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JOHN SHERMAN ILL WITH PNEUMONIA.

The Aged Statesman Is at St. Pierre, Martinique, on the Paris.

HIS DOCTORS HAVE HOPE.

He Caught Cold When Being Entertained by Gen. Fred Grant at Porto Rico.

SLIGHTLY BETTER LAST NIGHT.

With Him Are His Relatives, Mr. and Mrs. Colgate Hoyt and Mr. Wiborg, Who Attend Him Constantly.

Fort De France, Martinique, March 15.—John Sherman, who is a passenger on the American Liner Paris, which arrived here to-day from Trinidad, with the excursionists who are making a tour of the West Indian Islands, is suffering from pneumonia.

While at San Juan de Porto Rico last Wednesday, Mr. Sherman was entertained by Brigadier-General Fred Grant, commander of the Military Department of San Juan, and caught cold. The malady was not considered serious until last night, after leaving Port of Spain, when pneumonia in the most serious form developed.

Dr. Graf, of the Paris, and Dr. Magee, of Duluth, are attending him; and Mr. and Mrs. Colgate Hoyt, of New York, and F. B. Wiborg, of Cincinnati, near relatives of Mr. Sherman, are constantly with him.

St. Pierre, Martinique, March 15.—On the arrival of the American liner Paris from Fort de France, this evening, Mr. Sherman's physicians reported that his condition was much improved and gave ground for encouragement.

John Sherman sailed from this city on March 4 for a thirty days' trip in the West Indies on the American Liner Paris, the auxiliary cruiser Yale. In the party are almost 500 persons gathered from all parts of the country.

Mr. Sherman was in good health and spirits when he left here. On the night before he sailed he went to the theatre to see a spectacular play, and was greatly interested and amused.

When seen at his hotel by a Journal reporter he was full of his forthcoming trip, and said, with a smile, that he would much rather discuss it than politics. He was reminiscent, however, as well, and talked freely of his past career and of various Presidential conventions, but asked that nothing on these subjects be printed.

The trip was to include Cuba, Porto Rico, the Windward Islands, Jamaica and Nassau, and among the famous places to be visited by the party were Havana, Santiago, Siboney, Guantanamo, Daiquiri and Ponce.

Mr. Sherman spoke of the intense interest which he would feel in viewing places made famous in the recent war.

"I am not going either for business or politics," he said. "My trip will be entirely for recreation, and I look forward to it with the pleasantest anticipation."

From St. Pierre, where Mr. Sherman was yesterday, the steamer is to go to Ponce, Porto Rico, and thence to Kingston, Jamaica. It will return to New York on April 3.

MRS. WARING SAYS THE CITY USES HER INVENTION.

Widow of the Late Commissioner Asserts That Her Patent Rights Are Being Infringed.

Arthur von Briesen, counsel for Mrs. Louise Waring, the widow of George E. Waring, Jr., has made public a letter which he sent to Mayor Van Wyck to the effect that the city is infringing the patent rights of Mrs. Waring by using small hand carts with bags into which street sweepings are deposited. The contrivance is the invention of Mrs. Waring, and during the time that her husband was Commissioner she allowed the city the use of them without the payment of royalties.

Mr. Von Briesen says he not only wrote to the Mayor, but sent a representative to the Mayor's office, but could get no satisfaction, and his letter is unanswered. Mrs. Waring will probably sue the city.

"NO SURRENDER," SAYS LOPEZ.

Agoncillo's Secretary, Sailing for England, Fires a Parting Shot.

Sixto Lopez, one time secretary of Agoncillo, the Filipino representative, and Dr. Jose Losada, a member of the Filipino Junta, were passengers on the American liner St. Paul which sailed yesterday for Southampton. They refused to say a word on the pier, but once on the vessel, Lopez, a wiry little chap with a saffron hued complexion, snapped out a few sentences expressive of his contempt of all things American.

"You Americans boast of freedom," he said, "but you are trying to reduce our people to slavery. The Filipinos were fighting for liberty long before the United States existed, and we shall not give up because our taskmasters have changed. Liberty or death is our watchword."

MRS. HAMILTON FISH DIES IN WASHINGTON.

The Wife of the Former Speaker of the Assembly Will Be Buried at Garrisons, N. Y.

