THE CASE AGAINST CAPTAIN DREYFUS

Court Martial is Pinned Down to the Bordereau.

BURDEN ON PROSECUTION.

Must Prove Dreyfus Handed One of Five Papers to a Foreign Power, or Acquit Him.

New York, Aug. 5—The Paris correspondent of the Tribune, discussing the question on which the coming Dreyfus court martial will hinge, says:

"The attitude of the court of inquiry, derived by the court of cassation on June 3d has been to shift the burden of proof from the shoulders of the prosecution. At the court martial of 1894, it was therefore upon Dreyfus to prove that he was innocent of the charges brought against him. This was in accordance with French law, which places the burden of proof upon the accused. But at the Rennes court martial, equally French, the prosecution is to show that Dreyfus, a year as an officer who has been charged, is condemned, and will not be judged to prove his innocence. It will be for the prosecution to show that he is guilty. The issue presented to the court of cassation by the court of inquiry was not, for trial to proceed, down to the single question whether or not Captain Dreyfus is innocent or not. It was upon the precise formerly unanswered question, the question whether or not there is the presumption without fate of signature written on any paper, or, as stated more specifically, the evidence of the late Col. Henry, the paper, was discovered but, to ship to the Wash paper board of the 14th Wurtemberg, then military attache at the German embassy in Paris, and, after being carefully kept for three years formed the basis of the original charges against Captain Dreyfus. There is nothing in the bordereau to show that Captain Dreyfus had been following treasonable practices, or to connect him in any manner with it, because an alleged similarity between the handwriting of Dreyfus and that of the author of the bordereau. The court of cassation has decided that the bordereau was written by Esterhazy, and not by Dreyfus.

"The court of cassation has already passed judgment upon all the other evidence adduced against Dreyfus in his, including the confession of guilt alleged to have been by Dreyfus in January, 1895, to Captain le Brun-Renault and Sergeant Depert, as well as the famous secret dossier, with its forgeries and criminally manufactured documents. All that is legally left standing after the elimination by the court of cassation of the forgeries that vitiated the secret dossier of 1894, is the bordereau, which is the subject of examination on June 3d believed was not written by Dreyfus. The functions of the Rennes court martial are now confined to weighing evidence and deciding upon the subject of the bordereau, and upon the question of the transmission of certain Dreyfus to a foreign power of the documents enumerated in the bordereau, which, it is known, were written by Esterhazy, as he himself has confessed. Dreyfus was unsuspected with Esterhazy when the bordereau was written, and it may be safe to predict that it will be practically impossible for the prosecution to prove at the forthcoming trial at Rennes that Captain Dreyfus handed over to a foreign power the documents in question.

"These documents are five in number.

"First, a description of the hydraulic brake of the field gun made by the French service on the 'Gruson,' the heaviest gun used by the French field artillery. Its gun carriage is ingenious; it contributes to its recoil, very complicated, and very costly. The projectiles were formerly loaded with melinite, but dynamite is now used for the purpose. The French experiments made near Meaux, with dynamite shells fired from the 'Gruson' are now being made with