NEW YORK HERALD | The Stokes Appeal-Deplorable Uncer-

BROADWAY AND ANN STREET.

6

JAMES GORDON BENNETT. PROPRIETOR.

AMUSEMENTS THIS AFTERNOON AND EVENING

NEW FIFTH AVENUE THEATRE, 728 and 730 Broad-

BOWERY THEATRE, Bowery .- THE DEVIL'S CRAC-

THEATRE COMIQUE, No. 514 Broadway .- THE DRAWA OF HELF. Matinee at 2%

GRAND OPERA HOUSE, Twenty-third st. and Eighth

WOOD'S MUSEUM, Broadway, corner Thirtieth st .--

NIBLO'S GARDEN, Broadway, between Prince and Houston sts .- Suith vs. Bnown, &c.

UNION SQUARE THEATRE, Union square, near

ATHENEUM. 585 Broadway.-GRAND VARIETY ENTER VALNEEM. Matinee at 235.

OLYMPIC THEATRE. Broadway, between Houston and Bieecker streets .- DRIVEN FROM HOME. Matinee at 2.

WALLACK'S THEATRE, Broadway and Thirteenth

BOOTH'S THEATRE. Twenty third street.corner Sixth TONY PASTOR'S OPERA HOUSE, No. 201 Bowery, -

REVANT'S OPERA HOUSE, Twenty-third st., corner 6th av.-NEGRO MINSTREEST, &C.

AMERICAN INSTITUTE HALL, Third av., 63d and 66th CENTRAL PARK GARDEN-SUMMER NIGHTS' CON-

METROPOLITAN MUSEUM OF ART, 128 West Four-teenth st. -- CYFRIAN AND LOAN COLLECTIONS OF ART.

TERRACE GARDEN THEATRE, 58th st., between Lex-

NEW YORK MUSEUM OF ANATOMY, 618 Broadway.-

TRIPLE SHEET.

New York, Wednesday, June 11, 1873.

THE NEWS OF YESTERDAY.

'To-Day's Contents of the Herald.

"THE STOKES APPEAL! DEPLORABLE UNCER-TAINTY OF THE CRIMINAL LAW "-LEAD-

ING EDITORIAL ARTICLE-SIXTH PAGE. BTOKES AGAIN TRIUMPHANT OVER JUSTICE! THE COURT OF APPEALS GIVE HIM AN-OTHER CHANCE FOR HIS LIFE! A RE-VIEW OF THE CASE! WHAT THE PRIS-ONER AND HIS COUNSEL HAD TO SAY! RENEWAL OF THE FORMER FIGHT-THIRD

- DEATH IN THE MINES! TERRIFIC EXPLOSION IN A PENNSYLVANIA COLLIERY! THIRTY-FIVE MEN PENNED UP IN THE PIT! ONLY FIVE SAVED SO FAR-SIXTH PAGE.
- BPANISH ASSAULT UPON AND DISPERSION OF A FORCE UNDER MAGIN DIAZ! THE CUBAN CHIEF AND TWENTY-NINE OF THE BAND KILLED AND SIXTEEN CAPTURED-SEVENTE PAGE
- ACTION OF THE AMERICAN GOVERNMENT IN MR. PRICE'S CASE! COURT MARTIAL PRO-CEEDINGS PROTESTED AGAINST! SECRE-TARY FISH'S VIEWS ON THE SPANISH WAR ON THE HERALD-THIRD PAGE.
- PROMPT TRIAL OF THE MODUCS! OREGON DE-NUNCIATION OF THE MASSACRE! KILL-ING OF A PIUTE-SEVENTH PAGE.
- FRANCE MUZZLING THE PRESS ! EXCITED SES-SION OF THE NATIONAL ASSEMBLY-THE SPANISH CABINET CRISIS-SEVENTH
- THE REGATTA OF THE ATLANTIC CLUB! AN EXCITING RACE, WITH THE YACHT AGNES AS WINNER OF THE SCHOONER CUP AND THE VIXEN, ANNA AND UNDINE WINNERS OF THE PRIZES FOR SLOOPS-FOURTH PAGE.

