

BROOKLYN RINGSTERS FEAR

DECENT CITIZENS THREATEN TO ASSERT THEMSELVES.

Excitement Is Running Higher and Higher in the City of Churches—Not in a Mood to Bear Further Outrages—A Movement for Reform Would Gather More Support Than Machine Politicians Dream of—Mayor Boody Arraigned by Mr. Hinrichs—Fussing with City Hall Park.

The ineffective efforts of the Grand Jury in Brooklyn to indict Mayor Boody and the members of the Common Council for their part in awarding street railroad franchises to the Brooklyn City Railroad Company and the Flynn political syndicate, the warning of County Judge Henry A. Moore to the July Grand Jury against the "monstrous wrong" of choosing outside counsel, and the subsequent threat of the regular Democratic machine politicians to have made public the minutes of the June Grand Jury have aroused public interest in the City of Churches to a height which it had not attained since the controversy over the Long Island Water Supply Company deal during the administration of Mayor Alfred O. Chapin.

The announcement that District Attorney Ridgway had advised the June Grand Jury that it could not indict Mayor Boody and the Aldermen for misdemeanors because of the amendment of 1885 to the Code of Criminal Procedure ostensibly giving to the Brooklyn Court of Special Sessions exclusive jurisdiction over that class of offenses furnished the general public with its first knowledge of the existence of this provision of the code.

The unsuccessful attempt of the June Grand Jury to exclude from its room the official stenographer and the Assistant District Attorney during the progress of the investigation into the awards of street railroad franchises punctuated public attention with another period.

Then came the presentation of the Grand Jury to Judge Neors expressing its regret at its inability to indict the Mayor and the Aldermen because of the interpretation of the code furnished by the District Attorney. Public interest was then doubly accentuated.

The warning delivered by Judge Moore to the July Grand Jury, the exposure by THE NEW-YORK TIMES of the analogy between the amendment of 1885 to the Brooklyn Code and the amendment of 1855 to the New-York Code, by which the counsel of William M. Tweed sought to throw his trial out of the New-York Court of Oyer and Terminer and the threat of the regular Democratic machine politicians of the City of Churches to cause to be made public the minutes of the June Grand Jury wrought up public attention to a climax.

The regular Democratic machine politicians were aghast that Gov. Flower would have his attention called to the action of District Attorney Ridgway in advising the June Grand Jury that it had no power to indict the Mayor and Aldermen for misdemeanors.

For this reason, and with the idea of preventing citizens in future from taking evidence against public officials before the Grand Jury, they made the bold threat that the constitutional privacy of the Grand Jury room would be invaded and the evidence regarding the awards of street railroad franchises dragged forth for the public to gaze upon.

"If the Aldermen are willing to stand upon the evidence which was brought before the Grand Jury," said a prominent member of the Brooklyn bar, "what have they to fear from an ex-parte indictment? It would be speedily followed by an acquittal in a duly constituted legal tribunal, and no further doubt would attach to their reputation."

The decision by Judge Noah Davis in the Tweed trial in 1873, backed up by the decision of the General Term of the Supreme Court, settled permanently the only question which, so far as known, had ever been raised as to the jurisdiction of the Grand Jury over misdemeanors, under the amendment of 1855 to the code. Tweed's counsel did not carry the question beyond the General Term of the Supreme Court.

The New-York Courts of Record have been trying for misdemeanors, and the New-York Grand Jury have been indicting for misdemeanors right along, year in and year out. There has never been a question or doubt among lawyers of the right of the Grand Jury to investigate misdemeanors and indict therefor.

There is a marked difference between the New-York Court of Special Sessions and the Brooklyn Court of Special Sessions. The former consists of three police magistrates, who sit together and determine cases brought before them on complaint.

In Brooklyn, the Court of Special Sessions often consists of one magistrate. Each Justice is a complete Court of Special Sessions in himself, and in this Pook-Bah capacity he has the power, under the law, to select of himself a jury to try the persons who are brought before him on complaint.

There is a very decided difference in this respect between the Brooklyn Court of Special Sessions and the ordinary Court of Record. A court of the latter class gets its jurors by a species of selection, through cross-examination, from among a large number of legally-qualified persons whose names have been drawn out of a wheel.

In the ordinary courts of record there is, in theory at least, no way of telling whose name is coming out of the wheel, and the court, counsel, or defendant has no way of packing a jury, except by adroit work after the men have come forward to be examined as to their qualifications.

