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EXECUTIVE DEPARTMENT.

OFFICE OF THE COMMISSIONERS OF ACCOUNTS,
ROOMS 114 AND 115, STEWART BUILDING,
NEW YORK, July 27, 1886.

To the Hon. W. R. GRACE, Mayor :

SIR—We herewith prefer the following charges, with the specifications thereunder, against Rollin M. Squire as Commissioner of Public Works of the City of New York, and ask for an early hearing by you at which we may be permitted to produce our proofs thereof.

Yours respectfully,

WM. P. SHEARMAN,
J. B. ADAMSON,
Commissioners of Accounts.

CHARGE FIRST.

Mutilation and alteration of the Official Records of the Department of Public Works.

Specification.

In this, that on or about the 25th day of February, 1886, the said Rollin M. Squire did direct one Robert H. Clifford, the Chief Clerk of the said Department of Public Works, to cause certain letters, theretofore copied in and forming part of the Records of said Department, to be expunged from said Records, as appears by letter of instruction, of which the following is a copy :

FEBRUARY 25, 1886.

ROBERT H. CLIFFORD, Esq. :

SIR—As the matters referred to in letters on pages 606, 607-608 and 610 of letter book 34 have been disposed of, you are hereby authorized and directed to remove said pages from said book 34.

Respectfully,

ROLLIN M. SQUIRE, Commissioner of Public Works.

CHARGE SECOND.

That he has knowingly certified and transmitted to the Comptroller of the City of New York false pay-rolls.

Specifications.

That since the 1st day of January, 1886, and after he had been officially notified by George W. Birdsall, Chief Engineer of the Croton Aqueduct, that the persons hereinafter named were not employed on surveys or work either in Croton Basin, Bronx river or New Aqueduct, to wit :

R. L. Murray, Samuel M. Hall, W. H. Lee, Michael Cooney, M. A. Britton, Alexander Cooper, Uriah A. Pollard, Peter J. Kelly, Alfred A. Arment, Walter J. Boggs, Alexander Brandon, Jr., he continued month after month to certify to the Comptroller that said persons were employed in providing a further supply of pure and wholesome water for New York City, thereby causing and inducing the said Comptroller to pay the salaries of said persons out of money derived from the sale of "Additional Croton Water Stock of the City of New York," as authorized by section 141 of chapter 410 of the Laws of 1882, whereas in fact and law said services, if rendered at all, should have been charged upon and paid out of moneys appropriated for the maintenance of said Department of Public Works by the Board of Estimate and Apportionment.

CHARGE THIRD.

Malefeasance and misfeasance in office in evading and failing to comply with the provisions of section 8 of chapter 410 of the Laws of 1884, commonly known as the Civil Service Law, and of the New York City Civil Service Regulations, adopted under, and in conformity with the provisions of the said law.

In that he from time to time did appoint the several persons referred to in the specifications hereunder to the position or office of Axeman in the Croton Water Bureau of the Department of Public Works, which said office of Axeman is not a competitive office, and the appointees to which office are not subject to the provisions of the New York City Civil Service Regulations, and subsequently, for the purpose of evading and committing a breach of the law for such cases made and provided, detailing the said Axemen to fill positions in the said Department, requiring the performance of duties and the rendering of services other than those of Axeman, and occupying positions by virtue of such transfer, which are included in Schedule B of Regulation 2 of the New York City Civil Service Regulations, without having first been examined and certified as passed as by law required.

Specification 1.

In that he did on the 2d day of March, 1885, appoint one Peter J. Kelly to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render clerical service in the Bureau of the Water Register without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering clerical services shall be appointed only after having passed the civil service examination.

Specification 2.

In that he did on the 16th day of September, 1885, appoint one Uriah A. Pollard to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render clerical service in the Bureau of the Water Register without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering clerical services shall be appointed only after having passed civil service examination.

Specification 3.

In that he did on the 1st day of February, 1886, appoint one Charles B. Husted to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render clerical service in the Bureau of the Water Register without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering clerical services shall be appointed only after having passed civil service examination.

Specification 4.

In that he did on the 17th day of March, 1885, appoint one J. A. Lodwick to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render clerical service in the Bureau of the Water Register without his having passed the civil service examination as required by the New York Civil Service

Regulations, which require that all persons rendering clerical services shall be appointed only after having passed civil service examination.

Specification 5.

In that he did on the 28th day of September, 1885, appoint one Patrick J. Straine to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render clerical service in the Bureau of the Water Register without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering clerical services shall be appointed only after having passed civil service examination.

Specification 6.

In that he did on the 1st day of February, 1886, appoint Elmore Cohen to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render service as Messenger in the office of the Commissioner of Public Works without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all Messengers shall be appointed only after having passed the civil service examination.

Specification 7.

In that he did on the 10th day of December, 1885, appoint one Alfred A. Arment, Jr., to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render clerical service in the Bureau of the Water Register, without his having passed the civil service examination, as required by the New York Civil Service Regulations, which require that all persons rendering clerical services shall be appointed only after having passed the civil service examination.

Specification 8.

In that he did on the 17th day of February, 1886, appoint one Charles E. Perkins to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render clerical services in the Bureau of Water Register, without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering clerical services shall be appointed only after having passed the civil service examination.

Specification 9.

In that he did on the 1st day of May, 1886, appoint one Frederick C. Lane to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render clerical service in the Bureau of Water Register, without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering clerical services shall be appointed only after having passed the civil service examination.

Specification 10.

In that he did on the 1st day of October, 1885, appoint one Roswell L. Murray to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render clerical service in the Bureau of Chief Engineer of Croton Aqueduct, without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering clerical services shall be appointed only after having passed the civil service examination.

Specification 11.

In that he did on the 20th day of February, 1886, appoint one Thomas Lucey to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render clerical service in the Bureau of Chief Engineer of Croton Aqueduct, without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering clerical service shall be appointed only after having passed the civil service examination.

Specification 12.

In that he did on the 4th day of June, 1885, appoint one Charles McDermott to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render service as Inspector for Waste of Water, without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering such services shall be appointed only after having passed the civil service examination.

Specification 13.

In that he did on the 1st day of July, 1885, appoint one Frederick G. Fay to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render service as Inspector for Waste of Water, without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering such services shall be appointed only after having passed the civil service examination.

Specification 14.

In that he did on the 31st day of July, 1885, appoint one James Murray to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render service as Inspector for Waste of Water, without his having passed the civil service examination, as required by the New York Civil Service Regulations, which require that all persons rendering such services shall be appointed only after having passed the civil service examination.

Specification 15.

In that he did on the 19th day of August, 1885, appoint one John McGuire to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render service as Inspector for Waste of Water, without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering such services shall be appointed only after having passed the civil service examination.

Specification 16.

In that he did on the 28th day of August, 1885, appoint one Garrett C. Mead to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render service as Inspector for Waste of Water, without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering such services shall be appointed only after having passed the civil service examination.

Specification 17.

In that he did on the 11th day of May, 1885, appoint one William J. White to the office of Axeman, payable out of the Croton Water Fund at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render service as Inspector for Waste of Water without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering such services shall be appointed only after having passed the civil service examination.

Specification 18.

In that he did on the 8th day of September, 1885, appoint one Cornelius Sullivan to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render service as Inspector for Waste of Water without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering such services shall be appointed only after having passed the civil service examination.

Specification 19.

In that he did on the 25th day of June, 1885, appoint one Michael Cooney to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day,

and did subsequently thereto transfer him to render service as Inspector for Waste of Water without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering such services shall be appointed only after having passed the civil service examination.

Specification 20.

In that he did on the 31st day of July, 1885, appoint one William Malia to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render service as Inspector for Waste of Water without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering such services shall be appointed only after having passed the civil service examination.

Specification 21.

In that he did on the 10th day of April, 1885, appoint one William H. Lee to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render services as Inspector for Waste of Water without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering such services shall be appointed only after having passed the civil service examination.

Specification 22.

In that he did on the 1st day of February, 1885, appoint one Samuel M. Hall to the office of Axeman, payable out of the Croton Water Fund, at a salary of two dollars and fifty cents per day, and did subsequently thereto transfer him to render service as Inspector for Waste of Water, without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering such services shall be appointed only after having passed civil service examination.

Specification 23.

In that he did on the 1st day of June, 1885, appoint one Alexander Cooper to the office of Axeman, payable out of the Croton Water Fund, at a salary of three dollars per day, and did subsequently thereto transfer him to render service as Stenographer and Typewriter in the office of the Commissioner of Public Works, without his having passed the civil service examination as required by the New York Civil Service Regulations, which require that all persons rendering such services shall be appointed only after having passed civil service examination.

CHARGE FOURTH.

Neglect of duty and unfitness for office.

Specification.

In this that on or about the 16th day of September, 1885, the said Rollin M. Squire appointed one Uriah A. Pollard to be an "Axeman" in the Bureau of the Chief Engineer of the Croton Aqueduct in the Department of Public Works; that on the same day the said Pollard was detailed to service in the Bureau of the Water Register, and subsequently and on the 27th day of January, 1886, was appointed by the said Squire to the office of Deputy Water Register in the said Bureau, and was invested with the special duty of supervising and directing the system of accounts in said Bureau.

That said Pollard, prior to his appointment by the said Squire, resided in Boston, Mass., and had served a term of imprisonment in the House of Correction in South Boston for the crime of embezzlement.

That said Pollard was also indicted and convicted for entering a safe by means of false keys, and abstracting therefrom money and bonds, both of which convictions and crimes were well known to the said Squire.

That the general reputation of the said Pollard in Boston was very bad, and was well known to the said Squire at the time the said Pollard was appointed to office in the Department of Public Works.

That the said Squire, becoming aware of the fact that he was amenable to removal from office on account of the appointment of the said Pollard in the premises, and the said state of facts concerning the said Pollard having been made public by the newspapers of this city, the resignation of the said Pollard from the office of Deputy Water Register was demanded by the said Squire on or about the 15th day of February, 1886, and was accepted by the said Squire on or about March 1, 1886.

That after the said Pollard's resignation had been accepted as aforesaid, and constantly and continuously since said date, the said Pollard has been in the habit of visiting the Department of Public Works, and at the request of the said Squire his (Pollard's) advice as to the system of keeping certain accounts in the Office of the Water Register has been given, and his services in this respect have been accepted by the said Squire as Commissioner of Public Works.

CHARGE FIFTH.

That he has grossly violated the provisions of law, and has been guilty of gross and culpable neglect of duty, whereby the interests and property of the City have been damaged and impaired.

Specification.

That he has failed and neglected to appoint an engineer to superintend and survey the work for the repaving of Fifth avenue, under the contract made by and between the Mayor, Aldermen and Commonalty of the City of New York and Matthew Baird, dated October 20, 1885, under the authority of chapter 371 of the Laws of 1885, although the appointment of such an engineer was provided for by said statute authorizing the said contract; and the said contract specifically provided that such engineer should be appointed by the Commissioner of Public Works to superintend and survey said work. And the said Rollin M. Squire, in the departmental estimate submitted by him to the Board of Estimate and Apportionment of the moneys necessary to be expended in the year 1886 by the said Department of Public Works, included therein an estimate of \$5,000, for the payment for the services of one engineer; and the said Board of Estimate and Apportionment included in the final estimate of the amount necessary to conduct the public business of the City of New York, the said amount of \$5,000, for the services of an engineer for the purposes aforesaid. And in consequence of the failure and neglect of said Squire to appoint an engineer to superintend and survey said work, the same has been improperly performed, to the loss and damage of the Mayor, Aldermen and Commonalty of the City of New York.

CHARGE SIXTH.

Making a corrupt and illegal agreement, bargain and promise with one Maurice B. Flynn for the purpose of securing appointment to the office of Commissioner of Public Works of the City of New York.

Specification.

In this, that on or about the 26th day of December, 1884, Rollin M. Squire, at that time desiring and seeking appointment for the office of Commissioner of Public Works of the City of New York, did promise and agree and enter into a corrupt bargain with the said Maurice B. Flynn, agreeing to place his resignation in the hands of said Flynn in the event of his, said Squire's, being appointed to the said office whenever the said Flynn might demand the same; and further, to make no appointments in the said office without the approval of said Flynn, and to make such removals therein as the said Flynn might suggest and request, and to transact the business of the said office as the said Flynn might direct, and that in evidence of the said corrupt and illegal agreement, promise and bargain, the said Squire did prepare and execute the following memorandum in writing, to wit:

New York Dec 26th 1884
Maurice B. Flynn, Esq.
Sir,
In Consideration
of your securing not less than four County Dem-
ocracy Aldermen who shall vote for my confir-
mation as Commissioner of Public Works, in the
event that the Mayor shall send in my name
for that office, I hereby agree to place my
resignation as Commissioner, in case of my
Confirmation, in your hands whenever you
may demand the same and further to make
no appointments in said office without your ap-
proval and to make such removals ^{therein} as you
may suggest and request, and to transact the
business of said office as you may ^{direct}.
Very truly
Rollin M. Squire

CHARGE SEVENTH.

Entering into a corrupt and unlawful conspiracy with one Maurice B. Flynn, who was then and ever since has been, a contractor, having large dealings with the Mayor, Aldermen and Commonalty of the City of New York in the way of participation in contracts, let and entered into by the Department of Public Works in behalf of said Mayor, Aldermen and Commonalty to defraud the said Mayor, Aldermen and Commonalty by placing the absolute management and control of the said Department of Public Works, and the transaction of its business, in the hands and subject to the control of said Maurice B. Flynn.

Specification.

That on or about the 26th day of December, 1884, when the said Rollin M. Squire was a can-

didate for, and seeking appointment to, the office of Commissioner of Public Works and head of the Department of Public Works, and while the said Maurice B. Flynn was a contractor interested in contracts entered into with him by the said Department of Public Works in behalf of the Mayor, Aldermen and Commonalty of the City of New York, the said Squire agreed with said Flynn, that if he, the said Flynn, would secure the votes of four Aldermen in favor of his, Squire's, confirmation as Commissioner of Public Works (without which four votes the said Squire could not have been confirmed and appointed such Commissioner), he, the said Squire, would make no appointments in said office without the approval of said Flynn, and would make such removals therein, as he, the said Flynn, might suggest and request and would transact the business of said office, as he, the said Flynn, might suggest and direct.

MAYOR'S OFFICE, NEW YORK, August 17, 1886.

To His Excellency, DAVID B. HILL, Governor of the State of New York:

SIR:—On or about the 27th day of July, 1886, William P. Shearman and James B. Adamson, Commissioners of Accounts of the City of New York, preferred to me, as Mayor of the City of New York, certain charges against Rollin M. Squire, as Commissioner of Public Works of the City of New York, which charges, together with the specifications thereunder, are hereunto annexed, marked Schedule "A."

Upon the receipt of said charges and on the 28th day of July, 1886, I caused a copy of said charges to be served upon the said Rollin M. Squire, together with a notice that an opportunity would be afforded him to be heard at the Mayor's office on the 4th day of August, 1886, at 11 o'clock in the forenoon, as to why he should not be removed from office for the causes set forth in said charges and specifications; a copy of my notice to the said Squire is hereunto annexed, marked Schedule "B."

Upon said 4th day of August, 1886, the said Rollin M. Squire and his counsel appeared before me at the Mayor's office, and the said Rollin M. Squire, by his said counsel, then interposed verbally a general denial of the truth of all the charges preferred against him. The said Commissioners of Accounts also appeared before me with their counsel, and I thereupon proceeded to hear such testimony as was offered both by the Commissioners of Accounts, in support of the charges which they had preferred, and by the said Rollin M. Squire in denial thereof. I caused the testimony taken and the proceedings had before me to be taken down, and I inclose a copy thereof hereto, marked Schedule "C," together with copies of the material portions of such exhibits as were read in evidence before me. From the testimony so taken, and the evidence so produced before me, I became convinced that the charge preferred by the said Commissioners against the said Rollin M. Squire, and known as Charge Third, and the charges preferred by said Commissioners against the said Squire and known as Charges Six and Seven, were true and have been sufficiently proven. It appeared from said evidence that the said Rollin M. Squire from time to time did appoint the several persons referred to in the twenty-three specifications attached to the third charge, to the position of office or axeman in the Croton Water Bureau of the Department of Public Works, and that said office of axeman was not a competitive office, and that the appointees to such office were not subject to the provisions of the New York City Civil Service Regulation and that subsequently for the purpose of evading and committing a breach of the statute in such case made and provided, and the said New York City Civil Service Regulations he did detail the said axemen to fill positions in said Department, requiring the performance of duties and the rendering of services other than those of axemen, and to positions which are included in Schedule "B" of Regulation 2 of the said New York City Civil Service Regulations, without their having first been examined and certified as passed, as by law and said regulations required.

It also appeared from said testimony that on or about the 26th day of December, 1884, the said Rollin M. Squire was desiring and seeking appointment to the office of Commissioner of Public Works of the City of New York, and while desiring and seeking such appointment, he did promise and agree and enter into a corrupt bargain with one Maurice B. Flynn, whereby he agreed, in case of his appointment, to place his resignation in the hands of the said Flynn whenever he, the said Flynn, might demand the same, and further, to make no appointments in said office without the approval of the said Flynn, and to make such removals therein as the said Flynn might suggest and request, and to transact the business of the said office as the said Flynn might direct, and that in evidence of the said corrupt and illegal agreement, promise and bargain, the said Squire did prepare, execute and deliver the following memorandum in writing, to wit:

NEW YORK, December 26, 1884.

MAURICE B. FLYNN, Esq.:

DEAR SIR:—In consideration of your securing not less than four County Democracy Aldermen who shall vote for my confirmation as Commissioner of Public Works, in the event that the Mayor shall send in my name for that office, I hereby agree to place my resignation as Commissioner in case of my confirmation in your hands whenever you may demand the same, and further to make no appointments in such office without your approval, and to make such removals therein as you may suggest and request, and to transact the business of said office as you may direct.

Very truly yours,

(Sgd.) ROLLIN M. SQUIRE.

That the said Maurice B. Flynn then was and ever since has been a contractor having large dealings with the Mayor, Aldermen and Commonalty of the City of New York, in the way of participation in contracts made and entered into by the Department of Public Works in behalf of the said Mayor, Aldermen and Commonalty.

Under these circumstances and facts as disclosed by the testimony, I have felt it to be my duty to remove the said Rollin M. Squire from his office of Commissioner of Public Works of the City of New York, and I herewith transmit to you the formal certificate of such removal, together with a statement of my reasons therefor in writing, as required by section 108, chapter 410 of the Laws of 1882.

I am, sir, yours very respectfully,

WM. R. GRACE, Mayor.

MAYOR'S OFFICE, New York, August 17, 1886.

I, William R. Grace, Mayor of the City of New York, do hereby certify that in virtue of the power vested in me by section 108 of chapter 410 of the Laws of 1882, entitled "An act to consolidate into one act and to declare the special and local laws affecting public interests in the City of New York," I have this day for cause, after an opportunity to him afforded to be heard, removed Rollin M. Squire from the office of Commissioner of Public Works of the City of New York.

The causes of removal are:

First—Malfeasance and misfeasance in office, in evading and failing to comply with the provisions of section 8 of chapter 410 of the Laws of 1884, known as the Civil Service Law, and of the New York City Civil Service Regulations adopted under and in conformity with the provisions of said law, in that he from time to time did appoint the following named persons, to wit: Peter J. Kelly, Uriah A. Pollard, Charles B. Husted, J. A. Lodewick, Patrick J. Strain, Elmore Cohen, Alfred A. Arnett, Jr., Charles E. Perkins, Frederick C. Lane, Roosevelt L. Murry, Thomas Lucy, Charles McDermott, Frank G. Fay, James Murray, John McGuire, Garret C. Mead, William J. White, Cornelius Sullivan, Michael Cooney, William Maillier, William H. Lee, Samuel M. Hall and Alexander Cooper to the position or office of Axemen in the Croton Water Bureau of the Department of Public Works, which said office of axeman is not a competitive office, and the appointees of which office are not subject to the provision of the New York City Civil Service Regulations, and subsequently, for the purpose of evading and committing a breach of law in such cases made and provided, and of said Civil Service Regulations, detailing the said axemen to fill positions in said Department requiring the performance of duties and the rendering of services other than those of axemen, and to positions which are included in Schedule "B" of Regulation 2 of the said New York City Civil Service Regulations, without their having first been examined and certified as passed, as by law required.

Second, Making a corrupt and illegal agreement, bargain and promise with one Maurice B. Flynn, for the purpose of securing his, the said Rollin M. Squire's, appointment to the office of Commissioner of Public Works of the City of New York, in this, that on or about the 26th day of December, 1884, the said Rollin M. Squire, at that time desiring and seeking appointment for the office of Commissioner of Public Works of the City of New York, did promise and agree and enter into a corrupt bargain with the said Maurice B. Flynn, agreeing to place his, the said Squire's, resignation in the hands of said Flynn in the event of his, the said Squire, being appointed to the said office whenever the said Flynn might demand the same, and further to make no appointment in said office without the approval of said Flynn, and to make such removals therein as the said Flynn might suggest and request, and to transact the business of the said office as the said Flynn might direct, and that in evidence of such corrupt and illegal agreement, promise and bargain, the said Squire did prepare and execute the said promise in writing, to wit:

NEW YORK, December 26, 1884.

MAURICE B. FLYNN, Esq.:

DEAR SIR:—In consideration of your securing not less than four County Democracy Aldermen who shall vote for my confirmation as Commissioner of Public Works in the event that the Mayor shall send in my name for that office, I hereby agree to place my resignation as Commissioner, in case of my confirmation, in your hands whenever you may demand the same, and further to make no appointments in such office without your approval and to make such removals therein as you may suggest and request and to transact the business of said office as you may direct.

Very truly yours,

(Signed)

ROLLIN M. SQUIRE.

Third—Entering into a corrupt and unlawful conspiracy with one Maurice B. Flynn, who was and has ever since been a contractor having large dealings with the Mayor, Aldermen and Commonalty of the City of New York, in the way of the prosecution of contracts made and entered into by the Department of Public Works on behalf of the said Mayor, Aldermen and Commonalty, to defraud the said Mayor, Aldermen and Commonalty by placing the absolute management and control of the said Department of Public Works and the transaction of its business in the hands and subject to the control of the said Maurice B. Flynn, in this, to wit: That on or about the 26th day of December, 1884, when the said Rollin M. Squire was a candidate for and seeking the appointment of the office of Commissioner of Public Works, and while the said Maurice B. Flynn was a contractor interested in contracts entered into with him by the Department of Public Works in behalf of the Mayor, Aldermen and Commonalty of the City of New York, the said Squire agreed with the said Flynn that if he, the said Flynn, would secure the votes of four Aldermen in favor of his, Squire's, confirmation as Commissioner of Public Works

(without which said four votes the said Squire could not have been confirmed and appointed as such Commissioner), he, the said Squire, would make no appointments in said office without the approval of said Flynn, and would make removals therein as he, said Flynn, would suggest and request, and would transact the business of such office as he, the said Flynn, might suggest and direct.

WM. R. GRACE, Mayor.

IN THE MATTER

of

The Charges preferred by the Commissioners of Accounts against ROLLIN M. SQUIRE, Commissioner of Public Works of the City of New York.

Before Hon William R. Grace, Mayor of the City of New York.

NEW YORK, August 4, 1886.

Present—E. Henry Lacombe, Corporation Counsel; for the Commissioners of Accounts, Wheeler H. Peckham and Charles P. Miller; for Rollin M. Squire, Messrs. John H. Strahan and Richard S. Newcombe.

The Mayor announces that he is ready to proceed with the hearing of the charges.

Mr. Strahan (to Mr. Lacombe)—What part do you play here?

Mr. Lacombe—I am the Mayor's official adviser.

Mr. Strahan—Where do you find that? Refer me to the law that designates you as the Mayor's official adviser?

Mr. Lacombe—It is unnecessary to do so.

Mr. Strahan—I object to your appearance here, at all—at least as the official adviser of the Mayor, in any character.

The Mayor—I do not propose to let Mr. Lacombe judge for me, but will only hear Mr. Lacombe's advice and judge for myself. Mr. Strahan, do you wish these charges read?

Mr. Strahan—Let us first understand about the stenographer, Mr. Mayor. I should be very sorry to see two records going to the Governor. I see you have selected a stenographer without consulting me upon the matter. I object to your stenographer under those circumstances.

Mr. Peckham—What is the objection, Mr. Strahan?

Mr. Strahan—I object to him. I do not know the gentleman, and I do not know that I would trust him in taking down the record.

Mr. Peckham—I do not know that the question of who should be the stenographer is a matter for any other than the Mayor himself to pass upon. If there is any objection to him, of course that is ground for the Mayor to hear the objection and pass upon it, but, in the first instance, it is the business of the Mayor to appoint his deputy or clerk.

The Mayor—What is the objection raised against the stenographer?

Mr. Strahan—I do not know the stenographer, sir. He has not been a sworn officer of any court, and I object to the stenographer taking down this proceeding; do not know that he can make the record. I know that I am not bound by what he does.

Mr. Peckham—Do you mean to claim that the testimony should be taken in longhand, Mr. Strahan?

Mr. Strahan—No.

Mr. Peckham—You are content that it should be taken by a stenographer?

Mr. Strahan—Clearly; undoubtedly.

Mr. Peckham—I submit to the Mayor that the only point is that any party who has an objection may state the ground of the objection, and if it is a well-founded objection, of course it should be heeded, otherwise it is the business of the official who is to try whatever is before him, to appoint his amanuensis.

The Mayor—I have heard the objection of Mr. Strahan, and I overrule the objection.

Mr. Strahan—Mr. Bonyng, you take down the evidence here. We shall go to the Governor with two records, and shall be able to prove ours.

Alderman Bankson T. Morgan—If your Honor please—

The Mayor—Judge, who do you represent in this matter?

Alderman Morgan—I represent the people.

The Mayor—I do not care about hearing anybody representing the people; we have counsel here in the case. I do not care about hearing outside parties. You have no representation here. You do not represent Mr. Squire nor the Mayor, consequently we don't want to hear you.

Alderman Morgan—No, I do not represent any particular individual.

The Mayor—Then we don't care about hearing you; that is all.

Alderman Morgan—That is your decision, is it?

The Mayor—Yes, sir.

Alderman Morgan—As the Mayor of the City of New York?

The Mayor—I so decide.

Alderman Morgan—I desire that to be put upon the record.

The Mayor—Mr. Strahan, the question has been raised whether you would like to have these charges read, or whether you would accept the service of a copy of them.

Mr. Strahan—It is not in the slightest necessary to read the charges. That is unnecessary trouble.

The Mayor—Then we will take them as having been read.

Mr. Strahan—Certainly, if that is necessary. These charges that are made are presented here in the name of one William P. Shearman and one J. B. Adamson. I object to proceeding upon charges by these parties. There is a law in this State, sir, which declares that any person appointed to an office in the City of New York must be a citizen of the State. You have appointed William P. Shearman an officer of the City of New York, namely, to the office of Commissioner of Accounts. That is an office with certain powers attached to it, which brings it within the definition of an officer as prescribed by law. Mr. Shearman is, and has been since the date of his appointment, a citizen of the State of New Jersey; he is not a resident of this State; he is not a citizen of this State; and the other person, whose name is associated with him, J. B. Adamson, is not a resident of the City of New York; he is a resident of the City of Brooklyn; you have, therefore, to go out of the City of New York for the purpose of getting parties to present those charges and bring them here. Mr. Shearman's position is a position he occupies in defiance of law. He is not in any way—in any sense whatever—an interested party in these proceedings. Mr. Adamson is in the same position. One of them is not a citizen of the State and the other is not a resident of the city, and you have no right, title or interest to proceed with these charges, and you have no right to receive or consider them as so presented.

The Mayor—Mr. Strahan, Mr. Adamson, as far as he is concerned, is not only a resident of the State, but was a resident of the city at the time he was appointed, and has been for many years before to my own knowledge.

Mr. Strahan—To your knowledge, equally, I presume, Mr. Shearman was a citizen of the State of New Jersey.

The Mayor—Mr. Shearman claims to be a citizen of the State of New York; that is a matter I do not know of my own knowledge.

Mr. Strahan—You have certified over your own signature that he is a resident of the State of New Jersey. You have passed as a member of the Board of Estimate and Apportionment a resolution to insert in the public record the residences of the various parties, and you have certified to his residence in the State of New Jersey.

Mr. Peckham—Mr. Strahan, where do you find any law requiring the charges to be made by any citizen of the State of New York? You refer, I presume, to some law.

Mr. Strahan—I am referring, Mr. Peckham, to the fact that Mr. Shearman is a citizen of the State of New Jersey, and I am referring to the fact that Mr. Adamson is a resident of Brooklyn; that neither of these parties are residents of the City of New York, and I want to find out where your authority is, that in a matter relating to the government and administration of the City of New York, a citizen of New Jersey has any interest, or a resident of the City of Brooklyn has any interest to prosecute or maintain such a pleading.

The Mayor—You raise that as an objection?

Mr. Strahan—I offer the evidence to prove it. Does your Honor receive it?

The Mayor—No; I overrule the objection.

Mr. Strahan—Do you decline to receive evidence to sustain the objection? Do you overrule the objection?

The Mayor—I overrule the objection as presented here.

Mr. Strahan—Now, then—

Mr. Peckham—One moment.

Mr. Strahan—The record is complete.

Mr. Peckham—The record may be complete; we will make it complete. I submit the counsel has made several statements in regard to the residences, and so forth, of these parties, and I am quite inclined to think that there is no ground for any objection, no matter what the fact may be; but it is idle in a proceeding of this character to voluntarily allow any petty technical point to be raised that might be in the way, either now or hereafter, when the facts do not sustain it. Therefore, I submit to your Honor, and we request that your Honor will allow these parties to go into proof of their allegations, because I am informed that Mr. Strahan is quite mistaken in his facts, and there is no use of having any question, because we cannot tell absolutely how technical it may be and what bearing it possibly may have when the evidence does not now appear.

The Mayor—I will receive the evidence on the questions you refer to.

Mr. Strahan—I have nothing further to say; the record is complete.

The Mayor—We are ready to hear any evidence you have to offer as to the fact that Mr. Adamson is a resident of Brooklyn or that Mr. Shearman is a resident or a citizen of New Jersey. Have you any to offer?

Mr. Strahan—I stand upon the record.

The Mayor—Go on.

Mr. Miller—We call upon Mr. Squire to produce the original of a letter which accompanied these charges signed by the Mayor.

Mr. Strahan produces the paper called for.

Mr. Miller—This we offer in evidence. Is it admitted that that accompanied the charges which Mr. Squire received?

Mr. Strahan—Unquestionably.

The letter headed "Mayor's Office, New York," dated July 28, 1886, is offered in evidence and marked Exhibit "1."

Mr. Miller reads the letter.

Mr. Strahan—We enter a formal denial to each of the seven charges stated in the paper that accompanied that letter.

Mr. Miller—The paper accompanying that letter is a paper which begins as follows:

"OFFICE OF THE COMMISSIONERS OF ACCOUNTS,
ROOMS 114 AND 115, STEWART BUILDING,
NEW YORK, July 27, 1886."

To the Hon. WILLIAM R. GRACE, Mayor:

SIR—We herewith prefer the following charges with the specifications thereunder against Rollin M. Squire, as Commissioner of Public Works of the City of New York, and ask for an early hearing by you at which we may be permitted to produce our proofs thereof.

Yours respectfully,

WILLIAM P. SHEARMAN,
J. B. ADAMSON,
Commissioners of Accounts."

—and it is conceded, is it not, Mr. Strahan, that thereafter follow seven different charges with a specification or specifications accompanying each charge.

Mr. Strahan—It is admitted, whatever is in the paper.

The charges are marked Exhibit "2."

Robert H. Clifford, being duly sworn and examined, testifies as follows:

By Mr. Miller:

Q. What is your name? A. Robert H. Clifford.

Q. You are the chief clerk of the Department of Public Works? A. I am.

Q. You were served with a subpoena, yesterday, to produce certain papers here, were you not? A. Yes, sir.

Q. In this matter? A. Yes, sir.

Q. Have you produced those books and papers? A. The books; yes, sir.

Q. Will you please produce Miscellaneous Letter-book No. 34?

The witness produces the book requested.

Mr. Miller—This, Mr. Mayor, is, with reference to the first charge, "Mutilation and Alteration of the Official Records of the Department of Public Works."

Mr. Strahan—Do you call that an official record?

Mr. Miller—You can object to it when you get ready.

Mr. Strahan—I object to this book.

Mr. Miller—One minute, until we can tell exactly what it is.

Q. Mr. Clifford, you have produced, under the subpoena, a book from the Department of Public Works, have you not? A. Yes, sir.

Q. The book which I now hold in my hand? A. Yes, sir.

Q. Indorsed on the back "Miscellaneous Letters No. 34, Department of Public Works?" A. Yes, sir.

Q. From whence did you produce that book? A. From the Department of Public Works or the office of the Department of Public Works.

Q. Is it a book belonging in the Department? A. Yes, sir.

Q. One of the official books in the Department? A. A letter-book.

Q. Used in the course of business in the Department? A. Yes, sir.

Q. Have you the original of which the letter at page 830 of this book purports to be a copy? Mr. Strahan—I object.

Mr. Miller—Go on and answer.

A. I have not, sir.

Q. Where is it? A. I do not know.

Mr. Miller—I offer this letter in evidence.

Mr. Strahan—I object.

Mr. Miller—I withdraw the last question for the time being.

Q. Did you ever receive the original of which this letter at page 830 purports to be a copy? A. I do not recollect that I have ever received it; it is copied in the letter-book; I do not copy all the letters in the letter-book.

Q. You have no recollection of having received that letter? A. No, sir.

Q. How then, comes it in this book? A. Any clerk would be ordered to copy it in the letter-book; it is in my office.

Q. Is that signature to that letter Mr. Squire's? A. It is; yes, sir.

Q. Have you any doubt that that letter at page 830, Mr. Clifford, was an official letter from Mr. Squire to you?

Mr. Strahan—I object to that; change your question.

Mr. Miller—No; I will put it just that way.

Mr. Strahan—I object to it; he is not to pass upon whether it is an official letter or not. You can get the fact whether that was a letter. It speaks for itself.

The Mayor—Modify the question, Mr. Miller.

Q. Have you any doubt that that letter at page 830, Mr. Clifford, was a letter from Mr. Squire to you?

Objected to; objection overruled.

A. Do you ask me if it is in Mr. Squire's handwriting?

Q. Please answer my question. A. Yes, sir.

Q. In connection with the routine work of the office? A. Yes, sir.

Q. And directed to you as chief clerk? A. Yes, sir.

Q. Mr. Clifford, did you take any action on this letter in connection with the directions contained in this letter?

Mr. Strahan—I object to that, and that will follow after I have stated my objection to your previous position.

Mr. Strahan (to the Mayor)—I see considerable whisperings pass between you and the learned gentleman at your left. If these whisperings or conversations have any reference to the subject-matter that we are now investigating, I request that they shall be spoken openly, that we may hear what is said and that we may hear what answers and replies are given.

Mr. Lacombe—So far as your remarks are addressed to me I have not the slightest objection.

Mr. Strahan—I didn't refer to you.

Mr. Lacombe—You addressed the Mayor, and spoke of the gentleman on his left. I supposed you referred to me. If you did not, I have nothing to say.

Mr. Peckham—I do not see that the Mayor is called upon to make any reply to remarks of that kind.

Mr. Strahan—We will have the record to correct upon the subject; there can be no possible object to be gained by secrecy; there can be no good purpose served by having secret communications, and as this is a matter that the public have been prepared to receive all and everything that can be shown about it, it is right that everything that passes between the Mayor, who sits here as a judge, and any other person, if it bears upon this case, in the course of the administration or trial of it, should be stated and become a part of the record.

Mr. Lacombe—If you had not been a little too previous a little while ago, you might have had the record made exactly satisfactory to you in that regard.

Mr. Strahan—We shall expect it now. We will pass over all previous.

Mr. Lacombe—I will undertake as the Mayor's legal adviser to guarantee now that any advice that I give the Mayor in connection with this matter will be made so distinctly that the counsel on the other side can hear it. Is that satisfactory?

Mr. Strahan—Entirely so, except with regard to your right to give any such advice. The charge here is the mutilation and alteration of the official records of the Department of Public Works. The legal definition is, "A person who willfully and unlawfully removes, mutilates, destroys, conceals or obliterates a record, map, book, paper, document or other thing filed or deposited in a public office or with any public officer by virtue of law, is punishable by imprisonment for not more than five years or by a fine of not more than \$500, or by both." Now, sir, I want to find the law or a reference to the law which prescribes the keeping of a letter-book and requires it to be kept by virtue of law.

Section 114, reads "Injury to records and misappropriation by municipal officers. A Sheriff, Coroner, Clerk of a Court, Constable or other ministerial officer and every deputy or subordinate of any ministerial officer who either,

1. Mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his office; or

2. Fraudulently appropriates to his own use or to the use of any other person, or secretes with the intent to appropriate to such use any money, evidence of debt, or other property intrusted to him in virtue of his office, is guilty of felony." Now, I want to know what is a record? A record is something which is defined and required to be kept by law. It is something which, so far as the city government is concerned, is required to be published in the "City Record." It is so specially defined by section 51 of the Consolidated Act. Here is a great discovery—a wonderful discovery! A discovery so patent that even the Commissioners of Accounts couldn't help in the most casual performance of their duty to find the matter spread out at full upon the records of the Department, all that it pertains to and all that it is connected with. Now, sir, that is a matter—never mind to what it relates—that there is no prohibition in law whatever, there is no requirement of law that there should be a letter-book kept in the Department of Public Works, and the learned Counsel to the Corporation, or the learned friends surrounding you, cannot point to any provision of law relating to the City of New York where that is required. There is no requirement of law, there is no such thing as a charge of a breach of any provision of law relating to the matter of this wonderful discovery.