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Washington, March 15.—Mrs. Emily Maria Fish, wife of Hamilton Fish, former Speaker of the New York Assembly, died this morning. Mr. and Mrs. Fish came to Washington early in the year. Mrs. Fish had not been well for several weeks, but the fatal termination of her illness was a great shock to her friends. She was a Miss Mann, of Troy, N. Y.

Hamilton Fish is a son of the former Secretary of State. The funeral will take place at Garrisons, N. Y., on Saturday.

DEMOCRACY'S RIVAL FEASTS { $10 A PLATE. $1 A PLATE.

Bryan Likely to Accept an Invitation to the Cheaper Affair.

1,500 WILL BE THERE.

O. H. P. Belmont Withdraws from the Democratic Club for Reasons.

SAYS $10 FEAST IS ILL-ADVISED.

He Seriously Objects to the Fact That Only New York State Democrats Are to Be Invited.

Why Belmont Resigned.

My reason for resigning was that the excessive advertising in advance of the date of the dinner and the magnitude of its size gave the right to every one to suppose that it was to be a reunion of all prominent Democrats, local, State and national. The announcement that only State Democrats were to be invited immediately gave it another aspect, and I considered it bad policy and ill-advised, and resigned on that account. I trust that the last departure that I have read of in the papers inviting Democrats outside of the State may tend to make the proposed dinner a success.—STATEMENT OF OLIVER H. P. BELMONT.

William Jennings Bryan's quasi declination of the Democratic Club's ten-dollar-a-plate Thomas Jefferson dinner invitation caused the birth of a movement last night for a rival one-dollar-a-plate banquet, to be attended only by those who were loyal in 1896, and at which Mr. Bryan has been asked to be the guest of honor. Simultaneously with a meeting to organize for the new enterprise came the withdrawal of O. H. P. Belmont, brother of President Perry Belmont, as a member of the Democratic Club Committee on Speakers and Invitations, of which Richard Croker is the chairman.

In a statement issued by Mr. Belmont, which appears in full elsewhere, he gives as his reason the fact that he regards it bad policy and ill-advised to restrict the feast, as decided by the Board of Governors, to Democrats within the State, instead of extending a welcome to Democrats throughout the country.

One of Mr. Belmont's intimate friends made this statement last night: "There is a row in the Democratic Club because a portion of the membership is opposed to the attitude assumed by those who have taken it upon themselves to arrange the programme for the dinner." Friends of O. H. P. Belmont, who has withdrawn as a member of the Committee on Speakers and Invitations, say that the publication of the correspondence between Bryan and Perry Belmont, president of the club, has caused a great deal of comment.

Many Sustain Bryan's Stand.

Some of them are of the opinion that Mr. Belmont's answer was very diplomatic and was sent by good advice. Others of them say that Bryan was right to make sure of what was considered a Democratic dinner before he, as the late Presidential nominee of the Democratic party, agreed to be present, for the simple fact that so much notoriety has been given through the press and from the club itself of the magnitude of the political influence that this dinner was to have.

They claim that the different positions taken by the managers of the dinner from time to time were too varied. They began with announcing a banquet to which all prominent Democrats would be invited, and finally dwindled down to only New York State Democrats. This latter position was the cause of a great deal of dissatisfaction outside the limits of the club as well as within its own membership, and a great deal of the interest in it was lost. This was the real reason for the withdrawal of O. H. P. Belmont from the Committee on Speakers. Members of the club also say that the sudden change in the programme will tend to give it not more than local success.

It was Chairman Eugene V. Brewster, of the Advisory Board of the Democratic National Ways and Means Committee (Chicago Platform Democrats), who last night invited twenty-five or more of the faithful Bryan men to his home, No. 360 Monroe street, Brooklyn. After nearly two hours' consultation it was determined to give a dinner at the Madison Square Garden, if it can be secured, on the same night on which the Democratic Club banquet occurs. The cost per plate will be $1 or less. Mr. Bryan, former Governor Altgeld, of Illinois; Governor Pingree, of Michigan; Mayor Jones, of Toledo, and other champions of the Chicago platform are to be invited. The promoters of the dinner count on at least 1,500 guests.

Labor Leaders Confer.

