

The Sun

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FRIDAY, MARCH 2, 1888.

Cold Comfort for Mugwumps.

The Mugwumps are beginning to grasp the fact, most unwelcome to them, that Mr. BLAINE meant and means his declination to stand.

The spectacle is a sad one. In how many of the 513 cases in which indictments were found, did this same Grand Inquest exercise equal solicitude?

The Wilson Decorator Scandal. DANIEL WILSON, son-in-law of JULES GREVY, but recently President of the French republic, has been convicted of selling the decorations of the national order, the Legion of Honor, and has been sentenced to two years' imprisonment, a fine of 3,000 francs, and deprivation of all civil rights for a period of five years.

Peculiar Conduct of the Grand Jury. The Grand Jury of the Court of General Sessions which was discharged on Wednesday last will long be remembered in this city for its extraordinary conduct in reference to the proposed indictment of Messrs. GOULD and SAIG.

These capitalists had been charged with grand larceny in the embezzlement of a certain trust fund held by them as trustees for the bondholders of the Kansas Pacific Railroad. The trust fund was disposed of by the trustees in 1880, but its proceeds have ever since been withheld by Messrs. GOULD and SAIG.

An appeal from their indictment was made to District Attorney MARTINE last autumn, and in a letter to his successor written at the close of his term as District Attorney on Dec. 31 last, Judge MARTINE recommended the indictment of the accused. There was no substantial dispute, nor has there any time been, as we understand it, any dispute as to the facts of the case. It is virtually admitted that Messrs. GOULD and SAIG took securities out of a trust fund, disposed of them so as to realize \$3,000,000, and returned to the trust fund only \$300,000, thus making a clear profit of two millions and a half out of the misappropriation of the property.

Section 541 of the Penal Code—the section making the embezzlement of a trust fund grand larceny—provides that "a person acting as trustee of any property, who secretes, withholds, or otherwise misappropriates to his own use, or that of any person other than the true owner, any money or other valuable thing or any proceeds thereof, by virtue of his office, employment, or appointment, guilty of grand larceny in such degree as is herein prescribed with reference to the amount of such property." The lawyers of the accused maintained that as the money had been taken more than five years earlier, an indictment was barred by the general provision of the Code of Criminal Procedure that an indictment for a crime, other than murder, must be found within five years after its commission. On the other hand, it was argued that the crime of withholding the money was a crime distinct from secreting the fund, and that the former crime had not been barred by the lapse of time. Judge MARTINE considered the question of the Statute of Limitations, and expressed the opinion that the statute had not run against an indictment.

So the matter stood when Col. FELLOWS came into office as District Attorney. Long and patient hearings were given by him, and the case for and against Messrs. GOULD and SAIG was duly presented. Col. FELLOWS finally decided to send the case to the Grand Jury for investigation. Thus two District Attorneys of this county had pronounced in favor of the indictment of the accused, and Judge MARTINE, a Judge of the Court of General Sessions, had decided one day before he became Judge, that the Statute of Limitations had not run in their favor.

Ought not all this to have been enough for any Grand Jury, even the most hyper-conscientious? The members of the Grand Jury were not advocates of the accused. It was not incumbent upon them to seek to shield the accused, or to go one step out of the beaten path of precedent lest they might perchance indict some one in whose favor technical legal defenses had occurred.

What does the Code of Criminal Procedure say as to the duties of the Grand Jury? Section 267 reads:

"The Grand Jury is not bound to hear evidence for the defendant, but it is their duty to weigh all the evidence submitted to them, and when they have reason to believe that either evidence within their reach will explain

away the charge they should order such evidence to be produced, and for that purpose may require the District Attorney to produce the same, if necessary."

The next section says: "The Grand Jury ought to find an indictment, when all the evidence before them, taken together, is such as in their judgment would, if unexplained or uncontradicted, warrant a conviction by the trial jury."

A subsequent section provides that the Grand Jury may in any case ask the advice of any Judge of the court, or of the District Attorney of the county.