Mr. Peckham—If we should proceed with this investigation in this way it would drag out to quite an unconscionable length. Our friends acting for the defense of these charges have seen fit to deny them; they have made no demurrer or anything of that kind; there is an issue raised as to whether they are true, whatsoever they may be. Now, it seems to me it is much more in conformity with due and fair proceeding that we should go on and take the proofs of these allegations which are made and denied. The question now raised by Mr. Strahan is one as to the legal effect of this charge and the specification assuming them to be proved as they are charged, and that will be a question at a future time. There is, however, in a general way, because of Mr. Strahan making something of an argument upon the point, something that I would suggest to your Honor. This is not a trial of an indictment as suggested in the section of the Code from which my learned friend reads, and it might well be that this party here charged might be free from any act on account of which he could be convicted under any indictment that could be framed, and yet still be guilty of such acts that he would not be a proper person to remain in the office which he now fills. Here is a charge of mutilation of a record, and it is stated in the specification what it is. Now, whether it would make him liable to indictment and conviction under the law is not of the slightest importance. It is enough that a man having charge of a public office where he has made a record—where a record exists and states things which might be aids to those who should come after him and might be aids to those who should have occasion to comment upon the processes of his office—it is enough that a man there sees fit to destroy the records which he has kept and ordered and directed to be kept, and unless some good reason can be shown for that it is an act entirely outside of his duties and grossly in disregard of his duties, and one for which the Mayor has power to remove him from his office. We do not propose to try this as if it were an indictment. We propose to lay before the Mayor facts and circumstances in connection with these charges which show this man unfit to hold office. Having done that, it is for another tribunal to decide whether he has also done acts which should send him to the penitentiary.

Mr. Strahan—My friend suggests this case should be tried differently from the manner in which I, in the course of my duty, have taken, and has made some comment as to the length, etc. I am entitled to ask this gentleman to put in legal evidence; I am at a disadvantage in standing before you, probably. My friend, the Counsel to the Corporation, is your mouth-piece upon these questions. What the charge is and what I have denied is the mutilation of a public record. These gentlemen must admit that there is no such thing as a public record in that book defined in law or known in law, and they know it; but what do they say? We admit it. But it is for us to show your Honor what? Not that we have mutilated a public record, but that some book or paper under his control was interfered with in such a form that he is a person not to be trusted or not a proper person to be trusted to conduct the administration of this Department. Why, there is no necessity of addressing any argument to your Honor upon that question? You have declared over and again in the public prints that that, in your mind, was a fact. We are not dealing with that. We come here, assuming such to be the case in your judgment, but we are entitled to ask from them the specification of what their facts are, not what their theories and misrepresentations are, and we are entitled to say "Produce your evidence and do it in a legal form." "We admit we have no legal evidence bearing upon the subject, but we want you to accept something in its place." What is it? Where is the official record; where is there any law defining that to be an official record? There is none. They know it and in the clear knowledge that it is not an official record, they want you to accept some supposition in relation to it. My duty is performed when I have put myself correct upon the record. I assume the rest in so far as your Honor is concerned.

Mr. Peckham—Your Honor will see that the testimony on the most strict rules of law is competent. Whether this is a record when proved, is a question for final determination of the matter before you. Argument upon that is properly addressed to you when the thing is finally submitted to you; not properly now. No Court would hear it for a moment.

The Mayor—The only objection made is the objection of the counsel to hearing the evidence on the ground that it is not a public record.

Mr. Strahan—To the introduction of that book as the official record.

The Mayor—Mr. Corporation Counsel, what is your opinion.

Mr. Strahan—I object to the Corporation Counsel. He is not by law the judge to try this question. There is no law defining or requiring him to have such a duty imposed upon him. He is not the Counsel to the Mayor any more than he is to the Commissioner of Public Works, and there is no provision of law which says that he is the judge that we are to appeal to on any question that arises in relation to this matter, and I, therefore, object to his appearance.

The Mayor—I presume he has a right to give me his opinion, and I have a right to act when I hear it.

Mr. Strahan—No, sir.

The Mayor—What is the ground you take?

Mr. Strahan—I state that there is no authority which authorizes you to ask his opinion or make him a part of the trial judge in this case, and there is no authority in law and I challenge him, good lawyer as he is, to produce it to me and put it on the record here, that authorizes him to instruct you as to how you should dispose of this case.

Mr. Peckham—It is every day's familiar practice in cases tried with the strictest rules and formula known, for judges to take the opinion of anybody they choose to ask to give his opinion, and they act upon it or not as they see fit.

The Mayor—I act upon his opinion in my own judgment.

Mr. Lacombe—In my opinion the objection to the admission of the book is not well taken.

The Mayor—I overrule the objection.

Q. Did you take any action on this letter in connection with the directions contained in it. A. I did, sir.

Mr. Miller—I now offer this letter in evidence.

Mr. Strahan—That we object to.

Mr. Miller—On what grounds?

Mr. Strahan—On the ground already stated.

The Mayor—The objection is overruled.

Q. I will read page 113 of the book already referred to: "Miscellaneous Letters, No. 34, Department of Public Works":

"FEBRUARY 25, 1886.

ROBERT H. CLIFFORD, Esq., Chief Clerk:

SIR—As the matters referred to in letters on pages 606, 607, 608 and 610 of Letter-book 34 have been disposed of, you are hereby authorized and directed to remove said pages from said book 34.

Respectfully,

ROLLIN M. SQUIRE, Commissioner of Public Works."

Do you know what became of the original letter?

Mr. Strahan—What original letter do you refer to?

Mr. Miller—The original of which this, which I have just read, is a copy.

Mr. Strahan—He has already explained; he says he never saw it.

The Witness—After it was taken out of the letter-book?

Q. At any time, do you know what became of it?

Mr. Strahan—Let me understand the question. What was it—that letter addressed to you?

The Witness—Yes, sir.

By the Mayor:

Q. Do you know what became of the letter addressed to you?

Mr. Strahan—He has already answered the question by saying he never saw it.

The Mayor—Let the witness answer.

A. If you will allow me to see if I understand it—Do I know anything about the letter that is referred to to be taken out of the —

By Mr. Miller—No, do you know where the original of this letter at page 830 is? A. I do not; the original of 830?

Q. Yes. A. I may find out in the records, sir.

Q. Have you a book or a place or a file in the office where such letters are kept? A. Yes.

Mr. Strahan—Now, then, you have heard what he has now stated. I move that that be stricken out. He has admitted the original letter is in existence, and you can't put in a copy as long as the original is in existence.

Q. Can you get the original of this letter at page 830? A. I will try and look for it.

Q. Have you any doubt you can't? A. I have not at present any doubt.

Q. What, if anything, did you do after the receipt of that letter and pursuant to its directions? A. I cut out those pages that are directed by that letter in that letter-book.

Q. You cut out pages 606, 607, 608 and 610 of letter-book No. 34?

Mr. Strahan—What became of 609?

Mr. Miller—It is in.

A. Yes, sir.
 Q. What did you do with them after they were cut out?
 Mr. Strahan—Have we anything to do with that?
 Mr. Peckham—We want to see whether they were destroyed or not.
 The Mayor—What did you do with them, Mr. Clifford?
 A. I don't recollect who I handed them to, sir; I couldn't positively swear who I handed them to, whether I handed them to the Commissioner or to his Deputy.
 Q. Either to one or the other? A. I could not swear positively.
 Q. Did you either to one or the other? A. I won't swear positively I did, but I cut them out according to his instructions.
 Q. What is your best recollection of the subject as to whom you delivered them? A. Either to the Commissioner or a Deputy.
 Cross-examined by Mr. Strahan:
 Q. Mr. Clifford, this letter to you states "As the matters referred to in letters on pages 606, 607, 608 and 610 of letter-book 34, have been disposed of, you are authorized and directed to remove these pages of this book"; what was the matter referred to? A. I can't tell you the matter, sir; I can tell you who it was addressed to; I can't tell you the matter, because I never read the communication.
 Q. To whom was it addressed? A. Joseph Blumenthal.
 Q. Who was Joseph Blumenthal? A. He was Superintendent of Incumbrances in the Department of Public Works.
 Q. Did he leave the Public Works at about that time? A. He did, sir; yes, sir.
 Q. In connection with this matter?
 Mr. Miller—What matter?
 Mr. Strahan—The matter referred to in the letter.
 A. As I did not read the letter, I only know to whom it was addressed.
 Q. Do you know the general subject that was referred to in that letter? A. Yes, sir; I think I do.
 Q. Tell us what it was? A. It was in relation to charges preferred against Mr. Blumenthal's removal.
 Q. For his removal? A. For his removal.
 Q. It says here that "As those matters have been disposed of;" do you know how they had been disposed of? A. By Mr. Blumenthal resigning.
 Q. And upon his resignation those charges were delivered to him; the papers connected with it were delivered to him? A. To him? I do not know.
 Q. Were they? A. I don't know that they were delivered to him, personally.
 Q. It was after his resignation that that proceeding took place, as directed in this letter to you of February 28? A. Yes, sir.
 Re-direct by Mr. Miller:
 Q. Mr. Blumenthal had been the Superintendent of Incumbrances in the Department for some time, had he not, Mr. Clifford? A. Yes, sir.
 Q. And the subject matter of the letters which were torn out concerned his removal, did it?
 A. Yes, sir.
 Q. And charges against him? A. I didn't read the letters.
 Q. Do you mean to say that you don't know what was in those letters? A. I do sir.
 Q. Do you mean to say generally, you don't know what the substance of them was? A. Generally, I do; I tell you they were charges against him.
 Q. For misfeasance or malfeasance in office? A. I didn't read them; I could not tell you what they were.
 Q. Charges against him which were contained in the letters, copies of which were removed from the books, the originals of which were sent to him? A. I suppose so.
 Q. You have no doubt about that? A. I tell you, I don't know.
 Q. As far as you know, were they letters addressed to Mr. Blumenthal? A. Yes, sir.
 Re-cross by Mr. Strahan:
 Q. He was not removed on those charges? A. No, sir.
 Mr. Peckham—He resigned on the charges being made.
 The Witness—Subsequent to the charges.
 Q. Have you letter No. E 26? A. I have not.
 Q. You were called upon to produce E No. 26 were you not? A. I cannot find it, sir; that is a letter from the Chief-Engineer, the subpoena says.
 Q. It is a letter from Mr. Birdsall to Mr. Squire, dated January 5, 1886? A. Yes, sir.
 Q. As Chief Clerk of the Department of Public Works, have you general charge and supervision of the general letters and papers? A. I have.
 By Mr. Miller:
 Q. Let me see your subpoena a moment, please.
 The Witness hands Mr. Miller his subpoena.
 Q. Your subpoena reads here to bring with you "An original letter signed by George W. Birdsall, Chief Engineer Croton Aqueduct, dated January 5, 1886, designated No. 26 E"? A. Yes, sir.
 Q. Was that letter under your charge? A. It was filed with me; yes, sir.
 Q. As one of the records of the Department? A. Yes, sir.
 Q. When did you last see it? A. I don't recollect ever seeing it.
 Q. Who could have received it without your knowledge—can you tell? A. I don't know, sir.
 Q. What search did you make for this letter? A. When the Commissioner was served with those charges he asked me about that letter, and I examined the records, and he asked me to find the letter, and I couldn't find it; after the subpoena yesterday I made another search, but I couldn't find it; I couldn't find it on record in the book in which is filed every letter we receive from the Deputy Commissioner's office; there is a clerk that indorses them and puts the number on, and sends them out to me to be copied in the letter-book, and then filed away.
 Q. Was it entered in that book? A. Yes, sir.
 Q. No. E 26? A. Yes, sir.
 Q. And was there anything to show what that letter was? A. Nothing but the indorsement, sir.
 Q. What was the indorsement?
 Mr. Strahan—I object to that.
 Q. What does the letter purport to be?
 Mr. Strahan—I object to that.
 Q. Do you know whether there is any letter-press copy of this letter in your Department? A. I don't know, sir; a copy of the letter—it is the letter you are speaking of—not the indorsement?
 Q. Yes; any copy of this letter in any letter-press copy-book? A. Not that I know of.
 Q. Where is that book, Mr. Clifford? A. Which book, sir?
 Q. Where is the book containing letter No. E 26—is there any letter-book containing letter No. E 26? A. There is no book containing it, sir.
 Q. Just tell the system, Mr. Clifford, of filing away letters of this kind and the system under which this letter was filed in your Department?
 Mr. Strahan—If it was filed.
 A. The letter, when received, goes in the Deputy Commissioner's, and he endorses all letters, or in his absence a young man designated by the Commissioner; he then endorses them when they are public letters; private letters he don't want, but public letters are endorsed.
 Q. By whom? A. By this young man, or clerk.
 Q. As to the contents of the letter? A. As to the contents of the letter, and left for the Deputy Commissioner.
 Q. Endorsed on the letter? A. Endorsed on the letter; it then goes to the Deputy.
 By Mr. Strahan:
 Q. Is that endorsed on the letter? A. What, sir?
 Q. Answer the question. A. He asked me if the contents were endorsed on the letter; not the whole contents, but the substance.
 Q. Is it endorsed on the letter, or on a paper attached to the letter? A. On a paper attached to the letter.
 By Mr. Miller:
 Q. How is the paper attached? A. It is pasted on after the endorsement of the letter, as received and entered in this book.
 Q. Entered in what book? A. The book of letters received.
 Q. And where is that book? A. It is in the Deputy Commissioner's Office.
 Q. Will you please send for it? A. Yes, sir.
 Mr. Miller—We will suspend with you one moment, and I will call Mr. Birdsall.
 George W. Birdsall, being duly sworn, testifies as follows:
 By Mr. Miller:
 Q. Mr. Birdsall, what is your full name, please? A. George W. Birdsall.
 Q. And what position do you hold in the Department? A. Chief Engineer of the Croton Aqueduct.
 Q. You have held that position for how long? A. The last two years.
 Q. And before that you were in the Department, and have been in the Department for a great many years, have you not? A. Since 1872.
 Q. In different positions? A. Yes, sir.
 Q. Mr. Birdsall, do you remember the fact of writing a letter to the Commissioner of Public Works on January 5, 1886, with reference to certain irregularities in your bureau?
 Mr. Strahan—That I object to.
 Q. Do you remember the fact?

Mr. Strahan—I object to the question, Mr. Miller, as an improper question; you can ask him whether he wrote any letter, and you can ask him to produce it. You have no right to speak or refer to the contents of a letter, for the letter will speak for itself, if it exists.
 The Mayor—I overrule the objection.
 A. I do not remember writing any official letter to the Commissioner of Public Works on that subject.
 Q. Do you remember writing any letter on that subject to the Commissioner of Public Works?
 Mr. Strahan—You have asked something that is not what is stated in the specification, and although his Honor the Mayor is quite ready to overrule anything you suggest, still, for propriety's sake, and as it goes to a higher tribunal, it would be well for us to keep this in the correct form.
 Mr. Peckham—Wouldn't it be just as well that we should begin with a little propriety here; you have made suggestions enough about the Mayor, and we will accept that as going all the way through, and you might omit it hereafter.
 The question is withdrawn.
 Q. Do you recollect on or about the 5th of January, 1886, writing a letter to the Commissioner of Public Works, in which you notified him concerning certain irregularities in the pay-rolls?
 Mr. Strahan—I object to that question. That is not what he is charged with in the specification. There is not one word about pay-rolls in that specification. That is not the specification of the charge that is set forth here.
 The Mayor—Mr. Corporation Counsel, what is your opinion on the objection?
 Mr. Lacombe—In my opinion that objection is not well taken.
 The Mayor—I overrule the objection. Answer, Mr. Birdsall.
 A. I sent a memorandum to the Commissioner of Public Works on or about that time in regard to the—
 Q. The question is, do you remember? A. Not exactly; no, sir.
 Q. Just state what you do remember about it?
 Mr. Strahan—That I object to.
 The Mayor—Mr. Corporation Counsel, what is your opinion in regard to that objection, whether it is well taken or not?
 Mr. Lacombe—There is some objection about which you ask my opinion. I would like to hear the grounds of the objection. I haven't heard them stated as yet.
 The Mayor—What are the grounds of the objection, Mr. Strahan?
 Mr. Strahan—I stated it before, but for the information of the Corporation Counsel, through the Mayor, it is stating the contents of a document. An answer to that question requires the stating of the contents of the document, and there is no foundation laid, in my opinion, which would destroy that objection until the absence or inability to procure the document is first shown.
 Mr. Miller—We will withdraw that question.
 Q. Mr. Birdsall, did you keep any letter-press copy of that letter? A. I did not, sir.
 Mr. Miller—You can step aside for one moment.
 Robert H. Clifford, recalled.
 By Mr. Miller:
 Q. Mr. Clifford, you have produced another book from the Department of Public Works which you now hold in your hand, have you not? A. Yes, sir.
 Q. What book is that? A. The record of letters received for 1886.
 Q. One of the record books kept in the order of business in the Department of Public Works?
 A. Yes.
 Q. And under your charge? A. Under the charge of the Deputy Commissioner.
 Q. Just describe, if you please, what that book is? A. It is a record of all official communications received by the Department, kept in the Deputy Commissioner's office.
 Q. Is there any reference in this book to a letter received on January 5, 1886, by the Commissioner of Public Works from the Chief Engineer?
 Mr. Strahan—I object to that question. The book can speak for itself.
 The Mayor—He has got the book; he is entitled to examine it for that purpose.
 Mr. Strahan—That is not the objection to the question. You had better consult before you answer.
 The Mayor—I overrule that objection. The book is in his hands and he is entitled to examine it to see.
 Mr. Strahan—There is no question about his being entitled to examine it, but he is not entitled to say what is in it.
 The Mayor—I overrule the objection.
 Mr. Peckham—He is entitled to point out what is in it.
 Q. The question is, simply, whether there is anything in that book referring to such communication?
 Mr. Strahan—I object to the question with reference to the letter received by the Commissioner of Public Works from the Chief Engineer. If there is any there it will speak for itself, and I object to this witness, or any witness, stating what was received by the Commissioner of the Board of Public Works.
 Mr. Peckham—We submit to your Honor that this is a perfectly proper question. If he finds an entry it will be introduced in evidence.
 Mr. Strahan—When you ask a question about anything received by the Commissioner of Public Works, you must prove it by the Commissioner of Public Works, or you must prove it by some person who saw it or delivered it to the Commissioner of Public Works, and you have no other means of showing it, unless you can show it by his handwriting.
 The Mayor—The objection is overruled.
 A. There is, No. 26, January 5.
 Mr. Strahan—I object to that.
 The Mayor—On what ground?
 Mr. Strahan—That it is not an answer to the question, sir.
 Q. Does the entry on the first line of the page opened before you which is not numbered refer to such a letter? A. It refers to a letter from the Chief Engineer.
 Q. Of what date? A. January 5.
 Q. What year? A. 1886.
 Mr. Miller—I offer the entry from this book in evidence; this book is indorsed "Miscellaneous Letters received, 1886, D. P. W."
 Q. This book is indexed and under the head of "Chief Engineer," it is indexed? A. It is indexed under the head of Chief Engineer.
 Q. Letter No. 26? A. Yes, sir.
 Mr. Miller—I offer this in evidence.
 Mr. Strahan—I want you to produce the original and not that; that is not in the handwriting of the Commissioner of Public Works; it is not proved that the Commissioner of Public Works ever saw it or had anything to do with it, and the Chief Engineer distinctly swears that no such letter was written by him.
 The Mayor—I didn't understand the Chief Engineer to swear that no such letter was written by him; I think you are putting evidence in his mouth.
 Mr. Strahan—He says there was no letter of that character written by him.
 The Mayor—Let us see it on the record, if it is there.
 Mr. Miller—We offer here simply a record from the book of records of the Department of Public Works; that is all we offer.
 The Mayor—All right.
 Mr. Miller—It is allowed?
 The Mayor—Allowed.
 Mr. Strahan—It is allowed in the face of our objection?
 The Mayor—Certainly.
 Q. "Received January 5th from Chief Engineer" and under "referred to," "filed"; what does that mean? A. It is filed.
 Q. And no action taken; is that what it means? A. The letter was endorsed filed.
 Mr. Miller—Under the head of "Remarks and irregularities on certain pay-rolls."
 Q. This book, is it not, Mr. Clifford, is the book in which entries are made of the receipt of all letters in the Department? A. Yes, sir.
 Q. By whom is this kept? A. By a clerk in the Deputy Commissioner's office.
 Q. Who is that clerk? A. At present a man named Robinson.
 Q. Do you know who kept this book at the time this entry was made? A. I have not looked in particular at the writing.
 Q. Can you tell? A. It was kept by a young man named Reed.
 Q. He is not there now, is he? A. No, sir.
 Q. Do you say that you have searched for the letter to which that entry refers? A. I have.
 Q. Among the files? A. I have.
 Q. And is that the place where it should be? A. That is the place where it should be.
 Q. And it is not there? A. I have not been able to find it.
 Q. Have you ever seen the letter? A. No, sir; not to my knowledge.
 Q. Do you know Mr. L. H. Shearman, the gentleman sitting at my right, here? A. I do, sir.
 Q. Have you ever seen him in the Department of Public Works? A. Nearly every day, sir.
 Q. You know him to be connected, do you not, with the Bureau of the Commissioners of Accounts? A. I do, sir.
 Q. Do you remember ever having handed the letter to which this entry No. 26 refers to him in your Department? A. I never do; I never recollect ever having handed it to him.
 Q. You don't recollect? A. No, sir.
 Q. Do you mean to say that you never have handed the letter of which this entry No. 26 refers to him? A. I do, sir; decidedly not; never.
 Q. Do you mean to say that you have never shown him the letter? A. I do, sir.

Q. Look at the letter which I now show you or the copy of a letter, rather an entry in writing in this book, which I now show you at page 97; read it carefully and see whether your memory is refreshed as to the letter to which we have been referring and as to which this entry No. 26 relates? A. I have read this thing very carefully.

Q. Does it refresh your memory at all? A. Not at all, sir.
Q. Not the slightest. A. Not the slightest, sir.

Mr. Miller—This letter is to be found at page 97 of this book, which we will now have marked for identification.

The book is marked for identification Exhibit "3."

Mr. Miller—That is all for the present, Mr. Clifford.
George W. Birdsall, being recalled:

By Mr. Miller:

Q. Mr. Birdsall, I now show you Exhibit "3" for identification; please read that over and see whether your memory is refreshed as to the letter that you wrote; does that refresh your recollection? A. Yes, sir.

Q. Did you write such a letter as that to the Commissioner of Public Works? A. I think I wrote that, sir.

Mr. Miller—I now offer this in evidence.

The letter is marked Exhibit "3."

Mr. Miller reads the letter, Exhibit "3."

It is agreed that a copy of the letter which is read will be furnished to the stenographer and incorporated in the minutes.

The letter is as follows:

"DEPARTMENT OF PUBLIC WORKS—OFFICE OF THE CHIEF ENGINEER,
NO. 31 CHAMBERS STREET, ROOM 10,
NEW YORK, January 5th, 1886."

Hon. ROLLIN M. SQUIRE, Commissioner of Public Works:

SIR—At the commencement of a new year, I would call your attention to the following irregularities in the pay-rolls in the Bureau "Aqueduct Repairs and Maintenance—Salaries."

P. H. Kedney, Inspector, employed on waste and use of water.

Theo. A. Hamilton, Inspector, employed on waste and use of water.

All others on this roll are employed on the Aqueduct.

"Croton Water Fund."

The following employees on this roll are not employed on surveys or work either in Croton Basin, Bronx river, or New Aqueduct, and those called Axemen are not willing to go out of the city to work and in most cases would not be capable of performing the duties of Axemen in an Engineer Corps.

Walter J. Boggs, Temporary Clerk, employed on meter accounts.

Alexander Brandon, Clerk, employed on meter accounts.

Roswell L. Murray, Axeman, employed on meter accounts.

Samuel M. Hall, Axeman, employed on waste and use of water.

William H. Lee, Axeman, employed on waste and use of water.

Charles McDermott, Axeman, employed on waste and use of water.

Michael Cooney, Axeman, employed on waste and use of water.

Frederick G. Fay, Axeman, employed on waste and use of water.

James Murray, Axeman, employed on waste and use of water.

John McGuire, Axeman, employed on waste and use of water.

Garrie C. Meade, Axeman, employed on waste and use of water.

William J. White, Axeman, employed on waste and use of water.

Cornelius Sullivan, Axeman, employed on waste and use of water.

James J. Dumphy, Axeman, employed on waste and use of water.

Manly A. Britton, Axeman, employed on waste and use of water.

Alexander Cooper, Axeman, employed with Corresponding Clerk.

Uriah A. Pollard, Axeman, employed with Water Register.

Peter J. Kelly, Axeman, employed with Water Register.

Alfred A. Arment, Jr., employed with Water Register.

Respectfully yours,

G. W. BIRDSALL, Chief Engineer, Croton Aqueduct."

Q. Mr. Birdsall, what is an Axeman? A. The last definition I gave of it was that it was a skilled laborer.

By Mr. Strahan:

Q. Where did you give that? A. In some court or another, I forget where it was.

Q. Give us a present one? A. It depends upon what his duties are entirely.

By Mr. Miller:

Q. What duties do the persons who are known as Axemen in the Department of Public Works perform? A. Anything from a laborer to a leveler.

By the Mayor:

Q. Mr. Birdsall, is there not known in the profession of engineering such a man connected with the engineering corps as an Axeman? A. Yes, sir.

Q. What are his duties? A. Well, I say anything from a laborer to a leveler; we may use them in any position; he is hired because he is a little better than a common laborer, and we generally train them up as they go along.

By Mr. Miller:

Q. In what bureau in the Department of Public Works are Axemen employed? A. In the Sewer Department and in my bureau that I know of; they may be in some others.

Q. Were the Axemen referred to in this letter of yours of Axemen employed in or detailed to your bureau? A. Their appointments were made to me as Chief Engineer and detailed to other work as requested by the Commissioner or Deputy.

Q. When originally appointed, were these men assigned to your bureau? A. Yes, sir.

Q. And put on the pay-rolls of your bureau? A. Yes, sir.

Q. Payable out of what fund?

Mr. Strahan—That I object to. The gentleman has nothing to do in law that I know of with the payment of any fund.

Mr. Miller—I will withdraw the question. The pay-rolls speak for themselves.

Q. You say in this letter, Mr. Birdsall, "At the commencement of a new year, I would call your attention to the following irregularities in the pay-rolls in this bureau." What did you mean by that; please say what you meant?

Mr. Strahan—I object to that.

The Mayor—I overrule that objection.

A. That the parties therein mentioned had been detailed to duties other than as appointed.

Q. Had been detailed to duties other than the duties to which they were appointed? A. Yes, sir.

Q. How did that make the pay-rolls irregular?

Mr. Strahan—I object to that; I think the thing is fully explained in the letter.

Q. You think the letter explains itself? A. That is my impression.

Q. Will you please state, Mr. Birdsall, in what respect the pay-rolls were irregular; because of the facts stated in this letter? A. That was only my opinion on the subject.

Q. Will you answer that question, Mr. Birdsall? A. I don't see as I can answer it any other way; that was my impression.

By the Mayor:

Q. What was the reason you believed it was irregular? A. Simply because they were performing other duties than they were appointed for.

Q. That was your only reason? A. Yes, sir.

By Mr. Miller:

Q. Under whose instructions were they performing other duties?

Mr. Strahan—I object to that.

The Mayor—I overrule the objection.

Mr. Strahan—I object to it because the witness has not yet stated that he knows anything about the matter.

The Mayor—I overrule that objection.

A. Either under orders of the Commissioner or the Deputy Commissioner of Public Works.

Mr. Strahan—I move to strike that out. Clearly he does not know by whom it was done.

The Mayor—What is your opinion, Mr. Lacombe?

Mr. Lacombe—In my opinion the motion should be denied.

The Mayor—The motion to strike out is denied.

Q. Do you know, Mr. Birdsall, whether after writing that letter the men's names were carried on the pay-rolls in the same way which they had been carried on the pay-rolls before you wrote it?

Mr. Strahan—I object to it; the pay-rolls speak for themselves.

Mr. Miller—I ask him whether he knows that fact.

Mr. Strahan—I object to it.

The Mayor—What is your opinion, Mr. Corporation Counsel?

Mr. Lacombe—In my opinion that objection is well taken. The pay-rolls should speak for themselves.

The Mayor—Objection sustained.

Q. Did you ever have any conversation with Mr. Squire on this subject? A. I don't remember that I did.

Q. Do you remember that you did not have? A. I rather think not, sir.

Q. You think that you did not have? A. I think I did not.

Q. Did you ever receive any communication from the Commissioner of Public Works on this subject? A. I did not, sir.

Q. In answer to your letter? A. No, sir.

Q. I refer to page 194 of this book which you have produced; please tell me what that book is. A. The record of the appointments in my bureau by the Commissioner of Public Works.

Q. At page 194 of this book I show you a letter dated January 9, 1886; by whom is that letter signed? A. Rollin M. Squire.

Q. Is that his signature? A. Yes, sir.

Q. And directed to you? A. Yes, sir.

Q. An official letter? A. Yes, sir; an appointment.

Mr. Miller—I offer that in evidence.

The Witness—It was not a letter.

Mr. Miller—Strike out that last question.

Q. I now ask you, referring to this same book at page 194, referring to a letter dated January 15, 1886, is that signed by Mr. Squire? A. It is, sir.

Q. Is that an official letter? A. We don't call it an official letter; we call it an appointment or a transfer.

By the Mayor:

Q. It is in regard to the official business of the office, is it not? A. Yes, sir.

By Mr. Miller:

Q. Was that received by you? A. Yes, sir.

Mr. Miller—I offer that letter in evidence.

Mr. Strahan—Will you tell me to what it refers?

Mr. Miller—All the men's names who are named in this specification, which I think has been already read, are contained in the letter which we have just read, Exhibit "3," and the names contained in this letter from Mr. Squire to the Commissioner refer to certain of the persons named in this letter from Mr. Birdsall to the Commissioner.

Mr. Strahan—There are none of those names referred to in this letter specified here at all in the specification of the original charge.

Mr. Miller—We don't pretend it does.

Mr. Strahan—Then I object to it. Anything that was done in that office, or anything else that was done in that office, is not the subject of investigation here, and the Mayor objects very seriously to taking up any time.

The Mayor—Mr. Corporation Counsel, what is your opinion in regard to the objection?

Mr. Miller—By the persons named in this letter of January 15, signed by Mr. Squire, being certain of the persons referred to in Mr. Birdsall's letter to Mr. Squire, and the letter beginning "In compliance with your suggestion," and so on, it is perfectly plain that Mr. Squire had received that letter.

Mr. Strahan—That is not the question. The question is that he persisted in employing these parties that are named in this specification.

Mr. Miller—There is no doubt about that.

Mr. Lacombe—In my opinion the letter offered in evidence is competent as evidence of the receipt of the earlier letter by the Commissioner; whether or not it is sufficient is a question that can be taken up in time to come.

The Mayor—Objection overruled.

Mr. Strahan—There is no reference to that first letter in that.

The Mayor—The objection has been overruled.

Mr. Strahan—I am stating it now in a form so that you may have again the benefit of my learned friend's assistance to dispose of it. Counsel for the Corporation has proceeded upon an erroneous assumption when he says that that letter is to be taken as an acknowledgment of a previous communication. There is no such reference to it, and it has no bearing upon it.

The Mayor—Do you offer that in evidence?

Mr. Miller—Yes.

The Mayor—We will take it.

Mr. Miller reads the letter in evidence as follows: "Department of Public Works,"

Mr. Strahan—I think before that letter goes in it would be proper I should ask a question of the witness.

The Mayor—It is not your time to cross-examine; your time will come.

Mr. Strahan—If any document is offered in evidence of such a character, I have a right to cross-examine, and I will claim the privilege, unless not of your own motion; but otherwise, I am told I am wrong.

The Mayor—I overrule that objection.

Mr. Strahan—Well, sir, I don't accept that ruling, so far as it comes from you.

The Mayor—You have got to take it from me. Read the letter, Mr. Miller.

Mr. Strahan—I ask the privilege now of examining this witness to show that the assumption of the Counsel to the Corporation is a palpable mistake, and that that letter is an answer to another communication, and not the one that he assumes it is an answer to.

The Mayor—I have already told you it will be received in evidence, notwithstanding your objection. Your objection is overruled.

Mr. Miller reads the letter, as follows:

"DEPARTMENT OF PUBLIC WORKS—COMMISSIONER'S OFFICE,
NO. 31 CHAMBERS STREET,
NEW YORK, January 15, 1886."

G. W. BIRDSALL, Esq., Chief Engineer:

SIR—In compliance with your suggestion, the following Axemen on Croton Water Fund will be transferred to the force employed in the Croton Valley, namely: George H. Sussman, F. G. Fay, William J. White, G. C. Meade, Cornelius Sullivan, J. J. Dumphy, James Murray, John McGuire, Patrick Lynch (three lines crossed out), and Charles McDermott.

Respectfully,

ROLLIN M. SQUIRE, Commissioner of Public Works.

Mr. Miller—The erasure of Patrick Lynch is in pencil. This is a book produced by Mr. Birdsall from his office.

Q. Now, Mr. Birdsall, will you tell me what that letter referred to, please? A. It referred to a conversation I had with D. Lowber Smith, then Deputy Commissioner of Public Works.

Mr. Strahan—I move to strike out that letter entirely, on the ground that it refers to this conversation, and not to the letter produced.

Q. You stated a moment ago that you didn't recollect having had any conversation or communication with Mr. Squire upon the subject of these men; you do now recollect having had a communication with Mr. D. Lowber Smith? A. Yes, sir.

Q. And he was the Deputy Commissioner of Public Works at that time? A. Yes, sir.

Q. That letter which I have just offered in evidence is signed by Mr. Squire, is it not? A. Yes, sir.

Q. Does that letter refer—the letter which has been just offered in evidence, January 15, 1886—to the same subject as the letter which you wrote to the Commissioner of Public Works on January 5th? A. I cannot define that question; I do not know what passed between Mr. Smith and Mr. Squire.

Q. You can read this letter, can you not? A. I can, sir.

Q. Of January 15th? A. Yes, sir.

Q. That refers, does it not, to certain Axemen? A. Yes, sir.

Q. Who have been transferred? A. Yes, sir.

Q. In compliance with your suggestions, does it not? A. The suggestion that I made to D. Lowber Smith was somewhere after I wrote that other letter—some time after.

Q. In compliance with your suggestion? A. Yes, I made that suggestion to Mr. Smith.

Q. You made the suggestion to Mr. Smith in addition to writing the letter to the Commissioner of Public Works? A. I did, sir.

Q. And did your suggestion to Mr. Smith refer to the same subject that your letter to the Commissioner did?

Mr. Strahan—That I object to; anything that passed between D. Lowber Smith and this witness subsequent to January 5th is no evidence against Mr. Squire.

Mr. Peckham—It certainly is when Mr. Squire writes a letter acting on it; it shows it has been brought to his attention.

Mr. Strahan—That letter does not refer to anything in the specification that has been already proved and admitted.

The Mayor—Mr. Lacombe, what is your opinion?

Mr. Lacombe—In my opinion Mr. Strahan's motion should be granted and the letter struck out.

The Mayor—(To Mr. Peckham) Have you got anything to say on that?

Mr. Peckham—No.

The Mayor—The motion to strike out is granted.

Q. Now, Mr. Birdsall, in this letter, Exhibit "3," which you wrote to the Commissioner of Public Works, dated January 5, certain persons are referred to, are they not, who were improperly, in your opinion, upon the pay-rolls?

Mr. Strahan—I object to that.

A. No.

Q. Do you mean to tell his Honor the Mayor that the persons referred to by you in this letter of January 5th were not, in your opinion, irregularly upon the pay-rolls?

Mr. Strahan—I object, as it is immaterial what his opinion was.

The Mayor—Mr. Corporation Counsel, what is your opinion in regard to that?

