

The Sun

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Fort and the Right to Fortify.

The distinction between the question of preserving the political right to fortify the intercoastal canal, if we choose so to do, and the question of the probable military value of such fortification, should be kept clearly in mind.

Some of the advocates of the surrender of American control seem to think that they can make a case for the Hay-Pauncefote Treaty by arguments designed to establish the proposition that forts at the entrance would be ineffective, in the military sense, against a powerful enemy at war with the United States; and that, therefore, we lose nothing by consenting now for all future time to the treaty.

This idea, if entertained honestly by any American, is born of obscurity of vision and of intellectual confusion. The probable efficiency or inefficiency of a system of land fortifications at the canal is an interesting subject for military conjecture, but it has absolutely nothing to do with the main question.

So far is this true that if the proposed treaty explicitly permitted the United States to erect and maintain forts at the canal as an incident of the nominal police power conferred upon this Government, at the same time requiring us to bind ourselves under a joint guarantee with Great Britain and the other great maritime powers to keep the canal open to our enemies in time of a war in which we were engaged, the treaty would not be a whit less objectionable than it is in its present form.

The determining consideration is not the probable practical value of the fortification, but the right to fortify, if that seems best to us. That must be our own business. The presence or absence of earthworks and guns becomes important at the present time only as insistence on the right to put them there asserts the principle of direct American control, and signifies a fixed purpose on the part of this nation to build a canal which is to be operated under the supervision of European Governments and subject to their coercive measures under a compact signed by ourselves.

Is it possible that any American Senator is settling down to the idea that because the voyage of the Oregon taught us the absolute necessity of the canal, we must pay for a canal for the CAMARAS as well as the CLARKES, for the hostile squadron going to attack us as well as the American warship speeding to our defence?

Once in a century is enough for such a blunder as was committed when the United States Senate ratified the Clayton-Bulwer Treaty of April 19, 1850; a blunder which the Hay-Pauncefote Treaty proposes to repeat in 1900, and to fasten upon this nation's future forever.

The Education of Roger Mills. Some students will recall the name of the Hon. ROGER CHARLES MILLS, the Corsicana CORDON. Once he was great in Texas and Washington, a hammer of the tariff and the money power. He cried aloud and spouted not for free trade and an income tax. Now he is a capitalist with oil wells to burn.

The Texas Legislature, which is always striving to squeeze the plutocrats, has brought forth a remarkable tax bill. One of its provisions imposes a tax on the gross receipts of oil producers. In the hall of the House of Representatives Mr. MILLS, describing himself as "a rawhide, hard-shell Democrat," talked about the bill of rights, quoted JEFFERSON on taxation, and warned his hearers solemnly against departing from the true principles of democratic free government. Hear him for a moment:

"Why are you called Roger? You are called for the purpose of reducing the taxes on certain classes and of putting them up on other classes of citizens of the State, taxing them unequally. This is not democratic, it is not just."

cerned, namely, the expansion of American commerce and the maintenance of American sovereignty in the Orient, a policy to which the Republican party is unconditionally committed and the acceptance of which upon the Pacific is not limited to party lines. At the last general election, the Republicans carried Oregon by 10,000 majority, the silver majority in Nevada had shrunk from 6,000 to 22 votes. California elected a Republican Governor by 20,000 majority, and the delegation to the House was Republican with one exception, while the State of Washington gave a Republican plurality of 3,000. By the election of Mr. BARN the Republicans of California now have both Senators. By the election after a deadlock in Oregon of JOSEPH SIMON, the Republicans have two Senators from there. The two Nevada Silverites, JONES and STEWART, are again in the fellowship of the Republican party and participate in its caucus management.

Thus in no section of the country have the political changes within four years been more strikingly marked than in the States of the Pacific.

Future Steps in the Mollineux Case. In civil cases, with some exceptions, the law of this State provides for two appeals: First, from the trial court to the Appellate Division of the Supreme Court, where both the law and the facts may be reviewed; and, secondly, to the Court of Appeals at Albany, where only questions of law can be considered. When we say that the law and the facts may be reviewed by the Appellate Division, we mean that the court may reverse the judgment, not only on account of some error in admitting or rejecting testimony on the trial, or in instructing the jury as to the legal rules which should guide their determination, but also on account of the verdict being against the evidence—that is to say, because the Appellate Court thinks the questions of fact were wrongly decided on the trial. When the civil case gets into the Court of Appeals, however, no question of fact can be considered there if the decision of the Appellate Division was unanimous. The Court of Appeals, in civil cases, deals only with errors of law alleged to have been committed by the Judge who presided at the trial.