It would seem from the examination of all these provisions of the Code of Criminal Procedure that it is the duty of the Grand Jury to consider the evidence before them, and to find an indictment if the facts unexplained would warrant a conviction. It is not the duty of the Grand Jury to decide or even to consider any technical question of law, such as that involved in the Statute of Limitations. What did this over-careful jury do? They appeared before Judge COWING and asked his opinion as to the Statute of Limitations and its operation in favor of Messrs. GOULD and SAIG, and the Judge promptly decided in favor of the accused. We say that in this the Grand Jury, in our opinion, went too far. It was for them to find the indictment. The question of the bar by lapse of time properly belongs to the Judge who presides over the trial of the indicted men, where his ruling, if erroneous, can be reversed by a higher court.

Judge COWING also, in our opinion, decided unnecessarily a vital point in the case. Judge MARTINE had held when District Attorney, that the statute had not run in favor of GOULD and SAIG. His opinion was at least entitled to respect, and it should have prevented any other Judge of the same court from pronouncing a contrary opinion. We say that the Grand Jury, in asking the advice of the Judge, but we believe that technical legal points such as this should not be so summarily and prematurely decided. If of this sort of thing be extended, all legal points and arguments can be presented before the Grand Jurors, who will thus exercise new functions as criminal judges.

The Western candidates for the Republican nomination are sufficiently numerous, but it does not appear that more than one or two of them have much strength. It may be that Mr. BLAINE's friends will prefer that he should not stand aside, even voluntarily, to make room for another Republican statesman. It may be that they will decide, in case the Democratic wrestling with the surplus problem should reduce the vigor and not the Democratic party, to a vigorous and picturesque personality, unhampered and unconventional, would not be a successful appeal to popular favor than any of the better known figures.

In that case JEREMIAH RUSK of Wisconsin might be the man. He appears to have at least the Jacksonian characteristic of doing his duty promptly as he sees it. He is bluff, vigorous in language and action, unspooled by schools, a diamond in the rough. It would be easy to write an attractive campaign life of such a man. JERRY, the foe of the Anarchist, hearty old Uncle JERRY, the people's JERRY, could be set out in showy colors. Friends of order and property would be asked to rally around him. JERRY certainly would be great fun.

It is not to be expected for the intellectual part of the ticket a man like PHILLIPS of New Jersey, and you would have a show ticket. Mr. PHELPS would do finance and the tariff, while Governor RUSK did the rising-from-poverty-to-affluence-by-his-unaided-efforts, and showed that he was unpledged and unterrified.

RUSK and PHELPS, a grand and glittering platform, and plenty of music by the band.

Bad Names of Horses. Every now and then there is heard a protest against the absurd and ugly names that are given to American horses. All sorts of meaningless and fanciful syllables are fastened on horses, even of the purest pedigree. Runners and trotters both have had to suffer. Such innane titles as Fonso, Wanderer, Wanderer, Zuhlan, Aniban, and Fosteral make the turf more disagreeable to the eye than the trotting tracks are disagreeable to the ear. Names, if not to the same extent, and in that field, we should say that the names used to characterize Hickory Grove Farm, the property of Mr. JEROME I. CASE, the owner of Phallas and Jay-Eye-See, have touched the limit of nonsense.

In the first place, the name of Phallas is an abomination. It was a corruption to start with, and meant nothing. But following the custom of building up names upon that of the head of a breeding stud, Phallas is now worked over into more intense nonsense still, and the descendants of this noble and innocent horse are doomed to be named after the greater evils of ignorance than their sire. Mr. CASE has called one of his colts Phallas, and another Phallas, and another Phallas. Another is Phallas Sprague, and we suppose that every colt that comes from this farm will bear some similar mark of its breeder's distorted fancy.

The wildest eccentricities of Volapuk are all founded on some philological idea; but this style of horse nomenclature has absolutely no relation whatever to intelligence, reason, taste, or common sense. Americans had better not have such good horses rather than have their cars, minds, and principles offended by such vulgar nonsense as this.

The Buffalo Evening News proposes that the Democratic State Convention shall be held in that beautiful and active city. Well, why not? There is not a more charming and delightful place in the whole Empire State.

Chief ARTHUR of the Locomotive Engineers, who is leading the Western railroad strike, says:

"Our men want to be company with the proposition printed. We did not expect to get all that was asked for. You know it is usual to ask for more than you expect."