Mr. Lacombe—I think the objection is well taken.
 The Mayor—The objection is sustained.
 Q. Referring, Mr. Birdsall, to the letter of January 15, 1886, signed by Mr. Squire, we find certain names; by looking at that letter, can you tell what those men were or anything about them?
 Mr. Strahan—I object to that; it is not covered by the specifications; that is not within the charge, in any way whatever; there is not one of the persons named in the letter he is now referring to who is in that specification.
 The Mayor—Mr. Corporation Counsel, what is your opinion in regard to the question?
 Mr. Lacombe—In my opinion it would be well to overrule that objection, and take the testimony and act upon it afterwards. I don't see exactly what its bearing is. It may have some connection.
 The Mayor—The objection is overruled.
 A. Do I know some of these men; yes, sir.
 Q. What position did they hold in the Department?
 Mr. Strahan—I object as utterly immaterial.
 The Mayor—Objection overruled.
 A. The position of Axemen.
 Q. Will you please look at your letter, Exhibit "3," to the Commissioner of Public Works, and see whether the persons named in the letter of January 15 are the persons named in that letter?
 Mr. Strahan—I object to that as utterly immaterial. They are not named in the specification.
 The Mayor—Objection overruled.
 A. They are not all in the one letter.
 By The Mayor:
 Q. They are not all, you say—some of them are? A. Yes sir.
 By Mr. Miller:
 Q. I ask you whether the persons named in the letter of January 15 are not all named in your letter of January 5?
 Mr. Strahan—That I object to again, your Honor.
 The Mayor—Objection overruled.
 A. They are not.
 Q. Point out, if you please, those who are named in the letter of January 15 who are not named in your other letter?
 Same objection; objection overruled.
 A. Patrick Lynch is the only one.
 Q. And in this letter of January 15, the name is erased, is it not? A. No, sir; there is a pencil mark over it.
 Q. There is a mark across it? A. Yes, sir.
 Q. And he is the only one? A. I think so, sir.
 Recess until two o'clock.
 After recess.
 Q. Mr. Birdsall, referring to your letter of January 5 to the Commissioner of Public Works (Exhibit "3"), are all the facts stated in that letter true? A. To the best of my knowledge.
 Q. You testified, just before the adjournment, that the names of the persons referred to in the letter of January 15, signed by Mr. Squire—that those names, with the exception of Lynch, were all referred to in your letter of January 5? A. I think so, sir.
 Q. And the persons referred to in your letter of January 5, were all of them, were they not, Axemen who had been assigned to you, but who were performing services in other bureaus?
 Mr. Strahan—I object to that. The appointments will show what they are and you can't prove it in any other way.
 Mr. Miller—If he knows it as a matter of fact he is entitled to say so.
 The Mayor—Mr. Corporation Counsel, what is your opinion in reference to this?
 Mr. Lacombe—In my opinion, that objection may be overruled as immaterial.
 The Mayor—The objection is overruled.
 A. They were not all Axemen.
 Q. How many were there of them who were not Axemen, can you tell? A. My impression is there were two, three or four.
 The Mayor—You can testify better if you take your letter.
 Mr. Strahan—I think the witness had better be directed to testify as he thinks best.
 The Witness—If this is a perfect copy of my letter there are four persons here who were not Axemen.
 By Mr. Strahan:
 Q. Is that a copy of your letter, do you know? A. Not absolutely, sir; generally.
 The Mayor—He testified that he believed it was.
 A. I believe it is.
 By Mr. Miller:
 Q. Just give us the names of those who were not Axemen.
 Mr. Strahan—There is no charge here about axemen. I can't comprehend what they are after. Perhaps the Mayor and you have an understanding. Will you please explain or give me some light. There is no charge here of anything relating to Axemen or anything connected with Axemen in your specification.
 The Mayor—What is your objection, Mr. Strahan?
 Mr. Strahan—That it has no application or connection with the charge or specification that is here given.
 The Mayor—I overrule that objection.
 A. P. H. Kennedy, Inspector; Theodore A. Hamilton, Inspector; Walter J. Boggs, Temporary Clerk, and Alexander Brandon, Clerk.
 Q. Was not Alexander Brandon originally appointed an Axeman?
 Mr. Strahan—That I object to.
 Mr. Miller—Do you know?
 A. Not to my knowledge.
 Q. Now, Mr. Birdsall, were the persons mentioned in that letter of yours employed at the time the letter was written on work other than services or work in the Croton basin, Bronx river, or New Aqueduct? A. I believe it is so stated in the letter.
 Q. And you have stated that what is in the letter is a fact—is it true? A. To the best of my knowledge.
 Q. You wrote the letter because you believed its facts to be true, did you not? A. I have no doubt of it.
 Mr. Strahan—I object.
 The Mayor—You can't object after he has answered. Your only right then is to move to strike it out.
 Q. I show you what purports to be a pay-roll of the Assistant Engineer on Construction of Sewers, produced from the Department of Finance—
 Mr. Strahan—I object to it; then let the Department of Finance say so.
 Mr. Miller—I assume that it is.
 Mr. Strahan—I object to your doing so; you have no right.
 Q. I repeat the question. I show you a pay-roll purporting to be a pay-roll of the Assistant Engineer, etc., on Construction of Sewers, and which I claim is produced from the Department of Finance?
 Mr. Strahan—I object to that form of question.
 Q. Is the signature on that pay-roll, which I now show you, yours?
 Mr. Strahan—I object to that question.
 The Mayor—The objection is overruled.
 A. It is.
 Q. That purports to be, as indorsed, a pay-roll of Assistant Engineers on Bronx river and New Aqueduct, January, 1886?
 Mr. Strahan—I object to that, the pay-roll speaks for itself.
 Mr. Miller—I am simply doing that for the purpose of identifying it.
 Mr. Strahan—It should be identified in the proper way.
 The pay-roll is marked for identification Exhibit "4."
 Q. Can you tell me where this pay-roll, for identification Exhibit "4," was prepared? A. Prepared in my office.
 Q. Under your direction? A. Yes, sir.
 Q. And were the men, whose names appear upon that pay-roll at the time that the pay-roll was made out, all employed in your Bureau? A. All, except three or four.
 Q. Do you find the name of R. L. Murray on that pay-roll? A. I do, sir.
 Q. Was he employed at that time in your Bureau? A. He was.
 Q. As what? A. I think he was employed on the meter accounts.
 By The Mayor:
 Q. What do you call meter accounts; for my information? A. Accounts connected with the use of the water by meter.
 Q. That is to say he was employed doing clerical work on the meter accounts? A. Yes, sir.
 By Mr. Miller:
 Q. Out of what fund is a person employed on that work payable?
 Mr. Strahan—I object.
 Mr. Peckham—What work?
 Mr. Miller—Doing work that he has just specified, meter accounts.
 Mr. Strahan—I object; it is not for this witness to answer; it does not affect in any way the issues.
 Mr. Peckham—As I take it he has got to certify the accounts which have been paid.

Mr. Strahan—No, sir; he has not; no law requires him to do anything of the kind.
 The Mayor—He ought to be a competent witness on that subject.
 Mr. Strahan—I do not know that the Mayor, who makes the appropriation, would be a competent witness, and I think he would be the first to acknowledge it himself.
 The Mayor—You make your objection on what ground?
 Mr. Strahan—It is not competent evidence.
 The Mayor—Mr. Corporation Counsel, what is your opinion?
 Mr. Lacombe—I think the objection is well taken to that form of question.
 The Mayor—The objection is sustained.
 Q. Do you know from what fund those men were paid who were employed in that service?
 Mr. Strahan—I make the same objection.
 The Mayor—What is your opinion about that, Mr. Corporation Counsel?
 Mr. Lacombe—I think it is the same question.
 The Mayor—The objection is sustained.
 Q. Is the name of Samuel M. Hall on that pay-roll?
 Mr. Strahan—Does not the pay-roll speak for itself, Mr. Miller? A. Yes, sir.
 Q. Was he employed in your Bureau at that time? A. He was not.
 Q. In what Bureau was he employed? A. He was employed as a Messenger, I think.
 Q. For whom? A. For the Commissioner or the Chief Clerk; I forget which.
 Q. What Commissioner? A. The Commissioner of Public Works.
 Q. Is W. H. Lee on that pay-roll? A. He is, sir.
 Q. Was he employed at time in your Bureau? A. He was.
 Q. As what? A. As an Inspector of the Waste and Use of Water.
 By Mr. Strahan:
 Q. In connection with the waste water? A. Yes, sir.
 By Mr. Miller:
 Q. In your letter of January 5, Exhibit "3," in which you say: "At the commencement of a new year I would call your attention to the following irregularities in the pay-roll in this Bureau," you go on to say "the following employees on this roll are not employed on surveys or work, either in the Croton Basin, Bronx river or New Aqueduct, and those called axemen are not willing to go out of the city to work and in most cases would not be capable of performing the duties of axemen in an engineer corps," giving the names Walter J. Boggs, Alexander Brandon, Roswell L. Murray, Samuel M. Hall as Axemen employed on waste and use of water—why were their names irregular upon the pay-roll?
 Mr. Strahan—He has already answered that question a half a dozen times.
 Mr. Miller—He has not answered it at all.
 Mr. Strahan—He has answered it three times.
 The Mayor—Answer the question.
 Mr. Strahan—The Mayor objects to this waste of time.
 A. It was my opinion that they should be changed from one pay-roll to the other.
 Q. From what pay-roll to what?
 Mr. Strahan—I object to that. The matter of the opinion of this gentleman upon the question does not affect the matter one way or the other. You are charging an impropriety on the part of the Commissioner of Public Works. This gentleman's opinion cannot settle that. If that is all you have to do in bringing out these, you are certainly wasting a great deal of time, and it is unnecessary.
 Mr. Miller—This gentleman is one of the heads of the bureau in the Department; he communicates to the head of the Department, and we now desire to find out why, in an official communication that he wrote to the head of the Department, he was induced to say that the pay-rolls had been irregularly made out; and I submit we have the right to ask that.
 Mr. Strahan—What he communicated to the Commissioner of Public Works you can bring out; what private opinion he had has no bearing upon this question, and you can't bring the Commissioner of Public Works even before the Mayor upon any such opinion.
 The Mayor—Mr. Corporation Counsel, what is your opinion in the matter?
 Mr. Lacombe—In my opinion the objection should be overruled.
 The Mayor—The objection is overruled.
 Q. From which pay-roll to which? A. From the pay-rolls of the Croton Water Fund, and Aqueduct Repairs and Maintenance, to the general pay-roll, or to the pay-roll of Repairing and Renewal of Pipes, Stop-cocks and so forth—salaries.
 By The Mayor:
 Q. That is to say, to a pay-roll covered by a regular appropriation made for the Department by the Board of Apportionment?
 Mr. Strahan—I object to your question and the form of your question.
 The Mayor—I overrule your objection.
 Q. If the pay-rolls to which you thought this transfer should be made were pay-rolls which were made by the Board of Apportionment in the regular course— A. Then these men were paid from regular appropriations; it was merely changing from one pay-roll to the other.
 By Mr. Miller:
 Q. Were the men whose names appear upon the pay-roll which you now have before you, or what purports to be the pay-roll for January, 1886, were those men, as appears by the certificate of the Commissioner of Public Works, payable out of the Croton Water Fund.
 Mr. Strahan—Let us see the certificate of the Commissioner.
 The paper is handed to Mr. Strahan.
 Mr. Strahan—I object to this man giving any opinion what it was paid out of. There is no provision in the law, but if there is, he is not learned enough in the law to give any opinion.
 Mr. Miller—The witness has stated that he thought some of these men who were detailed should be paid out of another appropriation and put on another pay-roll. Now I ask him whether the certificate of the Commissioner of Public Works on that roll shows what fund they were payable out of?
 Mr. Strahan—That certificate speaks for itself and I object to anything in reference to that part of it.
 Q. What do you mean by the words that you used a moment ago, "Croton Water Fund"?
 Mr. Strahan—That I object to as it is a matter of indifference what this witness means by "Croton Water Fund."
 The Mayor—What is your opinion, Mr. Corporation Counsel?
 Mr. Lacombe—In my opinion the objection should be overruled.
 The Mayor—I overrule the objection.
 By The Mayor:
 Q. What do you understand to be the Croton Water Fund? A. A fund provided by law for providing a supply of pure and wholesome water to the City of New York.
 Q. And for which purpose bonds are issued? A. I believe so, sir.
 Q. By authority of law? A. Yes.
 Q. Separate and distinct from any appropriations made for the expenditure of the Public Works Department by the Board of Apportionment? A. Yes, sir.
 By Mr. Miller:
 Q. Now, Mr. Birdsall, a moment ago you stated, if I understood you right, that Roswell E. Murray and Samuel M. Hall were employed in your Bureau on waste and use of water; did I understand you correctly? A. I don't think you did.
 Q. Were they employed in your Bureau? A. I think I stated that Mr. Hall was not employed in my Bureau, but I will further supplement my statement by saying that he might have been for a short time.
 Q. But wherever they were employed they were employed on the waste and use of water? A. No, I think I stated that Mr. Hall was employed as messenger down with the Commissioner or Chief Clerk.
 Q. Who was it that you stated were employed—the two men that we have spoken of on waste and use of water—Murray and Lee? A. Murray and Lee; yes, sir.
 Q. Now, in your letter of January 5th, you speak of those men as being irregularly upon your pay-rolls; will you please tell me why they were irregularly upon the pay-rolls so that it can be understood.
 Mr. Strahan—Will you read the letter where he says they are irregularly upon the pay-rolls?
 Mr. Miller—Yes; "At the commencement of a new year I would call your attention to the following irregularities in the pay-rolls."
 Mr. Strahan—Where does he say that they are irregularly upon his pay-rolls? I object to it as assuming what is not in accordance with the fact; it is not so stated in the letter.
 The Mayor—Mr. Corporation Counsel, what is your opinion upon that objection?
 Mr. Lacombe—In my opinion the objection should be overruled.
 The Mayor—The objection is overruled.
 A. I have already stated that I thought it was my opinion that these men should be transferred to other pay-rolls.
 Q. Why? A. The facts are all detailed in that letter as far as I know.
 Q. Explain them please?
 Mr. Strahan—I object.
 The Mayor—Objection overruled; give the facts, Mr. Birdsall.
 A. They were technically employed as Axemen; actually employed in other special duties.
 By The Mayor:
 Q. Therefore you didn't consider they were properly on that pay-roll; is that it? A. Not as Axemen.
 By Mr. Peckham:
 Q. In this letter which you have written you call attention to certain irregularities and among the first of them you made in quotation marks, "Aqueduct Repairs and Maintenance—Salaries"; is that the heading of an account? A. It is a heading of an appropriation made by the Board of Estimate and Apportionment.

Q. An account under which payments were made to certain persons? A. Yes, sir.
Q. Now go on and under that heading specify a name, as, for instance, P. H. Kedney, Inspector, employed on waste and use of water. Are Inspectors employed on waste and use of water in the routine of your Bureau paid out of the funds appropriated under the heading of "Aqueduct Repairs and Maintenance—Salaries"?

Mr. Strahan—That I object to. I know of no law to prevent it and I know of nothing that this gentleman's opinion on the subject can affect in any way whatever.

Mr. Miller—I haven't asked any opinion. I will ask as to the manner and routine of transacting the business of his office.

The Mayor—The objection is overruled.

A. Most of the Inspectors of Waste and Use of Water are paid from another appropriation.

Q. The regular routine of your office then is not to charge the salaries of such persons to the account of Aqueduct Repairs and Maintenance—Salaries? A. Not as a general thing, sir.

Q. And it was for the purpose of having the charges for the services of these gentlemen exchanged from that account to another account that you mentioned this man's name in this letter, was it? A. I suppose it was, sir.

Q. You mention only two under that heading, Mr. Kedney and Mr. Hamilton; where were both of those gentlemen employed, really? A. In my Bureau, on Inspection of Waste and Use of Water.

Q. And to what account should their services have been charged in the ordinary and regular routine of your office?

Mr. Strahan—I object; he has testified where they should be charged.

The Mayor—Do you make any objection?

Mr. Strahan—Most certainly I make an objection.

The Mayor—The objection is overruled.

A. The Commissioner of Public Works decides upon which fund or pay-roll parties shall be placed; my opinion—

Q. I didn't ask your opinion, Mr. Birdsall; I asked the routine of your office in respect to which account or which fund you charged the services of persons who render services in inspection of waste and use of water? A. I am sorry to say that it has been very much mixed.

Q. What do you mean by that, that you charged it to several different accounts? A. The routine would be to charge it to different accounts.

Q. And you arrived to a conclusion as to which account it should be charged only when you wrote this letter? A. In my opinion—

Q. That is the first time you arrived at any conclusion? A. I don't know whether it was the first time or not.

Q. Now we will take the next item, Mr. Birdsall, which is Croton Water Fund, as specified in your letter, there was such an account in your Bureau to which the services of persons employed in a certain way were charged, was there? A. In which the pay-rolls were made out.

Q. And these persons who you name were not employed in rendering such services as you thought should be charged to that account? A. They were not services rendered by either one of the engineer corps.

Q. And they were not services which at the time of writing this letter you thought should be charged to that account, were they?

Mr. Strahan—That I object to.

The Mayor—The objection is overruled.

A. That was my opinion.

Q. What was the account to which the services of these gentlemen specified under the heading of Croton Water Fund should have been charged.

Mr. Strahan—That I object to.

The Mayor—The objection is overruled.

Mr. Strahan—I object to that. This is not a witness competent to give any evidence as to that; it is a legal question, and not a question of fact.

The Mayor—The objection is overruled.

A. Persons performing the duties they were performing were generally charged to Repairs and Renewals of Pipes, Stop-cocks, and so forth, or the same under salaries.

Q. How about the general account to which you alluded a moment ago? A. That would refer more specially to the Messenger, or some such person as that.

Q. How many of the men whose names are mentioned in this letter were rendering services which under the statement you make should have been charged to the general account?

Mr. Strahan—That I object to; he is not competent to determine that question.

The Mayor—The objection is overruled.

Q. What was his name? A. Hall.

Q. Mr. Birdsall, I show you now what purports to be a pay-roll for the month of March, 1886, produced from the Department of Finance; is that your signature?

Mr. Strahan—I say there must be proof that it is produced from the Department.

The Mayor—Amend your question so as to strike out that part as to where it is produced from.

Q. I show you a certain paper which purports to be the pay-roll for March of 1886, of Assistant Engineers and so forth on construction and surveys; I show you the signature to that pay-roll; is that your signature? A. It is.

The pay-roll is marked for identification, Exhibit "5."

Q. I show you what purports to be a pay-roll of Assistant Engineers, Bronx River and New Surveys for the month of February, 1886; is that your signature? A. It is.

The pay-roll is marked for identification Exhibit "6."

Q. Were these two pay-rolls which I have just shown you for March and February made out under your direction in the same way in which the January pay-roll was? A. Yes.

Cross-examined by Mr. Strahan:

Q. Mr. Birdsall, how long have you been Chief Engineer of the Croton Aqueduct? A. Since November, 1884.

Q. How long previous to that were you connected with the Department of Public Works? A. Since January 1, 1872.

Q. When you were Chief Engineer who appointed you; who was Commissioner of Public Works? A. Hubert O. Thompson.

Q. Have the pay-rolls of this Department been made out under your supervision since 1881? A. The pay-rolls of our Bureau have been.

Q. Any difference or distinction between the manner in which these pay-rolls were made out during the months of January and March, 1886, and the way they have been made out since the year 1881? A. Not to my knowledge.

Q. Have the same proceedings in reference to appointment and detailing of parties and the funds from which they were to be paid been in operation since 1881? A. Yes, sir.

Q. There was no new system introduced in 1886 or 1885? A. Not that I know of, sir.

Q. Now can you tell me the number of parties that Mr. Hubert O. Thompson appointed as Axemen and transferred in the manner that you have described, from 1881 downwards?

Mr. Peckham—I object to that.

Mr. Strahan—I want to show the routine business of the Bureau and how it was done.

Mr. Peckham—The number of appointments by any Commissioner of Public Works or the number that any prior Commissioner has made certainly has no relevancy here. If you show that Mr. Thompson or any other prior Commissioner of Public Works has done the same thing as this one it don't help this case any.

The Mayor—Mr. Corporation Counsel, what is your opinion in regard to the objection raised by Mr. Peckham?

Mr. Lacombe—In my opinion the evidence is immaterial, and the objection should be sustained.

The Mayor—The objection is sustained.

Q. The system of transferring to the Croton Water Fund—detailing men upon the Croton Water Fund—was that done pursuant to an opinion which you received from the Counsel to the Corporation of the City of New York? A. I don't know, sir.

Q. Did you receive personally any opinion on that subject? A. I did not, sir.

Q. Did you advise the Commissioner of Public Works that an opinion had been received upon that subject? A. I did not, sir.

Q. In no way relating to it? A. Not that I know of, sir.

Q. It is a fact that previous to the appointment of the parties, the three or four names that you have mentioned that they were employed in this bureau? When were they appointed, the names that you have specified, that Mr. Miller asked you to name, on the pay-rolls of January and March—when were they originally appointed; when were the parties originally appointed as Axemen, whose names you identified or referred to upon these pay-rolls, employed in your bureau?

Mr. Miller—I propose to prove that those pay-rolls were audited and subsequently paid upon the certificate of the Commissioner of Public Works, and they would not have been unless the certificate was attached to the pay-rolls.

Mr. Strahan—We know all that perfectly well. We admit these pay-rolls, and we admit the certificates upon the pay-rolls.

Mr. Miller—How long will you be with the witness?

Mr. Strahan—I cannot say.

Mr. Miller—I submit it is within the discretion of the Mayor to go on with another matter while the witness is examining the papers. We will call Mr. Lyon.

Mr. Strahan—I object to this witness being examined.

The Mayor—The objection is overruled.

William J. Lyon, being duly sworn, testified as follows:

By Mr. Miller:

Q. Mr. Lyon, what is your employment or occupation? A. Auditor of Accounts in the Finance Department.

Q. How long have you held that office? A. Since the last of October, 1883.

Q. Are you familiar with the duties of that office? A. Yes, sir; I believe so.

Q. Have you produced from the files of that office certain pay-rolls for the months of January, February and March, 1886, of the Department of Public Works? A. Yes, sir.

Q. They have been marked Exhibits "4," "5," and "6," for identification. I show you those pay-rolls; are those the pay-rolls produced by you? A. Yes, sir.

Mr. Miller—I offer them in evidence.

Pay-rolls are marked respectively Exhibits "4," "5," and "6."

Q. Are you acquainted with the signature of the Commissioner of Public Works, Rollin M. Squire? A. I am; yes, sir.

Q. Do you know Mr. Squire's signature? A. I do, from communications and pay-rolls which I have seen from the office of the Department.

Q. Will you look at those pay-rolls, Exhibits "4," "5," and "6," and tell me whether Mr. Squire's signature is appended to those pay-rolls? A. His signature is appended to two of the pay-rolls.

Q. Which are they? A. The pay-roll marked Exhibit "6," for the month of February, and pay-roll marked Exhibit "4," for the month of January.

Q. And whose signature is that upon the other one? A. William V. Smith, Deputy and Acting Commissioner, on the pay-roll marked Exhibit "5," for the month of March.

Q. As to Exhibits "4" and "6," did you audit those pay-rolls as Auditor? A. I did; yes, sir.

Mr. Strahan—I object to that. Tell us what he did.

Q. State what you did with reference to those pay-rolls in auditing them, as fully as you please? A. I examined the pay-rolls to see that the certificates which were requisite were upon the pay-rolls, that it was charged to the fund to which the certificate certified that it should be charged.

Q. Whose certificate? A. The certificate of the Commissioner of Public Works, and the endorsement on the back of the pay-roll.

Q. Explain what you mean by that, Mr. Lyon.

Mr. Lyon—I mean that when this pay-roll was presented to me, I examined it to see what fund was endorsed upon the pay-roll, as the fund out of which the warrant drawn for its payment should be paid.

By Mr. Strahan:

Q. That is, you followed, in the drawing of your warrant what is down there? A. What is there, and the certificate of the Commissioner of Public Works stating the purpose of the services named in the pay-roll.

By Mr. Miller:

Q. From what fund were the persons named on that pay-roll paid? A. I presume from the Croton Water Fund; the warrant is not here.

Mr. Strahan—That is proved by the warrant. Produce it.

Q. Can you not tell without the warrant? A. I presume it was from the Croton Water Fund, because the pay-roll was drawn against it; the warrant is not here.

Mr. Strahan—I object. I move to strike out the answer as entirely irresponsible.

Mr. Miller—Strike it out.

Q. Under the provisions of the Consolidation Act, the Comptroller is authorized to prescribe the forms upon which different officers of the Corporation shall be paid.

Mr. Strahan—Mr. Miller, I object to that statement. If there is anything in the Consolidation Act you want to put in evidence, I wish you would do so.

Mr. Miller—I am not putting it in evidence at all.

Q. Do you know whether or not the forms of pay-rolls, Exhibits "4," "5" and "6" are the forms prescribed by the Comptroller.

Mr. Strahan—I object. There is not a word about authority on the part of the Comptroller to prescribe pay-rolls or forms of pay-rolls.

The Mayor—Mr. Corporation Counsel, what is your opinion upon that objection?

Mr. Lacombe—In my opinion that objection should be overruled.

The Mayor—The objection is overruled.

Q. Do you know whether or not that is the form? A. That is the form.

Mr. Strahan—Are you the Comptroller?

The Witness—That question was asked me, Mr. Strahan. I simply tried to answer the question; part of that certificate—

Q. Part of the certificate appended to Exhibits "4" and "6"? A. Exhibits "4" and "6" is the form which was prescribed by the Comptroller after a communication had been addressed to the Corporation Counsel, requesting his opinion as to the form of certificate with regard to the Civil Service, to be appended to the pay-rolls to be presented to the Department, and in answer to that—

Mr. Strahan—I object to all this explanation; if there is any reference to an opinion of the Counsel to the Corporation, it was in writing and should be here.

The Mayor—The objection is overruled.

The Witness (continuing)—A request had been made for an opinion, and an opinion had been returned to the Comptroller, and the form of certificate upon the pay-roll is in accordance with that opinion.

By Mr. Peckham:

Q. That form had then been adopted? A. Yes, sir.

By Mr. Miller:

Q. Would you have audited either of the pay-rolls, Exhibits "4" or "6," unless the certificate of the Commissioner of Public Works, which appears upon each of those, had been there in the form in which it is?

Mr. Strahan—That I object to. That is really a conundrum. What would you have done in certain circumstances, or what would you not have done in certain circumstances? What he did do is the thing and what was his action. His reasons for it, or anything else, I object to entirely.

The Mayor—The objection is overruled. Answer the question.

A. Without the certificate of the Commissioner of Public Works, or the Deputy and Acting Commissioner of Public Works, to the pay-rolls, I would not have audited the pay-rolls.

Cross-examined by Mr. Strahan:

Q. You would have no authority before you upon which to act at all unless you had that certificate? A. No, sir.

Q. You would not know whether there had been such parties employed, unless you had the certificate, or anything connected with it; in fact, the law provides that that certificate is the basis of your action, does it not? A. Yes.

Q. Will you give me the pay-rolls for the years 1882, 1883, 1884 and 1885, bearing upon this question? A. They were not embraced in my subpoena; I only brought those mentioned in my subpoena.

Q. Will you get them now?

Mr. Peckham—Have we proved anything more than you said you would admit?

Mr. Strahan—I want to get these pay-rolls that have been paid.

Mr. Peckham—Make an application for a subpoena.

Mr. Strahan—The witness is on the stand. He can get those by sending his representative, who is sitting there. You can do it, Mr. Lyon.

The Witness—By an order from the Comptroller upon the Record Clerk for that purpose.

The Mayor—What is your opinion upon that, Mr. Corporation Counsel?

Mr. Lacombe—In my opinion, the application is premature, anyhow.

The Witness—I would suggest that it would take some little time to get them, as they are not in the Record Room of the Finance Department, but in the Record Room in the County Court-house, and it would take quite a while to produce those records.

Mr. Strahan—Mr. Lyon, will you produce them to-morrow?

The Witness—If I am required to do so, of course I shall produce anything.

The Mayor—I maintain that the proper course for you in this matter is to ask for a subpoena for him to bring such papers, and I shall decide whether I shall grant such subpoena or not.

Mr. Strahan—We are not at all at your Honor's mercy. Don't imagine that for a moment. Whether you decide one way or the other, is a matter of indifference to us.

Mr. Peckham—I submit you cannot find out whether the witness will bring papers for you or not.

Mr. Strahan—He is upon the stand, and I ask him to produce those papers.

Mr. Peckham—He hasn't them here. That is an answer to that.

Mr. Strahan—Then I want him to be instructed to produce those papers.

Mr. Peckham—He can't very well be instructed to produce them.

The Witness—I will produce them if ordered by the requisite authority to do so.

Q. Mr. Lyon, you say you have been Auditor in the Finance Department for some time. These pay-rolls came to you in the usual course? A. Yes, sir.

Q. The same as the pay-rolls that come to you in that Department? A. Yes.

Q. When was that? A. In October, 1883.

Q. Who was then Commissioner of Public Works? A. Hubert O. Thompson.

Q. Have pay-rolls since that date been presented to you just in the same form as these pay-rolls here that have been presented to you? A. In the same general form, except, possibly, as to the form of the certificate which was required by the Civil Service Rules.

Q. And that was added, as required by the Civil Service Rules? A. Yes, sir.

Q. With that exception, the pay-rolls are in exactly the same condition? A. The Croton Water Fund pay-rolls?

Q. They come to you certified by the Chief Engineer of the Croton Aqueduct. A. Let me see that, please.

Q. "That the services charged in the pay-roll were actually performed and necessary for providing a supply of pure and wholesome water to the City of New York, and that the wages allowed are just and reasonable;" that is so? A. Yes, sir; that I believe to be the general form.

Q. And that precedes the certificate of the Commissioner of Public Works, which substantially repeats the certificate of the Chief Engineer? A. It elaborates it a little.

Q. You saw no difference or variation in any of those pay-rolls since Mr. Squire came into office? A. Except in the particulars I mention.

Q. That is on account of the Civil Service rules? A. On account of the Civil Service rules.

Q. Was Mr. William R. Grace Mayor of the City of New York during any of the period you refer to? A. Which period—1883?

Q. 1883? A. No, sir.

Q. When did he become Mayor, under whom those pay-rolls were presented? A. He was Mayor in January, 1886.

Q. Was he not in January, 1885? A. He was; yes, sir.

Q. And he continued to sign these pay-rolls as they were presented from that down? A. The Mayor?

Q. To sign the warrants upon which the pay-rolls were paid? A. I can't say certainly with regard to the warrant, because sometimes the Acting-Mayor might sign; the Mayor continued to sign or the Acting-Mayor.

Q. The same as they were signed during all the period that you were Auditor of the Finance Department? A. Yes, sir.

Mr. Miller—Mr. Strahan, there is no use of encumbering the record with all these pay-rolls. If we can get the certificate of the Commissioner of Public Works, and if you, after examination, will concede the fact, which is all that we have alleged, that the names of these men mentioned in the specification appear upon these pay-rolls, there is no necessity to print all the pay-rolls.

Mr. Strahan—I think I would prefer myself that the whole of these pay-rolls should go to the Governor. I think that the system shown here—the perfect acting of this Department, showing that there is no variation, no change, and that, so far as Mr. Squire is concerned, he acted as his predecessors did in his Department, on the certificates of the engineers, and that he had those certificates before him and acted in entire good faith in the whole matter. Any question of good faith would be wasted in this place, but I want to carry it to a higher Court. The pay-rolls are in evidence, and must remain there.

Mr. Peckham—I submit it should be restricted to the part of the pay-rolls that are in evidence, and which should contain the certificates and the names of the men that are referred to, and something to show that there are others called for. There are four sheets, consisting of nothing but names.

Mr. Strahan—No; I don't want any mutilation of records. That is marked in evidence, and I want it to continue in evidence, and let it go. It is proper it should. I don't conceal anything.

Mr. Peckham—It is only a question of printing. It is useless to print all those names.

Mr. Strahan—There was no necessity of introducing the pay-roll in evidence, or anything about it, and I offered to relieve you from it, but since you have chosen that course, I prefer it should remain. Mr. Lyon, these pay-rolls must remain here.

The Mayor—I will give them into the custody of Mr. Lyon.

Mr. Strahan—I give you notice that I require those pay-rolls in the examination of Mr. Bird-sall, and if they are carried away, I shall sit down until they are produced.

Mr. Peckham—We submit to the Mayor that we shall put in evidence only so much of those pay-rolls, so far as the names are concerned, as include the names mentioned in specification under charge second.

Mr. Strahan—I object to your doing anything of the kind, for it is in evidence, and the Mayor can't change it.

The Mayor—That will be disposed of hereafter.

George W. Birdsall, cross-examination resumed:

By Mr. Strahan:

Q. When were the parties originally appointed Axemen whose names are on these pay-rolls, and who you identify as men employed in your Bureau? A. Roswell L. Murray was appointed as Axeman on February 19, 1885.

Q. Who makes the appointment? A. It has the initials of D. Lowber Smith, Deputy Commissioner of Public Works.

Q. Go on and read the next. A. William H. Lee—

Mr. Miller—Do you mean to say that is an answer to that question? I submit that it is not an answer. The question is, who makes the appointment. He says the initials on there are D. Lowber Smith's.

Q. Can you elaborate that to Mr. Miller's satisfaction. Who makes that appointment? A. D. L. S., Deputy Commissioner of Public Works.

Q. That is the name of, or the initials of, the then Deputy Commissioner of Public Works? A. Yes.

By the Mayor:

Q. Had he the power of making the appointments—is that the custom? A. The custom of the Department—either he or the Commissioner; William H. Lee was appointed Axeman on April 10, 1885.

Q. Who makes that appointment? A. D. L. S., Deputy Commissioner of Public Works.

Q. The two that you have given are Murray and who? A. Lee.

Q. When was Samuel M. Hall appointed? A. I don't know; he was transferred from one of the other Bureaus to my Bureau.

Q. Can you tell us the date of that transfer? A. I have no record here of the transfer.

Q. It was prior to that? A. It was some time in 1885.

Q. But you don't know the date? A. I don't know the date.

Q. Will you please make out a list and furnish it here of the various parties appointed and transferred to what was called the Croton Water Fund, and the date when that system was adopted in your Department? A. I can't do it, sir; I may go back two or three years—

Q. You have to go back to 1881; I want the list and I want it offered in evidence with the rest of the documents. A. All right, sir; I will do as well as I can.

Q. Do you know, Mr. Birdsall, whether the Commissioner of Public Works ever, in fact, saw this letter of January 5, the substance of which you identify in the pencil copy now shown you? A. I do not, sir.

Q. Had you ever any conversation with him as to the subject matter of that letter which would lead you to form the opinion that he had ever seen it?

Mr. Peckham—I object to that.

Mr. Strahan—I was going as far as I could in your favor, Mr. Peckham. I don't press it if you object to it.

Mr. Peckham—I object to it.

Q. This letter you saw of the Commissioner's on January 15, was that an answer to the letter written by you on January 15? A. I don't think it was.

Q. You had a conversation, I think you stated, with the Deputy Commissioner some days prior to the 15th? A. I did, sir.

Q. And the suggestions which you then made were followed out in that letter of the Commissioner's of January 15? A. To a great extent; yes, sir.

Q. Will you tell me when Mr. Brandon was first appointed in the Department; that question was put to you, and it was left in a very unsatisfactory position? A. I couldn't tell exactly; it has been four or five years.

Q. It was years before Mr. Squire was Commissioner of Public Works? A. Yes, sir.

Q. By whom do you recollect he was appointed? A. I don't know as I remember; I don't remember.

Q. Was it Mr. Campbell or Mr. Thompson? A. I think it was Mr. Thompson; that is my impression; it may have been before that.

Q. Can you tell me how long those parties whose names appear on these pay-rolls, and whom you say were appointed in your Bureau—how long were they employed in that capacity in the Bureau? A. It is hard work to say.

Q. How long were they employed prior to January 1, 1886? A. Well, the bulk of them, I suppose, about nine or ten months.

Q. There was a question which you said about these appropriations being very much mixed in the manner in which they were charged, what do you mean by that? A. I mean that it was entirely in the discretion of the Commissioner of Public Works; they were occasionally and often changed.

Q. And that was the system of your Bureau for how long a period—during all Mr. Thompson's administration? A. At least; yes, sir.

Q. And prior to that? A. And prior to that; yes, sir.

Q. There was no change in that matter when Mr. Squire became Commissioner of Public Works? A. He designated where they should go to.

Q. He followed the same system that had been followed by his predecessors in his office, established as the rule or method of conducting your Bureau? A. That was entirely in the hands of the Commissioners.

By Mr. Peckham:

Q. Mr. Birdsall, you say that the suggestions you made to the Deputy Commissioner in the conversation you had with him, prior to the time of your writing the letter of January 5, were carried out to a great extent; did you have a conversation with the Deputy Commissioner with respect to those changes? A. What changes; mentioned in that letter?

Q. Yes. A. No, sir; I don't think I did, sir.

Q. With respect to the changes which were mentioned in the letter of January 15 of the Commissioner's to you? A. Yes, sir.

Q. Where was that conversation? A. I think it was with D. Lowber Smith, in my office.

Q. How did it come to take place?

Mr. Strahan—Is that of any consequence?

Mr. Miller—Yes.

A. I required a few more Axemen in the Croton valley, and asked Mr. Smith if it wouldn't be the best policy to transfer some of the men from New York to the Croton valley.

Q. Where was this asking of Mr. Smith made? A. I think it was in my office.

Q. At this same time? A. At this same time; yes, sir.

Q. That conversation to which we are referring? A. Yes, sir.

Q. Now, was anything said in any conversation with reference to the letter, or with reference to the men mentioned in your letter of January 5 to the Commissioner? A. No doubt some of the men were mentioned.

Q. Weren't they all mentioned? A. I don't think so, sir.

Q. Were any mentioned besides those who were transferred by the letter of January 15? A. There may have been.

Q. Now, will you please tell me whether, in your conversation, the letter of yourself to the Commissioner of January 5 was mentioned? A. It was not.

Q. Do you remember definitely that it was not? A. That is my remembrance.

Q. All these men who, by the letter of January 15, of the Commissioner to you, were transferred, were mentioned in your letter to the Commissioner, were they not? A. All except one, I believe, sir.

Q. And his name was erased in the letter of the Commissioner to you, was it not? A. There was a pencil mark across his name.

Q. Now, do you think it is possible that the names of these individuals should have been so identical, and yet you not have referred to a letter which you had written so recently as the 5th of January?

Mr. Strahan—Mr. Peckham, is that not going a little too far?

Mr. Peckham—No.

Mr. Strahan—You can't cross-examine your witness in that form.

A. Yes, sir; it is very possible.

Q. This letter, which you wrote, of the 5th of January, you regarded as a matter of some importance, didn't you? A. Certainly, sir; or else I wouldn't have written it.

Q. You regarded it as one requiring a reply, didn't you? A. Not exactly, sir; it was a question of jurisdiction of the Commissioner.

Q. You regarded it as exceedingly appropriate that a reply should be made, didn't you? A. Well, I supposed there would be some attention paid to it.

Q. And yet, do you think that during this conversation with the Deputy Commissioner, with regard to these same men, you didn't mention the subject matter of the letter of the 5th of January? A. I don't think I did.

By Mr. Strahan:

Q. Will you look at your signature upon those various pay-rolls and see if that is your signature? A. Yes.

Robert H. Clifford, recalled:

By Mr. Miller:

Q. Mr. Clifford, the letter to which the entry in the miscellaneous letter book of 1886, on the top of the page, No. 26—the original letter to which that refers—where, in the regular order of business, would that have been filed in the Department? A. In my office.