When a Brooklyn police magistrate sits as a Court of Special Sessions the case is different. Here the magistrate picks the jury or delegates the power to a Constable armed with a venire. The Constable has the privilege of collecting all the saloon keepers in the neighborhood of the court and pressing them into service as jurors. He can pick out twelve of his friends.

Under this system the farce of trying a Mayor before a magistrate of his own creation would be doubly funny. The unfortunate Mayor might encounter the experience of having the case against him dismissed off-hand, or he might be put to the additional peril of a perfunctory trial by twelve of his bosom friends.

The Court of General Sessions in Brooklyn, according to Bernard J. York, the Clerk, has not tried any persons for misdemeanor since the passage in 1885 of the amendment to the Code of Criminal Procedure for Brooklyn. The Legislature still further lightened the labors of Judge Moore last Winter by passing an amendment to the Code of Civil Procedure in Brooklyn. Before that, in cases where over \$50 was involved, the parties had the right to appeal from the decision of the Civil Justice and demand a trial by jury in the County Court, which is presided over by Judge Moore.

Under the amendment of last Winter the parties have still the right to appeal to the County Court from the Civil Justice's court in cases where over \$50 is involved, but they no longer can secure a trial by jury. The County Judge determines the issues without a jury. The amendment has saved a good deal of labor to Judge Moore, and its practical effect is said by lawyers to be to discourage appeals from Civil Justices to the County Court.

In 1889, the year of the passage of the second amendment to the Code of Criminal Procedure, 436 persons were arraigned on criminal charges in the Kings County Court of General Sessions, and 359 persons were convicted. A very large proportion of these pleaded guilty without the formality of a trial. There were forty-one weeks of jury trials. There is no court in August.

William J. Gaynor has been fighting the Brooklyn spoliators apparently alone, and he has had to bear the brunt of the battle. But behind Mr. Gaynor is a very large body of independent men of both parties, and when the final grapple with the ringsters comes, later on, Mr. Gaynor will be found to be by no means alone. He will be fighting then in company with a great number of public-spirited citizens, Democrats and Republicans, who are disgusted with the way things have been carried on in Brooklyn and are earnestly desirous of a change that shall sweep the spellmen from power and put honest and capable men in charge of municipal affairs.

These people, beyond the calculation of the regular Democratic machine leaders in number, are waiting for an opportunity to wrest the control of Brooklyn from the politicians, as was done in the time of Seth Low.

Lawyer F. W. Hinrichs of Brooklyn, who has been a hard worker in citizens' movements against ring rule, speaking to a re-

porter of THE NEW-YORK TIMES regarding the present administration of affairs in Brooklyn, said:

"The people of Brooklyn must expect to find their Mayors and other public officers committing acts which call for Grand Jury attention so long as they elect the candidates of the present organizations.

"I say organizations because there are supposed to be two, the Republican and the Democratic, but I know and everybody knows, that there is practically but one organization in Brooklyn politics, and that is the McLaughlin ring.

"The lesson that Brooklyn people must take to heart is just this fact that there is but one practical party organization. They are deluded by the cry of partisanship. They insist on speaking of the Republican and the Democratic Party in municipal affairs. So long as they thus stick to party lines I see no chance of throwing off the present yoke.

"The two parties in Brooklyn, so far as local elections go, are practically one. The leaders of both, in my honest opinion, are playing for the same ends. If that is not so what a remarkable thing it is that two of the candidates named by the Republican Conventions within a few years for Mayor, Gen. Catlin and Mayers, have discovered after defeat that they were Democrats and not Republicans, and have gone over to the Democratic organization!

"The ring candidates," said Mr. Hinrichs, "must not be supported, however excellent the nominations may appear to be, if the people of Brooklyn would have municipal reform. I know the temptation is strong to support party candidates, especially when they appear to be men of character and brains, but experience has shown that the ring candidate of Brooklyn is not deserving of support simply because he is the ring candidate. No man can take the nomination from the ring and maintain his self respect.

"Brooklyn has had quite enough experience with Mayors nominated by the ring and elected by the people because they seemed to be men who could be trusted. Chapin was a man of great ability, as his worst enemy will admit, and thousands voted for him who were opposed to the ring because they believed that he was a man of such great will power that he would stand out against the ring. Did he? If anybody has not a satisfactory answer to that question at hand, let him study the record of Chapin's administration.