THE ASCOT (ENGLAND) RACES! EXCITING TRUGGLES FOR THE PRIZES! THE SUM-MARIES-SEVENTH PAGE. JEROME PARK RACESI THE PROBABLE

tals, justice suffers by the Law good enough to satisfy tainty of the Criminal Law. On the 6th of January, 1872, James Fisk was shot by Edward S. Stokes. The following morning Fisk died. There immediately arose a loud cry through the community for vengeance on the murderer. Seventeen months have elapsed since then, and justice has not been done. Twice has the deliverance of the law been invoked between the people and the accused, and the case at this date stands exactly in the position where it stood on the morning of the 7th of January, 1872, when Fisk was declared dead.

imported into the Stokes case the killing has no element that is novel. Either Stokes killed Yesterday the decision of the Court of Ap-Fisk or did not kill him; either the killing was peals was promulgated at Albany. The Court with malice aforethought and lying in wait or were unanimous in their opinion that the apon an impulse to injure an avowed enemy or pellant is entitled to a new trial. The decision in self-defence. All these points have been s based on several grounds, the broadest and raised a thousand times; but law so trips up most sufficing of which is that Judge Board-Justice that the blind goddess cannot tell man's charge on the second trial was erroneous what is in her scales. This is lamentable. on a most important point. The Judge, it The man who shot down Fisk is alone in the seems, charged, according to common law, that position to laugh at the law's delay. Let the the law presumes murder from the fact of lesson of this decision be not lost upon the killing and calls on the prisoner to mitigate or State. We gratefully observe that, owing to a justify. Under the statute law they decided late modification of the law, we have this that, the killing admitted, the onus probandi decision months in advance of the time we rested with the prosecution so far as concerned should have had it under the older system. the degree of guilt, or, in fact, legal responsi-That change was the result of a well-justified bility at all. There are other minor points in outery against delay at this stage in other the opinions delivered. One is against the cases. Let us, then, have our laws relating to decision of Judge Boardman to exclude homicides and criminal cases generally reduced evidence as to alleged threats by Fisk to kill to a clear code, which will save the Bench from Stokes and on the points of evidence elicited the indignity of sharp correction and society from Jennie Turner, the servant of Mrs. from the tableau of Justice playing hide and Morse. Now, on the decision of these techniseek among criminal lawyers cal points we have very little to say. They were, doubtless, made according to the letter The Spanish Muddle. of the law; but what all honest men will Our news from Spain for the last two days complain of is why these errors, as they are has been of a strangely confused and conflictcalled in the Court below, could possibly have ing character. Yesterday, whether Figueras been made. Judge Boardman is surely not was or was not President of the so-called such a novice in the law of the State of New Spanish Republic no man could tell. Our York that he could have fallen into this error latest news shows that the muddle was much without grave consideration. To hint for a more serious than we had imagined. It is moment that it was an intentional lapse would quite clear that Figueras had resigned his high be to make a very grave charge against a Judge position as President of the Republic and that of the Supreme Court of the State. We dis-Pi y Margall accepted the vacated position. miss this supposition promptly, and only

It is also clear that Pi y Margall formed a allude to it because, painful as it may be, it is Ministry which, though it to him seemed good, one that will not escape those who look for a the Cortes could not and would not accept. hanging in this case at all hazards. Whatever our opinions may be of the crime and the recalled by the unanimous voice of punishment it deserves, we are too well aware the Cortes, and that the call made that the safety of the community can only be upon him was that he should come back with guarded by that punishment being awarded according to the letter as well as the spirit of latest news Figueras, full of the good sense the law. What, then, we may ask, led to Judge which naturally belongs to him and which ap-Boardman's blunder? The answer must be patent to all-namely, the obscurity, we may say the incongruity, of the law touching homicides in general. We have, we are thankful to say, outgrown the Court of Appeals failure. The finances of Spain are dreadfully presided over by "Judge Lynch;" but the community, in surrendering its authority to the Courts, has a right to exact precision in politicians were, or tried to be, blind. Truth. the administration of justice. That, in the Stokes case, is just what we have not. Figueras, after resigning and after accepting

Nixon killed a man a few months ago and has been long since strangled. Jack Reynolds undertook without money in his purse to become a "prophet in his own country," and died on the gallows as a reward for his pretensiousness with "a short shrift and a long rope." These are of the cases on which society gratulates itself that crime can be punished ; but when the bullet has a padding of "influence" and currency society must chant its pæan in a minor key.