Q. In your office? A. Yes, sir.

Q. In what? A. In the files of the Chief Engineer.

Q. In the box file? A. A box of files.

Q. Containing the different letters? A. Of the Chief Engineer.

Q. There would be a box marked "E," Chief Engineer? A. Chief Engineer, which would be marked.

Q. And in that would be all the letters from the Chief Engineer which came to you in regular order of business? A. Yes, sir.

Q. From the head of the Department? A. Yes, sir.

Q. And in the regular order of business should this letter have been filed in that box? A. Yes, sir.

Q. You can't account in any way for its disappearance from the box? A. I can't.

Q. Have you looked in that box to find it? A. I have, sir.

Q. Did you testify that Mr. Squire asked you to look in that box to find it? A. I testified he asked me about the charges, about this letter, if I knew anything about them; I told him I would look over the records; I didn't find anything.

Q. Did Mr. Squire ask you to look for that letter? A. Yes, sir; he did.

Q. How soon after the charges were preferred, do you know? A. I do not know, sir.

Q. And how soon after Mr. Squire asked you to look did you look? A. Right away, sir.

Q. Immediately? A. Yes, sir.

Q. Are there letters missing from that box? A. Not to my knowledge.

Q. I think you said you hadn't been asked by Mr. Squire to look for this letter until after these charges had been preferred? A. No.

Cross-examined by Mr. Strahan:

Q. Who had access to these files in the place where you have represented they were kept? A. Well, all the clerks on my floor, sir.

Q. This is a letter of some importance to the Commissioner of Public Works, and he asked you to look for it? A. Yes, sir.

Q. Had any other persons access to it, except the clerks on your floor? A. Yes, sir.

Q. Please tell us who that was? A. Mr. Shearman, one of the Commissioners of Accounts' clerks.

Q. Is this the gentleman, now speaking to Mr. Turner, the Mayor's Secretary? A. That is the gentleman, sir.

Q. He had free access to go to these boxes and take what he pleased? A. He has had, sir.

Q. And inspect what he pleased? A. Without asking any questions of me.

Q. Now, this letter was in his possession, because he produced a copy of it here to-day; have you ever seen that letter, or anything relating to that letter, after Mr. Shearman made his examinations there? A. I have not, sir.

Q. Did you ever see him at that box? A. The Chief Engineer's box; yes, sir.

Q. And since you saw him at that box, you have never seen this letter? A. I never saw the letter.

Q. Now, Mr. Clifford, how long have you been in this Department? A. Since April 10, 1870.

Q. Then you went through Mr. Tweed, Mr. Van Wart, Mr. John Brown, Mr. Allan Campbell, and Mr. Hubert O. Thompson, and are now under Mr. Squire? A. Yes, sir.

Q. You are very familiar with the transactions and manners of doing business in your office? A. Yes, sir.

Q. Do the pay-rolls of the office come through you? A. They do, sir.

Q. They are made up and come to you? A. Yes, sir.

Q. How is the time of the various pay-rolls reported upon or ascertained? A. Do you mean by me—how is the time ascertained?

Q. Yes. A. It is ascertained by the timekeeper furnishing the time-roll at the end of the month, or whenever the rolls are made up, to the bureau.

Q. To the head of the bureau? A. To the head of the bureau, and the head of the bureau has the pay-rolls made out from the time-roll.

Q. From these time-rolls? A. Yes, sir; and certified to the Commissioner of Public Works.

Q. They are certified by whom? A. The head of the bureau.

Q. First, the time-clerk makes out a list of each person's name, who, from the previous roll, appears upon the bureau roll; is that it? A. He makes up a list of those people that work during the month, and the number of days they work.

Q. I am speaking about the time-clerk; he first makes out a list, does he not, and he sends that list of names to the head of the particular department—the various engineers under whom they are employed? A. The head of the bureau; the Chief Engineer.

Q. And he distributes them to the various parties under whose immediate employ they are? A. Yes, sir.

Q. Now, that engineer, under whose employ they are, marks the time that they have been employed, these particular persons whose names are on the list? A. Yes, sir.

Q. He certifies to that time and returns it to the head of the bureau? A. Yes, sir.

Q. And the head of the bureau returns it to the time man, who makes out the pay-roll; is that it? A. No; that is really the time-roll that is rendered by the Assistant Engineer, or whoever those people work under, and that is transmitted to the head of the bureau or Chief Engineer, and then he orders the clerk to make out the pay-roll from those time-rolls and compute the number of days.

Q. Compute the pay on the number of days that are certified to him? A. Yes, sir.

Q. Now, what becomes of those certificates? A. Those are certificates that are filed in the Chief Engineer's bureau, or any other bureau.

Q. Will you produce those containing the names of each of the various parties given in that specification as long as they have been in the employment of the Department? A. What do you want?

Q. I want the pay-rolls and the certificates of the various engineers, showing the time and showing the entire manner in which the pay-roll is made up and comes to the Commissioner of Public Works for certification. A. I will.

Q. I want to get that to-morrow morning. You will produce it to-morrow morning? A. Yes, sir.

Q. Then, when the pay-rolls are so made up, they are certified by the head of the bureau, and he has the certificates of his various subordinates as to the time charged and the employment of the persons named on the pay-roll, and then after he certifies it he transmits it to you, and you take

it to the Commissioner of Public Works? A. No; it is transmitted to me, and I have to examine it to see that those people are regularly appointed, and so certify to the Commissioner that they have been regularly appointed, and see that the computations are all correct, and the footings.

Q. Then it goes to you with all the certifications of the head of the bureau and these subordinate parties, and you have to go over it and certify to the Commissioner of Public Works over your signature? A. No, not over my signature—my clerk's, sometimes.

Mr. Strahan—Until I get those pay-rolls I will suspend my examination.

David Lowber Smith, being duly sworn, testifies as follows:

By Mr. Miller:

Q. Mr. Smith, you are employed in the Department of Public Works? A. Yes, sir.

Q. In what capacity? A. Assistant Engineer.

Q. You were formerly Deputy Commissioner at one time? A. Yes, sir.

Q. Under Mr. Thompson? A. No, sir.

Q. Under Mr. Squire? A. Under Mr. Squire.

Q. When were you appointed? A. I think it was the 6th of January, 1885; that is a matter of record; that is my recollection of it.

Q. I call your attention now to an entry which has been identified in the Miscellaneous Letter Book of 1886, produced from the Department of Public Works, at the top of the page, a letter dated January 5th, No. 26, from the Chief Engineer, the contents of which appear from the remarks to have been irregularities on certain pay-rolls. Do you remember ever having seen that letter? Do you know what that entry refers to? A. Yes, sir.

Q. You know what that entry refers to? A. Yes, sir.

Q. State what that entry refers to. A. That is a letter received from the Chief Engineer, directed to the Commissioner in reference to certain Axemen being on the Croton Water Fund and detailed for other duty.

Q. Please look at Exhibit "3," which I now show you; read that and see whether that, as you remember it, is a copy of that letter, or the substance of it? A. Now, my memory isn't so vivid that I can go back and recall each individual name in that letter.

Q. I mean the substance of it? A. Yes; I should say it was.

Q. Do you remember a letter the purport of which was substantially what appears here in Exhibit "3," that I have shown you? A. Yes, sir.

Q. Written by the Chief Engineer to the Commissioner of Public Works? A. Yes, sir.

Q. Do you know whether Mr. Squire ever saw that letter? A. He did, for I gave it to him.

Cross-examined by Mr. Strahan:

Q. Mr. Smith, can you tell us of the negotiations that have been going on for appointing you the successor of Mr. Squire if the Mayor can get Mr. Squire removed? A. Well, that is something entirely new to me. I wasn't aware that any negotiations were going on.

Q. You never heard of any rumors? A. I have; lots of them. A year ago that was a very current rumor, and I heard it lots of times.

Q. From whom did you hear it? A. Let me see; it seems to me I have seen something of it in the newspapers.

Q. That is all the information you are inclined to give us, is it? A. Yes, sir.

By Mr. Peckham:

Q. Mr. Smith, have you any expectation in case Mr. Squire is removed, that you will be appointed Commissioner of Public Works? A. I have no certainty of the kind whatever. I never viewed the thing in that light in any way whatever.

By Mr. Strahan:

Q. When did you show this letter to Mr. Squire? A. If the date of that letter is January 5, I showed it to Mr. Squire, if he was in the office, within five minutes after I opened it.

Q. And if he wasn't in the office? A. I waited until he came in and showed to him immediately.

Q. Then you ran out, did you? A. Yes, sir, as I did with every letter that was addressed to him that I opened.

Lawrence Hobart Shearman, being duly sworn and examined, testifies as follows:

By Mr. Miller:

Q. Where are you employed, Mr. Shearman? A. In the office of the Commissioners of Accounts.

Q. As a clerk? A. Yes, sir.

Q. How long have you been employed there? A. I have been regularly employed there since October 1, 1885, I think. I did work there some time before that.

Q. I show you Exhibit "3"; is that in your handwriting? A. It is.

Q. That is a copy of the letter? A. Yes, sir, that copy is in my handwriting.

Q. Did you make that copy? A. I did, sir.

Q. Where did you get the original? A. In the Department of Public Works.

Q. Who gave it to you? A. Mr. Clifford, the chief clerk.

Q. When was that? A. February, 1886, I think. I can't locate it more definitely.

Q. February of this year? A. Yes, sir.

Q. What did you do with the letter after you got through with it? A. When I returned it to Mr. Clifford, I think I gave it to him or left it with Judge Froment. I think I gave it to him.

Q. Who is Judge Froment? A. A clerk in the office.

Q. You didn't take it away? A. No, sir, I think—I am almost positive I gave it back to Mr. Clifford.

Q. And that was taken from the files? A. Yes, sir.

Cross-examined by Mr. Strahan:

Q. Where do you reside? A. Allendale, New Jersey.

Q. You are a son of the Commissioner of Accounts? A. Yes, I am, sir.

Q. Your father resides there too? A. He does.

Mr. Miller—That ends the evidence as to charge second.

The Mayor—As some of the counsel have engagements made before they knew we would probably be engaged so late in this matter, we will adjourn to to-morrow at half past 10.

NEW YORK, Thursday, August 5, 1886.

Met pursuant to adjournment.

Present—Counsel as before.

The warrants for the pay-rolls for the months of January, February and March, 1886, are offered in evidence by Mr. Miller, and marked respectively Exhibits "7," "8" and "9."

It is admitted that these are the warrants drawn for the purpose of making the payments called for by the pay-rolls offered in evidence yesterday—Exhibits "4," "5" and "6."

Mr. Miller—I simply desire to call attention to the fact that these warrants being in evidence on the face of the warrant it appears these moneys were payable out of the Croton Water Fund.

Mr. Strahan—These warrants are required to form part of the proceedings.

Mr. Miller—Yes, of course; the next charge is charge third: "Malfeasance and misfeasance in office in evading and failing to comply with the provisions of sections 8 of chapter 410 of the Laws of 1884, commonly known as the Civil Service Law, and of the New York City Civil Service Regulations, adopted under and in conformity with the provisions of the said law."

The first specification on this charge refers to Peter J. Kelly.

Mr. Birdsall, will you take the stand a moment?

George Birdsall, recalled.

By Mr. Miller:

Q. Will you produce the scrap-book that you had yesterday? A. I will have to send over for it.

Q. I asked you to have all those books here this morning. A. I didn't understand it.

The Mayor—Send over, Mr. Birdsall.

John H. Chambers, being duly sworn, testifies as follows:

By Mr. Miller:

Q. Mr. Chambers, what office do you hold in the Department of Public Works? A. Water Register.

Q. And how long have you been Water Register? A. Since April, 1875.

Q. That is the head of one of the bureaus in the Department? A. Yes, sir.

Q. Do you know a man named Peter J. Kelly? A. Yes, sir.

Q. Was he employed in your Bureau? A. He was.

Q. In what capacity? A. As a clerk.

Q. Can you tell me when he was first employed there—sent there? A. Not without reference to the books of the office.

Q. You remember testifying, do you not, before the Commissioners of Accounts, concerning these matters? A. Yes, sir.

Q. Do you remember with reference to Peter J. Kelly, whether or not he was a person who had been originally appointed to some other Bureau in the Department? A. Yes, sir.

Q. To what bureau? A. The Chief Engineer's Bureau.

Mr. Strahan—One moment. What do you know about that? Have you personal knowledge?

Mr. Peckham—One moment. The examination is this side just now.

Mr. Strahan—I do not care about what is your side. You are not going to ask this witness to say something he knows nothing about personally.

Mr. Peckham—We are not going to be interrupted in the course of the examination.

Mr. Strahan—You will be interrupted as often as I think it right to interrupt you.

Mr. Peckham—Make your objection.

Mr. Strahan—Of course I will.

The Mayor—Make your objection.

Mr. Strahan—I will take my own method, Mr. Mayor.

Mr. Miller—Try to be respectful, if you can.

Mr. Strahan—I want the witness to be instructed to answer from his own personal knowledge, and answer nothing but from his own personal knowledge.

Mr. Peckham—The witness is not required to answer from his own personal knowledge.

Mr. Strahan—He is required to answer from his own personal knowledge, because secondary evidence is not proper here.

Mr. Peckham—Secondary evidence is proper here.

The Mayor—Do you raise that as an objection?

Mr. Strahan—I make it as an objection, and I tell Mr. Chambers he will not answer except from his own personal knowledge.

The Mayor—Mr. Corporation Counsel, what is your opinion?

Mr. Lacombe—I advise that the objection be overruled.

The Mayor—The objection is overruled.

A. He was assigned to the Chief Engineer's Bureau.

Q. Do you know what his employment had been while in the Engineer's Bureau, before he came to you? A. I think he had been previously employed in the Bureau of the Water Register.

Q. Do you know what his employment had been in the Engineer's Bureau, before he was sent to your Bureau? A. No, sir.

Q. What work did he do in your Bureau? A. He made out bills for water rates, and acted in a general capacity as clerk, performing such duties as were assigned to him from time to time.

Q. Any clerical duties which you might assign to him? A. Yes, sir.

Q. Do you know whether, prior to being assigned as clerk to your office, he had passed the civil service examination? I ask you whether you know? A. I really don't know, but I am under the impression that he did.

Q. Before he was assigned to your Bureau? I only ask you a question, if you know; if you don't know, state so. A. I don't know positively.

Q. Do you know a person named Uriah A. Pollard? A. Yes, sir.

Q. Was he ever employed in the Bureau of the Water Register? A. He was.

Q. In what capacity? A. As a clerk.

Q. Did he perform clerical services there? A. Yes, sir.

Q. Do you know where he had been employed—in what Bureau—before he came to you in the Department, if in any? A. I do not.

Q. Do you know a person named Charles B. Husted? A. I do.

Q. Was he ever employed in your Bureau? A. He was.

Q. As what—in what capacity? A. In the capacity of a clerk.

Q. And performed clerical services? A. Yes, sir.

Q. Do you know whether he had been employed in any Bureau in your Department prior to being assigned to your bureau? A. I do not.

Q. In what way, please, Mr. Chambers, are assignments made to your bureau from other bureaus, when persons are sent to you from other Bureaus for work? A. The parties present themselves and say that they have been sent from a certain Bureau to assist me in the discharge of duties, such as clerk, etc., or in any other capacity which I might be disposed to give them.

Q. Do they bring tickets or letters from the head of the department, or from the head of the Bureau in which they have been serving before; is that the custom; is that the regular routine? A. No; they generally bring a ticket from the head of the department, or the deputy, stating that they are assigned for duty in the Bureau of the Water Register.

By Mr. Peckham:

Q. By the "Head of the Department," do you mean the Commissioner? A. Yes, sir.

By the Mayor:

Q. The Commissioner or the Deputy? A. Yes, sir.

By Mr. Miller:

Q. Now, did you not testify, Mr. Chambers, before the Commissioners of Accounts, that Peter J. Kelly and Uriah A. Pollard, the persons to whom I have called your attention, were all designated for employment in the Engineer's Bureau before they were sent to you?

Mr. Strahan—That I object to.

Q. Have you not so testified?

Mr. Strahan—That is not evidence here what he testified.

The Mayor—Mr. Corporation Counsel, what is your opinion upon the objection?

Mr. Lacombe—I advise that the objection be overruled.

The Mayor—The objection is overruled.

Q. Did you not so testify? A. I did.

Q. Then, is your memory refreshed in any way by having your attention called to that fact; do you now remember that Pollard had served in the Engineer's Bureau before being sent to you? A. I remember his having been transferred from that Bureau.

Q. Transferred from that bureau to you? A. Yes.

Q. And do you remember whether or not the transfer was made immediately upon his appointment? A. Well, that I couldn't say.

Q. Well, what did you mean by saying, then, when you testified, that they were all designated for appointment in the Engineer's Bureau? A. That was my information at the time.

Q. Received from whom?

Mr. Strahan—That I object to. It is perfectly plain that he gave his evidence there as he has given part of it here, from information received from some other person.

Mr. Peckham—I submit that if he received this information from any person having connection with the Department, either the head of the Department or not, it is perfectly competent.

The Mayor—Mr. Corporation Counsel, what is your opinion on the objection?

Mr. Lacombe—I advise the objection be overruled.

The Mayor—The objection is overruled.

Q. From whom did you receive that information? A. Either from the Commissioner or the Deputy Commissioner.

Q. Now, did I ask with reference to Charles B. Husted? I did, did I not? A. Yes, sir.

Q. You said that he had been employed there as a clerk? A. Yes, sir.

Q. Do you know a person named J. A. Lodwick? A. Yes, sir.

Q. Was he ever employed in your bureau? A. Yes, sir.

Q. In what capacity? A. Well, Mr. Lodwick was sent for the purpose of examining our mode of keeping the accounts—the water rates—and in that capacity he made an examination of the books.

Q. And performed clerical services? A. That kind of clerical services.

Q. Were they such services as are performed by a clerk? A. The examination?

Q. What he did there, were they clerical services, in your opinion? A. It was an examination that he made of the books and made a report on the subject to the Commissioners; he never performed any clerical duty behind a desk, such as other clerks perform.

Q. Did he take extracts from the books? A. Yes, sir.

Q. And write them down? A. Yes, sir.

Q. And make additions and computations? A. Yes, sir.

Q. Do you know whether he had been in any other Bureau before being assigned to yours in the Department? A. I do not.

Q. Do you know a person named Patrick J. Straine? A. Yes, sir.

Q. Did he ever serve in your Department, in your Bureau? A. He did.

Q. In what capacity? A. As clerk.

Q. Do you know whether he had ever served in any capacity in any other Bureau in the Department? A. I do not.

Q. Do you know a person named Alfred A. Arment, Jr.? A. Yes, sir.

Q. Did he ever serve in your Bureau? A. He did.

Q. In what capacity? A. As Clerk and as Special Examiner of Buildings, wherein inspections were required.

Q. Inspections of meters? A. No; inspections of extras, where disputes arose between owners of property, and previous reports that had been made; we called them re-inspections of buildings where overcharges had been made.

Q. Had he ever performed services in any other Bureau in the Department, to your knowledge? A. Not to my knowledge.

Q. That is Perkins you are referring to now?

Mr. Strahan—No, it is not Perkins.

A. Arment.

Q. Charles E. Perkins; did you ever know of such a person as that? A. Yes, sir.

Q. Did he ever perform services in your Bureau? A. He did.

Q. In what capacity? A. As Clerk.

Q. Had he been, to your knowledge, employed in the Engineer's Bureau before coming to you? A. Not to my knowledge.

Q. Did you not so testify? A. Not that I remember.

Q. Please look at a paper that I now show you for the purpose of refreshing your memory; is that in your handwriting, that paper? A. Yes, sir.

Q. Is your memory now refreshed so that you can state whether or not Mr. Perkins had been employed in the Engineer's Bureau before coming to you? A. He was transferred from the Bureau to me.

By Mr. Peckham:

Q. From the Engineer's Bureau? A. Yes, sir.

By Mr. Miller:

Q. And is that equally true of all the persons whose names are mentioned on that paper there? A. Yes, sir.

Q. Read off the names. A. Peter J. Kelly, Uriah A. Pollard, Charles B. Husted, Alfred A. Arment, Charles E. Perkins, and Frederick C. Lane.

Q. And they all performed clerical services, each of them, not in your Bureau? A. Yes.
 Mr. Miller—You can step aside for a moment; I don't know whether I want you again; perhaps Mr. Strahan wants to examine you.
 Mr. Strahan—I don't want to examine the witness at present.
 George W. Birdsall recalled:
 By Mr. Miller:
 Q. Have you a scrap-book there? A. Yes, sir.
 Q. Isn't it called the Engineers' Scrap-Book? A. No, sir; the Original Appointments, so far as I know anything about it.
 Q. What book is it? A. The Bureau of Chief Engineer Appointments.
 Q. Can you turn to the appointment of Peter J. Kelly, as an axeman in your Bureau; if the date will guide you, it is the 2d day of March, 1885; have you found it, Mr. Birdsall? A. Yes, sir.

Mr. Miller—The witness produces the original appointment of Peter J. Kelly, from the Appointment Book; it bears date March 2, 1885; am I right?
 The Witness—March 2, 1885.
 Mr. Miller—And reads as follows:
 The Witness:

DEPARTMENT OF PUBLIC WORKS.

Employ Peter J. Kelly, an Axeman, on Croton Aqueduct.

ROLLIN M. SQUIRE, Commissioner of Public Works.

NEW YORK, March 2, 1885.

Q. Is there any other letter in connection with that, and if so please read it.

NEW YORK, March 3, 1885.

G. W. BIRDSALL, Esq., Chief Engineer:

SIR—Peter J. Kelly has been appointed Axeman, to be paid from Appropriation Aqueduct Repairs, Maintenance, etc., at \$2.50 per day; will be detailed for the present to duty under the Water Register, and will report to him for instructions.

Respectfully,

D. LOWBER SMITH, Deputy Commissioner of Public Works.

Q. Was he thereupon transferred to the Water Register's office? A. He was.
 Q. Did he perform services as Axeman in your Bureau? A. He did not.
 Q. Was he carried on the pay-rolls of your Bureau? A. He was, sir.
 Q. Payable from the Croton Water Fund? A. No, sir.
 Q. From what fund? A. From Aqueduct Repairs and Maintenance, from March 3 to October 1.

Q. And afterwards? A. And afterwards from Croton Water Fund.

By Mr. Peckham:

Q. For how long? A. I don't remember; sometime this year.

By Mr. Miller:

Q. And during the time that he was performing the services in another Bureau, was he paid from the Croton Water Fund? A. During part of the time.

Q. Then, as a matter of fact, he was detailed the day after he was appointed; is that so? A. Yes, sir.

Q. Now, will you please turn to the appointment of Uriah A. Pollard, on the 16th of September, 1885; have you his appointment? A. I have, sir.
 Q. Read it, please.

DEPARTMENT OF PUBLIC WORKS.

Employ Uriah A. Pollard, as Axeman, on Croton Water Fund.

ROLLIN M. SQUIRE, Commissioner of Public Works.

NEW YORK, September 16, 1885.

Q. Is there any other memoranda there in connection with that? A. I believe not, sir.

Q. Was he transferred from your Bureau to any other Bureau? A. He was.

Q. When—can you tell? A. At or about that same date, September 16.

Q. Within a day or two after that time? A. I think at the time.

Q. Did he perform any services as Axeman in your Bureau? A. He did not.

Q. Was he at any time subsequent to his transfer from your Bureau and while serving in the Department, paid out of the Croton Water Fund? A. He was, for a certain length of time.

Q. How long? A. I think about two months.

Q. And while he was performing services in another Bureau? A. Yes, sir.

Mr. Strahan—Where is that specification under the charge?

Mr. Miller—Specification Two, exactly word for word what I have been proving.

Mr. Strahan—Not quite.

Q. On the first of February, 1886, see if you can turn to that date and find the appointment of Charles B. Husted? A. I find it.

Q. Please read it?

DEPARTMENT OF PUBLIC WORKS.

Employ Charles B. Husted as Axeman on Croton Water Fund.

ROLLIN M. SQUIRE, Commissioner of Public Works.

NEW YORK, February 1, 1886.

Q. And there is a memorandum on that concerning a detail, is there not? A. Yes, sir.

Q. Can you tell by looking at that when he was detailed, and where to? A. He was detailed to the Water Register's Office on or about the second of February.

Q. Just read whatever memorandum you have concerning it? A. "With Pollard in Water Register's Office."

Q. From whom were the instructions received? A. From the Commissioner of Public Works.

Q. And is that true as to the transfers of each of these others?

Mr. Strahan—What others?

Mr. Miller—The two who have been already testified to, Kelly and Pollard.

A. It may have been from the Deputy or the Commissioner.

Q. Either from the Commissioner or the Deputy in each case? A. Yes, sir.

Q. Are transfers ever made by you of this kind where men are appointed to duty in your Bureau to any other Bureau without some order from the head of the Department or the Deputy? A. They are not.

Q. Did Husted perform services as Axeman in your Bureau? A. He did not.

Q. And during the time that he was employed in another Bureau, was he borne on your pay-roll? A. He was.

Q. And paid out of the Croton water Fund? A. Yes, sir.

Mr. Miller—Specification Fourth, J. A. Lodwick, 17th March, 1885.

Q. Do you find by looking into your Appointment Book the appointment of one J. A. Lodwick? A. Yes, sir.

Q. Please read it.

DEPARTMENT OF PUBLIC WORKS.

Employ J. A. Lodwick as Axeman on Croton Water Fund. Detailed to Water Register's Bureau, \$2.50.

D. L. S., Deputy Commissioner of Public Works.

NEW YORK, March 17, 1885.

Q. And was he so transferred? A. Yes, sir.

Q. And performed services? A. I believe so, sir.

Q. I mean to say, did he perform services as Axeman in your Bureau after his transfer? A. He did not, sir.

Q. Was he carried on your pay-rolls after his transfer to the other Bureau? A. He was.

Q. And paid out of the Croton Water Fund? A. Yes, sir.

Q. Patrick J. Straine, appointed 28th September, 1885, have you his appointment? A. Yes, sir.

Q. Please read it.

DEPARTMENT PUBLIC WORKS.

Employ Patrick J. Straine, as Axeman on Croton Water Fund.

ROLLIN M. SQUIRE, Commissioner of Public Works.

NEW YORK, September 28, 1885.

By Mr. Peckham:

Q. Does it give the amount? A. No.

By Mr. Miller:

Q. Was he transferred to any other Department or to any other Bureau? A. He was.

Q. What Bureau? A. The Bureau of the Water Register.

Q. Is there a memorandum of that kind? A. No, sir.

Q. You know he was transferred to the Water Register's Bureau? A. Yes, sir.

Q. Did he perform services in your Bureau as Axeman? A. He did for about a week or ten days before he was transferred.

Q. Was he carried on your pay-rolls? A. He was.

Q. And paid out of the Croton Water Fund? A. Yes, sir.

Q. Turn to the 1st of February, 1886, Elmore Cohen? A. Yes, sir.

Q. Have you his appointment there? A. I have.

Q. Please read it.

DEPARTMENT PUBLIC WORKS.

Employ Elmore E. Cohen, as Axeman on Croton Water Fund.

ROLLIN M. SQUIRE, Commissioner of Public Works.

NEW YORK, February 1, 1886.

Q. Are there any other memoranda on the ticket? A. There is a memorandum that he is detailed to the Commissioner's office, as Messenger.

Q. Did he perform services as Axeman? A. He did not.

Q. Was he immediately transferred as Messenger? A. He was.

Q. Do you know whether he performed services as Messenger subsequently to that? A. I believe so, sir.

Q. Was he continued on your pay-rolls—carried on your pay-rolls? A. For about a month, my impression is.

Q. And paid out of the Croton Water Fund? A. Yes, sir.

Q. The 10th day of December, 1885, Alfred A. Arment, Jr.; do you find his appointment? A. Yes, sir.

Q. Please read it:

DEPARTMENT OF PUBLIC WORKS.

Employ Alfred A. Arment, Jr., as Axeman, on Croton Water Fund. Transferred from Laborer on cut-off.

ROLLIN M. SQUIRE, Commissioner of Public Work.

NEW YORK, December 10, 1885.

Q. Was he subsequently transferred from your Bureau? A. He was detailed to the Water Register's office.

Q. Was he carried on your pay-rolls after that? A. He was.

Q. And paid out of the Croton Water Fund? A. Yes, sir.

Q. Charles E. Perkins, 17th February, 1886; do you find his appointment? A. Yes, sir.

Q. Please read the appointment.

DEPARTMENT PUBLIC WORKS.

Employ Charles E. Perkins, as Axeman, at \$3 per day, on Croton Water Fund.

D. L. S., Deputy Commissioner of Public Works.

NEW YORK, February 17, 1886.

Q. Was he specifically detailed, or transferred to any other Department? A. He was detailed to the Water Register's Bureau.

Q. How soon? A. Immediately.

Q. Did he perform services in your Bureau after that, as Axeman? A. He did not.

Q. Was he carried on your pay-rolls? A. He was.

Q. And paid out of the Croton Water Fund? A. Yes, sir.

Q. Frederick C. Lane, May 1, 1886? A. Yes, sir.

Q. Please read the appointment.

DEPARTMENT OF PUBLIC WORKS.

Employ Frederick C. Lane as Axeman, on Croton Water Fund.

W. V. SMITH, Deputy Commissioner Public Works.

NEW YORK, May 1, 1886.

Q. Was he subsequently detailed? A. Yes, sir; to the Water Register's office.

Q. And after he was detailed was he borne on your pay-rolls—his name? A. He was.

Q. And paid out of the Croton Water Fund? A. He was.

By the Mayor:

Q. Did he perform any services in your Bureau, as Axeman? A. He did not.

By Mr. Miller:

Q. Roswell L. Murray, appointed as Axeman, October 1, 1885. Look at the ticket February 19, 1885, and see if that will assist you? A. It don't appear to be there under October 1, 1885.

Q. Look at the ticket under February 19, 1885. Do you find Roswell L. Murray appointed? A. I do, sir.

By Mr. Strahan:

Q. What date? A. February 19, 1885.

By Mr. Miller:

Q. Just read the appointment, please.

DEPARTMENT OF PUBLIC WORKS.

Employ Roswell L. Murray, as Axeman, \$2.50, on Aqueduct Repairs and Maintenance. Detailed to office duty.

D. L. S., Deputy Commissioner of Public Works.

NEW YORK, February 19, 1885.

Q. Was he appointed to office duty? A. He was, sir.

Q. Where? A. As general clerk in the office.

Q. Your own office? A. Yes, sir.

Q. Was he continued on the pay-roll, payable out of the Croton Water Fund?

Mr. Strahan—He does not say so. He hasn't said he was appointed to the Croton Water Fund.

Q. Was he appointed as Axeman? A. Appointed as Axeman on Aqueduct Repairs and Maintenance.

Q. Upon what pay-roll was his name placed? A. Upon the pay-roll for Aqueduct Repairs and Maintenance.

Q. Does that come out of the Croton Water Fund? A. No, sir.

Q. From the time of his appointment? A. Yes, sir.

Q. I mean from the time that he was appointed was he carried on that pay-roll? A. Yes, sir.
 Q. Was Mr. Roswell L. Murray during any time that he was performing clerical services in your Bureau carried on the pay-roll payable out of the Croton Water Fund? A. He was.

Q. When? A. From October 1, 1885, to April 5, 1886.

Q. And during that time was he performing clerical services? A. Yes, sir.

Q. Why was that? A. He was detailed to the office and we were in need of more clerks in the office so that we used him for that purpose.

Q. Why was he carried on the pay-roll of the Croton Water Fund? A. I suppose he was transferred from one fund to the other on October 1, 1885, or thereabouts.

Q. Why? A. I suppose by orders from the Commissioner or Deputy.

Mr. Strahan—Is that evidence?

Q. Do you know when it was? A. I do not, sir.

Mr. Strahan—I move to strike out what he supposes, as not of any consequence.

Mr. Peckham—I suppose it is perfectly competent and proper for an official to say what took place in his own Bureau.

Mr. Strahan—He does not say he knows it.

Mr. Peckham—He may not know it; he can say from what took place in his own Bureau.

The Mayor—Mr. Corporation Counsel, what is your opinion on the objection?

Mr. Lacombe—The witness has answered the question.

Mr. Strahan—He said "I suppose," and I move to strike it out.

Mr. Lacombe—The question seems to be intended to bring out the measure of the witness' knowledge on the subject, and I therefore advise that the objection be overruled.

The Mayor—The objection is overruled.

Q. Now, let us get this from Mr. Birdsall; Mr. Murray was appointed on February 19, 1885, an Axeman? A. Yes, sir.

Q. He was then detailed in your Bureau to perform clerical services? A. Yes, sir.

Q. And did perform clerical services? A. Yes, sir.

Q. And during all the time that he served there and down to April, 1886, he did perform clerical services there—at least down to that time? A. Yes, sir.

Q. He never performed services as Axeman at all? A. No, sir.

Q. "That prior to October 1, 1885, and from the date of his appointment, he had been upon a pay-roll." What did you say it was? A. Aqueduct Repairs and Maintenance.

Q. "That subsequently to October 1, 1885, and from then to April, 1886, he was carried on another pay-roll; that he was performing clerical services? A. Yes, sir.

Q. And that pay-roll was a pay-roll which called for pay out of the Croton Water Fund? A. Yes, sir.

Q. Thomas Lucey, 20th February, 1886; have you found the appointment of Thomas Lucey? A. I have, sir.

Q. Please read it.

DEPARTMENT OF PUBLIC WORKS.

Employ Thomas Lucey as Axeman on Croton Water Fund.

ROLLIN M. SQUIRE, Commissioner of Public Works.

NEW YORK, February 20, 1886.

Q. Was he detailed to duty other than that of Axeman? A. After about ten days, I think.

Q. He performed services as Axeman for about ten days? A. Yes, sir.

Q. And then was detailed? A. Yes, sir.

Q. In your office? A. In my office.

Q. To perform clerical services? A. Yes, sir.

Q. And did he perform clerical services? A. He did.

Q. Was he carried on the pay-roll, payable out of the Croton Water Fund? A. Yes, sir.

Q. All the time? A. All the time.

Q. And who detailed him? A. Either the Deputy or the Commissioner of Public Works.

Q. Either one of the two? A. Yes, sir.

Q. You did state, did you not, that no details of Axemen to any other duties than those of Axemen, were ever made by you without instructions either from the Commissioner or his Deputy? A. Yes, sir.

Q. Specification 12, Charles McDermott, June 4, 1885; just read the appointment, please.

DEPARTMENT OF PUBLIC WORKS.

Employ Charles McDermott as Axeman on Croton Water Fund.

D. L. S., Deputy Commissioner of Public Works.

NEW YORK, June 4, 1885.

Q. Was he detailed to any other Bureau? A. I am not sure of that, sir; I think he was.
 Q. Do you remember whether he was detailed as Inspector for Waste of Water? A. That I couldn't say; I mean at that time.
 Q. By referring to Exhibit "3," can you now say whether or not McDermott was transferred? A. I can say that on or about January 1 he was acting as Inspector of Waste and Use of Water.
 Q. Then he must have been detailed, was he not? A. Yes, sir.
 By the Mayor:
 Q. January 1, 1886? A. Yes, sir.
 By Mr. Miller:
 Q. And he was one of the persons mentioned in your letter of January 5 to the Commissioner? A. He was.
 Q. Was he continued on the pay-roll in your Bureau? A. He was.
 Q. In what Bureau are the Inspectors of Waste of Water? A. In my Bureau.
 Q. What appropriation are Inspectors of Waste of Water payable out of?
 Mr. Strahan—I object.
 Mr. Miller—Strike that out.
 Q. Upon what pay-roll are Inspectors of Waste of Water in your Bureau carried? A. On two pay-rolls.
 Q. What are they? A. One is Aqueduct Repairs and Maintenance, and the other is Repairs and Renewal of Pipes, Stop-cocks, etc., Salaries.
 Q. But not on the Croton Water Fund? A. Not on the Croton Water Fund, only as detailed.
 Q. And was McDermott continued on the pay-roll, payable out of the Croton Water Fund? A. More or less of the time.
 Q. While he was performing services as Inspector of Waste of Water? A. Yes, sir.
 Q. Frederick G. Fay, 1st July, 1885? A. Yes, sir.
 Q. Please read his appointment.

DEPARTMENT OF PUBLIC WORKS.

Employ Frederick G. Fay as Axeman, temporary, on Croton Water Fund. Transferred from Sewers.

D. L. S., Deputy Commissioner of Public Works.

NEW YORK, June 29, 1885.

Q. Was he detailed any time? A. He was detailed a portion of the time.
 Q. Where? A. As Inspector of Waste and Use of Water.
 Q. Was he carried on the pay-roll payable out of the Croton Water Fund—the Croton Water Fund pay-roll? A. He was.
 Q. During the time he was performing services as Inspector of Waste of Water? A. He was.
 Q. James Murray, 31st July, 1885? A. Yes, sir.
 Q. Please read his appointment, if you have it.

DEPARTMENT OF PUBLIC WORKS.

Re-employ James Murray as Axeman on Croton Water Fund, temporarily detailed.

D. L. S., Deputy Commissioner of Public Works.

NEW YORK, July 29, 1885.

Q. Was he detailed for service as Inspector of Waste of Water? A. He was.
 Q. And during the time that he was subject to that detail and performing those services, was he carried on the Croton Water Fund pay-roll? A. He was.
 Q. At the time he was performing the services as Inspector of Waste of Water, did he perform services as Axeman at all? A. He did not.
 Q. Is it true of the persons whom you have testified to, who were detailed as Inspectors of Waste of Water, that during the time that they served under that detail, they did not perform the services of Axemen? A. No, sir.
 Q. It is true? A. It is true; yes.
 Q. John McGuire, 19th August, 1885? A. Yes, sir.
 Q. Will you please read the appointment, if you have it?