"Boody was put forward as a man of scrupulous honesty, and I believe that the people generally so regarded him and voted for him because they thought he would stand between them and the ring. Has he done so? Here we have just had a Grand Jury censuring him and stating their regret that they could not indict him under the interpretation which the District Attorney placed on the law.

"So I say no self-respecting man can afford to accept the nomination of the ring. It has been the sepulchre of too many reputations. It has doomed too many men supposed to be fair-minded to political death."

The Democratic politicians of the Second Senatorial District in Brooklyn are in a state of suspense. President Michael J. Coffey of the Common Council and ex-President John McCarty are trying to arrange between them which shall be the next State Senator from this district, and until the thing is fixed the Democratic politicians of the district want to know what kind of a song to sing.

Mr. McCarty is the present Senator from the district, which has been pulled out in several directions like a rubber map, to suit the changing exigencies of the times.

The matter will have to be settled by the end of this month, so far as Mr. Coffey is concerned, because, if he is to go to Albany, he must resign from the Common Council at least 100 days before election in order to be eligible for the Legislature.

The Red Hook statesman is playing shy, and Mr. McCarty is keeping silent. A renomination is conceded to Senator McCarty if he wants it.

"The obstacle to his retirement," says a ring paper, "lies in the fact that he was so influential and useful in the Senate that the Democratic organization cannot very well afford to lose his services there, and for this reason it looks very much as if he will be practically forced to stand again."

Reference is probably intended to Mr. McCarty's services last Winter in getting through the Legislature the bill to prevent the indictment of the Aldermen and other officials for their alleged part in the frauds of the Columbian celebration bills.

The friends of ex-County Clerk John M. Ranken were glad to hear on Friday that his attending physician had pronounced him out of danger and on the fair road to recovery. Mr. Ranken had been confined to his house in Hooper Street for some weeks with a serious illness, and at one time there were grave fears for his condition.

Mr. Ranken has long been one of the leaders of the Democrats of the Nineteenth Ward. He went into the County Clerk's office with the name of being a rich man. He was not generally believed to be any richer at the end of his term.

On one day, while Mr. Ranken was considered to be in a critical condition, 200 persons called at the house to inquire as to his welfare. As soon as he is able Mr. Ranken will go to the seashore.

The Brooklyn Aldermen are tinkering at City Hall Park once more. This little spot has had a melancholy experience with the City Fathers. The statue of Henry Ward Beecher has its back turned to the park in despair.

Persons who pass the park and see a grass plot there one day are prepared to go there the next day and gaze on a zoological garden.

At one time there was a grove of trees in front of the City Hall. Some politician complained that the trees hid the beautiful City Hall from view, and the trees were cut down.

At another time there was no park, but merely a wide expanse of stone flagging. For some years there has been a grass plot in front of the City Hall ornamented to a greater or less extent with a hibernating fountain. Now the Aldermen propose to tie the grass plot in a knot around the City Hall.

The Sunday-school picnic has long been celebrated for its extraordinary and abnormal effect on the price of ice cream and flannel shirts, but it was left for A. A. Low to discover that the Brooklyn Sunday-school picnic was a deadly enemy of the ordinary shade tree.

This discovery was imparted to Mayor Boody on Friday by Mr. Low in his official capacity as President of the Tree-Planting and Fountain Society. Mr. Low showed Mayor Boody a ragged piece of cardboard on which was advertised the annual excursion of the Sands Street Memorial Methodist Episcopal Sunday School.

"I am not hostile to Sunday-school picnics," said Mr. Low, "for I go to one every year, but I think their promoters ought to be kept from mutilating the trees of our beautiful city by tacking notices like this to the bark."

City Works Commissioner Adams told the Mayor he had done all he could to protect the 90,000 trees of Brooklyn from ordinary vandals, but had been accustomed to indulge Sunday-school picnics, strawberry festivals, and ice-cream concerts.

Mayor Boody expressed sympathy with Mr. Low, and the latter withdrew with thanks.

The Republicans of Brooklyn have already begun to talk about their candidates this Fall. Ex-Senator Jacob Worth of the Board of Elections has been mentioned for Sheriff, Gen. Edward L. Mellincaux has been spoken of for Mayor, and Charles A. Schieren's qualifications for Supervisor at Large have been discussed.

Mr. Worth is a genial, jolly politician with many friends. There is probably no man in Brooklyn who would take the Sheriff's office with more alacrity. Mr. Worth's immediate friends, it is said, think that something else would be more appropriate.