The practice in a capital case is entirely different. There is no double appeal. The case does not go to the Appellate Division at all, but is taken by the defendant directly from the trial court to the Court of Appeals. There, however, the rule which prevents a review of the facts in civil cases does not apply. The Constitution of 1894 provides that the jurisdiction of the Court of Appeals shall be limited to the review of questions of law, except where the judgment is of death. Under this provision, the court exercises the broadest power in dealing with a capital case, and may grant a new trial simply because the verdict is against the weight of evidence, even though the trial may have been conducted throughout with absolute correctness so far as the action of the presiding Judge is concerned.

This power will be invoked in the Mollineux case. The Judges of the Court of Appeals will be asked to reverse the conviction on the ground that it is not sufficiently supported by competent evidence. The record will also doubtless present scores, if not hundreds, of exceptions to the rulings of Recorder GORR, which will be relied upon as pointing out legal errors demanding a reversal of the judgment. If a trustworthy opinion may be formed from the drift of discussion among lawyers and about the courts during the progress of the Mollineux trial, the mistakes of law have been so numerous and serious as to impose a heavy task upon that member of the District Attorney's staff whose duty it will be to endeavor to support the judgment before the Court of Appeals.

The record on appeal in the Mollineux case will be a long one. It would be remarkably prompt if the argument were brought on in the Court of Appeals before the summer vacation, so that a decision could be reached when the court recesses in October. More probably the case will not get on the calendar until toward the end of the present year. If so, a final determination may not be looked for until a year hence.

The Bonner Horses. To-day is to see the closing of an interesting chapter of local history, of which the like will probably never be written again. The horses of the late ROBERT BONNER are to be sold, which means that the largest, most costly, longest-lived, best and consequently most famous "stable" of trotters ever known is to be dispersed and ended.

The Bonner horses saw nearly half a century of time, and their unrivaled excellence, coupled with their owner's great pride in them and his relations with the world outside of horseflesh, brought them the acquaintance of many of the most distinguished men of the period, native or foreign. The well-known picture of Dexter at speed after the reins had been passed from Mr. BONNER's hands to Gen. GRANT, wonderfully expressive of the horse's stride and temperament, was typical merely of similar scenes in which other noted persons figured. Mr. BONNER first bought horses a little after 1850, when America began to be conscious that in the development of speed and profit of serious national importance, and his death came when this development had been carried to the point where further progress is so slow, difficult and doubtful that breeders feel that perfection, which remains, of course, unattainable, at least cannot be far away. He began driving when it was the fashion for horse-loving residents of New York to go to the tracks in what is now the Borough of Brooklyn. He lived to see the trotters, shut out first from Brooklyn, next from Manhattan Island, and then from the region north of the Harlem, finally find on Manhattan again, at Speedway Park, a footing that is ample and destined to last for all time.

The equal of Mr. BONNER's stable is not likely to be seen again, for the reason that we cannot expect to see another man in whom are combined his wealth, taste, ambition and extraordinary intensity in the attainment of a desired end. Mr. BONNER was a man of very large business affairs, not only in connection with the Ledger, but with his other properties; but his particular fancy for horses seemed to absorb his energies, not to be his foremost interest and distinction. His actual personal feeling for a horse never cooled. We never saw him pat the neck of one. We never saw the celebrated artists of the time, including MAKE, DORSEY, SEAN and HICKOCK, and GEERS and his contemporaries, if the MODERNS are to be classed with their predecessors, there was in our opinion not one whose hand was as masterful as Mr. BONNER's, as resolute in controlling an impetuous spirit, as delicate in smoothing a troubled gait and as electric in its stimulus to speed. He was the ablest driver we ever saw.

If the true spirit of the collector is abroad to-day, approval among the many well-furnished stables of New York and other cities will be extremely lively for specimens from the Bonner collection. The two highest-priced animals of the half dozen for which Mr. BONNER gave over \$30,000 were in his possession at the time of his death, Maud S. and Sunol, but only the latter is to be sold. The \$41,000 paid for her is not likely to be paid again, but she, together with her sister and brother flyers, certainly ought to bring more than the price of the everyday market.