DEPARTMENT OF PUBLIC WORKS.

Employ John J. McGuire as laborer on Pipe Yard, in place of M. Tiernan, removed.

D. L. S., Deputy Commissioner of Public Works.

NEW YORK, August 14, 1885.

Q. Was he detailed for any other service in your Bureau, or any other Bureau? A. Not that I know of, sir.
 Q. By referring to Exhibit "3," possibly your memory may be refreshed? A. Yes, sir; I think there was another appointment after that.
 Q. What is that? A. I think this man was transferred to that other place.
 Q. You think he was transferred to the other place? A. Yes.
 Q. By a subsequent appointment? A. By a transfer; yes, sir.
 Q. What is the difference between a detail and a transfer? A. One is by a letter or an appointment, and the other is generally by verbal orders. Of course, when he was acting there under that letter of 1885, he was acting as Axeman, whether his appointment was as Laborer.
 Q. And what date is that? A. August 14, 1885.
 Q. That appointment is as Laborer? A. Yes.
 Q. And not as Axeman? A. Not as Axeman.
 Q. Then, was he at any time carried on the Croton Water Fund pay-roll while performing services as Inspector of Waste of Water? A. He was.
 Q. And at the time he was performing the services of Inspector of Waste of Water, did he or did he not perform services as Laborer? A. He did not.
 Q. Garrett C. Mead, 28th August, 1885? A. Yes, sir.
 Q. Please read his appointment, if you have it.

DEPARTMENT OF PUBLIC WORKS.

Employ Garrett C. Mead as Axeman on Croton Water Fund, in place of Anthony Krause, removed.

D. L. S., Deputy Commissioner of Public Works.

NEW YORK, August 28, 1885.

Q. Do you remember whether he was ever detailed as Inspector of Waste of Water? A. He was.
 Q. And during the time that he performed services as Inspector of Waste of Water, was he carried on the Croton Water Fund pay-roll? A. He was.
 Q. And you have said, have you not, that Inspectors of Waste of Water were carried on a different pay-roll from the Croton Water Fund? A. Generally.
 Q. September 8, 1885, Cornelius Sullivan? A. Yes, sir.
 Q. Please read his appointment.

DEPARTMENT OF PUBLIC WORKS.

Employ Cornelius Sullivan as Axeman on Croton Water Fund, in place of Jeremiah Cronin.

D. L. S., Deputy Commissioner of Public Works.

NEW YORK, September 8, 1885.

Q. Was he subsequently detailed as Inspector of Waste of Water? A. Only for a very short time.
 Q. How long? A. Well, it might have been ten days or two weeks.
 Q. And then acted as Axeman? A. Yes, sir.
 Q. During the time that he performed the services of Inspector of Waste of Water, was he carried on the Croton Water Fund pay-roll? A. He was.
 Q. William J. White, May 11, 1885? A. Yes, sir.
 Q. Please read his appointment.

DEPARTMENT OF PUBLIC WORKS.

Employ William J. White as Axeman on Croton Water Fund.

D. L. S., Deputy Commissioner of Public Works.

NEW YORK, May 11, 1885.

Q. Was he, after his appointment as Axeman, detailed as Inspector of Waste of Water? A. He was.
 Q. And performed services as Inspector of Waste of Water? A. He did.
 Q. And during the time that he performed the services of Inspector of Waste of Water, was he carried on the Croton Water Fund pay-roll? A. He was.
 Q. Michael Cooney, June 25, 1885? A. Yes, sir.
 Q. Please read his appointment, if you have it.

DEPARTMENT OF PUBLIC WORKS.

Employ Michael Cooney as Axeman on Croton Water Fund; detailed as Notice Server.

D. L. S., Deputy Commissioner of Public Works.

NEW YORK, June 24, 1885.

Q. Was he detailed as Notice Server? A. He was.
 Q. How long did he perform services as Notice Server, if you know? A. For some time; until he died, I think.
 Q. Did he never perform services as Inspector of Waste of Water? A. Not that I know of; Inspector of Waste of Water and Notice Server, there is not much distinction; he serves notices with regard to waste of water.
 Q. Then what distinction do you make in his case? A. This distinction was made by the Deputy Commissioner; in our office we mix them all up together.
 Q. Then you say that he did perform services as Inspector of Waste of Water during some time after he was employed as Axeman? A. Yes, sir.

By Mr. Strahan:

Q. You say that because he was employed as Notice Server? A. Well, because it amounts to the same thing.

By Mr. Miller:

Q. That is what I understood you to say, it is substantially the same thing? A. Yes, sir.
 Q. Can you tell whether he is one of those referred to in your letter of January 5? A. That is my impression, sir.
 Q. And during the time that he performed services as Notice Server, or Inspector of Waste of Water, was he carried on the Croton Water Fund pay-roll? A. He was.
 Q. William Malia, July 31, 1885? A. Yes, sir.
 Q. Please read it.

DEPARTMENT OF PUBLIC WORKS.

Re-employ William Malia as Axeman on Croton Water Fund, temporarily.

D. L. S., Deputy Commissioner of Public Works.

NEW YORK, July 31, 1885.

Q. Subsequently to that date, was he detailed as Inspector of Waste of Water? A. He was.
 Q. Did he perform services in that capacity? A. He did.
 Q. And during the time that he performed such services was he carried on the Croton Water Fund pay-roll? A. He was.
 Q. William H. Lee, April 10, 1885? A. Yes, sir.
 Q. Please read his appointment.

DEPARTMENT OF PUBLIC WORKS.

Employ William H. Lee as Axeman on Croton Water Fund.

D. L. S., Deputy Commissioner of Public Works.

NEW YORK, April 10, 1885.

Q. And he was subsequently detailed as Inspector of Waste of Water? A. He was.
 Q. And performed services in that capacity? A. He did.
 Q. During the time he performed those services, was he carried on the Croton Water Fund pay-roll? A. He was.
 Q. Samuel M. Hall, February 1, 1885?
 Mr. Strahan—You will find no charge here about being carried on the Croton Water Fund.
 Mr. Miller—It alleges that he was paid out of the Croton Water Fund.
 Mr. Strahan—Carried on the Croton Water Fund. What he was appointed on is one thing; what he was carried on and paid out of is another thing.
 Q. Please read his appointment.

DEPARTMENT OF PUBLIC WORKS.

Employ Samuel M. Hall as Axeman on Croton Water Fund; transferred from Cleaner.

D. L. S., Deputy Commissioner of Public Works.

NEW YORK, February 1, 1885.

Q. Was he subsequently detailed as Inspector of Waste of Water? A. Part of the time.
 Q. And during the time that he was so detailed and employed, was he carried on the Croton Water Fund pay-roll? A. He was.
 Q. Are the Croton Water Fund pay-rolls, of which you have been speaking, and as to which you have been testifying, similar to the pay-rolls put in evidence yesterday, Exhibits "4," "5" and "6"?
 Mr. Strahan—That I object to. The Exhibits speak for themselves.
 Q. Are they of a similar nature?
 Mr. Strahan—I object.
 The Mayor—Mr. Corporation Counsel, what is your opinion on the objection?
 Mr. Lacombe—In my opinion the objection is well taken.
 The Mayor—The objection is sustained.
 Q. Alexander Cooper, June 1, 1885? A. Yes, sir.
 Q. Read his appointment, please.

DEPARTMENT OF PUBLIC WORKS.

Employ Alexander Cooper as Axeman on Croton Water Fund.

D. L. S., Deputy Commissioner of Public Works.

NEW YORK, June 1, 1885.

Q. And is there a detail there accompanying that page 155 of that book? A. Yes, sir.
 Q. In whose handwriting is it? A. Mr. Squire's.
 Q. Please read it.

COMMISSIONER'S OFFICE, 31 CHAMBERS STREET.
(Memorandum.)

NEW YORK, June 5, 1885.

Engineer BIRDSALL:

Will you please detail Mr. Cooper to the service and direction of the Corresponding Clerk, and oblige?

R. M. S.

Q. Did he perform services subsequently to that as Axeman? A. He did not.
 Q. Do you know what services he performed after that? A. He was Assistant to the Corresponding Clerk.
 Q. In whose office? A. The Corresponding Clerk's office.
 Q. Acting as Stenographer and Type-writer, do you know? A. I never saw him do either one.

Q. You don't know, then? A. No, sir.
 Q. After the detail, was he carried on the Croton Water Fund pay-roll? A. He was.
 Q. From what fund were all of the persons appointed as Axemen, as to whom you have testified, payable when their names were carried on the Croton Water Fund pay-roll? A. Paid from the account designated as the Croton Water Fund.

Mr. Miller—That is all, Mr. Birdsall.

Cross examined.

By Mr. Strahan:

Q. Do you know how any one was paid that you have named—actually paid? A. I do not, sir.
 Q. Do you know that they were paid at all, from your own personal knowledge? A. I do not, sir.

Q. So, when you have been talking about being paid out of the Croton Water Fund, you don't mean to be understood as saying that you know that any single one was so paid? A. In our office they were charged and credited to that account.

Mr. Strahan—No, I am not asking that.

Mr. Miller—I submit, but that is a perfectly good answer.

Mr. Strahan—Never mind what Mr. Miller says.

Question repeated.

A. Not of the parties of whom I have testified.

By Mr. Miller:

Q. Do you understand that question, Mr. Birdsall? A. I think I do, sir.
 Q. And is your answer given understandingly to that question? A. I believe so, sir.
 Q. Do you mean his Honor the Mayor to understand that you have no knowledge of what appropriation these Axemen were payable out as to whom you have testified?

Mr. Strahan—It is perfectly plain that the gentleman does not understand the question himself, and not Mr. Birdsall. It is not out of what appropriation they were paid he was asked, but whether, in fact, any single one was paid out of the Croton Water Fund?

A. I know what appropriation their pay-roll was charged to; whether the parties were paid out of that appropriation is not within my personal knowledge.

Q. You have, have you not, in your Bureau, a statement of the amount of each of the different appropriations to your Bureau for each year? A. We have.

Q. You know how much was appropriated by the Board of Estimate and Apportionment for the various appropriations, and you know how much there is, do you not, to the credit of the Croton Water Fund at various times? A. I do sir.

Q. At any time? A. Generally.

Q. Are statements made to you or to your Department, from the Finance Department, as to the condition of the different funds from time to time?

Mr. Strahan—I object; that statement will speak for itself if you produce it.

A. They are made to the Commissioner of Public Works.

Q. And do you, as head of the Bureau, receive information on the subject officially? A. I do not.

Q. Do you, as head of the Bureau, keep yourself informed as to the condition of the different appropriations which are made for the purpose of paying persons employed in your Bureau. A. I do.

Mr. Strahan—That is utterly immaterial. We will take the opinion of the Corporation Counsel.

The Mayor—You didn't make the objection until after the question was answered.

Q. Now, as a matter of fact, Mr. Birdsall, do you not know, and are you not advised of the state of the different appropriations out of which persons in your Bureau are payable?

Mr. Strahan—That I object to.

The Mayor—Mr. Corporation Counsel, what is your opinion on the objection.

Mr. Lacombe—I can't see the materiality of that question.

The Mayor—Objection sustained.

Mr. Lacombe—It seems to me that following upon this last question to some of these questions, Mr. Strahan's last objection may be perfectly well taken. The evidence to show out of what fund

these men were payable undoubtedly is the pay-roll warrant. I understand that to be the gist of objection to these series of questions. Some of them are harmless and some are not.

Mr. Miller—It was only because Mr. Strahan objected a little while ago to have any testimony on this subject, that I desire to show by Mr. Birdsall, that he knows, and must know, as all heads of Bureaus do, just how much money is to the credit of a given appropriation at a given time; he knows how much money is to the credit of the Croton Water Fund.

Mr. Strahan—I was ready from the beginning to admit that everything down to the gist of the charge was all done without having passed a Civil Service examination; all the rest is mere preliminary to that charge.

Mr. Miller—You put in a general denial and didn't say you were willing to admit it or would not admit it.

By Mr. Strahan:

Q. Mr. Birdsall, you have referred to various matters of appointment and transfers and the manner in which transfers were made from one employment to another employment—is the system that you have described that took place within the dates that you have referred to the same system and the same manner that was pursued during the period you have been connected with this Department?

Objected to by Mr. Peckham, as immaterial.

The Mayor—Mr. Corporation Counsel, what is your opinion on the objection?

Mr. Lacombe—The charge or specification is not of a violation of routine or precedent, but a violation of law, and I am of the opinion, therefore, that testimony as to other violations of law by former heads of the Department is entirely immaterial.

The Mayor—The objection is overruled.

Mr. Strahan—I offer to prove that the same system that the Mayor has been over with the Commissioners of Accounts here was the system that was in existence in this office when Commissioner Squire took office, continued under Mayor Grace during his previous administration; his attention was specially directed to it, by his refusal to sign warrants for payments, and he then became a party to the system that was in existence and followed out, and that he has been a party to it during all the time that he has been in office, and from the time that he first entered, running down to the present date.

The Mayor—The objection is overruled.

Mr. Strahan—You mean the evidence is not received.

The Mayor—The offer is not received.

Mr. Strahan—Then I want it noted that I am refused permission to state my reasons for the course which I followed. "The heads of the Departments may be removed by the Mayor for cause, after opportunity to be heard subject, however, before such removal shall take effect, to the approval of the Governor, expressed in writing. The Mayor shall, in all cases, communicate to the Governor, in writing, his reasons for such removal." Under this provision of the law, while you are bound to prove your charges by legal and competent evidence, I am entitled to state all which has justified my actions, in my judgment, whether it may be satisfactory to your mind or not, I care not. There is a higher tribunal than you that my reasons—my excuses, or my explanations must go to, and you cannot shut me off from getting to the Governor with all that I state, and my justification for my action. I am not coming before you to justify my action; it would be insane for me to do so in the face of the expressed opinions which you have made publicly upon the subject. I am coming here through the form of law as a mere instrumentality to enable me to get the case to an impartial tribunal, and you cannot sit here and prevent me from going there by obstructing and refusing to receive the reasons, the hearing or statements that I am entitled to have laid before the Governor. The Counsel to the Corporation cannot, by saying this is a mere matter of law. It is not a matter of law, and his opinion cannot control it in any shape or form. There is no law governing the subject to the extent in which he implies in many of its principles.

Mr. Peckham—Mr. Strahan wouldn't it be better if you wrote out these remarks and saved our time? There is no point before the Mayor that I am aware of.

Mr. Strahan—I was remarking sir, that the opinion of the Corporation Counsel didn't prevail or regulate this question, and I was coming to the main question which I had in view and which I now state for the benefit of the learned gentlemen who conduct this case on the other side, who appear to be very far from a clear understanding of what the real question is. In the morning organ of your Honor there is a suggestion that we have nothing to do with the reasons that you state, and the whole tendency of this examination is in the same direction. Now we want to show by all the facts and circumstances that your Honor is acting in this matter not as an impartial judge, which I think you would be the first to admit, that you are acting here from a preconcerted arrangement or determination to accomplish the end that you have in view, namely: to secure the appointment of a Commissioner of Public Works, and everything relating to the matter—your connection with the proceedings, the action and the proceedings of the Commissioner of Public Works I am entitled to have on the record for the purpose of showing to the superior tribunal the true reasons which guide you in the course that you are following. I anticipate that there are to go to the Governor reasons, and I am preparing for the purpose of enabling me to get to the Governor with the true reasons for your actions in connection with this matter which you have originated. Now, sir, here I am in that position. I maintain it and I want it now stated upon the record that all the circumstances which I say are a justification of my action which the Counsel to the Corporation by no law in existence is called upon to decide, which your Honor can't finally pass upon, that I am entitled to have the whole of my reasons, whether they are satisfactory to you or not, brought before the higher tribunal and if you exclude them the question will present itself, how are they to get to the Governor. I wish your Honor to consider that, even with all the anxiety you have to arrive at the conclusion you arrived at.

Mr. Peckham—Now, Mr. Mayor, having listened to that quite short little speech, we will go on again, if you have no objection. This witness is not asked any question, I believe, now.

The Mayor—Go on.

Mr. Strahan—Now, I make my offer again. I repeat the offer.

Mr. Miller—You have made it once.

The Mayor—What is his offer?

Mr. Strahan—I offer to prove these things.

The Mayor—You offer to prove what other Commissioners do?

Mr. Strahan—I offer to prove, as I have stated it upon the record, and I ask the privilege of now putting in the evidence to enable me to establish these matters as facts.

Mr. Peckham—I will submit to your Honor that no Court, much less a tribunal like this, is called to accept any offer. If the gentleman wants to put any evidence in he has right to cross-examine the witnesses we have produced. I believe I have heard upon his part several objections to our questions; some have been sustained and some have been overruled. That is an intimation upon his part, certainly, of the propriety of questions being raised and disposed of by your Honor. Now, he has asked a question and it has been objected. The objection has been sustained and it has been excluded. I don't see any impropriety in it.

The Mayor—The only thing for this Court to consider is the fact that the objection has been sustained and the evidence excluded.

Mr. Strahan—That is not the rule that is required to be given on it.

Mr. Peckham—I understand the Mayor to say that he declines to accept any offer.

By Mr. Strahan:

Q. Now, Mr. Birdsall, will you explain the system which has been in force in the office of the Department of Public Works since your connection with it, so far as transfers and appointments are concerned? A. The appointments have been made out on blanks and directed to the Chief of the Bureau.

Q. These blanks describe the nature of the employment? A. First the name of the person, next the nature of his employment, and then signed by the Commissioner or Deputy, and below that the date.

Q. With many of those appointments, did the parties named or included in those appointments have duties assigned to them as Axemen?

Mr. Peckham—I object.

Q. In many of those appointments were the parties specified as Axemen?

Mr. Peckham—I object to any inquiry as to any of the parties named in the specifications. The appointments themselves speak better than anything else. I object further than that, that it is quite immaterial.

Mr. Strahan—Do you insist on that objection?

Mr. Peckham—I make my objection as a whole.

Mr. Strahan—Mr. Birdsall, will you send and get the Department books back for the last few years, to 1880?

Mr. Peckham—I object to Mr. Birdsall giving any instructions.

The Mayor—He is a witness; he is not here to give instructions.

Mr. Birdsall—I have the appointment book here with me.

Q. Going back to 1880? A. I don't know how far it goes.

Q. Look and see, please.

The Mayor—This is evidently, gentlemen, a mere effort to try and burden the records.

Mr. Strahan—No, sir; it is a mere effort to put the truth on the record, which the Mayor has tried to exclude.

The Witness—That only goes back to 1884.

The Mayor—What is the question now?

Mr. Strahan—The objection is taken, sir, that the question can't be answered, and the best evidence of it is the book, and I have sent for the book.

Mr. Peckham—If you will put your question in some specific way so as to raise the question generally—

Mr. Strahan—I will put my question as I think best and I will continue to put every question in the same form until they are all ruled out.

Mr. Peckham—I will put the objection to the question to save you any possible question as to your record, upon the sole ground that it is immaterial.

Mr. Strahan—Then, Mr. Birdsall, answer the question.

The Mayor—The objection, Mr. Corporation Counsel, is that the question is immaterial; what is your opinion upon the subject?

Mr. Peckham—If I understood the question it referred to others than these under the specification—prior occurrences.

Mr. Lacombe—In my opinion that evidence is immaterial.

The Mayor—The objection is sustained.

It is conceded that the question refers to prior appointments and that it does not apply to the appointment of any of the parties named in this specification.

Q. Now, Mr. Birdsall, you say that you are prevented from telling us as to the appointments including Axemen—whether or not these appointments include Axemen; were Axemen appointed in your Department preceding the dates you have referred to in your examination in chief? A. They were.

Q. Were they made by appointments in writing, such as you have described, the appointments of the parties whose names are in the specification? A. They were.

Q. After they were appointed as Axemen, were transfers made of these Axemen to other duties? A. There were.

Q. And transferring them to other bureaus in the Department? A. Yes, sir.

Q. And the performance of duties in those bureaus? A. Yes, sir.

Q. Did Commissioner Squire inaugurate the transfer of appointees as you have testified to—the manner in which the appointments referred to in the specification were made?

Mr. Peckham—That I object to as quite immaterial.

The Mayor—Mr. Corporation Counsel, what is your opinion upon the objection?

Mr. Lacombe—If it is the same in character as the other evidence, it is immaterial.

The Mayor—Objection sustained.

Q. Were transfers made of appointees as Axemen for several years in this Department preceding the date of Mr. Squire's appointment as Commissioner?

Mr. Peckham—That I object to as quite immaterial.

The Mayor—The objection is sustained on the same ground as immaterial.

Q. Were the parties transferred, having been appointed as Axemen, to the performance of other duties in different bureaus, paid from the same funds substantially as you have described to-day that these appointees referred to in the specifications were?

Mr. Peckham—That I object to as quite immaterial.

The Mayor—What is your opinion, Mr. Corporation Counsel?

Mr. Lacombe—The same.

The Mayor—The same ruling.

Q. Were the various funds that you have described in existence during all the period of your connection with this Department? A. Essentially they were; some change in names.

Q. But the same system? A. Yes.

Q. The same work covered or included within the appropriations? A. Yes, sir.

Q. Now, were the transfers during your connection with the Department, made of parties appointed payable from one fund, detailed to perform duties payable from another fund?

Mr. Peckham—That I object to.

The Mayor—Objection sustained.

Q. Did that system prevail in the Department, or did transferring appointees upon one fund to perform duties under another continue, in the payment of the appointees from the fund upon which they were appointed?

Objected to; objection sustained.

Q. Did that system prevail in this Department from the period of your connection with it down till the present time?

Mr. Peckham—That I object to.

The Mayor—Objection sustained.

Q. Was the same system exactly that preceded the appointment of Commissioner Squire continued under the administration of Commissioner Squire?

Mr. Peckham—That I object to.

The Mayor—Objection sustained.

Q. Was there, to your knowledge, anything particular—any variation made by Commissioner Squire in the manner of conducting the Department so far as appointments, transfers or details to duty were concerned from the way it was conducted preceding his appointment.

Mr. Peckham—That I object to.

The Mayor—Objection sustained.

Q. How long has the practice that you have referred to as followed in the appointment of the various parties included in the specifications been the practice of the Department of Public Works?

Mr. Peckham—That I object to.

The Mayor—Objection sustained.

Q. Who was the Commissioner of Public Works preceding Mr. Squire? A. Hubert O. Thompson.

Q. Was Mr. Grace the Mayor any portion of the period covered by Mr. Thompson's appointment? A. I think he was.

Q. Do you know, as a fact, whether Mr. Grace opposed, while he was Mayor during Mr. Thompson's administration some of the practices that were referred to in the evidence you gave to-day as to appointments and transfers?

Mr. Peckham—That I object to.

The Mayor—Mr. Corporation Counsel, what is your opinion?

Mr. Lacombe—That also, in my opinion, is improper.

The Mayor—Objection sustained.

Q. Do you know that Mr. Grace, the Mayor of the City, after making that objection, while Mr. Thompson was Commissioner of Public Works, became a party to the system by afterwards withdrawing his objection, approving of the accounts and signing the warrants.

Mr. Peckham—That I object to.

The Mayor—What is your opinion, Mr. Corporation Counsel?

Mr. Lacombe—The evidence is of the same class.

The Mayor—Objection sustained.

Mr. Strahan—I am through, sir.

Mr. Miller—Now, Mr. Strahan, we will accept your kind offer that you made a little while ago to make the admission as to all of this except the specific allegation in the charge that these details were made for the purpose of evading and committing a breach of law.

Mr. Strahan—You have gone on and proved it; you went on without asking me for any admission on it, and since you have proved it, we will stand on the evidence.

Mr. Miller—I am not asking as to that; I am asking as to the rest with reference to the Civil Service regulations.

Mr. Strahan—I told you I would admit it down to the clause so far as applied to the Civil Service rules.

Mr. Peckham—If there is any admission Mr. Strahan wants to make, we will take it.

Mr. Strahan—Then you had better proceed; I never said that I admitted the charge that was there; the preliminary statement about the appointment, the manner in which the transfer was made and the duties to which he was transferred I would admit, which is all preliminary to the words that are in your charge, "without his having passed the Civil Service examination, as required by the New York Civil Service Regulations, which require that all persons rendering clerical services shall be appointed only after having passed the Civil Service examination."

Seligman Manheimer, being duly sworn and examined as a witness, testifies as follows:

By Mr. Miller:

Q. Mr. Manheimer what is your present occupation? A. I am a Clerk of the Civil Service Board.

Q. Of New York City? A. Yes, sir.

Q. Have you at my request made a search in the records of the Board to ascertain whether or not certain persons to whom I called your attention had passed the Civil Service?

Mr. Strahan—I object to the question, because there must be evidence that there is a board, as we have no knowledge of it by any law.

The Mayor—Mr. Corporation Counsel, what is your opinion on the objection?

Mr. Lacombe—My opinion is the line of the examination would be much facilitated by first producing the regulations and then asking the question. The question of order of proof is largely in your Honor's discretion. The Board is constituted by the regulations and not by law.

The Mayor—The objection is overruled.

A. I made a search.

Q. Were the names of the persons to whom I called your attention the persons named in the different specifications from 1 to 23 of charge third of the charges against Mr. Squire.

Mr. Strahan—I object to the question being answered; the books are the best evidence and they must be here and I must have the opportunity of seeing them as well as the witness; I am not precluded or bound by what this witness says.

The Mayor—I overrule the objection.

A. They were.

Q. How long have you been connected with the Civil Service Board here in New York? A. Next February it will be three years.

Q. What positions have you held under that Board? A. I was up to May 1, 1885, assistant in the office of the Secretary of the Civil Service Boards, and on the first of May, 1885, I was appointed a clerk in the office of the Secretary of said Boards.

Q. Who has charge of the records at present of the New York Civil Service Board? A. The Secretary of the New York Civil Service Boards.

Q. Who is that? A. At present Mr. Lee Phillips.

Q. Have you access to those books? A. I have.

Q. Who constitute the Municipal Civil Service Board of New York City—do you know—the Supervisory Board?

Mr. Strahan—I object; the appointment can show that.

The Mayor—Mr. Corporation Counsel, what is your opinion on the objection?

Mr. Lacombe—If the question is directed to ascertaining the names of the individuals, I would advise the objection is not well taken.

The Mayor—The objection is overruled.

A. The Civil Service Boards are composed of a Supervisory Board.

Mr. Strahan—That I object to.

Q. No; who constitute it? A. The names are Everett P. Wheeler, Chairman, E. L. Godkin and E. R. Robinson.

Q. I desire specifically to call attention to section 8 of chapter 410 of the Laws of Civil Service, the regulations as to admissions. Have there been published, and are there now in existence certain regulations for the admission of persons into the Civil Service of the City of New York.

Mr. Strahan—That I object to; it can only be proved by the minutes of the Board or the authority to make such regulations.

Recess till two o'clock.

After recess.

Mr. Miller—Mr. Mayor, I will now offer in evidence a copy of the "City Record" of Wednesday, August 27, 1884, containing the original promulgation of the Civil Service Regulations, included under the act of 1884, by Mayor Edson.

Mr. Strahan—That I object to; the least evidence that can appear in evidence must be a certified copy certified by the Comptroller and filed according to the provisions of the Consolidated Statutes.

Mr. Miller—We will offer this for the time being, and will substitute the proper proof when the time comes, if it is deemed necessary.

The Mayor—What is your opinion, Mr. Corporation Counsel.

Mr. Lacombe—Do you insist upon that objection, Mr. Strahan?

Mr. Strahan—Yes.

Mr. Lacombe—I advise that that be ruled out.

Mr. Strahan—Now, Mr. Miller, I will withdraw my objection.

Mr. Strahan withdraws his objection and the copy of the "City Record" is admitted for the purpose of proving what is in it the same as if the official copy certified by the Comptroller was here.

The copy of the "City Record," of August 27, 1884, is marked Exhibit "10."

Mr. Miller—I offer the regulations in evidence.

Mr. Strahan—Is that evidence?

Mr. Miller—It is evidence of the regulations.

Mr. Strahan—I don't think it is. I object to that being received in evidence.

The Mayor—What is the objection, Mr. Strahan?

Mr. Miller—It is in evidence and admitted.

Mr. Strahan—No; the "City Record" is in evidence with the same force and effect as if a copy had been here certified by the Comptroller; but on the question of whether or not that is evidence that there were regulations promulgated by Mayor Edson on that date it is not conclusive and does not apply.

Continuation of the direct examination of Seligman Manheimer.

By Mr. Miller:

Q. Mr. Manheimer, have you produced from the office of the Civil Service Board certain books of record in which entries are made concerning applications for examination by your Board of persons desiring to enter the Civil Service? A. I have.

Q. Have you examined those books of record that you now produce at my request for the purpose of ascertaining whether the persons mentioned in the specifications 1 to 23 of charge third of the charges preferred against Mr. Squire have made application to or have passed the Civil Service examination? A. I have.

Q. Will you please state what you find as to each case, beginning with the case of Peter J. Kelly? A. Yes, sir; Specification 1: I find that Peter J. Kelly was referred to the Civil Service office by a letter dated April 12, 1886; that he had passed the obligatory examination May 5, 1885, and upon receipt of the letter had passed a further examination April 14, 1886; that he was certified to the Department of Public Works as eligible to said transfer April 15, 1886, and a letter from the Department dated April 30, 1886, states that "The following appointments have been made during the month," and in that letter is mentioned the name of Peter J. Kelly as having been appointed clerk.

Q. Did he pass a competitive examination? A. He did at first.

Q. When? A. May 5, 1885.

Q. Never before that? A. No, sir; not to my knowledge.

Q. Does it appear by the records that he did? A. No, sir.

Q. As to the second specification? A. Mr. Uriah A. Pollard was referred to the Civil Service office by a letter from the Commissioner of Public Works or Deputy Commissioner, dated October 15, 1885; he was examined and passed the necessary examination December 18, 1885, and he was certified to the Department of Public Works as eligible December 23, 1885; he was subsequently appointed Deputy Water Register January 27, 1886, not having been appointed to the position for which he was examined, or as expert bookkeeper.

Q. Did he pass a competitive examination? A. No, sir; a non-competitive examination.

Mr. Strahan—You do not mean that a Deputy Register requires examination at all.

Mr. Miller—No.

The Witness—No, sir.

Q. State the difference between a competitive and a non-competitive examination? A. In a competitive examination a number of applicants appear, and at that examination, each person is given a number and he loses his identity entirely; the Examiners rate his papers at the end of the examination and have no knowledge at all of any person connected with that examination; in the case of a non-competitive examination, a party is recommended for this examination and, instead of having a number, he puts his name on the papers that he hands in, and should he pass the required percentage, he is certified as eligible to that place.

Q. Do all persons who originally desire to pass the Civil Service to enter the Civil Service in this way have to pass a competitive examination? A. They do; yes, sir.

Q. Then non-competitive examinations apply, do they not, to persons who are subjects for promotion, already in office? A. Promotion or transfer; yes, sir.

Q. Persons already appointed to some office. A. Yes, sir.

Q. Take the next one, Charles B. Husted? A. I have no knowledge of this man; there is nothing on the records which shows that this person has ever been examined for any position.

Q. The next one, J. A. Lodwick? A. There is nothing on the records which shows that this person has ever been examined.

Q. Patrick J. Straine? A. According to our records one Patrick H. Straine; I don't know whether that is the same party or not.

Mr. Strahan—Assume it is; we will take the assumption.

A. Mr. Patrick H. Straine was examined in the obligatory studies October 8, 1885; he was further examined in optional subject 10, which is bookkeeping, on October 20, 1885; this was a competitive examination; he was referred to the Civil Service office on the same letter with Mr. Uriah A. Pollard for promotion; this letter was dated October 15, 1885; a bookkeeper was subsequently called for on December 11, 1885, and as Mr. Straine was among the highest three at the examination in bookkeeping, he was certified December 14, 1885; he was appointed December 14, 1885, as Bookkeeper.

Q. The next one, Elmore Cohen? A. Elmore Cohen was examined competitively for Messenger February 26, 1886, and had passed the examination; a call for Messenger was made March 1, 1886, and he was certified March 1, 1886.

Q. Was his examination a competitive one? A. It was; yes, sir.

Q. And was Straine's examination a competitive one? A. It was; yes, sir.

Q. Specification 7? A. There is nothing on the records which shows that Mr. Arment has ever been examined.

Q. If he had been examined there would have been something on the record? A. Yes, sir.

Q. And that is true as to the others also? A. Yes, sir.

Q. Specification 8, Charles E. Perkins? A. There is nothing on the record which shows that he has ever been examined.

Q. Specification 9, Frederick C. Lane? A. He is now undergoing a competitive examination; the papers have not been read.

Q. Has he passed? A. No, sir; he has not—not yet.

Q. Roswell L. Murray? A. Roswell L. Murray was examined competitively October 8, 1885, and was referred for a non-competitive examination for transfer January 13, 1886; his previous examination—that is, his competitive examination—was taken into account, and he was thereupon certified January 15, 1886; under that letter which I stated, dated April 30, "the following appointments have been made during the month," I find Mr. Roswell L. Murray mentioned as having been appointed clerk during that month.

Q. Thomas Lucey? A. There is nothing on the records which shows that he has ever been examined.

Q. Charles McDermott? A. There is nothing on the records to show that he has ever been examined.

Q. Frederick G. Fay? A. There is nothing on the records to show that he has ever been examined.

Q. James Murray? A. There is nothing on the records to show that he has ever been examined.

Q. John McGuire? A. There is nothing on the records to show that he has ever been examined.

Q. Garret C. Meade? A. There is nothing on the records to show that he has ever been examined.

Q. William J. White? A. There is nothing on the records to show that he has ever been examined.

Q. Cornelius Sullivan? A. There is nothing on the records to show that he has ever been examined.

Q. Michael Cooney? A. There is nothing on the records to show that he has ever been examined.

Q. William Malia? A. There is nothing on the records to show that he has ever been examined.

Q. William H. Lee? A. There is nothing on the records to show that he has ever been examined.

Q. Samuel M. Hall? A. Samuel M. Hall was never examined for Inspector of waste water, but he was recommended for transfer from the position of Axeman to that of Messenger by a letter from the Commissioner of Public Works, dated January 21, 1886; he was examined non-competitively January 25, 1886; certified to the Department as eligible January 25, 1886, and appointed Messenger February 1, 1886.

Q. Specification 23, Alexander Cooper? A. Alexander Cooper was referred to the Civil Service office by a letter of January 27, 1886; examined in the general clerical tests and type-writing and stenography February 25, 1886; certified as eligible February 25, 1886, and appointed a Type-writer and Stenographer February 26, 1886.

Q. Are you familiar with the rules as promulgated—the Civil Service Rules and Regulations? A. I am; yes, sir.

Q. This copy of the "City Record," Exhibit "10" —

Mr. Strahan—You have not proved the rules?

Mr. Miller—We submit that we have.

Q. I show you Exhibit "10," a copy of the "City Record"; will you please look at it? Will you please point out in those rules where the provisions are referring to examinations for clerkships and inspectors of waste water in the Department of Public Works?

Mr. Strahan—I object to it until you have proved the rules.

Mr. Miller—I submit that those are prima facie proved to be the rules by the copy of the "City Record." It proves itself.

The Mayor—Mr. Corporation Counsel, what is your opinion on that?

Mr. Lacombe—In my opinion the objection stated is not sound.

The Mayor—The objection is overruled.

Q. Just state, if you please? A. Regulation 2 reads: "Schedule B shall include clerks, copyists, recorders, bookkeepers and others rendering clerical services; Schedule D shall include all persons for whose duty special expert knowledge is required, not included in Schedule E; Schedule E shall include physicians, chemists, nurses, orderlies and attendants in the city hospitals and asylums."

Q. Is there a specific classification for the Department of Public Works? A. Yes, sir; there is.

Q. Will you please turn to it? A. I have it.

Q. On what page? A. Page 1941.

Q. Will you please point out there what, if any, rules there are with reference to Clerks and Inspectors of Waste Water in the Department of Public Works? A. "Class 1, subdivision 1, Clerks as in Finance Department."

Q. What does that mean, "Clerks as in Finance Department?" A. Referring to the classification of the Finance Department, subdivision 4, Inspectors. "First Grade, Inspectors of Meters, Inspectors of Waste of Water, Inspectors of Regulating and Grading."

Mr. Miller—That is sufficient. Mr. Strahan, the witness is yours.

Mr. Strahan—I have no questions.

Mr. Miller—That is all, Mr. Manheimer. With the exception of putting in the letter received by the Commissioner of Public Works from the Comptroller of March 27, 1885, with reference to amending the certificates on the pay-rolls as to the civil service, the evidence on this charge is closed. We have a copy from the press copy-book in the Comptroller's office, Mr. Strahan. Will you allow us to introduce it?

Mr. Strahan asks a clerk from the Comptroller's office if the letter is correct, and the clerk replies "yes."

Mr. Strahan consents to the introduction of the letter.

Mr. Miller—Page 67 of this letter book, produced from the Comptroller's office, Department of Public Works, for the year 1885:

"MARCH 27, 1885.

Hon. ROLLIN M. SQUIRE, Commissioner of Public Works:

SIR—In accordance with an opinion received from the Counsel to the Corporation under date of January 31, 1885, the following certificates attached to pay-rolls rendered to this Department for February is respectfully requested. 2. And I do further certify that all the persons named in the said roll, who have been appointed subsequent to the taking effect of the civil service regulations, have been duly appointed in conformity with the requirements of those regulations.

Very respectfully,

EDWARD V. LOEW."

Mr. Miller—Unless you will admit that that letter was received at the Department of Public Works, I shall have to show that the letter was received.

Mr. Strahan—I will find it out and let you know if I object to it in any way.

Mr. Miller reads charge 4, "Neglect of duty and unfitness for office."