Among those who attended the conference at Chairman Brewster's house were A. J. Bolton, representing the New York Stereotypers' Union, Local Assembly 1,146, K. of L., and secretary of Brooklyn Lodge, No. 220, who acted as the representative of Brooklyn labor unions. Among others present were Colonel Robert J. Hinton, Augustus C. Fischer and William Daly, who, together with Mr. Brewster, were later named as a committee to arrange for another conference next Wednesday night.

In the meantime the Central Labor Union of Manhattan is to be asked to join with the Brooklyn Labor Union in what is to be called a Jeffersonian Democracy and Bryan Republican dinner.

Colonel Hinton said: "The cost per plate will be $1 or less. This will enable every Democrat who desires to attend to do so, and not feel that he is spending a week's salary in a single night.

$10 a Plate Bars Many.

"Mr. Croker has ordered that no one from outside the State shall be welcomed to his dinner. He is taxing those who are to come at $10 a head. This would shut out many a good Democrat who will be warmly welcomed at our dinner. We anticipate having at least 1,500 at the feast. It will be a Simon Pure Jeffersonian Democracy-Bryan Republican feast."

Mr. Bolton announced that he had already sent an invitation to Mr. Bryan, and while he had received no response, he was confident that the standard bearer of '96 would accept.

When Richard Croker was informed last night of the plans of the Chicago Platform Democrats to hold a dinner and invite Mr. Bryan he smiled and remarked:

"All right. Let them go ahead."

CHOATE CHARMS A LONDON AUDIENCE

Gives Commercial Banquetters a Touch of Post-Prandial Eloquence.

A WONDERFUL RECEPTION.

Flatters the English with Words of Friendship, but Warns Them of Future Rivalry.

CHEERS AND PEALS OF LAUGHTER

Our New Ambassador the Guest of Honor at the Chambers of Commerce Dinner, with Many Noted Statesmen Present.

London, March 15.—Mr. Joseph H. Choate, the United States Ambassador to the Court of St. James, made his first public appearance in England at the banquet of the Association of Chambers of Commerce of the United Kingdom, which was held at the Hotel Metropole this evening.

There was a brilliant and distinguished gathering, about 250 persons having been invited to meet the Ambassador, including the Lord Chief Justice of England, Baron Russell, of Killowen; the Hon. Sir Henry Stafford Northcote, the president of the association; the Prime Minister, the Marquis of Salisbury; the Earl of Jersey, the Earl of Dartmouth, Lord Reay, Rear Admiral Lord Charles Beresford, the president of the Board of Trade, the Right Hon. C. T. Ritchie, and many members of Parliament.

Mr. Choate, who, on arriving, was heartily welcomed by the chairman and officials of the association, sat in the place of honor, on the right of the chairman.

Vice-President Harper, in submitting the toast of "Our Guests," coupled the names of Mr. Choate and Baron Russell of Killowen. He expressed his keen pleasure at the advent of Mr. Choate at "a time when there is every disposition to tighten the bonds of the Anglo-Saxon race, whose only objects are peace, prosperity, freedom of trade and progress."

The toast was received with loud cheers, the company standing and shouting the name of Mr. Choate, who was thrice cheered.

Mr. Choate, on rising to respond, received an ovation.

Choate Begins with a Joke.

The Ambassador began jokingly, protesting that he was overwhelmed with embarrassment at being called upon to respond in priority to the Lord Chief Justice. He felt that when the British Lion was about to roar even the American eagle should hold his peace. He was delighted, he said, to receive and accept the invitation to the banquet, although he was not at liberty to discuss British commerce. His general instructions from his Government were not to discuss politics, or only at extraordinarily festal occasions. (Laughter.) After a few words on the subject of commerce, which he characterized as truly the "mainstay of the British Empire," he continued as follows:

"I have felt, however, that I might properly avail myself of this first public occasion to express the appreciation of my countrymen for the forbearance, good will and friendship manifested to them so freely by the British people. It is true, gentlemen, that peace between the United States and Great Britain is the first interest not only of these two nations but of the whole world.

"Everywhere I have been treated as a friend and as the representative of your friends and brothers. In fact, I have actually discovered the open door, open to such an extent as would satisfy even the yearings of the Rear-Admiral who has made the circle of the globe in search of it. I think I may say, as a testimony to the good feeling sought to be encouraged on our side of the water, that the President gave the best illustration of it when he said in my letter of credence that he relied with "confidence upon my constant endeavor during my stay in Great Britain to promote the interest and prosperity of both nations." (Cheers and cries of "Bravo.")