The steps by which the case of Stokes has reached its present level are full of instruction to those who have the good of the community at heart. After the Coroner's inquest an indictment was drawn against Stokes. Motions to quash the indictment were wrangled over for some time, and at length the curious spectacle was offered of a petit jury trying Judge Benedict the prisoner pleaded "not the Grand Jury for passing upon the indictment. The indictment was sustained and Stokes was called upon to plead towards the latter end of June, 1872. No point had been gained but delay by the prisoner's counsel; and what is to be complained of here is the looseness of the law that permitted even wealth and hired talent to retard the course of justice. The trial lasted from the 19th of June to the 15th of July and resulted in a disagreement of the jury. This was, of course a victory for the prisoner, and until the 19th of last December he enjoyed his triumph. Then began the second trial. On the 6th of January 1873, one year exactly from the murder, Stokes was condemned to death in accordance with the unanimous verdict of the jury. The community had forgotten most of its animus in the matter; but the finding of the twelve men was acquiesced in. The two long, wearying trials had put the State to enormous expense, not to speak of the expenditure caused by the frivolous trial of the Grand Jury in the first instance. The Courts had been occupied with the case during weeks. and a result had been achieved which looked final. We state all this that the weightiness of the blunder may be apparent which has saddled the county with renewed expense, which has devoted beforehand weeks of valu able time to the third trial of the prisoner, and which, above all, tends to weaken the confidence of the people in the administration of justice. We are to have a third trial of the man who shot down Fisk ; but who can say confidently that the verdict, if any, on the next deliverance will be a whit more perfect or less liable to be upset than the one already a dead letter? The ghosts of Nixon and Reynolds rise up to reproach us. Had they money to fee lawyers beyond the rating of the Police Courts who can tell that they would not to-day have been receiving congratulatory visits from their friends in the lower wards upon decisions of the Court of Appeals granting new trials? If, indeed, the Murderers' Club was anything more than the vision of a lunatic the Day of Judgment might be safely looked to as the only date at which the Tombs would be cleared of its troublesome inmates. It is undeniable, we think, that wealth has its advantages : but it is a theory of our republican government that there is one law for rich and poor alike. This is true : but we must confess. without any slur upon our Judiciary, that its loopholes have golden keys. What we want is justice for rich and poor alike. To secure this we need a simplification of the law which will make all its safeguards accessible to all persons on trial for crime, and not hidden away only where great wealth can find them. From the concatenation of legal web-weaving in this case we are made certain that, when the effort of the prisoner is continuously in reversal of the rulings for ordinary mor- | trade.

society Correspondent at Havana. fastens the halter around the criminal's We have this morning, in a special deneck, the Judge makes a mistake in knotting spatch from Washington, some encouraging the rope, and the gallows is accordingly news in reference to our imprisoned corcheated. We admit that if Stokes is to be respondent, Mr. Price, at Havana. The father hanged the strangulation to its last details of this young gentleman, in an interview yesterday with our amiable Secretary of must be done according to law; but when

State, was, it appears, favored with some very gratifying information regarding views of the learned Secretary as to the status of the NEW YORK HERALD among the great Powers of the earth. In regard to our imprisoned correspondent we are glad to be assured that Mr. Davis, Assistant Secretary of State, in the absence of his chief, had promptly intervened in behalf of common justice to said prisoner, and that Mr. Fish, since his return to Washington, has been doing all that could be done. and will do all that he can for Mr. Price's

of Mr. Fish, that although our correspondent is menaced with a court-martial, the remonstrances made against this contemplated outrage will probably arrest it; and that although it is uncertain how long, through the tedious and crooked ways of diplomacy, Mr. Price may be held in prison, Mr. Fish expects that he will be ultimately released. Mr. Price, it is true, is an American citizen, unjustly deprived of his liberty, ignorant of the accusations upon which he has been arrested and thrust into prison ; ignorant of any violation of the laws of Spain, and kept in ignorance of the charges made against him; but still, we must be patient. The Spanish authorities in Cuba have their own reasons for the detention of Mr. Price, and in the interchanges of diplomatic correspondence on the subject, even by telegraph, much time must be necessarily

consumed. In any event we are thankful for the intervention, the promises and the opinions of the Secretary of State in behalf of our imprisoned correspondent, and partly because, we apprehend, his official duty in the premises is somewhat troublesome. We are pleased also be enlightened as to the probto able causes of the extreme measures of hostility adopted by the Spanish authorities in Cuba against our correspondents, Mr. O'Kelly and Mr. Price; but how shall wehow can we-sufficiently express our obligations to the Secretary of State for his exalted opinion of the NEW YORK HEBALD as a newspaper and as a power among the nations? Inspired by a lofty sense of gratitude and national pride towards this journal, in consideration of its many flattering testimonials, from time to time, to the unmatched abilities of Mr. Fish in our State Department, we can only say that, perhaps, we have some special claim to his generous reciprocity in "distinguished consideration." He remembers, with becoming pleasure, the many acknowledgments of his merits received at our hands, and from the pleasing recollections he becomes inspired and eloquent. We confess that we are greatly honored thereby ; but at the same time we must admonish our amiable Secretary of State that all this byplay will not serve to divert the public attention from the case of that unoffending American citizen still held as a prisoner at Havana, and in apparent mockery of our government.