If Lincoln Had Been McKinley's Place. What LINCOLN would have said and what LINCOLN would have done had he been in McKinley's place in the White House when the Filipinos attacked the flag, has been a favorite subject for conjecture with the Aquinilians. No American who even half understands the character of the wonderful man whose birthday the nation celebrates to-day, doubts for an instant what ABRAHAM LINCOLN would have said and done. The answer is contained in the third article of his memorandum of April 5, 1865, outlining to Judge CAMPBELL of Virginia his attitude toward those engaged in rebellion against the authority and the flag of the United States Government:

There is no question in my mind that the slave is unworthy of Missouri and of the Hon. Cortez KITCHEN. In the Senate last week the Hon. GEORGE TURNER of Washington talked about the "noble, inspired and Godlike Democracy." The value of this compliment can be estimated from the fact that Mr. TURNER, a Silver Republican, was elected to the Senate by a combination of Democrats, Populists and Silver Republicans.

The general indications from South Africa point to the probability of an early advance by one, if not two, columns of mounted troops with artillery into the Orange Free State. One of these columns is apparently forming, or formed, at the Modder River, as the Composite Regiment, organized out of the three Somerset's cavalry regiments, the Cape, French, and two other cavalry regiments have been added to Gen. Methuen's command, and he has besides three mounted colonial corps, with four others at De Aar ready to be directed to any point where required. The other column should, from the remarks made by Gen. Buller, be ready to start on a mounted corps at Queenstown before leaving the front, be preparing to operate from some point threatening the rear of the Boers at Stormberg and Burchersdorp. It was probably the information they had on the subject that brought the Boers down on Lord's Hilling the other day, to try and bar the road in that direction. The fear of a large body of the British, with a mounted corps at Queenstown before leaving the front, be preparing to operate from some point threatening the rear of the Boers at Stormberg and Burchersdorp. It was probably the information they had on the subject that brought the Boers down on Lord's Hilling the other day, to try and bar the road in that direction.

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Gentle Enemies of the Gypsy Moth. Massachusetts usually has more than her share of troubles, besides worrying herself over the rest of the world. For some years the gypsy moth has been one of the sharpest thorns in her side. This immigrant was assisted to settle in this country, we believe, by a man of science to whom Massachusetts will build no monument. The gypsy moth thrives, and Massachusetts is frightened. She studied him. She scolded him. She appealed to Congress to help her drive him out. She even spent and spent her own money in trying to drive him out.

A Gypsy Moth Committee is paid to exterminate the gypsy moth. This Committee's method have been very interesting, and a special committee of the Legislature is now investigating them. A Belmont farmer testified that he had found the moths where the employees of the Gypsy Moth Committee had said there was none. His theory was that the moths were distributed by the Committee. He knew no other way of accounting for the presence of the gypsies in certain places. A Boston man, who used to live in the heart of the ravaged district, said that in six years he had seen only two gypsy moths except those carried around in bottles by the Committee. Cankerworms harried his orchard. The Committee had pictures of the orchard taken to show the destruction wrought by the moths.

A Somerville citizen threw additional light on the essentially humorous character of the moth-destroyers. An inspector of the Committee asked him last spring for permission to cut down the underbrush on his place. Permission was granted; whereupon the destroyer cut down all the timber. The owner had never seen a gypsy moth near the place. An employee of the Committee said that his figures of extermination were crooked, and that it was very active in circulating petitions for the continuation of its glorious work.

Medford, a name as famous in Africa as in America, seems to be the capital and original residence of the gypsy moth. To a Medfordian owner of an orchard came employees of the Committee in May and marked trees. In June the trees "were devastated." Down comes an exterminator. He makes a diagnosis. "Common caterpillar," he says lightly and goes his way. Down comes another exterminator in August. His sentence is: "Gypsy moth; trees must be cut down." The Medfordite believes in the humor of the Committee and insists that his orchard was "planted" with moths.

There is no narrowness about the Committee. Another man of Medford tried to show that the exterminators were just as anxious to spare moths as to introduce them. He said that the moths are keeping ahead of the exterminators and the State's money is being wasted. The Committee's exterminators kill 221 moths a day on an average. The average day's sport of the men employed by him was 700. Counting and reporting take a good deal of the time of the Committee's workmen.

Prof. HENSHAW of the Agassiz Museum said that extermination was impossible, and that "the moth was spread more since the work of extermination was begun than before." Yet we trust that Massachusetts will not give up lightly the work of extermination. The employees of the Gypsy Moth Committee have a merry vein that is needed in the Bay State. If it is desired to supplement their labors, an Anti-Gypsy-Moth League should be formed.