After another reference to the open door and the "enlarged sphere of influence which a cordial brotherhood has opened up," the Ambassador continued:

Friends, but Rivals.

"I beg that you will not mistake my meaning. I do not believe that, although friends, we shall ever cease to be rivals. In the future, as in the past, we on our side and you on yours will still press every advantage that can fairly be taken; but it shall be a generous and loyal rivalry, and all questions, disputes and controversies arising shall be settled by peaceful means, by negotiations, by arbitration, by any and every possible means except war."

After pointing out that this was no new sentiment, Mr. Choate remarked:

"While the last great conflict between Great Britain and America failed to settle any of the great questions upon which either side took up arms—showing that between brethren war is the worst possible means of settling any controversy—yet, in the eighty-four years that have since elapsed, what tremendous questions, heated words, threatening demonstrations which would inevitably have brought any other two nations into open and frequent conflict, have occurred on either side, and all been arranged and adjusted without resort to arms."

Referring to the Venezuelan imbroglio he said:

"You know that on our side of the water we love occasionally to twist the lion's tail for the mere sport of hearing him roar. (Laughter.) Well, that time he disappointed us. He would not roar at all. He sat silent as the Sphynx, and, by dint of mutual forbearance, our sober second thought aiding your sober first thought we averted anything but a mere war of words."

Alluding to the satisfactory dispelling of the cloud between Russia and England over the Niu-Chwang Railway Extension loan by means of peaceful diplomacy, Mr. Choate said:

The Makers of Peace.

"That is the kind of diplomacy which I, just entering upon a diplomatic career, desire very much to understand, for I am fresh enough to believe that if these two countries, laboring together for peace, unite their voices in demanding it, it is almost sure in every case. (Cheers.) I would like to quote my President again, for the last words I heard him say were that the United States to-day was on better terms with every nation on the face of the earth than it had ever been before. (Cheers.)

"Now I have little more to say of my own country. (Cries of "Go on!") Our young Republic had hard work during the past century to subdue the continent and to turn a wilderness into a smiling and wealthy garden. But that business is now pretty well finished, and s last year, your Brother Jonathan start out to see the world. He donned seven-league, nay, seven hundred-league, boots, and planted his footsteps on the isles of the sea. And what gigantic strides he made—Hawaii, then Manila, and another step, My Lord Charles, would have brought him to Hong Kong. Well, our interest and commerce are only in degree, and it is—I wont say as Lord Charles Beresford did, by putting fleets side by side—but by a common purpose and a united voice for us to command peace for the mutual support of the commerce of the two countries."

After paying eloquent tributes to the late Baron Herschell and to Mr. Rudyard Kipling, Mr. Choate concluded as follows:

"Gentlemen, we are almost one people. What I say is, let our voices always be lifted together for the cause of human progress and the advance of civilization; and my word for it, if that can always be followed, why then law, order, peace and freedom, which are the nurses of commerce the world over, will prevail and the cause of humanity will be advanced." (Cheers.)

Baron Russell, of Killowen, the Lord Chief Justice, who followed Mr. Choate, complimented him upon his eloquence, the width and depth of his observations and the statesmanlike tone that pervaded his speech.

The chairman, who said he joined most cordially in welcoming the American Ambassador, expressed the hope that during his tenure of office no cloud would ever arise between England and the United States.

Mr. Choate spoke deliberately and in rather a low tone. His humorous remarks met with peals of laughter. He had a wonderful reception, made quite the speech of the evening, which was listened to with the deepest attention, and resumed his seat amid perfect thunders of applause, Lord Russell personally congratulating him.

MRS. PLACE MUST BE KILLED, DECIDES GOVERNOR ROOSEVELT.

He Refuses to Interfere to Save Her from an End in the Electric Chair.

She Does Not Know Her Fate Yet, but Warden Sage Will Tell Her To-day That She Must Die.

Sentence May Be Executed Next Monday, the Time Not Having Been Settled Upon Yet.

THE LAST HOPE GONE.

I decline to interfere with the course of the law."—GOV. ROOESVELT.

Governor Roosevelt decided yesterday afternoon to let Martha M. Place, the condemned murderess, die in the electric chair. His private secretary, William J. Youngs, so notified Warden Sage, of Sing Sing, by telegraph at 7 o'clock last night.