Uriah A. Pollard, being duly sworn, testified as follows:

By Mr. Miller:

Q. Mr. Pollard, you were appointed an Axeman in the Bureau of the Chief Engineer of the Croton Aqueduct Department, were you not? A. Yes, sir.

Q. Do you remember when it was? A. I think on the 16th of September, the 15th or 16th, 1885.

Q. Did you ever serve as an Axeman? A. No, sir; not as I understand the duties of an Axeman.

Q. You were detailed immediately, were you not? A. Yes, sir.

Q. To perform clerical services in the Bureau of the Water Register? A. Yes, sir.

Q. And did perform such services there? A. Yes, sir.

Q. During that time do you know what pay-roll your name appeared upon? A. No, sir; I do not; that is to say, I only know that I signed the pay-roll; whatever that was I do not know; I never examined it.

Q. You were subsequently appointed Deputy Water Register, were you not? A. Yes, sir.

Q. On the 27th of January, 1886? A. Well, my appointment took effect on the 1st day of February; I don't remember what date it was.

Q. How long have you known Mr. Squire, Mr. Pollard, or how long has Mr. Squire known you? A. Well, I think since 1866 or 1867.

Q. Where did you know him? A. I first became acquainted with him in Boston.

Q. In what way? A. Socially, I suppose you would call it; I was introduced to him at my house.

Q. Did you know him well? A. Tolerably well; yes, sir.

Q. Were you ever in the same office with him? A. Yes, sir; that is to say, he occupied part of the offices in which I was employed from some time in 1873 up to, I think, 1878 or 1879; I wouldn't be positive about the year.

Q. And before 1873, how well had Mr. Squire known you? A. I had seen very little of Mr. Squire before 1873.

Mr. Strahan—Mr. Miller, what reference has that to the charge?

Mr. Miller—It is right here under my eyes: "He was well known to the said Squire."

Mr. Strahan—I fail to comprehend, myself, but of course I will be better enlightened what relevancy this thing has. What law has been violated?

Q. When did you come to New York to live?

Mr. Strahan—I object.

The Mayor—What is the ground of the objection?

Mr. Strahan—There is no such thing—there is no specification of any offence made in that charge, and any evidence bearing on it has no relevancy and no importance. I know of no law that prevents the appointment of a person by any officer of the City Departments in the circumstances that are stated and specified there.

The Mayor—I overrule the objection.

Mr. Strahan—One moment, your Honor.

Mr. Miller—You can answer.

Mr. Strahan—Is there any law—do you refer me to the law?

The Mayor—I overrule the objection.

A. In September, 1885.

Q. Did you come at the request of anybody? A. No, sir.

Q. Did you make an application for an appointment to the Department of Public Works? A. I did.

Q. Yourself? A. Yes, sir.

Q. Because you knew Mr. Squire? A. Yes, sir.

Q. Did Mr. Squire know in 1873 anything about your prior life? A. Not to my knowledge.

Q. You say you were associated with him and were in an office next to his in the same building from 1873 until when?

The Mayor—The same office, I understood.

A. There were several rooms, but they were the same offices; yes, sir.

Q. From 1873 until when? A. It was either 1878 or 1879; I can't remember which.

Q. You subsequently resigned the position of Deputy Water Register, did you not? A. Yes, sir.

Q. Was your resignation demanded by Mr. Squire? A. I placed it in his hands at his request, but I should like to explain the circumstances under which it was placed in his hands.

Q. Go ahead and explain them. A. I received information from Boston about the 15th of February, that a gentleman was on there claiming to represent a citizen committee composed of his Honor the Mayor, Mr. Charles P. Miller and other gentlemen, and his mission was—

Q. Tell us who the other gentlemen were? A. Their names were not mentioned; those were the only two names that were mentioned; that his mission was to find out what he could about my past, and in that connection I learned that he had ascertained what was on record in Boston, and he expressed his intention to take it back to New York and use it as a club to beat Squire with.

Q. This information you obtained from somebody? A. I did, yes, sir; in consequence of this information I felt it my duty to go to Mr. Squire and tell him the facts that had happened years ago in my career; I told him what the facts were; he said that he was very sorry to learn what had occurred; that, if he were the head of a private house—a business house, it would make no difference in his action, but being at the head of a public department he felt it was his duty to ask me for my resignation; I immediately sat down to his desk and wrote it and it was accepted on the 1st day of March, 1886.

Q. Did Mr. Squire tell you that he had never heard of it before? A. Yes, sir.

Q. He said that was the first he had ever heard of it? A. Yes, sir.

Q. You are positive of that? A. I am quite positive.

Q. Now, tell me who the gentleman was from whom you received your information? A. Do you mean from Boston?

Q. Yes. A. That question I decline to answer.

Q. Who was the gentleman that ever told you that any one representing a citizens' committee composed of Mr. Grace and Charles P. Miller, was inquiring there? A. I haven't said any one told me so; I said I received information from Boston to that effect.

Q. In what way did you receive information?

Mr. Strahan—I object to that as a matter of perfect indifference.

Mr. Miller—Of course it isn't evidence.

A. By letter.

Q. Can you give the name of any person who wrote to you or told you, or gave you any information such as you have given here?

Mr. Strahan—I object to it, and I advise the witness not to answer any such question.

Mr. Peckham—How did you become the witness' adviser?

Mr. Strahan—I don't understand you.

Mr. Peckham—How did you become the witness' adviser?

Mr. Strahan—I didn't become his adviser except as you are advising him, as I understand, unwarrantably.

The Mayor—There is an objection here, Mr. Corporation Counsel, to a question that has been asked of the witness.

Mr. Strahan—I object to the question on the ground that it is utterly immaterial.

A. I know the name of the person who wrote to me; yes, sir.

Q. You know the name of the person that wrote to you? A. Yes, sir.

Q. Did the letter contain the name of Charles P. Miller, the letter that brought you that information? A. Yes, sir.

Q. It did? A. Yes, sir.

Q. Now, who was the gentleman that wrote to you? A. I decline to answer.

Q. Why do you decline to answer? A. Because it was a confidential communication addressed to me, and I don't care to give the gentleman's name.

Q. Is that the only reason that you have? A. That seems to me to be sufficient reason; yes, sir.

Q. Is that the only reason that you have? A. Excepting possibly his request; the communication was a private communication to me.

Q. His request to what? A. His request not to have the letter used in any way.

Q. After your resignation was accepted, what did you do, Mr. Pollard? A. I don't think I understand the question, sir.

Q. After your resignation was accepted, what did you do, did you leave the Department? A. Yes, sir.

Q. Have you been there since? A. No, sir.

Q. Not at all? A. Do you mean employed there, sir?

Q. No; I mean have you been there since; I didn't use the word employed? A. Oh, I have been there to the Department since, several times.

Q. Have you been in the habit of going there day after day? A. Not in the habit; no, sir.

Q. Have you been there day after day since your resignation was accepted? A. I have been there occasionally since my resignation was accepted.

Q. How often? A. Well, once or twice a week, probably.

Q. And more? A. As to some weeks, yes; and as to others, no—less.

Q. Have you been in the office that you occupied while you were there since your resignation was accepted? A. I have been in the Water Register's office.

Q. In the Water Register's office? A. Yes, sir; once or twice; I don't know but more.

Q. Have you been in Mr. Chambers' private office a number of times? A. Yes, sir; three or four times, possibly.

Q. Have you been in constant conversation with the clerks in that office at any time during business hours? A. No, sir.

Q. Have you been in the office at all during business hours? A. I have told you that I had been in the Water Register's office.

Q. I asked you during business hours? A. Yes, sir; the only time I have been there has been during business hours.

Q. Have you been in the Chief Clerk's office since your resignation was accepted? A. Yes, sir.

Q. And in the office of Coroner Farley in that building, in the Department? A. I think I was in there once.

Q. Have you had any business there in the Department? A. Yes; I have had.

Q. Have you advised concerning the accounts kept in the Department of Public Works since your resignation was accepted? A. Only to this extent—

Q. Have you advised with any officials in the Department of Public Works since that time as to the keeping of accounts there? A. I was going on to answer your question, sir.

The Mayor—Answer the question directly.

Mr. Strahan—Go on and give your explanation in your own way.

A. Well, I have not advised in the sense the question is put; no, sir.

Q. How do you know the sense in which the question is put? A. You used the word advised; I suppose I understand what that word means.

Q. Did you not testify before the Commissioners of Accounts in answer to the question "Have you had anything to do with the accounts in that Department by way of advising?" A. Yes, sir.

A. I hardly think I testified to that effect; I certainly did not intend to.

Q. You did not? A. No, sir.

Q. Did you not testify that a system of accounts—

Mr. Strahan—Is that signed?

Mr. Peckham—It is not.

Mr. Strahan—Then until it is signed it is under the control of the witness, by a special statute, for him to alter it and vary it and make it correct.

Mr. Miller—I am not saying it is correct; I am asking him the question.

Q. Did you not testify that a system of accounts had been adopted there which was devised by you, and the Commissioner desired to have it fairly tested, and as to some of the details you had, at the Commissioner's request, when occasion called for it, extended to some of the gentlemen who were connected with the carrying out of particular things that you suggested, you consulted with them and advised them what they should do and what was proper to be done, and that was done at Mr. Squire's request; did you not testify to that? A. Some parts of that; yes, sir.

Q. Did you not testify to that word for word as it is now? A. I think not.

Q. Do you say that you did not? A. I don't remember of so doing; I will explain what I did testify to or what I intended to testify to.

Q. When I get ready to ask you to explain you will probably do it; now I am asking you if that is not what you testified to at that time? A. No, sir; I never used the word advised in that connection.

Q. You were sworn at this time when you were before the Commissioners of Accounts? A. I believe so; yes, sir.

Q. How was the testimony taken? A. I suppose by a stenographer.

Q. Is there any doubt that it was taken by a stenographer? A. Somebody appeared to be taking notes; whether they were in short-hand or not I do not know.

Q. Is the word advice the only word that is used here that you didn't use? Is it the only difference between what you testified to and what I have read to you? A. I don't remember saying anything about "at the request of the Commissioner"; those words are entirely new to me.

Q. Did you adopt a system of accounts there? A. I suggested it.

Q. Did you suggest a system of accounts which was adopted? A. I did; yes sir.

Q. Do you live with Commissioner Squire? A. No, sir.

Q. Do you live in his house? A. Yes, sir; that is, the house that he leases.

Q. What do you mean by "the house that he leases"? A. I mean to say, sir, that Commissioner Squire is living out of town for the summer and during his absence I am occupying his town house.

Q. Before he left town did you live in the house in which he lived? A. No, sir.

Q. Are your relations with Mr. Squire any more intimate than they were before you left

Boston? A. Immediately before my leaving Boston I hadn't seen Mr. Squire probably more than twice in two or three years.

Q. Are your relations with Mr. Squire any more intimate now than they were when you were together from 1873 to 1879? A. No, sir; I think not.

Mr. Miller—The witness is yours.

Mr. Strahan—No questions.

Mr. Miller—Now, I produce two certified copies of the records of the Superior Court of the Commonwealth of Massachusetts, the first one as follows:

Mr. Strahan—I object; one moment.

Mr. Miller—Well, take them and see if you object.

Mr. Strahan—No; I object to their now being put in to impeach their own witness; they made this gentleman their witness, and they can't put in those papers now, impeaching their own witness.

Mr. Miller—We are now proceeding to prove the charge.

Mr. Strahan—You can't do it in that form.

The Mayor—Mr. Corporation Counsel, you have heard the objection, what do you advise?

Mr. Lacombe—I advise that that objection is not well taken.

The Mayor—The objection is overruled.

Mr. Miller—Do you desire to look at them?

(Not answered.)

The paper referred to entitled No. 1028 is marked Exhibit "11," and the paper entitled No. 19 is marked Exhibit "12."

Mr. Strahan—Will your Honor make this a little correct in form? will your Honor insist on an answer to this question, and, when that is done, if it appears what they are, then my objections to their coming in is to the effect of them to impeach their own witness; at present my objection stands without it appearing on the record what they are.

Mr. Peckham—Answer the Mayor's question what you offer.

Mr. Miller—I offer the records of the imprisonment and conviction of Mr. Uriah A. Pollard for certain crimes in Massachusetts.

Mr. Strahan—Then I object to their being received in evidence.

The Mayor—The objection is overruled.

Exhibit "11" was then read in evidence, dated January 14, 1870, and also Exhibit "12," by Mr. Miller.

Mr. Strahan—That is the same offense charged in two different forms.

Mr. Miller—It is another offense.

Mr. Strahan—Isn't it the same offense charged in two different forms?

Mr. Miller—Not that I know of; as I understand it they are two entirely different offenses.

Mr. Peckham—Convicted on two different bills.

Mr. Miller—Two different bills entirely.

Mr. Strahan—For the same offense, as I understand it.

Mr. Miller—It is not the same at all; it is entirely different.

Mr. Strahan—Go on, Mr. Miller.

Mr. Miller—That is all the case on that charge.

Mr. Strahan—Then I move to strike it all out because your evidence is absolute and positive that Mr. Squire did not know anything of these preceding matters.

The Mayor—Mr. Corporation Counsel, you have heard the motion to strike out the evidence; what is your advice?

Mr. Lacombe—I would deny the motion, and consider the evidence when the time comes.

The Mayor—The motion is denied to strike out.

Mr. Miller—What?

Mr. Lacombe—The record.

Mr. Miller—Now we can go on a little further, Mr. Mayor. The next charge is the fifth charge, "That he has grossly violated the provisions of law and has been guilty of gross and culpable neglect of duty whereby the interests and property of the City have been damaged and impaired."

The Mayor—We will now take an adjournment until half-past ten to-morrow.

NEW YORK, August 6, 1886.

Met pursuant to adjournment.

Present—Counsel as before.

Gilbert M. Speir, being duly sworn and examined, testified as follows:

By Mr. Peckham:

Q. You reside in the City of New York? A. I do.

Q. And are a practicing lawyer in the city? A. Yes, sir.

Q. Did you know Mr. Thompson? A. Mr. Hubert O. Thompson?

Q. Mr. Hubert O. Thompson? A. Very well indeed.

Q. Did you see him within a short time prior to his death? A. I saw him two or three times a week prior to his death.

Q. And when did he die? The 26th day of July.

Q. Can you fix the date that you saw him prior to that in your office? A. In my office I saw him on the 19th day of July, the Monday previous to his death.

Q. Did you have any conversation with him at this time? A. Oh, yes.

Q. What about? A. Oh, well, different matters; I don't know; talked about several subjects; I don't know.

Q. Where did he go from your office? A. He went to Mr. Grace's office.

Q. Did he come back to your office? A. No.

Q. What Mr. Grace do you refer to? A. William R. Grace.

Q. Did you go with Mr. Thompson away from your office that day? A. I did.

Q. Where did you go to? A. To Mr. William R. Grace's office.

Q. And where from there? A. I left him in front of the office.

Q. In front of Mr. Grace's office? A. Of Mr. Grace's office; he rode off in a coupe, and I went to my office.

Q. At your office, before you went to Mr. Grace's office, did Mr. Thompson show you any letter or paper? A. He did.

Q. (Handing witness paper) Will you look at that paper, and see if that is the one that he showed you? A. That is the paper he showed me.

Q. Where did he get that paper at the time he showed it to you? A. All I know is what he told me.

Q. What did he tell you? A. He got it from—

Mr. Strahan—I object. Allow me here to state that you cannot, without my consent, lawfully go into the question of matters of conversation away from my presence; but I look upon this matter as one affecting not private interests, but the public, and therefore, on the distinct understanding that all matters relating to this subject shall be fully and freely stated and put upon the record here, I withdraw my objection, and shall not interpose it to your getting everything that was stated bearing upon the question through whatever source you can procure it.

Mr. Miller—Please answer the question? A. He told me he got it from the safe deposit vault, or box in the Safe Deposit Company.

Q. At the time that he gave you the letter had he left your office and came back again?

The letter referred to is marked for identification 13, W. L. O.

A. I don't understand the question.

Q. Prior to giving you the letter, had he been in your office at the same time? A. No; he came to my office and he showed me the letter, and he asked me to read it; I did so, and then he asked me if I would go with him to Mr. Grace's office, and I did so.

Q. Did you go into Mr. Grace's office with him? A. I did.

Q. What was done with the letter there? A. Well, I sat down in the outer office and Mr. Thompson and Mr. Ivins stepped either in the private office or another part of the office and had a conversation.

Q. Do you know anything about what became of the letter? A. Nothing more than what he told me afterwards.

Q. When did he tell you? A. When we went outside of the office.

Q. What did he tell you? A. I asked if he had given the letter away and he said he had.

Q. Do you know Maurice B. Flynn? A. I do.

Q. How long have you known him? A. I should think six or seven years.

Q. What is his business? A. He is a member of the firm of Guy C. Hotchkiss, Field & Co.

Q. What is the business of the firm? A. Manufacturers of ironware, I think, or founders; something or other like that.

Q. Do you know anything about the business or relations of Mr. Flynn for some years past with the City of New York, as contractor or otherwise? A. Nothing of my own personal knowledge, except what I have seen in the papers; something or other like that.

Q. After the death of Mr. Thompson did you have a conversation with Mr. Flynn? A. I did.

Q. When and where? A. I think it was on Tuesday. It may have been Monday; I think it was Tuesday, though, after Mr. Thompson's death, in Twenty-fourth street.

By Mr. Strahan:

Q. Where in Twenty-fourth street, the Worth House? A. No, in Twenty-fourth street, in the street.

By Mr. Peckham:

Q. Did you meet him accidentally, or how? A. Accidentally.

Q. State what was said? A. Mr. Flynn told me that there was a certain paper that belonged to himself and Mr. Thompson in the safe; I said I didn't think it was there, nor was it among Mr. Thompson's effects.

Q. Well? A. Then there was some gentlemen, I think—I don't know, quite a party of gentlemen—coming up from the Amsterdam Club, and we all got talking together.

Q. Do you know what paper was referred to?

Mr. Strahan—What paper?

Mr. Peckham—That paper you understood Mr. Flynn as referring to. A. Of course I can draw an inference.

Q. What was your inference as to what he referred to? A. That letter (identification 13).

Q. Was anything further said, after those gentlemen came, upon the subject? A. No, sir.

Q. That was the end of the conversation? A. That was the end.

Mr. Strahan—No questions.

William J. Lyon, recalled:

By Mr. Peckham:

Q. Do you know the handwriting of Mr. Squire? A. I have seen his signature on some pay-rolls and communications to the Department of Finance.

Q. His signature on official documents that passed before you? A. Yes, sir.

Q. Upon which you acted officially? A. Yes, sir.

Q. And you have seen them very frequently, I take it? A. Yes, sir.

Q. (Handing witness paper)—I show you a paper marked for identification 13, and I ask you in whose writing that is?

Mr. Strahan—Do you mean the letter, or the signature?

The Witness—Do you mean the whole letter?

Mr. Peckham—The whole letter, signatures and all.

A. As far as the body of the letter is concerned, I am unable to say with any certainty, because I never have seen, that I remember of, communications written by or written in the hand of Mr. Squire.

Q. Mr. Squire? A. Mr. Squire; the documents I have seen have been simply documents where his signature has been attached.

Q. Written, or printed by others? A. (Continuing)—But ordinarily, communications by him have been in the hands of others—have been upon the type-writer—so that I am unable to say with regard to the body of the communication; so far as the signature is concerned, I should take that to be his signature—the same as is appended to the pay-rolls which have come before me.

By Mr. Strahan:

Q. Have you any pay-roll there? (Witness produces payrolls). A. I have one pay-roll here, signed; the one that was executed here; the one that was marked as an exhibit yesterday (handing Exhibit "6" to Mr. Strahan); I would like to look at that letter one moment, please.

Mr. Miller—The witness is waiting for the letter.

The Witness (the witness having compared the signature to the letter with the signature to the pay-rolls)—Well, there is a similarity; this I consider, Mr. Mayor, rather an important matter; I desire to take my own time.

The Mayor—That is perfectly proper.

Mr. Peckham—Take what time you need to tell about it.

The Witness—There seems to be a dissimilarity in some of the pay-rolls in the signature.

By Mr. Peckham:

Q. Well, I want your opinion on that signature to that letter; is it Mr. Squire's or not? A. This signature to this letter?

Q. Yes. A. I don't know whether that is Mr. Squire's signature; all I know is that it is similar to the signatures of the pay-rolls which have come before me.

R. What is your opinion about that? A. My opinion is it is the same; it is my belief from examining the two signatures.

No cross-examination.

David Lowber Smith recalled, then took the stand:

Mr. Strahan—Let me see the letter.

Mr. Peckham—As soon as we offer it in evidence, in a few moments, it will be at your disposal.

Mr. Strahan—If you have offered it to the witness, I am entitled to see it.

Mr. Peckham—No, you are not entitled to see it at all until I offer it in evidence.

Mr. Strahan—Mr. Lyon, take the stand and let me see the papers that you made the comparison with.

Mr. Peckham—He can't take the stand.

Mr. Strahan—I say he can take the stand.

Mr. Peckham—He must be recalled at some other time.

Mr. Strahan—I want him now, before this thing goes further; one moment, I say that there is no other witness sworn; I want that witness to take the stand; I want to subject him to cross-examination.

Mr. Peckham—Well, you can't do it now. The witness is off the stand.

Mr. Strahan—I cannot, of course, if you direct the Mayor, and the Mayor will do what you say upon the subject.

Mr. Peckham—I thought we were going to have a common amount of civility.

Mr. Strahan—Civility! Your proceeding is nothing short of something like an outrage in connection with the matter, Mr. Peckham.

Mr. Peckham—We will see when we get through.

By Mr. Miller:

Q. Mr. Smith, you have already been sworn? A. Yes, sir.

Q. And have testified that you were formerly Deputy Commissioner of Public Works, and were there how long? A. From the 6th of January, 1885, to the 20th of February, 1886.

Q. Under Mr. Squire? A. Yes, sir.

Q. Were you in the habit of seeing him from day to day? A. Yes, sir.

Q. Have you ever seen him write? A. Yes, sir.

Q. Frequently? A. Yes, sir.

Q. Do you know his handwriting? A. I think so.

Q. (Handing witness paper)—Look at this paper marked for identification 13, and tell me whether that is his handwriting, and tell me whether that is his signature?

Mr. Strahan—I want to see the paper that is offered to the witness.

Mr. Peckham—You can't see it yet.

A. I should say it was Mr. Squire's.

Mr. Strahan—One moment. I object till I see the paper.

The Witness—I should say it was Mr. Squire's signature, without any hesitation whatever.

Mr. Strahan—One moment.

Mr. Miller—I offer it in evidence.

The letter referred to previously, marked for identification 13, is read and marked Exhibit "13," and reads as follows:

NEW YORK, December 26, 1884.

MAURICE B. FLYNN, Esq.:

DR. SIR—In consideration of your securing not less than four County Democracy Aldermen who shall vote for my confirmation as Commissioner of Public Works, in the event that the Mayor shall send in my name for that office, I hereby agree to place my resignation as Commissioner, in case of my confirmation, in your hands whenever you may demand the same, and further to make no appointment in said office without your approval, and to make such removals therein as you may suggest and request, and to transact the business of said office as you may direct.

Very truly yours,

ROLLIN M. SQUIRE.

Q. Do you know Mr. Flynn? A. Yes, sir.

Q. Maurice B. Flynn? A. Yes, sir.

Q. How long have you known him? A. I was only slightly acquainted with him before I was appointed Deputy Commissioner.

Q. Since that time? A. Having seen him around the office at the time I was Water Purveyor. I had an office in the city.

Q. In the same Department? A. In the same Department.

Q. During the time that you were Deputy Commissioner and that Mr. Squire was Commissioner, and after the first of January, 1885, were you in the habit of seeing Mr. Flynn in the office with the Commissioner—in the Commissioner's private office? A. Yes, sir.

Q. How frequently? A. Well, very frequently.

Q. Well, state as nearly as you can if he was in the habit of going there daily? A. He would; he might have been in the office many times when I didn't see him, because he wouldn't come through my office to get to the Commissioner's office, but he was in and out of the office, I should say, continually.

Q. And in consultation with Mr. Squire? A. Yes, sir; that was the principal business that the telephone did at that time.

Q. What was that? A. In connection with No. 4 Warren street.

Q. Was that Mr. Squire's office? No, sir; Mr. Flynn's office, and when the telephone couldn't get Mr. Flynn fast enough a messenger was sent over after him.

Q. Where is the office of the Deputy Commissioner? A. Right next to and adjoining the office of the Commissioner.

Q. And a door opening between them? A. Yes, sir.

Q. And how much of the time were you in your office generally through the day? A. I was there every day, with the exception of possibly some few days from the morning—of some few days when I was off visiting the works under the control of the Department with the different Superintendents, and also with the exception of the Saturdays during the summer of the last year when I remained—during the Saturdays of the last summer I remained in the country.

Q. Do you know of Mr. Flynn having anything to do with directing the business of the office of the Department of Public Works? A. That I could not say, except merely in reference to the appointments that were submitted by me to the Commissioner.

Q. State what you know with reference to any doings that Mr. Flynn had concerning the public work in the Department? A. The public work itself?

Q. The work of appointments, or anything connected with it? A. In reference to the public work, that I don't know anything about except merely as the orders came to me; the requisitions came to me for endorsement.

Q. State what you mean? A. In reference to the appointments I know that the system in vogue during the latter part of my term as Deputy Commissioner was that every appointment that was made would have to be countersigned by the Commissioner; I made out a little blank in pencil and submitted it to Mr. Squire for his approval; then it went to the Appointment Clerk and was made out in ink and signed by either Mr. Squire or myself; in numberless instances of that kind, Mr. Squire would hold the appointment, and tell me that he was not prepared at that moment to make the appointment, that he desired to see Mr. Flynn.

Q. To consult with Mr. Flynn about it? A. He desired to see Mr. Flynn.

Q. And that has happened in how many cases, that you remember? A. Oh, a great many cases—a great many cases.

Mr. Miller—The witness is yours.

Cross-examined by Mr. Strahan:

Q. You were Deputy under Mr. Squire, I believe? A. Yes, sir.

Q. He removed you? A. Yes, sir.

By Mr. Peckham:

Q. One moment, Mr. Smith (handing witness paper), whose signature is that? A. The signature of the Commissioner.

The paper referred to is marked for identification "14," being dated December 31, 1885.

Q. You say, Mr. Smith, that Mr. Squire removed you; please explain why? A. The only reason that Commissioner Squire ever gave me was that he said there was a political necessity, and that I would understand that as well as anybody else.

Q. That you would understand that as well as anybody else? A. Yes.

Q. And when you were removed, were you appointed to any other place? A. The position I now occupy; yes, sir.

Q. By whom? A. Mr. Squire.

By the Mayor—What is that position, Mr. Smith? A. Assistant Engineer in the Department of Public Works, the position that I occupied previously to being appointed Deputy Commissioner.

Mr. Peckham—He is your witness, Mr. Strahan.

Mr. Strahan—I have no questions.

Mr. Peckham—We will offer in evidence now in this connection identification "14."

The paper referred to is marked Exhibit "14," W. L. O., and reads as follows:

DEPARTMENT OF PUBLIC WORKS,
COMMISSIONER'S OFFICE—31 CHAMBERS STREET,
NEW YORK, December 31, 1885.

Hon. WILLIAM R. GRACE, Mayor:

SIR—In view of the recurrence of rumors of resignations affecting my official self, giving rise to continued and profitless discussion, and the fact that the lapse of time has made them one and all groundless, permit me respectfully to notify your Honor that any and all alleged resignations claimed to be in existence prior to this date signed or unsigned by me, bearing my official name—if any such shall reach your hands—are hereby revoked and withdrawn.

Allow me to earnestly repeat to you now what I have said to you in person, January 2, 1885, viz: My only desire as Commissioner of Public Works is to merit your approval as Mayor, and to conduct the affairs of my department so as to win the commendation of the citizens, whose interests are intrusted to my care. I am,

Very respectfully yours,

ROLLIN M. SQUIRE, Commissioner of Public Works.

Mr. Peckham—We produce that from the files of the Mayor's office.

Mr. Strahan—That is correct; that letter was written.

Mr. Miller—He admits that letter was written and sent to the Mayor.

Mr. Strahan—And sent.

Exhibit "14" was then read in evidence.

William J. Lyon, recalled.

The Mayor—Mr. Lyon is here.

Mr. Strahan—I have nothing to say; I will refuse to cross-examine, if you like.

Frederick W. Brown, being duly sworn and examined, testified as follows:

By Mr. Peckham:

Q. What is your occupation? A. Messenger.

Q. Where? A. Custom House, at present.

Q. Where have you been heretofore? A. In the Department of Public Works.

Q. When were you in the Department of Public Works? A. I got discharged from there.

Mr. Miller—Speak out loud, please.

The Witness—I got discharged from there on the first of February last.

Q. How long had you been there? A. I had been there very near five years.

Q. Do you know Mr. Maurice B. Flynn? A. I do.

Q. Did you see him in the Department of Public Works? A. Very often.

Q. Did you see him in consultation with Mr. Squire? A. Very often, sir.

Q. Just state what you mean by very often; give the Mayor some idea. A. Well, generally, every day.

Q. Do you know of his taking any part in the administration of the office? A. Well, it looked like it; I don't know; he was in there often.

Q. What was it that looked like it—just state? A. He used to go into the office every day, as a general thing, when he was in the city.

Q. Do you know whether he was a contractor of the city? A. I think he was, sir.

Mr. Strahan—I object to that answer.

Q. What do you know about it? A. Well, I know he used to have some contracts.

Q. Do you know of his doing any work for the city outside of contract work? A. No, sir; I do not.

By Mr. Miller:

Q. For how long a period did this last—Mr. Flynn's going in there? A. Well, ever since four years—ever since I was there.

Q. And since Mr. Squire became Commissioner of Public Works—from the time that he became Commissioner of Public Works down to the time that you left—do you mean Mr. Flynn was in the habit of going in every day? A. Yes, sir; I was with Mr. Squire thirteen months, probably—very near thirteen months.

By Mr. Peckham:

Q. You say you left there when? A. The 1st of February.

Q. Last? A. Yes, sir.

The Mayor—Do you want to cross-examine, Mr. Strahan?

Mr. Strahan—I have no question to make.

Mr. Peckham—I wish to state now, that it may be on the record, that if Mr. Strahan desires to recall Mr. Lyon for cross-examination, we have no objection.

The Mayor—We offered to recall Mr. Lyon, when Mr. Lyon was here, for Mr. Strahan.

Mr. Strahan—I ask to have noted that Mr. Lyon is not in attendance now.

Thomas Houlahan, being duly sworn and examined, testifies as follows:

By Mr. Peckham:

Q. What is your occupation? A. Messenger.

Q. Where? A. Custom House.

Q. Where were you before you were in the Custom House? A. In the Department of Public Works.

Q. When were you in the Department of Public Works? A. February 1st.

Q. How long had you been there prior to February 1st? A. Since 1877, with the exception of ten months.

Q. You say February 1st; do you mean February 1st, last? A. February first, eighteen eighty—yes, last.

By the Mayor:

Q. February first last, this year? A. Yes, sir.

By Mr. Peckham:

Q. Do you know Maurice B. Flynn? A. Yes, sir.

Q. While you were in the Department of Public Works, did you ever see Mr. Flynn there? A. I did; yes, sir.

Q. Please give us an idea of the number of times and the way you saw him there—what he was doing? A. Well, I saw him there mostly every day, and he had free access to Mr. Squire's office whenever he pleased. There wasn't any bringing in of a name when he came there.

Q. Did Mr. Squire have an office separate by himself? A. Yes, sir.

Q. Separate from the general public office? A. Yes, sir.

Q. And when people came to call on him, what was the habit and routine? A. To bring in a card.

Q. A messenger took in a card to Mr. Squire? A. Yes, sir.

Q. And Mr. Squire saw them in the order in which they came generally, I suppose? A. Just as he felt like.

Q. Mr. Flynn didn't send in a card when he came? A. No, sir.

Q. Walked right in? A. Yes, sir; ordered us messengers to open the door for him every time he came there.

Q. Mr. Squire never made any objection to that method of proceeding? A. No, sir.

Q. What did you see Mr. Flynn doing there? Give us an idea of what you know about his doings. A. Well, all I know what he done around the Department was, he was interested in contracts there.

Q. What was he doing around the Department? A. In the iron business.

Q. How long were you there under Mr. Squire's administration? A. I was there all during his administration, up to February 1—December—at least January 31, 1886.

Q. His administration began the first of January, 1885? A. In 1885; yes, sir.

Cross-examined by Mr. Strahan:

Q. How long have you been connected with the Department of Public Works? A. Since 1877, with the exception of ten months in 1879.

Q. You went through all the period that Hubert O. Thompson was in the Department as Commissioner? A. I was; yes, sir.

Q. What were your duties then? A. Messenger.

Q. Was Mr. Flynn in the habit of visiting the Department during Mr. Thompson's administration? A. Yes, sir.

Q. Did he get access to Mr. Thompson the same as he got access to Mr. Squire? A. What do you mean; when Mr. Thompson was Commissioner or Deputy Commissioner?

Q. When he was either one or the other. A. When he was Commissioner of Public Works he didn't get there any sooner than anybody else, unless he sent his name in.

Q. You say that? A. Yes, sir.

Q. Where were your duties; where did you perform them? A. Right alongside of there, in the room that is right back of the Commissioner's office.

Q. It is a dark room? A. It is a dark room; it was very light one time; Mr. Squire shut us off, and took the light away from us.

Q. How did he accomplish that? A. By putting up a partition.

Q. It was put up under Mr. Squire's administration, was it? A. Yes, sir.

Q. Any charge here about that partition?

Mr. Peckham—Yes; it was just made by Mr. Strahan.

Q. You say that Flynn was around the Department attending to iron contracts; what was your source of knowledge? A. I don't say that he was around there attending to iron contracts; I said that I knew that he was there in relation to business with the Department.

Q. What did you know about Mr. Flynn's business with the Department, to your knowledge? A. All I know is he was there getting contracts for iron-work with the Department—manhole covers.

Q. How did you know that? A. Because I know it—seen his name signed, and I seen C.C. Field's name signed, too, in the same firm.

Q. Signed to what? A. Guy C. Hotchkiss, Field & Co.; Mr. Flynn would sign some and Mr. Field would sign others.

Q. Sign to what? A. Contract.

Q. Of what character? A. Well, the making of manhole covers.

Q. That is all you ever saw, was it? A. That is all.

Q. Where did you see these? A. Contracts—in Squire's office, and also the Commissioner's office.

Q. Had you anything to do with the contracts in Squire's office? A. Yes, sir.

Q. What had you to do there? A. To carry the contracts as they were signed by the Commissioner back to Mr. Routh, and from Mr. Routh to the Commissioner.

Q. How did you get into the Custom House? A. Well, I have—I don't know—I fell in some way—I don't know how I got there.

Q. That followed immediately your removal by Mr. Squire? A. Five months afterwards.

Q. It took all that time to get you in? A. I don't know how I got there.

Q. What were you doing in the interim during these five months? A. Oh, just walking around enjoying myself—I was sick.

Q. All the time? Well, not all the time; about five or six weeks of it I was.

Q. What were you doing the remainder, after the five or six weeks? A. Well, then I went to work.

Q. Where? A. In the Custom House.

Q. No, not so quick; you say you were five months out? A. Yes, sir.

Q. And you were four or five weeks sick? A. Yes, sir.

Q. What did you do during the period of the five months you were not sick? A. Well, I don't quite understand your question.

Q. (Repeated) What did you do during the period of the five months you were not sick? A. I worked in the Department of Public Works; I was in the Department of Public Works as Messenger.

By the Mayor:

Q. What the counsel wants to know is what was your occupation—as I understand it, Mr. Strahan—during the five months between the time you left the Public Works and went into the Custom House. A. Nothing at all; nothing, only walking around.

By Mr. Strahan:

Q. Did you make any application to get into the Custom House? A. No, sir; none whatever.

Q. Did you make any application to get employment? A. No, sir.

Q. You didn't? A. No, sir.

Q. Did you speak to Hubert O. Thompson about getting in there? A. Never, that I can remember of.

Q. And you applied to nobody to get in, and the appointment came to you without any solicitation? A. That is the way it came to me, sir; it was a surprise to me when I got it.

Mr. Strahan—No doubt of it.

Mr. Peckham—You see, Squire, that merit will sometimes be rewarded even in public office.

James C. Spencer, being duly sworn and examined, testified as follows:

By Mr. Peckham:

Q. You are a resident of the City of New York? A. Yes, sir.

Q. And a member of the Aqueduct Commission, I think, now? A. Yes, sir; I am one of the Aqueduct Commissioners.

Q. You are a member of the bar, and have been Judge of the Superior Court? A. Yes, sir.

Q. Do you know Mr. Rollin M. Squire? A. Very well.

Q. Have you had a conversation with him, a short time ago, with reference to the letter said to have been written by him to Flynn? A. Yes, sir.

Q. Maurice B. Flynn? A. Yes, sir.

Q. State where that conversation occurred? A. It occurred in the corridor of the Hoffman House.

Q. Please state when it was? A. I think it was on the 29th of July; it was on Thursday, the day that Mr. Thompson was buried. It was the day that I —

Q. Do you recall whether there had been any publication of the letter at that time? A. I had read the publication of a letter in the "Star" that morning before I left my house, and I went down intending to go to the funeral, and I, on my way, had purchased a "Tribune," and think that had it in; I am not positive, but I think it had.

Q. (Handing witness papers) I show you Exhibit No. "13," and I ask you to say whether the letter to which you have referred as being published was the same as that?

Mr. Strahan—How can he say that without having the paper.

Mr. Miller—He don't mean a copy of it. He means the substance.

Mr. Strahan—Ask him so.

Mr. Peckham—The Judge may be trusted not to say anything he don't know.