A New Literary Home.

That a number of gentlemen who sympathize with the interests of art and literature should intend establishing a home for the benefit of literary and artistic workers who have become reduced by sickness or other misfortunes is a circumstance both honorable and amiable, and we hope that the institution of that character which, it is said, is shortly to be built near Binghamton will be a success in all the best senses of that term. We cannot say that our expectation is very strong, however. In the true literary and artistic temperament there is an element which shrinks with more than mimosa-like sensibility from any touch bearing the remotest approach to charity. And even if the project should be successful, so far as the occupancy of the home by a certain number of the order of candidates demanded is concerned, it is scarcely possible to imagine a more melancholy spectacle than the ensemble would present; and the fact which would deepen the melancholy would be the ludicrous element which it would be sure to contain. There is no knowing (until such a home brought the matter to light) how many crushed Longfellows or downtrodden Pages are to be found among literary and art aspirants whom "sick. ness and other misfortunes" have kept at the lowest round of the ladder. One meets with a sufficient quantity of unsuccessful geniuses in the healthy, vital world around him not to feel pretty sure that the pleas of sickness and misfortune conceal many more. Such a home, therefore, would be likely to benefit those who least need benefiting. Shakspeare prostrated by paralysis would scarcely place the prism of his soul where all life long it should refract the rays of charity. A blind Titian would prefer basket-making to fretting his heavenly visions within the cold domain of a "benevolent institution." A decayed artist is not like a decayed tooth. If you fill him satisfactorily, it must be with the gold he

process. Mr. Secretary Fish and Our Imprisoned | will only arouse that disturbing element in regard to nationalities which native-born citi. zens have long since accepted as substantially sunk into oblivion. Much better is it that all nationalities, American as well as foreignborn, should in this country unite in a generous and cordial support of our great republican institutions than to be hedging and ditching about the paltry office-begging politicians of the land.

> THE CHINESE IN SAN FRANCISCO have found a good friend in Mayor Alvord, in his vetoes of several city ordinances passed against them which he fitly pronounces unjust and infamous; and we are glad to be assured that the action of the Mayor upon these infamous measures of persecution is approved by a large majority of the citizens of San Francisc

PERSONAL INTELLIGENCE.

From his cavalry experience MacMahon is relied on for a stable government in France. The historian, Friedrich von Raumer, celebrated

on the 14th inst. his ninety-third birthday. A High Church English clergyman at Wolverhampton has just gone over to the Greek church. A Western editor recently rode sixty miles on a

cow-catcher, and failed to catch the cow, after all Alexander Heron, flaxdresser, of Dundee, Scotland, met his death by falling three feet from a bale of jute to the sidewalk. 'New Chicago" is what they call it now. It is

to be hoped that the morals of the old city will be improved under the new.

English papers tell us that the rivet headers in a boiler shop at Yarrow lately struck. That's natu-ral. Wonder they didn't think of it before! John Francis Kearns, sentenced to fifteen years

confinement for treason-felony, in connection with Fenianism in Ireland, has just died in an insane asylum at Cork. Four Scotch fishermen named Walker were re-

cently drowned together near Aberdeen. It would have been more serviceable in their occupation had they been swimmers. Sixty thousand dollars has been offered the

government, by a Western man, for the use of Captain Jack for sixty days. It must have been a ack of another sort who made the proposition. The London correspondent of the Scotaman hears

from a trustworthy source that at the unveiling of the statute of Lord Derby in Parliament square, early in July, the eloge will be delivered by Mr. Dis raell.

The Cincinnati Times insidiously remarks that there creeps out in several of the best Kansas papers, a fellow feeling for Pomeroy, as his trial ap roaches, that looks as if they had been assisted to start a national bank."

Charles Nordhoff has written to ex-Governor Hayes, of Ohio, a letter on constitutional reform, which is regarded as very pertinent at this time considering the fact that the State Constitutional Convention is now sitting. The Ipswich (England) Journal states that on the

12th of May, at Lowestoft, Lady Smith, aged 100 years, gave a dinner to 107 old people, whose united ages amounted to 8,228 years, or about an average of seventy-seven to each.