In a memorandum attached to the application for clemency Governor Roosevelt stated his reasons as follows:

This is an application made on behalf of Martha Place, now in confinement in Sing Sing prison under sentence of death for the crime of murder in the first degree, committed in the county of Kings on the 7th day of February, 1898.

The case was tried in the County Court of Kings County, and a judgment thereon rendered on the 8th day of July, 1898, and the defendant was sentenced to the punishment of death in the manner and place prescribed by law. From this judgment the defendant appealed to the Court of Appeals, and the unanimous decision of that court, Judge Martin writing the opinion, was that the judgment should be affirmed.

No more painful case can come before a Governor than an appeal to arrest the course of justice in order to save a woman from capital punishment, when that woman's guilt has been clearly established and when there are no circumstances whatever to mitigate the crime. If there were any reasonable doubt of the guilt; if there were any basis whatsoever for interference with the course of justice in this case, I should so interfere. But there is no ground for interference. The accused was condemned as guilty of murder in the first degree after full and fair trial, although, as all men know, a jury in such a case is always reluctant to give a verdict against a woman if any justification whatsoever exists for withholding it.

Accused Had the Benefit of Every Doubt.

This verdict was then reviewed at great length by the Court of Appeals and was affirmed without a dissenting voice; though this court always scrutinizes with the most jealous care such a case, desiring that the benefit of every doubt shall be given to the accused. I wrote to the District-Attorney and to the Judge who tried the case to learn whether they thought there was any ground for executive clemency. They both answered that there was none whatever, and that the case was one of peculiar outrage, the letter of the Judge running as follows:

"The record before you will show a crime of shocking atrocity, followed by another, the attack on William Place, having murder for its object; that both crimes were premeditated and deliberate there can be no doubt; in my opinion the verdict was eminently just; I think the application entirely without merit, and I know of no ground for interfering with the sentence."

I went carefully over the evidence, which showed that the accused had first blinded her stepdaughter with acid and then strangled her, and, after waiting in the house all day, when her husband returned at dark had attacked him and endeavored to kill him with an axe.

Her attorneys and her pastor appealed to me for clemency. They raised no question as to her guilt, but claimed that she was insane. The attorneys asserted that she was insane at the time the deed was committed and was now insane. The clergyman stated that she was undoubtedly sane at present, but that he believed her to be insane when the deed was committed, although he did not then come personally in contact with her.

No Question of Her Guilt or of Her Sanity.

I accordingly appointed two doctors of the highest standing, upon whose professional capacity, common sense and deep conscientiousness I could implicitly rely, and directed them to examine the accused, to decide whether she was or had been insane. They reported to me that she was not insane; that she was sane at the time of the murder and before and since.

There is thus no question of the woman's guilt and no question of her sanity. All that remains is the question as to whether I should be justified in interfering to save a murderess on the ground of her sex when no justification would exist to interfere on behalf of a murderer.

The only case of capital punishment which has occurred since the beginning of my term was for wife murder, and I refused to consider the appeals then made to me on behalf of the man who had killed his wife, after I became convinced that he had really done the deed and was sane. In that case a woman was killed by a man; in this case a woman was killed by another woman. The law makes no distinction of sex in such a crime.

This murder was one of peculiar deliberation and atrocity. To interfere with the course of the law in this case could be justified only on the ground that never hereafter, under any circumstances, should capital punishment be inflicted upon any murderess, even though the victim was herself a woman and even though that victim's torture preceded her death.

There is but one course open to me. I decline to interfere with the course of the law.

SHE WILL LEARN HER FATE TO-DAY

Warden Sage Mercifully Gives Her Another Night of Hope.

HIS VISIT SHOCKS HER.

She Thinks When He Calls to Ask After Her Health That He Brings Her Doom.

Warden Sage had not expected the Governor's decision yesterday. Just before 6 o'clock he received a telegraphic message from New York announcing that Governor Roosevelt had refused to interfere with the execution of the death sentence upon Mrs. Place.

The Warden got his information from a reliable source; but with his usual caution he did nothing until the notice became official.

An hour later he received the following telegram from the Executive Office in Albany:

Warden Sage, Sing Sing:
The Governor declines to interfere with the judgment of the courts in the case of Mrs. Martha Place.
W. J. YOUNGS,
Secretary to the Governor.