This is poor policy, and it was very foolish in Mr. ARTHUR to adopt it. He should have asked just what he wanted; nothing more nor less than that. It is hard to get a strike of a strike who begins by asking more than he expects to get, and who tries to secure a part of his demand by haggling. It is possible that if Mr. ARTHUR, before ordering the strike of the engineers, had asked for just what he expected to get, his men would have been more satisfied. The President should resign, and that the conduct of his son-in-law should be made the subject of rigorous scrutiny.

We publish this morning the text of the Tariff bill introduced into the House of Representatives by Mr. CANNON, and the Chairman of the Committee of Ways and Means.

Our esteemed contemporary, the Turf, Field and Farm, as the representative of those desiring a trotting way in Central Park, looks with envy upon the present bridge plan. It says:

"Our men want to be company with the proposition printed. We did not expect to get all that was asked for. You know it is usual to ask for more than you expect."

respect, contending, logically enough, that such being the case with respect to public work, and the Brooklyn Bridge furnishing a precedent, as cited by Mr. BURNHAM, the proposed roads should not only be built, but also run by the city, not leased to a corporation like the New York Central Railroad. Mr. STRONG did not openly advocate the city's going into the railroad business, except so far as to own the roads; but he sought to prove that equally socialist work was profitably and successfully done by other cities, and laid down the broad proposition that "you can trust a great municipality to own the great sources of public supply and to operate them for the public accommodation and benefit."

Mr. STRONG has always been a pronounced advocate of the non-interference theory of Government, and therefore before proclaiming a doctrine so distinctly socialist, he was obliged to make a humble recantation, saying that at the Manchester Convention and asked his opinion as to the Statute of Limitations and its operation in favor of Messrs. GOULD and SAIG, and the Judge promptly decided in favor of the accused.

It may be possible that Minister STRONG will give him the opportunity to visit them and stay with them.

Yes, and appoint a Democrat to the place: some man like CHARLES LEVY WOODBURY of Boston or JOHN HAMPDEN BORN of New York.

The late Mr. COCHRAN, the wealthy Washington, set an excellent example to other philanthropists of the advantages of disbursing their own fortunes in the most judicious manner. He enjoyed the privilege of seeing with his own eyes for many years the elevating influences of the Corcoran Art Gallery in Washington, which he reared and stocked at a cost of \$1,500,000; and he also had the privilege of witnessing the beneficent operations of the Louisiana Home, upon which he expended \$500,000.

The other familiar example of a similar kind is that of our late venerable fellow citizen, PETER COOPER, who for so many long years watched, supervised, and enjoyed the working of his philanthropic and benevolent institutions.

It is true that the Scotland Yard detectives have their eyes on SULLIVAN and MITCHELL, and fear that the combat between those mighty men will take place on English soil, it can be fought in Whitehall under the very noses of those preposterous bursies.

And now a special committee of the New York Chamber of Commerce has declared against the fishery treaty. The unlucky treaty is burst, we fear, just as it deserves. It would also appear that the business sentiment is not so unanimous in politics as it has been depicted.

The reason why Capt. VANDE VELDE's death on the Congo should "delay" advice from STANLEY, as the cable informs us, may not be first glance apparent. It happens that for some time the steamer Stanley has been the only Congo State vessel available for service on the Upper Congo. The departure of the Stanley for the upper river was considerably delayed, in order that it might carry Capt. VANDE VELDE and his soldiers to reinforce Major Tyle's efforts to put down the slave trade. The death of this veteran Congo officer may further delay the expedition until another officer could reach Stanley Pool to take command of VANDE VELDE's force. Meanwhile there has been no means of communication with the Aruwimi River, where it is not at all improbable that news of STANLEY, if not that of himself, is awaiting the arrival of steamers.

The shipment of ten tons of the best Texas cotton seed from this port four weeks ago has nothing to do with the death of the white man who attempted to reach inner Africa from Zanzibar, though it calls that tragic event to mind. Mr. MIZAU was his name, and he had a very showy outfit, and hoped to cross the continent. He had hardly got out of sight of Zanzibar before the admiration of one of the native chiefs was excited by the gilt knob of the Frenchman's tent pole. As the amateur explorer declined to part with the bauble, the chief had to kill him, and when the ferocious African next appeared in public he wore the coveted gilt knob around his neck, and was hailed as the gold case of Mr. MIZAU's watch as a talisman.