Western papers are somewhat divided noon the propriety of the appointment of John A. Bingham as Minister to Japan. A majority, however, seem to regard his departure, in view of his Credit Mobillér record, as very fortunate.

Colonel A. K. McClure declares his intention to retire altogether from politics upon the expiration of his present Senatorial term. He expresses himself warmly in lavor of Alexander Henry for Mayor of Philadelphia during the centennial year.

SECTARIANISM IN BROOKLYN.

Religion a Bar to Political Preference-Captain Tanner's Charge on the Order of American Union.

At a largely attended meeting of the Twentysecond ward Republican Association, held on Monday evening last at the hall corner Fifth avenue and Ninth street, South Brooklyn, considerable excitement was created by the presentation of the subjoined resolutions touching religious interference with political preference :-

ference with political preference :--Whereas section 3 of article 6 of the constitution of the United States declares that 'no religious test shall ever be required as a qualification to any office or public trust," and whereas article 1 of the constitution, as amended is 1789, provides that Congress shall make no law respecting an establishment of religion or prohibit-ing the free exercise thereof, therefore, be it Resolved, That although many of us differ radically with the tenets of the Roman Catholic faith, it is never-theices the sense of this Association that the banding together of our citizens in secret semi-political semi-religious bodies where an obligation is assumed debar-ring the men fres therea Catholic Chom supporting com-enumble trust." but also obligation the sense of the and drive out of such pesitions these individues now holding them who may happen to be of the Roma-catholic raith, is a vidation of the letter and spirit of the constitution of the United States, is a violation of the great principles of freedom of thought, speech and action which are the corner succes of our political structure and an arrogation by fallible man of the prerogatives of the Supreme Being alone. which are the corner stone of our political structure and supreme Being alone. The gentleman offring the foregoing, Captain James Tanner, a viceran soldier, who lost both legs during the wai for the Union, gave as his reasons that, while le was not a member of the Catholic Church, but had, on the contrary, been brought up a Methodst, still he had always enter-tained principles which enabled him to know that a man may differ fron him on a point of religions belief and yet be an honest man. He said there is in every ward in the city a society known as the Order of American Unon, the distinctive features of which are its anti-Catholicism. It was obligatory among the nembers of this organization to never vote ior a (atholic, and to strive, by all means, to root out rom all positions of profit and trust all who hold that Church to be the true faith. Among he members of the Order of American Union present were, the speaker said, Captain John Hall, United States Pen-sion Agent. He hid ascertained upon in-quiry that Mr. Wiliam H. Gleavy had been recently removed from the position of Master Biockmaker in the Nivy Yard for the sole reason that he was a membr of that religion, to which the society objected. Major George F. Thit, a one-legged veteran, had ben "scratched" on his teket when a candidate br delegate to the State Con-ner cited in a maneu which elicited confidence in the truth of the assertion. He arraigned the so-ciety because their curse is inmical to the best in-terests of the country and because they are withully violating the constitution of the united States beveral applicants for position had been in-terests of the country and because they are withully violating the constitution of the United States, Several applicants for position had been opposed by the society in question for no other reason than that of having aided Satholics to obtain positions. He defended the substantial aid rendered the overnoment by themsands of "this proceeding the Several applicants for position had been opposed by the society in quation ior no other reason than that of having aided Jatholics to obtain positions. He defended the substantial aid rendered the government by thusands of "this proscribed sect" who had scrifficed their lives in its defense, and the peaker remembered when he was lying wounded and in a burning lever in hospital he did not spurn the cooling cup because the ministering angel was a Sister of Charity. He warned those society people when they go o Uiyses at Long Branch to tell him that they are making a drive at certain office-holders of the sme faith as Generals Sherman and Sheridan, to lok out that they were not served by "little Phil' as the rebel raiders were and sent roling through the valley. The resolu-tion was, on motion 4 Colonel Hemstreet, laid on the table for one month.

FIRE	DAMP	AGAIN.
	Explosion i Colliery at S	in the Henry Shamokin.
AN C	DPEN	LAMP.
Recovery o	f the Bodies	-Five Sufferers athing.

SHAMORIN, Northumberland county, Pa., June 10, 1873.

This afternoon, about three o'clock, while the inside boss at Henry Clay Colliery, near this place, was examining some of the inside works with an open lamp, he passed into a portion of the mine marked out, when there flame of the lamp set fire to the gas then accumulated, causing an explosion which BLEW OUT THE TIMBERS.

causing a squeeze of earth and the caving in of the mine at the point of egress, preventing the escape of the men therein employed. At the time of the explosion it is believed at least thirty-five men were in the mine, and but few will probably be taken out alive. As soon as the accident occurred the alarm was given. and

EVERY EFFORT MADE TO BELIEVE THE MEN inside, and at five o'clock, by almost superhuman efforts, the men outside, risking their own lives in encountering the noxious gases, succeeded in

TAKING OUT THIRTEEN MEN.

eight of whom were dead, and the remainder will probably not survive.