Students of demology and devil-loves will thank us for these howls emitted by our highly possessed and obsessed contemporary, the Virginian Pilot:

"The Devil and Mammoth, with his banks, trusts, bondholders and his stock and bond agencies, stands visibly in our cities and at the Capital as the Director of our financial and other public affairs."

IN SOUTH AFRICA. The general indications from South Africa point to the probability of an early advance by one, if not two, columns of mounted troops with artillery into the Orange Free State. One of these columns is apparently forming, or formed, at the Modder River, as the Composite Regiment, organized out of the three Somerset's cavalry regiments, the Cape, French, and two other cavalry regiments have been added to Gen. Methuen's command, and he has besides three mounted colonial corps, with four others at De Aar ready to be directed to any point where required. The other column should, from the remarks made by Gen. Buller, be ready to start on a mounted corps at Queenstown before leaving the front, be preparing to operate from some point threatening the rear of the Boers at Stormberg and Burchersdorp. It was probably the information they had on the subject that brought the Boers down on Lord's Hilling the other day, to try and bar the road in that direction.

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MOLINEUX. The Evidence and the Verdict. To the EDITOR OF THE SUN—Sir: Rightly or wrongly, Roland B. Mollineux, in his will as a convicted murderer, is the object of popular sympathy rather than popular condemnation. The question of his actual guilt or innocence has become lost in the sincere and vigorous belief of people that he has not had a fair show, that improper and unsubstantial evidence was brought against him, and that his prosecution, from start to finish, was of a strained and vindictive order that menaces the execution of public justice. The daily detailed stories of the trial printed in the newspapers have put people in possession of the evidence in this case as the members of the jury themselves, and I believe that the judgment of such people is, almost without exception, that while young Mollineux may be guilty, and probably guilty, that not only no legal proof has been afforded of it, but no proof even in the everyday common sense of the word. When there is added to this the conviction that the prosecution was conducted with undue heat and hostility, that it brought in extraneous matters and exploited to too great an extent the theories and inferences of expert evidence in the endeavor to make out a case rather than to see the law, it must be plainly said that the general sentiment of the community favors strongly a verdict of acquittal. The verdict that was pronounced meets with surprise and disapproval.

Practically all the evidence adduced against Roland B. Mollineux for the murder of Katharine Adams was that of several handwriting experts, who declared with great positiveness that Mollineux must have written the address on the package containing poison that was sent to Harry Cornish. If these experts were right, Mollineux was clearly guilty; and if the experts were mistaken, Mollineux was innocent. The scientific and corroborative circumstances which were arrayed beside this testimony were vague. The motive assigned for the desire of Mollineux to poison Cornish was the slender one that the woman had had some sort of quarrel over matters in the Knickerbocker Athletic Club, and called each other vile names. A dagger and despatch case of the quarrel was hit in the rumors current before the trial, but on the trial no evidence substantiating these rumors was introduced. Medical experts testified that one Barnett, an acquaintance of Cornish, Mollineux and the defendant, who afterwards became Mollineux's wife, died from the same sort of poisoning as that which killed Mrs. Adams; and the inference was that Mollineux had poisoned Barnett from jealousy. Barnett's doctor testified that his patient died from diphtheria, and, aside from the results of an autopsy and a chemical examination, made some months after Barnett's death, the idea that Barnett was poisoned was based upon the theory that he had taken some Kutnow powder sent to him during his illness, in which the sender, the supposed poisoner, had, it is supposed, mixed cyanide of mercury. It seems only fair to say that the doctor's testimony, which was the basis of an indictment, is sufficient to excite suspicion, perhaps, but by no means strong enough to convict of murder, and whose relevancy to the Adams poisoning seems a matter of grave doubt.

An attempt was made to show that Mollineux had visited the premises of Cornish and Barnett, to various patent medicine firms requesting that samples of their preparations be sent to him at private letter-box establishments on Broadway. But here again the proof rested on the declaration of the handwriting experts that the letters must have been written by Mollineux. In the trial, the proprietor of one of these letter-box places, identified Mollineux as the man who had hired a box of him. But Heckman's evidence was discredited in the popular mind, at least, by the proof of his backing and filling over the matter and his peculiar relations with sensational newspaper writers. The clerk in the jewelry store in Newark who sold the silver receptacle in which the poisoned powder was sent to Cornish swore positively that Mollineux was not the man to whom she sold it.

