstrong (Republican) to William A. Beach (Democrat) of Syracuse to-day. Collector Beach has requested all the old deputies to retain their offices until further orders.

GUARDING VANDERBILT'S TOMB.

An Electric Alarm to Give Warning if the Coffin is Moved.

The iron gates that swing between the stone pillars of the western gateway to the old Moravian Cemetery at New Dorp, Staten Island, are closed every night at 6 o'clock, and four of Pinkerton's detectives, armed with heavy navy revolvers, take the place of three similarly armed men who during the afternoon have been on guard at the tomb of William H. Vanderbilt. But the four men who patrol the cemetery grounds are not the only men on guard. Others are concealed in the bushes around the tomb, while the roads on either side of the gate are well watched. During the day the guard is less numerous than at night, but no precautions are relaxed.

During the three stormy days that followed Mr. Vanderbilt's burial the detectives were obliged to depend on their rubber coats for shelter from the driving rain. Yesterday, however, two sentry boxes were put in position near the tomb. Some of the precautions taken to prevent the violation of the tomb are such that an account of them cannot be published. The niche in the vault in which the coffin of the dead millionaire is placed is connected with an electrical alarm, and even if a tunnel could be driven to the tomb any attempt to remove the body or any tampering with the wires of the alarm would be made known immediately at the headquarters of the detectives.

A repeating alarm clock has been placed near the gate of the vault, and at short intervals the guard is required to register its presence at the tomb. No attempt to remove the body is expected, in view of the precautions taken to prevent it, but the watch over the tomb will be maintained in the same manner until the mausoleum is finished. It will be almost impossible for any number of grave robbers to carry away the body.

5,000 QUESTIONS PUT TO HIM.

Motion to Limit the Examination of a Witness in a Case Involving $25,000,000.

A suit in equity has been going on several years in the United States Circuit Court in this district between the Webster Loom Company as plaintiffs against E. S. Higgins & Co., the carpet manufacturers. The claim is for over $25,000,000, for infringement of a patent obtained by William Webster for an improvement of the loom used in weaving carpets. Commissioner Shields has been diligently taking testimony for several years. About three million words of testimony have been taken. The chief witness for the complainant was kept a year or so answering seven questions. His cross-examination has occupied nearly another year, and about five thousand questions have been put to him.

E. S. Dickerson, counsel for the plaintiff, made a motion before Commissioner Shields to limit the cross-examination, on the ground that the defendant was needlessly prolonging the suit. In support of this motion Mr. Dickerson submitted an affidavit of ex-Gov. F. B. Loomis that E. S. Higgins said to him, on April 16 last, in Commissioner Shield's office: "I intend to keep the case running ten years; I do not intend that they shall recover a dollar from me."

Mr. Dickerson also presented an affidavit by W. E. Smith and William Webster that, on Nov. 11, 1885, after several thousand questions had been asked of Mr. Smith on cross-examination, Mr. Walter K. Griffin, one of the counsel for Mr. Higgins, stated that unless Mr. Dickerson would waive further questions the increased production of the looms he, Griffin, would probably not get through Mr. Smith's cross-examination in five years.

Roscoe Conkling and Mr. Dickerson argued the motion on Tuesday before Commissioner Shields. In reply to the allegations as to prolonging the trial, Mr. Griffin made affidavit that the case had been prolonged for various reasons for which the plaintiff was responsible; that the examination was necessarily very long owing to the magnitude of the interests involved and the character of the testimony for the plaintiff; that sometimes in joke and sometimes in consequence of his inability to get direct answer from the witness he had told the witness that it might take years to get the truth out of him by cross-examination. He denied, however, that there was any intention on the part of the defendant to prolong the case unnecessarily. Mr. Griffin suggested that the defence had only asked the witness about one question for every $