The ten tons of cotton seed were destined for the district where this tragedy occurred, and it is not unlikely that the grandsons of some of the natives who assisted at Mr. MIZAU's taking off are among the hundreds of blacks who are now working for \$4 or \$5 a month and their board on the plantations of the German East Africa Society.

Assistant Fire Chief McCABE did not err when he rang out the three bells yesterday. There are no Democrats, no matter how hostile they may be to the Administration, that have the courage to make an open campaign of thirty days or more against the President.

The politicians that have their feet planted to each other behind the door, and in the presence of the public pose as his earnest admirers. And he grows strong through their hypocrisy and cowardice.

The Hill Boys in Texas. For itself, New York is to furnish the candidate for the Democracy, the District Attorney prefers Gov. Hill to Cleveland. Hill is a Democrat without "ifs" and "ands." He believes in party organization and discipline. He is bold, aggressive, and can carry New York beyond the possibility of a split-point not to be overlooked in the nomination of a Presidential candidate by the Democracy.

Upon the Democratic side there is only one man who occupies the desirable position of heir apparent to the Democratic succession, and that is David Bennett Hill of New York.

An Albany Editor as the Republican Candidate for Vice-President. John A. Slicer, the editor of the Albany Evening Journal, founded and managed by Thurston West, Mr. Slicer, besides being a journalist of extraordinary ability, is a highly successful business man, and a Republican could put a larger vote in the plural State of New York than he. How would Sherman and Slicer show?

That injurious and useless Habit. Dabbling in legislation by green legislators brings about some queer laws and enactments. Among others the most absurd example of recent date is the New York Statute half-holiday statute. A green legislator would have been content with a half-holiday on a quarter day, and at dawn this holiday statute would have been on the southern horizon.

Not Entire Strangers. From the Atlantic States. From the Atlantic States. From the Atlantic States.

From the Atlantic States. From the Atlantic States. From the Atlantic States.

THE FISHERY TREATY. The Leading Irish Democratic Journal Denounces it. From John Davis O'Donnell's Boston Pilot.

As we predicted last week, the fishery treaty which the full text has since been submitted to the public meets with no favor from the voters of the class most deeply interested—the American fishermen. The Irish and the British ports of Mr. Bayard were ready to claim a victory days before the verdict of the Commission was announced. The Irish and the British ports of the Democratic Administration were as ready to condemn it as a failure. Impassioned observers who desired only a fair and peaceable settlement of the international dispute, looked on with interest, and the equitable arrangement might be reached by the ill-conceived Commission. Nobody looked forward to a stormy session of the true issue as Mr. Bayard offers for approval.

The British Sea question is totally ignored. No mention is made of indemnity for the losses of our fishermen by capture, detention, and confiscation. The heading theory, so far from being understood by England, as Mr. Bayard and friends claim, is for the first time recognized as a condition of consideration at all. Our vessels are denied the right of buying fish, and are gratuitously allowed to pay provisions when in distress, and to secure other privileges of paying a tax at the rate of \$1.50 per ton according to their measurement. Finally, the President of the United States hires himself to urge the passage of laws through the American Congress in the interests of a foreign country!

To make formal the recognition of American subservience to foreign control, the Secretary of the Treasury is required to fix the number of our fishing vessels for the convenience of the British authorities; a trifling matter in itself, but one which would be a disgrace to the United States. A return to the colonial system, where under the Declaration of Independence, it put the United States, says this sterling Democrat, "on the same footing as the colonies of Great Britain, I am against it."

Mr. Chamberlain deserves the praise. His victory is complete. The treaty is a more shameful surrender in the hands of the British, which he has secured in the time of our national weakness and peril. He has secured for the past century, it would seem, our commercial rights, but he has secured for the United States a more shameful surrender in the hands of the British, which he has secured in the time of our national weakness and peril.

To summarize the matter, this is about the situation: The British Government has secured the right of the United States to fish in its waters, and the United States has secured the right of the British to fish in its waters. The British Government has secured the right of the United States to fish in its waters, and the United States has secured the right of the British to fish in its waters.

There is something more than commercial interests involved in this surrender, although the British agents have carefully kept it in the background. It is the right of the United States to fish in its waters, and the United States has secured the right of the British to fish in its waters.