With the long dreaded duty at last thrust upon him, Warden Sage, the telegram before him, remained silent for several minutes. Then he announced in that low pitched voice which has softened the heart of many a felon:

"I shall not tell her to-night. What is the use? She is quiet. She will soon have gone to bed. She may sleep during the night. She still hopes. It can do no harm if I keep the information from her until the morning."

He Will Tell Her This Morning.

Between nine and ten o'clock this morning Warden Sage will enter the condemned woman's room and tell her that she is to die. Upon the gentle but courageous official will thus be placed the first of those painful tasks of which there will be many before the day of death. During the night he will have decided when she must sit for her doom, and to-day he will inform her of the hour.

How Mrs. Place will take the news it is difficult to surmise. Her emotions have been most contradictory. During her trial she was calm, and sat waving her fan through the July air as complacently as did the knitting women of Paris before the guillotine.

But she has had moments of wild hysteria. The suspense under which she has labored since her incarceration at Sing Sing became too great last Monday, when she broke out in uncontrollable and loud grief.

Mrs. Place arose yesterday morning at seven o'clock. She had perhaps been awakened at half-past six, when the convicts are released from their narrow chambers to go about the grind of the day. There is a vast shuffling of feet at this hour and it is difficult to sleep within hearing of it.

From her window she may see the prison yard, and can observe the long lines of striped men going to their meals.

She can also look upon a noble stretch of the Hudson, which yesterday was gray from mirroring drab rain clouds. The hills on the other shore loomed gloomy through the mist and a fitful wind breathed at her casement. Sanguine indeed would have been the temperament to withstand the melancholy aspect of the earth and sky.

Her spirits were much in accord with the dreary day. She was silent for the most part and spoke, when she did utter a word, in a hollow and dismal voice.

She occupied herself with fancy work while the matron, who was with her, stitched at some garment. The matron spoke of subjects distant from the thoughts which must have been in Mrs. Place's mind, and thus tried to cheer the wretched woman.

Morning Appetite Is Bad.

She ate little for breakfast, notwithstanding an excellent meal, consisting of oatmeal, steak, eggs, bread and coffee, had been set before her.

At mid-day her appetite seemed to have returned in a measure, and she helped herself liberally to the boiled mutton, vegetables, bread and coffee which the prison cook had provided.

Mrs. Place had no callers yesterday, save the matrons, the guards, Mrs. Sage and the Warden.

Mrs. Sage, as usual, spent some time with her in the morning. Mrs. Sage has sought by every method known to femininity to console the condemned woman, and so deep is her sympathy that she has suffered not a little from anxiety caused by Mrs. Place's days of suspense.

Yesterday afternoon, at 4 o'clock, Warden Sage entered Mrs. Place's room. He had not been there before during the day.

Upon his entrance the woman glanced up and a deathly pallor overspread her sharp features. She arose and stood immobile, her eyes fixed upon the Warden's face.

The Warden smiled and told her he had merely come to inquire after her welfare. She walked up and down the room for several moments afterward, her hands clasped, as if she were making a strenuous effort to overcome the shock she had got from the Warden's sudden coming.

Mr. Sage told her he had as yet heard nothing from the Governor, and that he did not know when to expect anything. He inquired after her health and asked other questions with a view of allaying her anxiety. When he was leaving her she thanked him for the visit.

Mrs. Place slept last night still ignorant of the fact that neither a life term in an asylum for the insane nor the spending of the rest of her days in a penitentiary was in store for her, but that death, and that in short order, was her fate.

Last night was the last night of hope.

Two Studies of Mrs. Place, Sketched During Her Trial.

ROOSEVELT SAYS HE CONSULTED MANY.

Those close to Governor Roosevelt have freely predicted since the application for clemency was made that, unless the experts, Dr. Dana and Dr. Polk, of this city, found that she was insane, he would refuse to interfere with the sentence of the court.

The announcement of his decision, therefore, created no great surprise.

After he had given out the memorandum of his reasons for refusing to extend clemency, Governor Roosevelt said he had not acted until he had communicated with the District-Attorney of Kings County, who prosecuted the trial; the Judge who passed sentence, as well as other persons who had observed the progress of the trial. He said he had also consulted with Chief-Justice Parker, of the Court of Appeals, and Justice Martin, of that Court, who wrote the