

NOT A RELEASE, SAYS THE RECORDER.

How Sentence Was Suspended in the Case of Burglar Houghton.

George Houghton, a bank burglar, on Nov. 16, 1871, plundered the First National Bank of Jamesburg, Middlesex County, N. J., and was sent to prison for ten years. On March, 1891, when convicted of carrying burglars' tools in this city, constituting a second offense, because of the conviction in New-Jersey, he was released from custody by Recorder Smyth, who suspended sentence.

Houghton, who had many aliases, was arrested Jan. 26, 1891, in Thirtieth Street, near Madison Avenue, with the notorious burglar Dave Cummings by Central Office detectives, who, in following the men, saw them take bundles from a liquor saloon. In these bundles was a complete outfit of house-breaking implements.

At the time of the arrest Cummings said he would assume the entire responsibility for the possession of the burglars' tools, because Houghton had already served eighteen years in prison.

Cummings pleaded guilty and was sentenced to five years' imprisonment, Feb. 18, 1891. It is now alleged by Recorder Smyth's political opponents that influences were invoked which resulted in Houghton receiving remarkably lenient treatment at the hands of officials at the Tombs and court officers, and that a well-known gambler interested himself in Houghton's case.

Asked about the release of Houghton yesterday, Recorder Smyth said he must decline to enter into a newspaper controversy, and that while it was impossible for him to recollect all the circumstances attending Houghton's release, he was convinced that the reasons advanced for the suspension of sentence were excellent and satisfactory to him.

"It was no release," added the Recorder, "It was liberty pending good behavior. If the man has misbehaved since, he can be arraigned on the papers in the case of carrying the burglars' tools, and I can sentence him on that conviction.

"So far as I remember the case, Houghton was interceded for because since he left prison in New-Jersey he had led a blameless life. I assume that these pleas for him were other than oral, but I find no trace of them in the docket.

"The name of 'Mike' Murray has been mentioned as interceding for Houghton. I do not even know of this man, and certainly would not know him if I saw him."

The law now in regard to suspension of sentences is different to what it was in 1891. Then the Judges of the Court of General Sessions acted on inherent right. But a country Judge decided that suspension of sentence was equivalent to a pardon, and the Penal Code now reads:

Section 12 of sections declaring crimes punishable. The several sections of this code which declare certain crimes to be punishable as therein mentioned devolve a duty upon the court authorized to pass sentence to determine and impose the punishment prescribed; but such court may in its discretion suspend sentence during the good behavior of the person convicted when the maximum term of imprisonment prescribed by law does not exceed ten years and such person has never before been convicted of a felony.

In regard to Charles L. Jaehne, brother of Henry W. Jaehne, the convicted "boodle" Alderman, being accepted by him as bondsman in felony cases, Recorder Smyth said that he accepted the bonds as they came from the District Attorney's office, presuming that all the requirements of law had been complied with, and that the bondsmen were proper persons, as had his colleagues, Judges Martine and Cowing.