A. As I recollect that lithograph copy that was in the two newspapers that I saw, that morning, the substance of it was identical with this letter that I hold in my hand.

Q. Which is Exhibit No. "13"? A. Yes, I couldn't tell absolutely without comparison.

Q. Now, Judge, will you have the kindness to state what that conversation was—repeat it? A. The commencement of that conversation was not in relation to that subject; it was in relation to the funeral; a few words passed between him and me in regard to the matter when I think he opened the subject in regard to the letter; and yet who did it I am not certain; we had a considerable conversation in regard to this letter that was published in the newspapers; he asked my opinion and I expressed it.

Q. Well, just state what he said and what you said, please; we would like to have it all? A. Well, I think he said—I can't remember what he did say, and I wouldn't be certain that he asked my opinion, but there was something in the early part of the conversation on his part that caused me to express my opinion in regard to it.

Q. Just please say what you said to him? A. I said to him in substance that it was a very bad document, and I can't remember the adjectives that I used, but I used the strongest language that I could think of in reference to the character of the document in my opinion, and he said it was, himself—I think he said it was—a piece of folly and was a bad thing, something to that effect; then the conversation proceeded—continued in reference to the matter; he went on to say that it was written in a spirit of fun and badinage; he said to me, "You can imagine two or three men together and this matter having been brought up, it was written."

Q. Did he say who wrote it? A. No, sir; he did not—oh, yes, he did.

Q. What did he say? A. I asked him how he came to write it; I said, "How came you to compose such a letter; it is all in your handwriting; the body of it"; he says, "I didn't compose it; I wrote it from dictation"; that was what was said in reference to his having written it: "I wrote it from dictation."

Q. Well, go on, Judge, and give us the whole conversation and all that occurred until you either parted or ceased talking on that subject—everything that you remember? A. He then said that it was perfectly susceptible—I can't give exactly the words he said, but I will give the full purport of them, as near as I can remember the words; he said it was susceptible of an explanation—a satisfactory explanation, I think he said; he said "It was made without any reference to my obtaining this office," and afterwards when it became a serious matter that it might be that I would have the office; I went to my friend, the Judge, and talked with him about it.

Q. What Judge? A. Well, he didn't say at that time; I am trying to give the conversation as it occurred; (continuing) "and I told him that I would stop, that I wouldn't make another move in that direction while that letter was in existence, and he said I was perfectly right about it and it should be disposed of and it was disposed of and I said, how? Well, he said, it was destroyed; well, I said, it appears that it was not destroyed; "yes," he said, "it appears so, but I am perfectly satisfied that my friends supposed it was destroyed and that there was some letter destroyed that he supposed was this"; I then asked him if it was not Judge Gildersleeve that he referred to and he said it was; and he continued by saying that Judge Gildersleeve would give a full explanation to this matter, just as he had stated it to me under oath; there was a few words more passed in regard to the document, and we parted; I do not remember; I think I have given the substance of the conversation in regard to the document.

Q. You say there were a few words more passed; do you remember what those words were? A. No, sir; I don't remember, but it was commenced by him or me about the paper itself, and while we stood there the District Attorney passed out; my back was towards the direction in which the District Attorney was going, but he spoke to me as he went by, and after he passed I saw it was he and said "good morning," or something of that sort, and I parted with Mr. Squire.

Q. Do you remember, Judge, whether Mr. Squire in that conversation said anything about what was done with the letter after it was written? A. No, sir; he did say; he said nothing.

Mr. Peckham—That is all.

Mr. Strahan—No questions.

Francis J. Twomey, being duly sworn, testifies as follows:

By Mr. Miller:

Q. You are Clerk of the Common Council? A. Yes, sir.

Q. And have been either Clerk of the Common Council or Deputy, or connected with that office for how many years? A. Twenty-nine years.

Q. You were then Clerk of the Common Council in the month of December, 1884? A. Yes, sir.

Q. Do you remember what the political complexion of the Board of Aldermen was that year and in that month? A. I could tell by looking over the names; do you mean the number?

Q. Yes, the number of each faction; before I ask that question—I withdraw that question for the time being—at that time were there in the Board, Republicans, members belonging to Tammany Hall and other members belonging to the County Democracy? A. Yes, sir; so regarded.

Q. So understood? A. Yes, sir; so understood.

Q. Can you tell me how many there were of each faction? A. Yes, sir.

Q. By referring? A. Yes, sir; I think so.

Q. Please do so?

Mr. Strahan—Mr. Miller, why do you call them factions?

Mr. Miller—Because I think they are.

By Mr. Peckham—Can you tell?

The Witness—Five County Democracy, nine Tammany Hall Democrats and eight Republicans.

Q. Eight Republicans? A. Yes, sir; I ought to have a list of all the names.

Q. You have not a list of all the names? A. Not a full list.

Q. You have got twenty-two names there? A. Twenty-two names; yes, sir.

Mr. Peckham—Can't somebody tell?

Mr. Miller—Don't you know the names?

The Witness—Take the memorandum and call them off. (Mr. Miller and the witness compare the names.)

Mr. Miller—That makes eight Republicans, nine Tammany and six County Democracy; William P. Kirk was absent.

A. Ten Tammany, eight Republicans and six County Democracy.

The Mayor—That is twenty-four; is that the number?

The Witness—Yes, sir; twenty-four, that is the number; twenty-five altogether.

By Mr. Miller—Do you remember the fact that certain names were sent in by Mayor Edson to be confirmed by the Board of Aldermen as Commissioner of Public Works and Corporation Counsel early in or about the middle of January; do you remember the fact? A. No, sir; but I can tell by referring.

Q. By referring to the record of the Board of Aldermen's proceedings can you tell on what date Mayor Edson sent in the names for confirmation—it was the 16th? A. The 16th (witness refers to book of minutes); the 15th, there is no 16th; nominated Fitz John Porter on the 15th of December.

Q. For Commissioner of Public Works? A. Yes, sir.

Q. And who for Corporation Counsel? A. Morgan J. O'Brien.

Q. What action on that day was taken upon those names by the Board of Aldermen—first take the name of Fitz John Porter? A. A motion made by Alderman Grant to confirm the name of Fitz John Porter was laid on the table by a vote of 14 to 9.

Q. By a vote of 14 to 9? A. Yes, sir.

Q. Please give the names of the persons who voted for the confirmation? A. Aldermen Cleary, De Lacy, Farley, for the confirmation.

Q. That is to say, not to lay on the table? A. That was a vote in the negative.

Q. Yes? A. Aldermen Dempsey, Duffy, Fullgraff, Grant, McCabe, McLoughlin, O'Connor, and Sheils.

Q. And for the motion to lay on the table? A. The motion to lay on the table, voted in the affirmative by Aldermen Cleary, De Lacy, Farley, Jaehne, Kenney, Miller, McQuade, O'Neil, Pearson, Reilly, Rothman and Sayles, Waite and Wendel.

Q. How many Tammany members? A. Well, Alderman Finck was excused from voting on the motion.

Q. How many Tammany members voted not to lay on the table—against the motion to lay on the table? A. Eight.

Q. And one Republican, Mr. O'Connor. A. Yes, sir.

Q. That made nine? A. Yes, sir.

Q. Were the others that voted in favor of the motion to lay on the table all either County Democrats or Republicans? A. Kenney was a Tammany Democrat.

Q. All except one? A. Yes, sir; all except one.

Q. That was Kenney? A. Yes.

Q. What was done—what action was taken upon the nomination of Morgan J. O'Brien as Corporation Counsel? A. A motion to confirm the nomination was lost.

Q. Was there a motion made to confirm? A. Yes, sir; Alderman Sheils moved the confirmation of the nomination of Morgan J. O'Brien.

Q. And that motion was lost by what vote? A. Nine in the affirmative and fifteen in the negative.

Q. All voting? A. All voting.

Q. And the nine who voted in the affirmative, to what branch of the Democratic party did they belong? A. Eight Tammany Democrats and one Republican.

Q. Who was the Republican? A. Waite.

Q. And the others voting against the confirmation were they all either County Democrats or Republicans? No, sir.

Q. State what their complexion was? A. There were two Tammany members.

Q. Two Tammany members voted against the confirmation; who were they? A. Aldermen Farley and Kenney.

Q. And the rest were County Democrats and Republicans? A. And Republicans; yes, sir.

Q. Was there any motion made at any time to take those names from the table, from that time down to the 31st of December, as a matter of fact; do you remember? A. I do not remember; no, sir; I can find out.

Q. Just look, please—I mean to take the name of Fitz-John Porter from the table; there was only one? A. I think it was subsequently withdrawn.

Q. I know; I will change that question; I will withdraw that question; when, if at any time, was Fitz-John Porter's name withdrawn from nomination or the nomination of Fitz-John Porter withdrawn? A. On the 31st of December.

Q. And between the 15th of December and the 31st, had any other names been sent in for Commissioner of Public Works, or Corporation Counsel? A. That I don't know, unless I look through the record, I couldn't tell.

Q. Can't you tell? A. Not unless I look through the record.

Q. Just look, please?

Mr. Miller—You will concede, Mr. Strahan, that there were none?

Mr. Strahan—What?

Mr. Miller—That there were no other names sent in for confirmation to the Board for either Commissioner of Public Works or Corporation Counsel.

Mr. Strahan—I have not the most remote idea.

By Mr. Peckham:

Q. Do you remember? A. I have an impression, but I can't remember distinctly; no (the witness examines record), I think not; I don't find a reference in the index.

By Mr. Miller:

Q. You find no record of it? A. No, sir.

Q. Do you know whether it was common rumor at that time, both in the City Hall and out, that there was a combination of the Republicans and County Democrats in that Board? A. I cannot remember it.

Q. What is your answer? A. I do not remember anything about the combination.

Q. I ask you whether you don't remember whether there was a general rumor—it was generally understood and published in the newspapers and generally talked about—that there was at that time a combination between the County Democrats and the Republicans? A. I guess that was the understanding.

Q. That was the understanding? A. Yes, sir.
 Q. Generally understood? A. Yes, sir.
 Q. To oppose any nominations that Mr. Edson might send in? A. That I can't say; I don't know anything about it.
 Q. A combination for some purpose? A. I think, if my memory serves me right, that the Republicans and County Democracy had a control of the Board that year.
 Q. The Republicans and County Democrats had control of the Board by joint vote? A. I think so; yes.
 Q. When did Mr. Edson's term expire?
 Mr. Strahan—That is a legal question.
 Mr. Miller—That is a legal question, and has been settled by the courts. A. It expired with the year, I think.
 Q. That was his last year? A. On the last day of the year.
 Q. Either the last day of the year or the first of January, one of the two? A. The Board of Aldermen hold till the first Monday of January, this year.
 Q. Then the 31st day of December was the last day of his term? A. I think so.
 Q. Did he take any action with reference to the nominations on that day? A. Yes, sir.
 Q. What action did he take? A. I find on the record that on the 31st of December, he withdrew the name of Fitz-John Porter; first, he transmitted a communication to the Common Council.
 Q. Transmitted a communication to the Common Council—what do you say? A. Requesting them to meet at five o'clock that day.
 Mr. Strahan—You had better read those.
 The Witness—This communication, of which the following is a copy, was received in the office that day:

"MAYOR'S OFFICE, December 31, 1884.

To the Honorable the Board of Aldermen:

As I shall have some important communications to make to your Honorable Body before five o'clock this afternoon, I respectfully request that you be in session at or about that hour.
 FRANKLIN EDSON, Mayor."

By Mr. Peckham:

Q. What is the date of that? A. That is dated the 31st.
 The Mayor—December 31, 1884.
 The Witness—1884; yes, sir.
 Q. After the reception of that communication the Board took a recess?
 Mr. Miller—The Board were then in session?
 A. Yes, sir.
 Q. In the morning? A. Well, they met at one o'clock. However, I can tell in a moment.
 Q. Just see what time it was? A. One o'clock.
 B. At that time the Board was under injunction, was it not; there had been an injunction served the day before? A. Well, that I can't say; there were so many injunctions in 1884 that I can't remember especially.
 Q. See if, on the 30th, there had not been an injunction served in the case of Roosevelt and others? A. I find here a dissolution of injunction on the 30th.
 Mr. Miller—I guess not; not on the 30th.
 Mr. Peckham—That is another case. See if you find anything about one served in the case of Roosevelt.
 The Witness—There was no injunction served on the 30th.
 By Mr. Miller:
 Q. What is that? A. Nothing on the 30th.
 Q. Tuesday was the 30th, wasn't it? A. I don't know, sir; there is only the date of the month, not the day of the week.
 Q. Probably it was served on an individual; that would not appear in the minutes? A. No; it would not appear in the minutes.
 Q. Then you don't know that as a fact; it doesn't appear from the record? A. No, sir.
 Q. Then you say that five o'clock in the day, or thereabouts, there was a meeting of the Board on the 31st of December? A. The Board took a recess after the reception of the communication I have just read, until five o'clock that afternoon.
 Q. And then what action was taken; were any nominations sent in? A. Yes, sir.
 Q. What nomination or nominations were sent in? A. The first action was on the name of Fitz-John Porter, withdrawing his name.
 Mr. Strahan—Read the papers.
 Q. Withdrawing his name? A. Yes, a communication to withdraw the nomination.
 Mr. Miller—Do you want it read?
 Mr. Strahan—Yes.
 Q. Please read the communication from Mayor Edson, withdrawing the name of Fitz-John Porter. A.

"MAYOR'S OFFICE, NEW YORK, December 31, 1884.

To the Honorable the Board of Aldermen:

On the 15th instant, I had the honor to send to your Honorable Body a communication nominating Fitz-John Porter for Commissioner of Public Works, to succeed Hubert O. Thompson, whose term of office has expired. No action having been taken on this nomination by your Honorable Body, I desire to recall it and I do hereby recall the nomination of Fitz-John Porter for the position before mentioned.

FRANKLIN EDSON, Mayor."

Q. What then was done; what action was taken on that? A. Alderman O'Neil moved that his Honor, the Mayor—do you want that read?
 Q. No; what action was taken? A. On motion of Aldermen O'Neil the Mayor was permitted to withdraw the nomination by a vote of seventeen in the affirmative; Aldermen Grant and Miller excused from voting; seventeen voting and two excused.
 Q. No negative votes? A. No negative votes.
 Q. Then was there another nomination sent in on that day? A. Yes, sir.
 Q. For Commissioner of Public Works? A. Yes, sir.
 Q. And whose name was sent in? A. Rollin M. Squire.
 Q. What action was taken on that?
 Mr. Strahan—Read the communication, please?
 The Witness:

"MAYOR'S OFFICE, NEW YORK, December 31, 1884.

To the Honorable the Board of Aldermen:

In pursuance of the statute in such case made and provided, I hereby nominate, and by and with your consent, appoint Rollin M. Squire to be Commissioner of Public Works of the City of New York, for the term ending May 1, 1889, in the place and stead of Hubert O. Thompson, whose term of office has expired."

Q. Signed by Franklin Edson, Mayor? A. Franklin Edson, Mayor; yes, sir.
 Q. What action was taken on that nomination? A. Read the details?
 Q. Yes; read the details? A. Alderman Sheils moved the confirmation of the nomination of Rollin M. Squire as Commissioner of Public Works. The President pro tem. put the question whether the Board would agree with such motion, which was decided in the affirmative, on a division, as follows: Shall I read them off?
 Q. Yes; read them off. A. In the affirmative—Aldermen Cleary, DeLacey, Dempsey, Duffy, Farley, Finck, Fullgraff, Grant, Jaehne, Kenney, Miller, McCabe, McLoughlin, McQuade, O'Neil, Pearson, Reilly, Rothman, Sayles, Sheils, Waite, and Wendel—22. Alderman O'Connor was excused from voting.
 Q. And President Kirk didn't vote, did he? A. No, sir.
 Q. Was there another nomination sent in that day for Corporation Counsel; another name sent in? A. Yes, sir.
 Q. And whose name was that? A. Hon. William Dorsheimer.
 Q. Please read that communication? A.

"MAYOR'S OFFICE, NEW YORK, December 31, 1884.

To the Honorable the Board of Aldermen:

In pursuance of the statute in such case made and provided, I hereby nominate and by and with your consent appoint Hon. William Dorsheimer to be Counsel to the Corporation of the City of New York, for the term ending May 1, 1889, in the place and stead of E. Henry Lacombe, whose term of office has expired.

FRANKLIN EDSON, Mayor."

Q. What, if any, action was taken on that? A. Shall I read the details?
 Q. Yes, please. A. Alderman Grant moved the confirmation of the nomination of the Hon. William Dorsheimer as Counsel to the Corporation. The President pro tem. put the question whether the Board would agree with the said motion, which was decided in the negative, on a division, as follows: Affirmative—Aldermen Dempsey, Duffy, Finck, Fullgraff, Grant, McLoughlin, and Sheils—7. Negative—
 Q. What was the political complexion of those who voted that way? A. In the affirmative?
 Q. Yes? A. Six Tammany Democrats and one Republican.
 Q. And the Republican was Alderman O'Connor? A. No, sir; Finck.
 Q. And in the negative? A. In the negative, Aldermen Cleary, DeLacey, Farley, Jaehne, Kenney, Miller, McCabe, McQuade, O'Neil, Pearson, Reilly, Rothman, Sayles, Waite, and Wendel—15.

Q. And what was the political complexion; how was it divided? A. Six County Democracy members, I think.

Q. All the County Democracy members? A. No—yes.

Q. Six County Democracy members? A. Three Tammany Hall members and five Republicans. Does that make fifteen; I must have skipped one. The County Democracy members are Cleary, DeLacey, Jaehne, Reilly, McQuade, and O'Neil—6. The Republicans are—oh, I skipped Miller, I guess—Miller, Pearson, Rothman, Sayles, Waite, and Wendel. The Tammany are Farley, Kenney, and McCabe.

By Mr. Peckham:

Q. Fifteen?

The Witness—That is it?

Cross-examined by Mr. Strahan:

Q. You have referred to certain factions which you said were in the Board of Aldermen during that year; what particular head-marks had the members that you could distinguish? A. As they were usually distinguished by their friends, that is all; I don't know.

Q. Have you any personal knowledge on the subjects you have referred to on that matter? A. Except in my own district where I reside; the Alderman in that district was elected as a Tammany representative.

Q. What district is that? A. The Twenty-fourth.

Q. And who was your representative? A. Fullgraff.

Q. In what class do you put him? A. Tammany man.

Q. Have you any knowledge or do you pretend to have any knowledge as to the classifications you have given? A. Only in a general way; they were usually regarded as men belonging to the different factions as I have mentioned.

Q. When you say usually regarded, will you explain what you mean by that; what do you cover by it? A. Well, they were nominated by Tammany Hall conventions, the Tammany men, the County Democracy men were nominated by County Democracy conventions and Republicans by Republican conventions.

Q. You were not at any of these conventions? A. Not one of them; no, sir.

Q. Then it is by popular representation? A. Yes, sir.

Q. Popular consideration? A. Yes, sir; you might say by unanimous consent.

Q. Would that include my friend Miller when you say unanimous consent? A. Yes, sir.

By Mr. Miller:

Q. By your friend Miller, do you mean the Alderman?

Mr. Strahan—I don't know how you distinguish them.

Mr. Miller—As distinguished from the citizen.

A. Yes, sir.

Q. There was considerable interference with the action of the Board of Aldermen during the latter half of December in connection with the Mayor's nominations? A. Interference by whom, sir?

Q. Was there not interference by injunction? A. I think there was one injunction served restraining them from acting on nominations.

Q. Did you hear of no more than one injunction during that month with reference to appointments? A. Not restraining the Board from acting on nominations to the Board; there may have been; I really can't remember, it is so long ago; I can ascertain by looking over the record and finding it.

Q. I want to know how many injunctions there were; you looked for one injunction and found one? A. I found one, the last one.

Mr. Strahan—Is any in the book.

Mr. Miller—We will concede there may have been two injunctions.

The Witness—There may have been two; I don't remember.

Q. There may have been more; I want to know from the record how many there were? A. If they were served individually they would not appear on the record; unless they were served formally as a Board it wouldn't appear upon the record.

Q. Were you served with any injunctions during that period? A. I think I was restrained in one injunction along with the other officers of the Board; all the officers were restrained.

Q. Will you tell me when that injunction was served; turn to your record and find it? A. It wouldn't be on the record.

Q. If you were restrained, didn't you enter everything that was done in the record? A. No, sir; unless I was restrained with the other officers; where the members were restrained individually, it don't appear.

Q. You say there is one injunction there; turn it up and let me know when it was.

Mr. Peckham—If you know the date, Mr. Strahan, it will help.

Mr. Strahan—I didn't keep the run of the dates.

Mr. Miller—Mr. Twomey is talking about all sorts of other injunctions—railroad injunctions.

Mr. Strahan—I don't want that.

The Witness—I know there was an injunction served at almost every meeting, of one kind or another.

By Mr. Peckham:

Q. As part of the regular business? A. Yes, sir.

Q. There is not anything in that record there to show anything about it? A. No, sir.

Mr. Peckham—The one that he spoke about that appeared in the record is on that page (indicating).

The Witness—The only reference in the record is notice of a dissolution of an injunction by Judge Van Hoesen, Chambers street railroad.

By Mr. Strahan:

Q. Is that all the injunction you find there? A. Yes, sir.

Q. You find no injunction there, you say, referring to the action of the Common Council acting upon the Mayor's nominations?

Mr. Peckham—He is only looking on the 30th.

Mr. Strahan—Just run over that last part of the Board of Aldermen's proceedings.

A. Yes, sir; I find an injunction issued by Judge Lawrence on the 26th of December.

By the Mayor:

Q. Was that in reference to appointments? A. Oh, that is with reference to the Wolf Board of Aldermen; that had no effect on this case.

Mr. Peckham—I guess that is the one they want. Here is the dissolution on the 26th of December of the Wolf injunction.

By Mr. Strahan:

Q. There was one injunction called the Wolf injunction which was dissolved on December 26?

Mr. Peckham—Yes.

Q. Now, I don't care for anything preceding December 26; following that was there anything after that? A. After the 26th?

Q. Yes; I want the record.

Mr. Miller—There is not any record; I have got the record right here; the original papers from the Superior Court; that is an injunction issued by Judge Van Hoesen on the 29th of December.

Mr. Peckham—That is a railroad matter.

Mr. Strahan—That is not it at all; there is a letter there that I want you to read when you come to it; you have not found anything about an injunction; there is a letter there about an injunction.

Mr. Miller—From whom?

Mr. Strahan—From the Mayor; it precedes the sending in of Mr. Squire's name as Commissioner of Public Works.

A. There is the letter; it is not an injunction.

Q. Read it, please?

A.

"MAYOR'S OFFICE, NEW YORK, December 31, 1884.

To the Honorable the Board of Aldermen:

I am advised by the counsel assigned me by Counsel to the Corporation that the injunction served upon myself in the case of Roosevelt and others against the Mayor and Aldermen, restraining my nomination to your Honorable Body of persons to fill the vacancies now existing in the public offices of this city, is void. I therefore send you the accompanying communication.

FRANKLIN EDSON, Mayor."

Q. The communications that followed were the nominations of Mr. Squire as Commissioner of Public Works? A. No, sir; Fitz John Porter.

Q. Withdrawing it? A. Withdrawing that.

Q. Withdrawing that, and also accompanying it was what? A. Withdrawing Fitz John Porter, and nominating Rollin M. Squire.

Q. And withdrawing Mr. O'Brien? A. That comes later, sir; Mr. O'Brien was rejected.

Q. Withdrawing Mr. Dorsheimer, I mean? A. Yes, sir.

Q. Is this the year that the injunctions and applications in reference to the Broadway matter were before the Board of Aldermen? A. The same year, sir.

Q. There was considerable talk, was there not, at least publicly, in reference to the moneys that were being used in the Board of Aldermen in relation to the action on the Broadway franchise? A. There was always about the Board of Aldermen using money; there was talk about hardly anything else.

Q. I suppose what they universally talked about is true; I am correct, am I not? A. What is that, sir?

Q. I say, am not I correct that there were certain rumors in connection with money in relation to the Board of Aldermen at that time? A. I have no doubt there was, sir.

Q. Were there any combinations in connection with those various matters in the Board of Aldermen to your knowledge? A. No, sir; not to my knowledge.

Q. Was it that you were not accustomed to that, or had no knowledge of it, or what? A. I never tried to ascertain.

Q. What? A. I never tried to learn.

Q. Some things people learn without trying? A. I never learned, sir.

Q. It is a fact that these various matters connected with the Broadway franchise and the confirmations and action on the Mayor's nominations were before the Aldermen about the same time? A. I think not, sir; the Board passed the Broadway Railroad franchise over the Mayor's veto in the early part of December.

Q. How early? A. I think it was the 5th, if my recollection serves me right.

Mr. Miller—It was the 5th.

The Witness—And the nominations were later.

Q. You don't know whether there was any squaring up of accounts before the Mayor's veto? A. Any what?

Q. Any squaring up of accounts? A. I don't know anything about it.

Q. You don't know whether the matter was continued by those in charge of it over to and covering the action upon the Mayor's nomination? I know nothing whatever, sir, on the subject.

Q. You don't know that the action on the Mayor's nominations was regulated by representatives of the County Democracy having control of the matter? A. No, sir; I know nothing whatever on the subject.

Q. You don't know anything about it? A. No, sir.

Q. You don't know who had control of the matter? A. No, sir.

Q. You are in perfect ignorance of any combinations in connection with these matters? A. Entirely so, sir.

Q. Learned nothing from any member of the Board of Aldermen on the subject? A. I know nothing, sir, of the matter except what is a matter of public record.

Q. Mr. Maloney was then connected with the Board of Aldermen, wasn't he? A. He was, sir.

Q. Was he? A. Yes, sir.

Q. In what character, Mr. Twomey? A. I think he was Reader—Reader, or one of the Assistant Clerks, Acting Reader; I forget which now.

Q. As Reader, wasn't he also Secretary, or didn't he have some connection with the Railroad Committees of the Board of Aldermen? A. Yes, sir; he was Clerk of the Committee on Railroads.

Q. Had charge of that Committee so far as its action and the records were concerned? A. He was Clerk of the Committee, sir.

Q. And he continued so to the end of the year? A. Yes, sir; I think he did.

Franklin Edson, being duly sworn, testified as follows:

By Mr. Peckham:

Q. You are a citizen and a resident of the City of New York? A. Yes, sir.

Q. And have been Mayor of the city? A. Yes, sir.

Q. For one or two terms? A. One.

Q. You were Mayor in the year 1884? A. Yes, sir.

Q. And your term expired about the end of that year? A. Yes, sir.

Q. The term of Commissioner of Public Works was to expire in the year 1885, was it not? A. The 10th of December, 1884.

Q. And the nomination to fill that office devolved upon the Mayor? A. Yes, sir.

Q. The Corporation Counsel's office expired about the same time? A. I believe at the same time.

Q. You sent some nominations to the Board of Aldermen for those respective offices in December? A. Yes, sir.

Q. Can you say whether, owing to the political complexion of the Board of Aldermen, there was any difficulty in having your nominations confirmed? A. There was difficulty for some reason or other, in having the nominations confirmed.

Q. After you had made some nominations, there was some time elapsed before you repeated any nominations, was there not? A. Yes, sir.

Q. Pending that time, was there any inquiry by you with reference to the difficulty of approving or confirming your nominations, and with reference to what kind of men, or what persons might be confirmed, if you nominated them? A. I don't quite understand your question.

Q. Well, I want to know whether, pending that time, you had either made, or caused any inquiries to be made, with reference to the difficulty of confirming your nominations, or with reference to who might be confirmed? A. Yes—no, not in relation to who might be confirmed, but in relation to the reasons why the nominations were not confirmed.

Q. Won't you be kind enough to tell us something about the steps you took in order to properly discharge your duties and make an effectual nomination? A. I inquired undoubtedly the reasons why the nominations were not confirmed.

Q. And what did you learn? A. And I learned that Fitz-John Porter was an objectionable man to some members of the Board of Aldermen, and after awhile I was informed that he could not be confirmed by some members of the Board of Aldermen, and I, therefore, sent in another nomination.

Q. Did you understand there was any particular difficulty with regard to Mr. Porter; were you informed of any, I should rather say? A. Yes, of some old long-standing difficulty, which arose when he was something before a Commissioner of Public Works.

Q. Was there any particular branch in the Board of Aldermen who were opposed to Mr. Porter? A. I don't know that there was.

Q. Was there any branch, or body, or organization, or members acting with any organization in the Board of Aldermen, who were acting in accord with you and on whom you could rely for any proper nominations you might make? A. No.

Q. There was no organization in the Board of Aldermen with whom you regarded yourself as more in sympathy than with any other? A. No.

Q. As much with the Republicans as with the County Democracy, or with the Tammany men? A. I think they as frequently voted for my nominations and for the measures which I suggested, or against the measures which I vetoed, as the others.

Q. The Republicans? A. I think so.

Q. You had no (what might be called then) party in the Board of Aldermen who were acting with your administration? A. No, sir.

Q. With whom you were in sympathy? A. Not—

Q. In the ordinary sense of the term? A. No; I did not.

Q. So that you were practically, then, a Mayor without any supporting party in the Board of Aldermen? A. I was Mayor, and was without any party upon whom I could rely as to the measures which I might recommend, or might veto.

Q. And the same remark, I suggest, applies when you used the words "measures which I recommend" to nominations for office also; was a request made apparently in behalf of the County Democracy at that time that you should nominate Mr. Hubert O. Thompson for Commissioner of Public Works? A. Yes, sir; about that time.

Q. Was there any opposition to the appointment of Mr. Thompson by the Tammany men, or by the Republicans? A. Yes; I think there was by both.

Q. Did the Tammany men desire you to nominate any person? A. Now you are speaking of the Board of Aldermen, are you?

Q. Yes. A. I don't remember of ever having asked any member of the Board of Aldermen whether they would vote for Mr. Thompson's confirmation or not; I don't think I ever did.

Q. Then I infer that your knowledge upon that subject, or the requests, were made by persons other than those in the Board of Aldermen, and assuming to represent those respective parties? A. At or about that time, or at any time near that time, I did not expect to appoint Mr. Thompson Commissioner of Public Works, and therefore I paid no attention to what party—as to whether the Board of Aldermen would vote for his confirmation or not.

Q. Yes; but my question was whether there were members of the County Democracy in the Board of Aldermen, or members of the Board of Aldermen who were known as County Democracy men, who had requested you to nominate him? A. Yes.

Q. And what I then asked was whether there were members of the Board of Aldermen known as Tammany men, who had requested you to nominate anybody? A. Oh, yes.

Q. And is the same thing true of the Republican members of the Board? A. I don't remember that they had up to that time made any request as a body.

Q. Had some of the individual men? A. Yes, I think so.

Q. Wasn't the question of your nominations to those offices the subject of daily discussion and conference between you and the various members of the Board of Aldermen? A. It was the subject of daily discussion.

Q. Well, I mean by conference, advice—any such thing as a bad use of the term I don't mean, of course, Mr. Mayor? A. No; I understand that.

Q. I mean conference in the ordinary sense of the word; people who talk in respect to a matter? A. I think discussion; discussion will cover the whole matter.

Q. When did you first know Mr. Squire? A. I knew Mr. Squire first in 1845; I think in the vicinity of that time, at any rate.

Q. I will first ask you before pursuing that branch, what was the reason for the delay, such as it was, between your sending in the name of Mr. Porter and his name being laid on the table, and your taking any further action with respect to sending in a name? A. It was in finding a man who could be nominated and possibly confirmed.

Q. How did you come to find that Mr. Squire was a man who could be nominated and possibly confirmed? A. I never thought up to the time he was confirmed that he could be confirmed.

Q. And at the time that you nominated him you didn't think he could be confirmed? A. I didn't believe he could be confirmed.

Q. You say that you first knew Mr. Squire in 1845; where, please? A. In Chester, Vermont.

Q. How much of an acquaintance did you have with him at that time? A. Well, I knew him there for two or three years; we weren't old men, at all.

Q. You were boys at that time? A. Yes.

Q. And from that time till 1884 had you any acquaintance with him? A. No, I had not; I had no personal acquaintance; I had not seen him.

Q. When, in 1884, did you first see him? A. I think in December, 1884.

Q. Where? A. In this office.

Q. Did he call to see you? A. He did.

Q. Was any one with him? A. I don't remember whether there was any one with him or not.

Q. Had you known anything about Mr. Squire from the period in 1845, of which you speak, up to the time that he called upon you in the office? A. I had heard about him, but not seen him.

Q. Won't you please give us an idea, Mr. Mayor, what you mean by "you heard about him;" to what extent you kept track of him; knew about him? A. I knew about him, and knew where he was a portion of that time; I knew he was living in Boston.

Q. Did you have any correspondence with him? A. No.

Q. And do you know when he removed to this city? A. Only from information.

Q. Well, about when was that? A. About 1882.

Q. Had you known anything about his occupation here in the city, or in Boston? A. I knew he was a lawyer in Boston.

Q. Do you know anything about his position or standing at the bar in Boston? A. I understood it to be good.

Q. When you say good, what do you mean? A. Well, when a lawyer—

Q. You can say about a lawyer who is perfectly unknown that his standing is good, and the same thing can be said about a man that is very well known? A. I think you can tell me better than I know myself about the good standing of a lawyer—what he would be when he stood well.

Q. I am, unfortunately, not a witness here; I want to get a sort of an idea what you mean by his standing? A. I mean that I had understood him to be a lawyer in good standing in Boston; that is, that he was a respectable man and attended to his business, and was fairly successful; I supposed that to be the case.

Q. And since he had been here, had you heard anything about him—his occupation? A. No; I had not.

Q. Do you know whether he was practicing law here in this city during that time? A. Only from what I had heard, that he had been practicing law in this city; but I had not met him.

Q. Had he ever held any public office here, that you were aware of? A. Not that I know of.

Q. Had he ever given any attention to the affairs or interests of the City that you are aware of? A. Not that I know of.

Q. Can you tell us, Mr. Mayor, who came in to see you with Mr. Squire? A. I don't remember whether any one came in with him or not; he appeared in the Mayor's office; the first time I saw him he came here in connection with the Street Cleaning Department; what was that? I have forgotten now.

Q. He came in connection with some business of the Street Cleaning Department, do you say? A. Yes; the disposition of some appropriation for the disposition of garbage, I think, or the burning of garbage, or something of that sort; he came before the Board of Estimate and Apportionment.

Q. Was it in respect to the matter of a contract in which he was interested? A. I didn't know that he had a contract; nothing was said about a contract.

Q. What was the business which he had with the Board? A. The Board of Estimate and Apportionment?

Q. The business in which he appeared before you at that time, when you first saw him? A. It was in relation to an appropriation, if I remember right, for the burning of garbage.

Q. And in whose behalf did he appear? A. The Street Cleaning Department, I believe; whether he did or not, he appeared upon that subject, but I don't remember precisely.

Q. It is not of any particular account; did you have any conversation with him at that time? A. I had conversation with him.

Q. Please tell us what occurred at that time? A. Nothing in relation to City affairs at all, and nothing in relation to his appointment as Commissioner of Public Works.

Q. Did he introduce himself to you at that time, or did somebody introduce him? A. He introduced himself to me.

Q. And you remembered him? A. Yes, sir.

Q. Before he introduced himself did you know who he was? A. No, I did not.

Q. Now, Mr. Mayor, I don't want to bother either you or myself with matters that are not to the point; I want to ask your attention to the first time when you had any interview with Mr. Squire, or anybody in his behalf with reference to his appointment as Commissioner of Public Works? A. My impression is that the first interview I had with him on that subject was in this office; it was either in this office or at my house where he called, and I am not sure which, and we had a conversation upon that subject.

Q. Did the interview take place at his suggestion or yours? A. At his.

Q. Were you aware that he was coming? A. No.

Q. What did he say to you upon that subject? A. There was a general conversation, I know at first, in relation to the appointment of a Commissioner of Public Works, and if I remember right it closed up with an application by himself for such an appointment.

Q. Now, Mr. Mayor, can you fix the time of that conversation? A. I cannot exactly; it was some time—

Mr. Strahan—Let me suggest, Mr. Mayor, this question: Was it not at your house on the night before Christmas?

A. It seems to me that it was earlier than that, but I don't now remember; it was certainly a few days previous to the appointment, but the date I do not remember.

By Mr. Peckham:

Q. Can you, with reference to Christmas, tell whether it was before or after Christmas? A. I am quite confident that Mr. Squire was at my house the night before Christmas, but I don't believe that was the first conversation we had in relation to it; it was certainly after the 15th of December.

Q. Well, now, at whatever time it was—this conversation, which I understand you to say might have been in this room, but was probably at your house—will you give us that conversation as nearly as you can, the substance of it? A. That would be a very difficult thing to do so long a time after the conversation took place; the substance of it was that Mr. Squire gave me a history of himself, or his life, almost since I had seen him, and told me what he had been doing, and the information which I had previously had confirmed that; and then we talked about the appointment of Commissioner of Public Works, and he suggested the possibility of his own appointment.

Q. Who suggested that? A. Mr. Squire, and I at that time didn't give it any consideration whatever.

Q. Did you and he discuss the question of whether, if you should appoint him, he could be confirmed at that time? A. We didn't discuss the question; I told him in my opinion he could not be confirmed.

Q. What did he say about that? A. He said that he thought that he could.

Q. What reason did he give you for so thinking? A. He didn't give me, then, any reason.

Q. You didn't ask him for any reason why he so thought? A. No; the conversation was not long.

Q. About how long, perhaps? A. Possibly twenty minutes or a half an hour.

Q. Now, when did the next conversation take place between you on this subject? A. It was very likely the next day, or two or three days after; certainly not more than that.

Q. When was the next conversation before Christmas? A. I am unable to place it exactly.

Q. Is there any way in which you can fix the time; anything which occurs to you by which you could fix the date? A. I think I have records which will enable me to fix the date precisely, but I wouldn't like to undertake to fix it precisely, without reference to those records.