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PARISIANS AT TRENTON. The Republicans in the Legislature Are Making Things Lively. TRENTON, March 1.—Success with the local option scheme has intoxicated the Republicans, and they are prancing madly about over the bodies of the members of the unfortunate Democratic minority. They started to-day with what they call their "election reform bill." There are three of these. One is the "sunset law" fixing the hours for keeping open the polls on election day at 7 A. M. to sunset, instead of from 7 A. M. to 6 A. M. as at present. This will be out of the question, if the thousands of votes of Democratic workmen, who have been accustomed to voting after their day's work was done. The "personal registry" law is another of these bills. It requires voters in all cities to personally appear before the Board of Registry or their names cannot be put on the list. Heretofore the registry lists were made up from those of former elections and from other sources of information, and political leaders in the districts saw that the names of every eligible person got on. The present constituted, which consist of a Judge and one inspector of each party, elected by the voters, two of each party, appointed by the Assembly, and one inspector of each party, appointed by the Governor, is expected to increase Republican influence in the election. In Jersey City, thousands of the names of the voters were put through by the same vote.

The bill which was given up to what is called the "jury reform bill." It takes the power of selecting grand and petit jurors out of the hands of the County Board, and places it in the hands of the Legislature. Senator Edwards fought against this, asserting that the result of it would be to place the courts in the hands of the Republican and a weak-kneed Democrat in each county. This was just what the Republicans wanted. They have now, however, and they ordered the bill to a third reading. It is expected to pass on Monday.

Senators Griggs, Bogert, and Thompson have been appointed to investigate the Morristown insane asylum. The Republican managers decided yesterday to place the bill on the calendar for Monday night, when, after speeches by Benjamin Griggs, Gardner, and Nevins, they will vote on it. The bill will be printed for distribution among voters by the Republican State Committee. The brewers have distributed 100,000 copies of the veto message for campaign purposes.

ALBANY GOSSIP. Mr. Drydollar Sullivan is the first gentleman from New York in the Assembly to appear in a striped outfit. He has a suit with blue check, a red striped tie, and a red striped hat. Mr. Sullivan sits in seat 12. Mr. Daniel Edwards Finn has seat 11. Mr. K. Howard Cray moved seat 9, and left between 11 and 12. Mr. Sullivan, who represents Paradise Park, and Mr. Finn, who has "Larry" Godkin in his pocket, are sitting in the same row. Mr. Sullivan walked over to the reporters' row and said: "Say, don't you recollect that big picture of the man who was a member of the 'K'?" Look over at those seats 11, 12, and 13. Don't you mind you of it? Finn and me are the two thieves." With a sneer and laugh he went back and sat down again by Mr. Cray.

The martial ways of Mr. Crosby come from his military training. It is not generally known among his associates that he is a Major. His official biography says: "He is interested in military affairs, and has held the position of Major in the 10th New York Infantry, First Brigade, N. G. He does not refer to Mr. Crosby, but stands for National Guard."

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TORNADO FORKS. Little Stockades That Give Protection Against the Whirling Winds. From the St. Louis Globe-Democrat.

HOUSTON, Mo., Feb. 25.—Since the cyclone at Houston, Mo., Feb. 25, many suggestions in the newspapers as to the best way of preparing against its inroads. Of course, the best way is to build a stockade, and it is easy to understand that we have all given our subjects the best of our minds. There have been seen four times within a short time of this town during the past two years, but strange to say, such a stockade has never been built. The people foolishly believe that the hills west of Houston will forever protect us from its inroads. At the town of Licking, however, only fifteen miles north, the case is different. They had a visitation in the year 1860, which by only one or two houses standing, and many people were injured. The town has been built on a hill, and every property owner has a little stockade built in front of his house, which looks like a smoke house or for the casual observer, like a stockade. The stockade is a little structure just in front of his house, which looks like a smoke house or for the casual observer, like a stockade. The stockade is a little structure just in front of his house, which looks like a smoke house or for the casual observer, like a stockade.

As I said before, only one or two houses were left standing. The stockade is a little structure just in front of his house, which looks like a smoke house or for the casual observer, like a stockade. The stockade is a little structure just in front of his house, which looks like a smoke house or for the casual observer, like a stockade.

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INTERESTING GOSSIP OF THE DAY. The Socialists are not usually regarded as the most humorous people in town, but some alleged humorists among them has got up a play, which is expected to tickle the ribs when it is performed on the Concordia stage. The play is entitled "The Socialists' Revue