At six o'clock two more dead bodies had been recovered, and still the efforts of the men were unceasing, reliefs being put on as a portion of the rescuers were worn out with the straining toil.

THE BODY OF THE INSIDE BOSS

was found lamp in hand, showing that he had met his death almost instantly; and the body of Mr. John Hays, the outside boss, who went into the mine to assist in its inspection, has also been recovered. The body of Drumheiser, the inside boss, was terribly blackened and disfigured.

The work of the men on the outside for the relief of the suffocating men inside has been attended with great risk on account of

THE AFTER-DAMP:

but they have worked manfully, though to little purpose, as most of them were past human aid when help came.

As soon as the explosion occurred men were summoned from the adjoining mines. Before dark large numbers of men were present to assist in the work of recovering the bodies and to inquire about the safety of friends employed in the mine, and the most intense excitement prevailed.

The HERALD representative reached the scene of the disaster at about ten o'clock. going up from Pottsville with Mr. Fulton, the operator of the colliery, and Mr. Hemingway. the State Mine Inspector. These gentlemen were very much exercised over the occurences of the day, and said that it was thought

that this colliery was as nearly FREE FROM SULPHUR

Judges blunder in the simple definitions of crime-the A BC of the Bench-it is time to be anxious, whether we have any law at all not only the action of the State Department that is unerring or even reliable in its apppliin behalf of said prisoner, but touching the cation to ordinary cases. In spite of the issue

liberation. We are also gratified to learn, as the opinion

THE FINE CONTESTS AT PROSPECT PARK YESTERDAY-A DEFEAT FOR THE "MUTES"-FOURTH PAGE.

- & BRITISH BARK WRECKED OFF CUMBER-LAND ISLAND! NINE PERSONS PERISH, INCLUDING THE CAPTAIN AND HIS WIFE-TENTH PAGE.
- CLOSING OF THE WEST TRIAL ! THE "PRO-FESSOR" PRESENTED IN HIS PROPER COLORS ! THE CHIEF JUSTICE DEMOL-ISHES THE INSANITY DEFENCE-TENTH
- NATIONAL CAPITAL NEWS-THE PRESIDENT AT WEST POINT-LONG BRANCH ITEMS-CABLE AND GENERAL NEWS-SEVENTH PAGE.
- THE MORDECAL-MCCARTY DUEL-LOSSES BY THE NEWBURG FIRE-THIRD PAGE.
- A DISSECTION OF THE CHARACTER OF M. T. WALWORTH: AN INTIMATE GIVES SOME PERSONAL RECOLLECTIONS! THE GRAND JURY INDICTMENT-FOURTH PAGE.
- THE MITCHELL WIFE-DESERTION SCANDAL! ANOTHER UNHAPPY MARRIAGE! PROB-ABLE ACTION OF THE SENATE-MINISTER ORN'S OBSEQUIES-FOURTH PAGE.
- WALL STREET BUSINESS! MONEY IN GOOD SUPPLY! GOVERNMENT SECURITIES DE-VELOPING STRENGTH-EIGHTH PAGE.
- THE CONSTITUTIONALITY OF THE HABITUAL CRIMINALS ACT JUD'CIALLY AFFIRMED: GENERAL LEGAL SUMMARIES-FIFTH PAGE. PRONE AND SINEW? FOR THE WEST_WORKS OF THE ARTISTS AND LITERATI-REAL ESTATE BUSINESS-FIFTH PAGE.

A STRANGE SPECTACLE-The rejoicings in "Murderers' Row" in the Tombs, yesterday, over the decision of the Court of Appeals in the Stokes case.

PER CONTRA.-The decision of Judge Davis affirming the constitutionality of "the Habitmal Criminals act" is a crumb of comfort to peaceable citizens, although the act, in ignorant hands, like a two-edged sword, may cut both ways.

MASTER FRANK H. WALWORTH has been inflicted for murder in the first degree. When he is to be tried we do not know and cannot even conjecture.

Something WRONG ON THE RHONE. - The sale of journals in the streets of citics and towns an the Department of the Rhone has been prohibited. The people of those cities and towns have perhaps got hold of the wrong Republic, Although it is their own.