The question before the jury, therefore, was almost entirely a simple one of whether the evidence of handwriting, the proprietor of one of these letter-box places, identified Mollineux as the man who had hired a box of him. But Heckman's evidence was discredited in the popular mind, at least, by the proof of his backing and filling over the matter and his peculiar relations with sensational newspaper writers. The clerk in the jewelry store in Newark who sold the silver receptacle in which the poisoned powder was sent to Cornish swore positively that Mollineux was not the man to whom she sold it.

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ENERGETIC REMARKS ABOUT PROPOSED LEGISLATION AFFECTING RIVERSIDE PARK. To the EDITOR OF THE SUN—Sir: I notice in the New York papers that a bill is offered in the Legislature for the establishment of dumps upon the water front of Riverside Park at Seventy-ninth and Ninety-sixth streets, and that the city is to place a foul dump upon one of the breathing places of this great city. It is a question in which every citizen and every visitor to our parks feels the deepest interest and concern. It would be a foul and crying shame so to pollute a park and cause a serious loss to the city of taxable values for such an outrage would affect the whole line of Riverside Park and be of the gravest injustice to the taxpayers and property owners who have so elegantly improved the property of the neighborhood adjacent to the park. Since the removal of the dump from there, and under the assurance of the city not protecting Riverside Park water front against the recurrence of such nuisances, and the replating of dumps there now would be in very bad taste, inasmuch as a certain law (chapter 152, law of 1897) prohibits the presence of any sheds or structures of any kind upon the docks at about Seventy-ninth and Ninety-sixth streets.

Under this law coal pockets and dumping boards for rock or dirt excavations have been removed from said docks and under this law the present Hook House, which is the President, has assured the people of the West Side that no further permits would be given for the landing and storing upon said docks at Seventy-ninth street of any more bricks or sand. The previous Dock Board took the same action under said law. The water front from Seventy-fifth to Seventy-seventh street during a building boom that existed there and also of all building materials and also cleared up the water front from Eighty-first to Eighty-second street in the same thorough manner.

And to protect Riverside Park and its water front at West Seventy-ninth street from the inroads and injury of business nuisances, the New York Central and Hudson River Railroad Company, in its response to a resolution of the Board of Aldermen on the West Side—within the past six months—caused to be removed from the water front at Seventy-ninth street and Riverside Park 500 feet of an entirely new platform which had just put up by the New York Central and Hudson River Railroad. That depot, milk business and uniform have now all been removed to a point below Riverside Park.

It has always been said that corporations have no souls and no conscience, but that the City of New York, in its response to a resolution of the Board of Aldermen on the West Side—within the past six months—caused to be removed from the water front at Seventy-ninth street and Riverside Park 500 feet of an entirely new platform which had just put up by the New York Central and Hudson River Railroad. That depot, milk business and uniform have now all been removed to a point below Riverside Park.

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AMERICA MUST CONTROL IT. Further Forceful Expressions of Public Opinion About the Canal. To the EDITOR OF THE SUN—Sir: Allow me to express my appreciation of your able editorials on the Hay-Pauncefote Treaty and on the Monroe Doctrine. It is a pleasure to discuss the relative strategic advantages of forts and ships!

The manner and means of controlling the American Canal is a matter for us to decide and mine by ourselves when the time comes and not a question for any European power to decide for us by treaty. To gain an immediate end we are again overlooking the ultimate issue. Unless we can bring the people to realize that by this treaty we are admitting at this late day what we have long sought to deny, namely, the right of any European power to interfere in our distinctly American canal, then our Monroe Doctrine as a doctrine case will be forever closed, at least as far as the canal question is concerned.

The Senate should be made to understand that by ratifying the treaty we are formally conceding to any European power the right to traverse our American waterway and jeopard our future ascendancy on this continent. LINDLEY M. KEARNEY. REYNOLDS, Pa., Feb. 10.

To the EDITOR OF THE SUN—Sir: I have read with considerable interest your successive editorials on the Hay-Pauncefote Treaty, starting with the one you denoted "hypothetical," and including to-day's. They appear to me to be unanswerable. What is the occasion for the United States entering into a treaty at all with Great Britain about this Nicaragua Canal? Why, if the convention to build it be entered into with Nicaragua, does not that end it? Is it not purely an American affair? I note you state that Nicaragua might even be needed into the Union. We may with rightful pride open the canal to the world, but that should not entitle conditions upon us other than those which would have to be incurred if we decided (as our great wealth might well permit) to build such a canal clear across our