THE MODOCS are to be tried by Military Commission without further delay. The Atsorney General having settled the knotty points of international law and of the rights of independent nations bearing on the subject, General Schofield has been requested to instruct General Davis to proceed to business, and General Davis has accordingly been so instructed. They do these things much better in France.

ndlow Street J. be one of those lagging prosecutions which in the end either never punish the guilty or do it after so long an interval that the penalty loses its proper effect of deterring others similarly placed from a repetition of the convict's offence. We have seen the shameful termination of the criminal proceedings in the case of the Market Savings Bank. A few months' residence in Canada was the only inconvenience suffered by an officer of that institution ccused of the "irregular" use of its funds. After that he comes back with a flourish, and it is coolly stated that the action against him has been given up to induce him to return. Are Taintor's wonderful financial abilities to be in like manner secured to New York? Can not Wall street spare so brilliant an operator with other people's money? Why not press his trial rapidly to an issue and give him a chance to begin honestly laboring for his bread in the Penitentiary, if guilty, or clearing him, if his conduct has been correct ?

also seems clear that Figueras was

his former Ministers. Up to the date of our

peared prominently in the HERALD of Mon-

day, seems to have done his best to form a

Ministry; but the circumstances were new

and the attempt seems to have proved a

wrong. All the world-particularly the

financial world-knows the fact. Spanish

however, must tell. It has so far told that

a fresh responsibility, has been compelled to

confess that he cannot form a Ministry. New

names are mentioned-names of which the

world knows nothing and cares less; but

Spain for the present, so far as we know, al-

though having a Parliament, is without a re-

sponsible Ministry. To our correspondent

Figueras said that it must be "a federal re-

public or a monarchy with Don Alfonso."

The Atlantic Bank Defalcation-Rein-

distment of Taintor.

Atlantic National Bank, was arraigned yester-

day in the United States Circuit Court to

plead to the new indictment presented against

him. His counsel being absent, by advice of

guilty" to all the charges, and was taken

Frank N. Taintor, the late cashier of the

May it not first be chaos ?

THE POLITICAL PARTY COALITION IN THE FRENCH NATIONAL ASSEMBLY remains watchful and powerful under the leadership of the chiefs of the Left in its critique of the Ministerial management, despite the recent reassertion of the democratic principle under MacMahon. The action of the Military Governor of Paris and of the Minister of the Interior for the supervision and control of the public press has been made the occasion of an adroit and forcible assault on the home policy of the Cabinet. The oppositionists, with the aid of Gambetta, defended the right of journalistic publication-a very popular point of vantage. The debate was very exciting, stormy at moments. Seven hundred and four members were present at the division. The Ministry were supported by three hundred and eighty-nine-a majority of seventy-four. This result develops the existence of material for a strong opposition in the French legislative body-a really healthy national fact, particularly when the government is honest and independent.

THE SUEZ CANAL .- From the traffic returns of the Suez Canal it appears that in eleven months of 1872-73 572 vessels passed through, against 288 in the preceding twelve months, while the tonnage increased at a still larger rate-674,818 tons, against 293,362 tons. This gives to the short cut twenty-four per cent of all the tonnage passing at present between India and Europe and America. Enterprising capitalists should not fail to note in these facts the golden promise of profit to the undertaking which shall shorten by thousands of miles the ocean voyage between New York and the shores of the Pacific, and bring an equatorial American canal route into competition with that of Suez for the prize of the Indian

ANOTHEB FEARFUL COLLIERY EXPLOSION. resulting from the apparently incurable careessness of the men who go into mines charged with fire-damp carrying an open lamp, has taken place at Shamokin, Northumberland county, Pa. In this case one of the foremen was to blame. His dead body and those of a number of other miners have been recovered. A full account of the terrible affair will be found in our special despatches elsewhere.

has earned himself.

THE PROPOSED PARTY OF IRISH-BORN CITIzens. - The Indianapolis Sendinel (democratic) deprecates the idea of a new political party composed entirely of Irish-born citizens of the United States, a convention to favor which is proposed to be held in Cleveland, Ohio, in July, when an association similar to the German Union will be formed, and its members pledged to support Irishmen for office in pretarence to persons of other nationalities, without regard to party lines. This movement too much resembles that of the dead and buried Know Nothing party to expect the encouragement of any right-thinking foreign-born citizens, whether from Ireland or elsewhere. It

WEATLER REPORT.

WAR DEPARTMENT, OFFICE OF THE CHIEF SIGNAL OFFICER, WASHINGTN, D. C., June 11-1 A. M.

For New England cloudy weather and rain areas winds veering to vesterly and northerly during the afternoon and light with clearing weather for the Middle Stites and Lower Lakes, light and frest vesterly to northerly light winds and clear or clearing weather from the Ohio Valley and Missuri to the Upper Lakes and Minnesota, light and ireh northerly and westerly winds, and very generally clear weather; for the South Atlantic States, lift to fresh southerly and westerly winds and cleator partly cloudy weather ; for Kentucky, Tennesseeand the Guif States east of the Mississippi cloudyweather and rain areas will probably continue dring the day.

The Weather in his City Yesterday. The following record till show the changes in the temperature for the ast twenty-four hours in

13 A. M	. 74			M		91
6 A. M	. 60	64	6 P.	M	74	80
9 A. M	. 74	74	9 P.	M	72	75
12 M				M		70
Average tempe	rature	yese	rday			74%
Average tempe	rature	: 10 0	orre	sponding	date	Constanting
last year						74

as possible to have a mine. They could give no facts about the disaster, and were as much at a loss to account for the explosion as a stranger to the colliery and its antecedents.

THE SUMMER CONCERT SEASON ON THE EAST SIDE.

The huge hall which the American Institute has taken under its special direction, near the Third Avenue depot, was opened to the public this week for a season of Summer concerts. Mr. Felix J. Eben, a conductor of note in this city, has organized an orchestra of fifty performers, and last evening these musicians interpreted a very choice programme, somewhat lighter in calibre, undoubt edly than the classic outpourings, of Thomas on the west side, but neverthe ess, interesting and, in general, rendered with a commendable degree of spirit and effect. The most ardent devotee of the music of the future could not object to the "Rienzi" march, and the admirers of the French school were solaced by an overture, "Roi d'Yvetot," by Adolphe Adam. The habitues of the Academy wept over the finale to the second act of "Traviata," or smiled at the shadow dance of "Dinorah." Steinway Hall concert goers found relief in Abt's "Schlaf Wohl," or were reminded of the panjandrum of the "Hub" by minded of the panjandrum of the "Hub" by "The Artist's Life Waltz." Then came sparkling little extracts from the salon works of Neumann, Parloro, Tit'l and a well con-structed fantasia on national airs by Koppitz, of Boston. The immortal "Tell" overtare formed a prominent feature on the programme. The or-chestra played well, and with sufficient evidence of careful reheatsal to ensure artistic success. There is no reason why the east side should not enjoy and support good music during the dog days as well as the more aristocratic Seventh avenue, where fashion is in the ascendant. Of course the band over which Mr. Eben waves his wand cannot for a moment be compared with the disband over which Mr. Eben waves his wand cannot for a moment be compared with the dis-ciplined veterans of Thomas, but they show spirit and *elan* in their interpretations which give satislaction to the numerous pligrims from the Third and Second avenue cars. At all events there is not the slightest danger of a controversy arising between smokers and anti-smokers at the Rink, and the sturdy Teuton and his *like frast* sit down under the metaphysical figtree of the huge girders of the American Institute Hall in perfect contentment, drinking in Wagner, Straws, Rude-sheimer, Meyerbeer and lager beer and watching the cloud of smoke that cigar and meerschaum send in spirals to the lofty roof. East and west on Manhattan Island are now provided for during the heated term in music and sundries.

SENTENCE OF DEATH.

ANNAPOLIS, Md., June 10, 1873.

In the Circuit Court this morning Joshua Nicholson, convicted of the murder of Mrs. Lampley, was brought up for sentence, and when asked if he had anything to say why sentence of death should not anything to say why sentence of death should not be pronounced upon him, he rose and said he was not guilty of the murder, and declared that lies had taken away his life. His confession was made to Detective Crone on promise that he (Nicholson) would be made State witness, Judge Miller then proceeded to scattene the prisoner to be hanged at such time as the Governor may ap-point. Governor Whyte will doubtless fix the lat of August, to which time Hallahan, his accomplice in the murder, has been respited, and then the de-sire of the latter to have the company of Joshua on the platform will be ratified.

A MURDERER SENTENCED.

CLEVELAND, Ohio, June 10, 1873. The trial of Albert W. Chamberlain for the murder of George McConnaghey last January, at Salem, ohio, came to a sudden and unexpected termi-nation yesterday, the counsel on both sides agree-ing to a verdict of guilty of murder in the second degree. The judge sentenced him to imprison ment for lige.