Q. Those records are not at your hand, or convenient now? A. No.

Q. Are they at your house? A. Yes.

Q. They are some written memorandum and records, by which you can be quite definite about it? A. They are memoranda which I kept while in the Mayor's Office, of all such transactions.

Q. And such conversations? A. Of calls, and so on, which will enable me to fix it.

Q. Won't you give us the substance of that conversation? A. I had, in the mean time, made some inquiries in relation to Mr. Squire, and they were, so far as I had made them, very satisfactory.

Q. By the "meantime" you mean between the time of your first conversation and the time of the second one, which you are about to relate? A. Yes, sir.

Q. Now, Mr. Mayor, won't you please tell us the substance of this second conversation as nearly as you can? A. It was a general conversation; Mr. Squire again told me that he believed he could be confirmed, and I still made further inquiries in relation to him, but I don't remember the substance of that conversation.

Q. You say that Mr. Squire, at that conversation, told you that he believed he would be confirmed? A. Yes.

Q. Had you by that time begun to entertain, with some degree of seriousness, the idea of nominating him? A. I had begun to entertain it; yes, with some degree of seriousness.

Q. That condition of mind on your part came from the first conversation and from the inquiries which you made following? A. The inquiries which I made; yes.

Q. Now, somewhat entertaining the idea of nominating him at this second conversation, he told you he believed he could be confirmed; did you ask him why he believed so? A. No, I don't think I did.

Q. Did you make any inquiry of him as to the basis of his belief? A. It is quite possible that I did.

Q. But you don't remember the circumstance of making that inquiry? A. No; I don't think

I made any inquiry of him how he knew he could be confirmed until perhaps the very day on which he was appointed.

Q. Then, on the day on which he was appointed, you did make some inquiries of that kind? A. I did.

Q. What did he tell you? A. And I may have made them before; I don't remember that I did not.

Q. What did he tell you on that subject? A. He told me that he believed that the County Democracy would vote for his confirmation.

Q. Said he believed what? A. The County Democracy would vote for his confirmation.

Q. There were only six members of the County Democracy in the Board, and, of course, they couldn't confirm him; how, otherwise, did he expect to be confirmed? A. He believed also that the Tammany Hall people would vote for him.

Q. And the Tammany Hall and the County Democracy would, together, make a majority? A. Make a majority of the Board.

Q. Did he tell you any ground for that belief? A. He didn't give me any ground for his belief; I didn't ask him any.

Mr. Strahan—I don't quite hear you.

The Witness—He didn't give me any ground for that belief, and I don't think I asked for any.

By Mr. Peckham:

Q. Did he tell you that he had any conversation, or any interviews, with any persons on the subject? A. He did not.

Q. He didn't mention that he had any connection or any affiliation or relations of any kind with men of power and prominence in politics? A. He didn't tell me that he had.

Q. Did you know of his having any? A. No.

Q. Is that the extent of the information that he gave you prior to your sending in the nomination with respect to his chances for being confirmed? A. Yes; I believe that is the substance of the whole of them.

Mr. Strahan—I don't hear that.

The Witness—I say I believe that is the substance of the whole of it.

Q. Had you talked with anybody else about the chance of his being confirmed? A. I had told some others that he believed that he could be confirmed.

Q. Who, for instance? A. Oh, several people who came in to see me, members of the Board of Aldermen.

Q. Tell us some? A. Mr. Kirk, who was President of the Board of Aldermen; I remember telling him that, and I told Mr. Grant, a member of the Board of Aldermen.

Q. What did they say on the subject? A. I don't remember.

Q. From what they said, did you believe that those two men that you have named would vote for his confirmation? A. No, I did not.

Q. Did you believe from what they said that they would vote against it? A. I hadn't any reason to believe; they didn't tell me which way they would vote, and I didn't ask them which way they would vote.

Q. They both kept dark? A. I am willing to say, however, that I told them that I hoped they would vote for him; that I should send in his name.

Q. Can you remember any other members of the Board of Aldermen with whom you conversed with reference to his nomination before it was sent in? A. I may have spoken to several others, but I don't remember that I did.

Q. You didn't expect him to be confirmed? A. I didn't believe he would be confirmed.

Q. At what day of the month and what time of day did you send in the nominations, Mr. Mayor? A. It was on the last day of December, about five o'clock.

Q. In the afternoon? A. In the afternoon.

Q. Your term was to expire the next day? A. With the day.

Q. At the time that you sent that nomination in, a paper had been served on you purporting to be an injunction, hadn't there? A. Yes, sir.

Q. In a suit by Mr. Roosevelt, I think? A. Yes, sir; Mr. Roosevelt, Mr. O'Brien, and—

Mr. Miller—No; Roosevelt, Henry Oakley, George Havens Putnam, and Oscar A. Straus, were the plaintiffs.

Q. Why, Mr. Mayor, there being an injunction, or what purported to be an injunction and was actually so if the court had jurisdiction, served on you at that time, and inasmuch as you didn't expect that the nomination would be confirmed—why did you send in that nomination at that very remote period of your term? A. Because I hoped that the nomination might be confirmed and there should be a man put out of the office who was not fit for it in my judgment.

Q. That was the predecessor, Mr. Hubert O. Thompson? A. Yes.

Q. And you thought the chances of a confirmation were sufficiently good to make it the proper thing for you to take the risk of violating that paper called an injunction? A. I was advised, and have so stated in this paper, that the injunction was good for nothing, and if I had been advised otherwise I think I should have done as I did all the same.

Q. So that you had a very high idea of the importance of making this nomination? A. I did.

Q. Notwithstanding that you thought that it could not be confirmed? A. Notwithstanding I feared and scarcely believed it could be confirmed.

Q. The real object of my asking these questions of you, Mr. Mayor, is to get at, as near as I can get it—as near as you can give it to us—your state of mind as to your expectation of confirmation; that is really the only object? A. My expectation of confirmation was merely a hope; it was scarcely an expectation; I hoped that the confirmation would be made.

Q. And your hopes were sufficient for you to act on them? A. My hopes were based principally on what Mr. Squire had told me, that he believed that he should be confirmed.

Q. And yet, anxious as you were and important as you thought the matter as affecting the result, and the taking out of office of a very improper man to hold it, and putting into office a man good to hold it, I understand you that you didn't inquire into the details of the basis of Mr. Rollin M. Squire's expectation that he would be confirmed? A. I did not—no, I told you I did; I told you I inquired on the last day; that I did make no inquiry until the last day, and then he told me that he believed that the County Democracy would all vote for him.

Q. And you didn't ask him, though, the basis of that belief? A. No, I did not.

Q. Well, you believed, did you not, Mr. Mayor, that there must have been some sort of arrangement or understanding between Mr. Squire and the County Democracy, if there was any foundation for his belief? A. Of course, I supposed there must have been.

Q. In the nature of things it would have to be so? A. Have to be so.

Q. And yet you didn't inquire of him anything about what these relations, or what those understandings were? A. No.

Q. You, of course, were aware it was the fact that there was nothing in Mr. Squire's previous history in this city, or his relations, so far as you know, that would warrant his expectation of confirmation, weren't you? A. Of course not, so far as I know.

Q. Mr. Mayor, we are quite anxious to get, as accurately as can be obtained, the date of the several conversations, and we will ask you, if you will kindly take the trouble to look at such memorandum as you have, so that you can give us at another time the dates with such accuracy as they will enable you to give? A. I will do so.

Q. Wasn't it a matter of daily comment in the press and among those conversant with politics, at about the latter part of December, that there was a combination in the Board between the County Democracy and the Republicans acting together, particularly on questions of nominations? A. It was a matter of public rumor; yes.

Q. Wasn't it generally believed that this combination also had some connection with the alleged corruption fund raised, which put through the Broadway Railroad resolution which was vetoed by you? A. There were all sorts of speculations of that sort in the newspapers, and talked of among politicians at that time.

Q. Current rumors? A. Current rumors.

Mr. Strahan—No questions.

John O'Brien, being duly sworn, testifies as follows:

By Mr. Miller:

Q. Where do you live? A. Rhinebeck.

Q. In this State? A. In this State.

Q. What is your business? A. Contractor.

Q. You are one of the members of the Aqueduct Board? A. No, I am not.

Q. Aren't you? A. No.

Q. You have a contract under that, haven't you? A. I have; yes.

Q. For building part of the New Aqueduct? A. Yes, I have.

Q. And when did you get that contract? A. That was in December, 1884.

Q. Do you know Mr. Maurice B. Flynn? A. I do.

Q. Know him well? A. Quite well.

Q. How long have you known him? A. About three years, I should think.

Q. Are you the Chairman of the Democratic State Committee? A. I am.

Q. And have been for how long? A. About a year.

Q. About a year? A. Yes, I was elected last fall.

Q. Have you any business relations with Mr. Flynn? A. I have not.

Q. Of any kind? A. Not any.

Q. In any way? A. No, sir.

Q. Have you had, during the last three years, any business relations with him? A. I have

not.

Q. Do you remember seeing Mr. Flynn along in December, 1884? A. I did.

Q. Frequently? A. Well, once a day for about a week.

Q. You remember, do you not, the condition of things here in New York during the last days of 1884, December, as to the Board of Aldermen and the nominations for it? A. Well, yes, I heard; I don't know much about it.

Q. You remember that there was some little difficulty in getting certain persons confirmed, do you not? A. Yes.

Q. Did you have any conversation with Mayor Edson on the subject? A. Yes, I did.

Q. Do you remember a conversation that you had with him with reference to the confirmation of certain persons whom he had nominated—a person whom he had nominated to be Commissioner of Public Works? A. I had a conversation with Mayor Edson.

Q. You made an affidavit, did you not? A. Yes, I did.

Q. Which was used in the suit of Roosevelt against Edson? A. Yes.

Q. Do you remember what the substance of that conversation was? A. Well, a part of it, if not all.

Q. Just state what it was, please? A. Mr. Edson had sent a messenger for me to come to his office.

Q. Mr. Edson had sent a messenger for you to come to his office? A. Yes; I came here, and we had a talk in regard to contracts.

Q. In regard to contracts? A. Yes.

Q. What contracts? A. He asked me if Messrs. Brown, Howard & Co. and myself couldn't agree as to a division of the work.

Mr. Strahan—Mr. Miller, isn't this really going out of any possible line of demarcation in connection with this matter?

Mr. Miller—Not at all. It is going to show just exactly the position of Mr. Edson with reference to the confirmation and the necessity of getting people to vote for his nominations.

Mr. Strahan—If you think there is any material bearing upon this question, according to the statement I made before, I will not object. I really think you are going beyond it.

Mr. Miller (to the Witness)—You can answer, please. (To Mr. Strahan) You do not object, do you? (To the Witness) Go ahead.

A. And I told him No; that we couldn't agree.

Q. That you and Brown, Howard & Co. couldn't agree? A. Yes; that we couldn't agree; that I thought I ought to have all the work, as our bid was an evenly balanced bid.

Q. What was the last part of your answer? A. I told him that we couldn't agree—Brown, Howard & Co. and myself—and I thought that we ought to have all the work, as we had an evenly balanced bid.

Q. A fair bid you meant by that? A. Yes.

Q. (By the Mayor) A fair bid at different rates? A. Yes; all the items; there was a fair price for each and every item on the bill; and he asked me if I had any influence with any of the Aldermen; I said I didn't know any of them; he wanted to know if I could get two to vote for Porter; I told him I would see what I could do, and let him know next day.

Q. Two Aldermen to vote for Fitz John Porter? A. Yes.

Q. Who was then in nomination? A. I don't know whether he had sent his name in; he intended to if he hadn't.

Q. At or about that time? A. Yes; and the Aqueduct Board had met that afternoon, so I didn't come back.

Q. Mr. Edson was a member of the Aqueduct Board, was he not? A. He was; yes.

Q. Mr. Edson, at that time, told you, did he not, that he would see that you got the whole of the work, if you could get those men to vote for him? A. He said that he would try and get me all the work.

Q. He said that he would try to get you all the work if you could get two Aldermen to vote to confirm his nomination for Commissioner of Public Works; that is so? A. That is so.

Q. Now, Mr. O'Brien, do you know the house of Goadby & Co., in New York? A. Yes, I do.

Q. What is their business? A. They are brokers.

Q. Where? A. Well, I couldn't tell you the street now.

Q. Have you ever been in their place of business? A. I have.

Q. When? A. I was there in December; I think I was there three or four times.

Q. In December, 1884? A. Yes; I won't be positive; I think it was the latter part of December.

Q. 1884? A. The first time I went there, yes.

Q. Who did you go there with? A. I went there with Mr. Clark.

Q. Mr. who? A. Heman Clark, my partner.

Q. Did you ever go there with Mr. Flynn? A. I don't recollect whether Flynn was along or not.

Q. Do you know a gentleman in that firm, or in the office there, by the name of Bement? A. No, I do not.

Q. Mr. Edward C. Bement? A. I don't know him.

Q. Did you, on any occasion in December, 1884, get a check cashed there? A. I did not.

Q. Did you or Mr. Flynn, on any occasion in that year, get a check cashed there? A. No; my partner got some checks cashed there.

Q. Your partner? A. Yes.

Q. Do you remember getting a check cashed, for \$30,000, there in the latter part of December, in the last days of December, 1884, or your partner when you were present? A. I wouldn't be positive as to the amount; I know I got some money there on some checks.

Q. Wasn't it as large as \$30,000? A. I don't remember.

Q. Can you tell how large it was? A. No, I couldn't.

Q. Was Mr. Flynn present on that occasion? A. I don't think he was.

Q. What? A. No; Mr. Clark and myself were there.

Q. Only you two? A. Only us, yes; that was all that was in the office at the time that I can remember.

Q. Do you know where Mr. Flynn was at that time? A. No, I do not.

Q. Was that money paid in thousand dollar bills? A. That I couldn't state.

Q. What? A. I couldn't state.

Q. Don't you remember? A. I do not; no.

Q. Do you know what was done with that money at that time? A. No, I do not.

Q. Was any of it given to Mr. Flynn? A. There was some of it given to Mr. Flynn.

Q. How much? A. That I couldn't tell you.

Q. Whose check was it? A. It was Mr. Clark's and my check; some of the checks that were cashed belonged to Mr. Flynn.

Q. Some of the checks that were cashed belonged to Mr. Flynn? A. Yes.

Q. Did Mr. Flynn have any dealings with that house that you know of? A. I don't know that he had; I don't know anything about it.

Q. Did Flynn indorse any of those checks? A. I couldn't say.

Q. What? A. I couldn't say.

Q. You did? A. I got the money, yes.

Q. For Flynn? A. Well, I couldn't say as to that; I got some money there; I got some of his checks; I think there was one check of his; I won't be positive.

Q. And was there any other than one occasion when you got money down there which you gave to Mr. Flynn? A. No.

Q. And that was in the last days of December, 1884? A. I think so.

Q. About what date? A. I couldn't give you the date.

Q. Give about the amount, as near as you can? A. I couldn't tell what the amount was.

Q. Was it \$5,000? A. That I couldn't state.

Q. About? A. I couldn't state what the amount was.

Q. Don't you know whether it was as much as \$5,000? A. No; I couldn't say.

Q. Can you tell within \$100 of what it was? A. Well, no, I couldn't.

Q. You couldn't? A. No.

Q. Could you tell within \$1,000 of what it was? A. I could not.

Q. Could you tell within \$5,000 what it was? A. No; I have no memory of what that amount was that day.

Q. You have no memory? A. No; I can't recollect what the amount was that was paid over.

Q. And you can't tell whether it was \$5,000, \$10,000 or \$20,000? A. No, I could not.

Q. Nor \$30,000? A. No, sir.

Q. And you can't tell whether it was paid in \$1,000 bills? A. No.

Q. Was it paid in bills? A. It was paid in bills, yes.

Q. All paid in bills? A. Yes.

Q. Over the counter? A. No, not over the counter.

Q. Where then? A. In the back office.

Q. In the back office of Goadby & Co.? A. Yes.

Q. And do you remember the gentlemen who made the payments; would you know him if you saw him? A. I would not, no.

Q. Did they send out for the bills? A. They sent out for the bills.

Q. While you were waiting? A. I won't be positive; Mr. Clark made the arrangement.

Q. When you "say made the arrangement" what do you mean? A. To get the checks cashed.

Q. For Mr. Flynn? A. No.

Q. Didn't you say, sir, that those checks were cashed for Mr. Flynn? A. There were some cashed for Mr. Flynn.

Q. Who made the arrangement with Goadby & Co.? A. Mr. Clark.

Q. And at that time did you have any business transactions with Mr. Flynn? A. Not at that time.

Q. Then, what was the nature of this transaction? A. He wanted to borrow some money.

Q. He wanted to borrow some money? A. Yes.

Q. From your firm, Clark & O'Brien? A. From our firm, yes.

Q. Is there any way of your ascertaining from your books how much he borrowed at that time? A. No.

Q. Have you no memoranda of any kind or book of account which will show how much he borrowed at that time? A. We have no book; we have never made an entry of the amount.

Q. Why not? A. Well, he paid it back.

Q. How soon? A. Oh, in about four or five months afterwards.

Q. How did he pay it back? A. In currency.

Q. How much? A. I can't remember; I don't remember.

Q. By currency do you mean bills? A. Bills.

Q. What was done with them? A. Well, I got it and used it in my business.

Q. Used it in your business? A. Yes.

Q. Didn't you deposit it in a bank? A. No.

Q. What? A. No, I don't know that I did—no, I am positive I didn't.

Q. You are positive that you didn't deposit the money that was paid back in the bank?

A. Yes.

Q. Didn't you make any entry of it at all? A. No.

Q. None whatever? A. No, sir.

Q. In any book? A. No.

Q. You have no memoranda of any kind in reference to it? A. No.

Q. And you can't tell anything more than you have told about this transaction? A. No, sir.

Q. Did you, or your firm, have an account with Goadby & Co. at that time? A. I don't know; I couldn't state that; Mr. Clark had charge of the financial department.

Q. And you don't even know whether you had an account with Goadby & Co.? A. No.

Q. How many checks were there that were cashed at that time? A. Well, that I don't remember.

Q. Well, about how many? A. Well, that I couldn't tell you.

Q. How many of Mr. Flynn's? A. Well, that I couldn't state.

Mr. Strahan—Mr. Miller, I think at this stage of this proceeding, that you must identify this in some form with this case, or show what your relations and intentions are. You are going into matters that are entirely foreign.

Mr. Miller—No, they are not entirely foreign.

Mr. Strahan—Then I will interpose the objection here.

The Mayor—What is the objection, Mr. Strahan?

Mr. Miller—Remember, that you wanted this thing shown up.

Mr. Strahan—I say, if you will bring or show me anything in relation to this matter, I do not interpose any objection; but if you are going into something else outside of this matter, I will interpose the objection.

Mr. Miller—Then there is not any objection to this question?

Q. Do you say that this money originally was firm money? A. Firm money.

Q. And you say there was no account whatever made in your books of the payment of that money to Mr. Flynn? A. No, sir.

Q. When you say firm money, what do you mean; money used in your business? A. Money; yes.

Q. Money used in the business of the firm of Clark, O'Brien & Co., contractors? A. Clark & O'Brien.

Q. And you say that this money was paid back to you by Mr. Flynn himself? A. By Mr. Flynn; yes, sir.

Q. In bills, as far as you can remember? A. Yes, sir.

Q. And that you have no memoranda in the books of the receipt of that money when it came back? A. Yes, sir.

Q. Is there any other transaction that you know of, similar transaction, that you can state, which took place with other persons than Mr. Flynn in your business? A. No, sir.

Q. That is the only one? A. The only one—well, I wouldn't state that that is the only one; there may be some.

Q. Is it the only one that you think of? A. It is the only one I think of; yes.

Q. It was not an ordinary business transaction with you, then? It was something out of the ordinary, was it? A. No, we pay out a good deal of money, some money that we don't keep track of on our books.

Q. You pay out some money that you don't keep track of or keep any account of? A. Yes.

Q. Why don't you? A. Expenses—my expenses; I don't keep track of my expenses.

Q. Was this for any of your expenses that this money was paid? A. Well, that I couldn't state.

Q. Do you mean to say that you don't know? A. I don't know.

No cross-examination.

Mr. Miller—I have no further witnesses to-day, Mr. Mayor. We have examined eight witnesses, and other witnesses whom we want to examine are out of town. I myself have to leave town this afternoon, and shall not be back till Monday.

The Mayor—Then this stands adjourned until Monday, at 12 o'clock.

MAYOR'S OFFICE, August 9, 1886.

Met pursuant to adjournment.

Present—Counsel as before, except that Mr. Scott appears in place of Mr. Lacombe.

William M. Ivins, being duly sworn, testifies:

By Mr. Peckham:

Q. Mr. Ivins, you are City Chamberlain, I believe? A. I am.

Q. And also member of the firm of William R. Grace & Co.? A. I am.

Q. Do you hold any other office? A. None but that of Judge Advocate General of the State.

Q. A military office? A. A militia office.

Q. Do you know Mr. Flynn, and did you know Mr. Thompson in his lifetime? A. I know Mr. Flynn and I knew Mr. Thompson during his lifetime.

Q. Mr. Thompson had been Commissioner of Public Works, had he not? A. He had.

Q. He was quite a prominent politician? A. He was.

Q. Was he generally known and recognized as the leading man in the organization known as the County Democracy? A. He was.

Q. Was Mr. Flynn a member of the County Democracy also? A. He was.

Q. And a man of some position and influence in it? A. Yes.

Q. Had Mr. Flynn any contracts—he or his firm—with the City for a short time—for several years back, in a general way? A. During the years 1881 and 1882 I knew Mr. Flynn to have had a number of contracts with the City through his firm of Guy C. Hotchkiss, Field & Co.; since I have been Chamberlain I have signed a number of warrants payable to Guy C. Hotchkiss, Field & Co. for work done under contracts with the City.

Q. You saw the letter that was introduced here the other day, Exhibit "13," I think, from Squire to Mr. Flynn, with respect to the office of Commissioner of Public Works? A. I did.

Q. When was the first time you heard anything about that letter? A. The first time that I heard of that letter was about the middle of December of last year.

Q. The middle of December, 1885? A. 1885.

Q. Had you heard anything prior to that time with respect to Mr. Squire's resignation? A. I had.

Q. Do you remember having a conversation with Mr. Thompson about that matter along about the first of January, 1885? A. I do.

Q. Where was that conversation? A. No. 31 East Thirty-eighth street.

Q. Who lived there? A. The Mayor—Mayor Grace.

Q. State what took place at that time; the conversation, I mean? A. It was on the morning of New Year's Day prior to the Mayor's inauguration; I called there to see the Mayor and while I was there Mr. Thompson came in; before Mr. Thompson came in, Mr. Scott—Mr. Francis M. Scott—had come in.

Q. He is the Assistant Counsel to the Corporation at present? A. Yes; Mr. Thompson said to us then that he held control of the Department of Public Works through Mr. Squire; that he would answer for Mr. Squire's willingness to do what was wanted; he said, as I recollect the phrase—a peculiarly strong one—"I am as sure of it as if I held it myself"; he said to me as we were passing out, because we left the house about the same time, all of us, "Squire's retirement can be had whenever it is wanted."

Q. Was that substantially all that took place at that time? A. That was substantially all that took place at that time.

Q. When did you have any conversation with respect to that office and Mr. Squire with Mr. Thompson? A. I don't recollect having seen Mr. Thompson more than once or twice casually until I saw him at the inauguration of President Cleveland in Washington.

Q. That was March 4, 1885? A. That was March 4, 1885.

Q. What was said then? A. Mr. Thompson said that he thought it was about time that Squire was out of that office; that he was beginning to be too big for the office; I asked him how he proposed to get him out and he said his resignation might be had when it was wanted; I didn't ask him what he meant by "when it was wanted," and he didn't suggest; we talked about miscellaneous matters and separated.

Q. Subsequent to that and some time in September, 1885, did you have a conversation with Mr. Squire about his resignation?

Mr. Strahan—When was that?

Mr. Peckham—September, 1885.

A. I did.

Q. State where it was first? A. It was at Hollander's restaurant, on the corner of Chambers street and Broadway, in the basement.

Q. State what took place? A. There had been shortly prior to this a good deal of newspaper talk about an effort to get Mr. Squire out of the office; there had been printed in the New York "Daily

Graphic" the story of an interview between somebody connected with that paper and Mr. Squire concerning a resignation of his which was alleged to be outstanding, and I knew that a request had been preferred to the Mayor to use that resignation, and to appoint either A. C. Kellogg or D. Lowber Smith as successor, which had resulted in nothing; it was the first time that I met Mr. Squire after these events of which I speak; he came up to me at the table at which I was sitting, at Hollander's, and said, "Well, those fellows can't get me out of that office after all," and I asked him why; "Well," he says, "In the first place, they won't be able to get that resignation"; I said, "What resignation"; he said, "The resignation which I made out at Flynn's request, and which is now held by Newcombe, but which Newcombe is not at liberty to use without Flynn's consent; I don't believe they will ever get it; but if Flynn gives me up I am all prepared either to write a letter to the Mayor canceling that resignation or else in case I can't get that in time to see if it isn't possible by injunction to restrain the Mayor from accepting and acting on that resignation as an inchoate paper; I told him that I thought he had the best of the situation; he laughingly said he felt sure that he had, and he moved back to his own table and I finished my lunch."

Q. In December, 1885, did you have any conversation with Mr. Thompson with respect to this matter? A. Yes.

Q. Where? A. At my house?

Q. Did Thompson come there? A. Mr. Thompson came there.

Q. By appointment or otherwise? A. Entirely unexpected to me; it was about the middle of December.

Q. 1885? A. 1885; Mr. Thompson came there about nine o'clock one evening, and said he wanted to talk to me about the Department of Public Works; we went to my library, and he talked with me until about very nearly four o'clock in the morning; we had a very long talk.

Q. Don't give us the whole of that if it will take till four o'clock to-morrow morning. A. I won't.

Q. Give us the substance of it. A. Mr. Thompson said that his endeavor to get Mr. Grace to appoint either Lowber Smith or A. C. Kellogg Commissioner of Public Works last summer had failed; that he was very much dissatisfied with the condition of affairs in the Department of Public Works and felt that Squire was making a quite unfit and improper office, and that Mr. Squire was not doing with Mr. Flynn as he had agreed to do, and said that he would like to renew his application to Mr. Grace and find out, if possible, whether either of those gentlemen could be appointed; I told him that Mr. Grace was the proper person to whom to renew his application; I asked him how it was possible to get Squire out; he told me that Squire had made two resignations, the first of which had been destroyed in the early part of the year; the second of which was in Mr. Newcombe's custody, to be used with the assent of Mr. Flynn—not otherwise; that he believed that it would be possible to secure the sending in of that resignation to Mr. Grace, which could be done in case Mr. Grace would, in the first instance, agree to appoint either D. Lowber Smith or Mr. A. C. Kellogg; I told him that I didn't think the resignation would prove of any service, and repeated to him Mr. Squire's conversation with me.

Q. In September previous? A. In September previous—he then said, "Well, if that won't do, here is something that will," and took out his pocketbook, and from his pocketbook he took a copy of the letter of Mr. Squire, dated December 26, 1884, which is now in evidence.

The Mayor—What time was that?

The Witness—That was about the middle of December.

The Mayor—1885?

The Witness—Of last year.

The Witness (continuing)—I read the letter over, and asked him what good that was; he said, "Why?" I said, "It is so strongly incriminating that I believe it will send every man connected with it to State's Prison;" he said, "Well; thereby hangs a tale;" I remember his quotation perfectly; and he then told me the story of the execution of this letter; he said that the letter was written and dated the 27th; that that date was erroneous, however, because it was discovered to be the 26th, and that an error had been made in the date, whereupon the date was changed to the 26th; that the letter was written by Mr. Squire at Mr. Flynn's dictation; that Mr. Flynn dictated the terms of the letter anticipating the possibility of Mr. Squire's appointment to this office; that Mr. Flynn had taken the letter from Mr. Squire and had subsequently handed it to him to hold for him (Flynn), "and this letter," he added, "does not belong to me; it belongs to Mr. Flynn in reality; I am the custodian of it under an agreement that it shall only be used when we both agree to its use"; I said to him, "I don't believe that the letter will ever be used. I should like to have it"; "Well," he says, "It can be used as a threat, and that was the purpose of the letter"; we talked about it generally; I told him that it was worse for Flynn than it was for Squire; he said in that case he was sorry for Flynn and after a long rambling talk in which this matter was gone over from all possible points of view, he left me.

Q. Did you tell him it was worse for Flynn than it was for Squire? A. Not at that time; before he left.

Mr. Strahan—Is that the same interview at your house?

The Witness—This is the interview at my house.

Mr. Peckham—It was the only one with respect to the letter; go on, if there is anything else.

The Witness (continuing)—Before he left he asked whether or not I thought Mr. Grace would co-operate with him to secure the appointment of a successor for Mr. Squire in case Mr. Squire were forced out through the use of this document, and I told him again that that he would have to see Mr. Grace about; that is as nearly as I remember the whole of that conversation; that is, the essential points of it.

Q. Did you see Mr. Thompson in December subsequently, some ten days later? A. A few days later? I don't know whether three days or a week; I think it was within a week; Mr. Thompson came to see me again and told me that he had told Mr. Flynn that he had given me a copy, or had shown me a copy of this letter; I should say that at that time—the first interview at my house—I made a copy of that letter with Mr. Thompson's consent.

Q. You made a copy of the copy that he showed you? A. I made a copy of the copy that he showed me; the copy which he showed me being in his own handwriting.

Q. Well? A. He told me that he had told Mr. Flynn that he had shown me that letter, and I had taken a copy of it; that he had talked the matter over with Mr. Flynn; that he thought Mr. Flynn was willing that that letter should be used, but if it was, then it would be necessary for Mr. Flynn and Mr. Thompson together to have some assurances from Mr. Grace as to whom Mr. Squire's successor should be; he came in that night while I was at my dinner.

Q. Who, Mr. Thompson? A. Mr. Thompson, and consequently the interview was very short; he left so that I might return to my dinner; he wanted to know whether he could see Mr. Grace, and I told him that Mr. Grace was in the city and could be found any night at his house.

Q. Subsequent to that did you see Mr. Flynn, in the latter part of January? A. I saw Mr. Thompson again before I saw Mr. Flynn subsequent to that. Mr. Thompson told me—

Q. Where was this? A. This was at my house; he came to my house again; Mr. Thompson told me that he and Mr. Flynn had been together to see Mr. Grace, but that Mr. Flynn was not satisfied with Mr. Grace's talk; the matter would have to be left for the future; subsequently, toward the latter end of January, I met Mr. Flynn.

Q. That would be January, 1886? A. That makes it January, 1886.

Q. Where did you meet him? A. At the Chamberlain's office, at that time No. 280 Broadway.

Q. Well, state what occurred between you and Mr. Flynn? A. Mr. Flynn came in to see me about the signature of a warrant for Guy C. Hotchkiss, Field & Co.

Q. That is his firm? A. That is his firm; after he had stated what he wanted I asked him about this letter; I told him that Mr. Thompson had told me that he (Mr. Thompson) had told Flynn that I had a copy of it, and he said, "Yes, but that is a document which never ought to be used"; I told him that I agreed with him decidedly that it never should be used; he asked me what I thought the effect of that document on him was; I told him that I thought the publication of that document would be ruinous to him; he said he didn't think that it ever would become necessary to use that paper, but that if Squire didn't behave himself and keep his contracts, the paper would be used; I asked him what the history of the document was and he repeated the history of the paper to me practically the same as Mr. Thompson had told it to me theretofore; that is, he said, "I dictated that letter to Squire and subsequently gave it to Thompson to hold for me"; He said, "Squire does not know that that letter is in existence at this time; he believes it to be destroyed"; I didn't then ask him why; something broke off our conversation; the interview was a short one and he left the office.

Q. Did you, at that time, say anything about why the paper was worse for Flynn than for Squire? A. I did.

Q. What did you say about that? A. I told Flynn that I had examined the sections of the Penal Code, and that while I didn't have any doubt whatever as to his criminality under section 53 of the Criminal Code, I had some serious doubts as to Squire's criminality under section 52; that part of the conversation recalls another feature of it which occurred in this immediate connection.

Q. State it? A. I said to him: "It seems as if you had overdone this thing; now, you speak Spanish, and it seems to me that this is what those fellows call a case of 'Pasarse de listo,' or being over clever; that document is so clever that you can't use it"; "Well," he says, "we wanted to get a document on which they could indict him in case of need"; says I, "Now you have got it, it is of no service to you."

Q. During January and February did you have more or less talk with Mr. Thompson with respect to this document? A. Mr. Thompson talked with me a number of times about this document during January and February.

Q. Coming down to about the 20th of February, when Mr. W. V. Smith was appointed Deputy—? A. Mr. Thompson didn't talk any more about the possibility of getting possession of that office until after D. Lowber Smith had been removed from the Deputyship and reappointed Engineer, and William V. Smith had been appointed Deputy; after that had been done, Mr. Thompson came to my house; he was suffering from a fit of anger at the time.

Mr. Strahan—Very strong?

The Witness (continuing)—He said that he was very angry that Mr. Lowber Smith should have been removed and that William V. Smith should have been appointed; he said that this thing

couldn't be stood any longer; that Flynn was of the same opinion, and asked me to see if I couldn't do something with the Mayor to assist in having some one satisfactory to Mr. Thompson and Mr. Flynn appointed to succeed Mr. Squire.

Q. Did he state in what respect Squire had broken his contract? A. He stated that Squire had broken his contract in having removed D. Lowber Smith without Flynn's consent and in having appointed William V. Smith without Flynn's consent.

Q. Was there anything else at that conversation that you remember? A. Well, we talked about this whole story again; Mr. Thompson, as a rule, when he came to my house, was a very late stayer and he talked a great deal, but most of it was repetition of the story I have already told.

Q. I call your attention to a conversation of Flynn's about a week later at your office No. 280 Broadway? A. About a week later Mr. Flynn came to my office to ask me the standing of some mercantile house, I have forgotten now what it was, what the house was, but after we had dismissed that subject, we referred to this matter, and I asked him how he felt satisfied now with Mr. Squire's doings, and he said that Squire was an ingrate, and was breaking all of his agreements; that he felt very much dissatisfied with his removal of Mr. Smith and his appointment of the other Mr. Smith, and that it was in direct violation of his agreement with him, "as you know;" those were his words to me, "as you know," referring, I supposed, to the letter.

Q. Did he say anything about Squire giving up the office or his giving up that paper? A. He said he was willing then that that paper should be used; that there was no other way of getting Squire out of the office, and that he would take the consequences so far as he himself was concerned; he could stand it, but he wouldn't be treated in that way by Squire; I told him him again that if I were him and had any control of that paper, it would never see the light; he said he was willing to assume the risks, but that this thing could not go on.

Mr. Strahan—This is Flynn?

The Witness—This is Flynn.

Q. Did he, at that conversation, say anything to you with respect to how the paper was obtained, Mr. Flynn? A. Yes; on that day; we had a talk of about an hour that day, and I asked him very closely about this paper, and he repeated the same story, practically, as before, and went further in this regard; he said; "Since Thompson showed a copy of that letter to William V. Smith at his rooms a few days ago they had been concocting a defense; their defense will be that this paper was drawn up by Squire, and given to me; that prior to Mr. Squire's nomination or confirmation, Mr. Squire told Judge Gildersleeve the purport of this paper, that Judge Gildersleeve advised Squire to get the paper or destroy it under any and all circumstances; that Squire then came to me and asked me for the paper, and told me what Judge Gildersleeve had said; that it was a strongly incriminating document, and that the paper ought to be destroyed;" "Now," he says, "that is not true, but this is what occurred; During the first week in January, after Mr. Squire had been nominated and confirmed—"

The Mayor—January, 1885?

The Witness—January, 1885 (continuing). "And when I no longer had the custody of this paper, Squire came to me and told me that Judge Gildersleeve advised the destruction of the document; there was an open fire burning in the room; I put my hand in my pocket and threw it into the fire. Squire says, 'Why didn't you let me see that?' I said 'Well, that is all right, old fellow; it is burned up now;' 'but,' he said, 'that was a mere ruse, the paper not being in my custody at the time, but in Mr. Thompson's custody in trust for me.'"

Q. Did he at that interview ask or intimate his willingness to become State's evidence, and on what condition, if any? A. He discussed with me at the time upon the advisability of his becoming State's evidence; he said to me that the case against Squire could never be proved without that document, and without his testimony; that therefore, for the sake of having the community put Squire where he belonged, it seemed to him that he might be accepted as State's evidence, and I told him that if I were the District Attorney I should accept him as State's evidence under the circumstances of the case.

Q. Calling your attention to an interview with Flynn at Hanover Square in March, can you tell me anything about that; Hanover Square, I suppose, is the office of W. R. Grace & Co.? A. It is; shortly after this last talk with Flynn, Thompson came to the Chamberlain's office, and asked me if I would meet him and Flynn somewhere, and I told him yes; that I would meet them at Hanover Square at 2 o'clock; Flynn came in before Thompson did; Thompson was behind time in his appointment; Flynn said that he was tired of waiting for Thompson to keep his appointments from time to time; he would say what he had to say and go; that he had made up his mind, after all, not to consent to the use of that letter; he said "In the first place, I am not satisfied with Grace; I have got no confidence in him whatever; he promised me to appoint Thompson Commissioner of Public Works and he didn't do it, and he hasn't made any promises in this matter which are satisfactory to me;" he says, "Furthermore, there is a better way than the use of this letter, to get Mr. Squire out of that office;" I asked him what it was, and he said he could show me, if I cared for it, where Mr. Squire had from time to time, borrowed large sums of money from contractors, by virtue of which borrowings he was under obligations to those contractors, and that he was extending favors to them; he mentioned the fact that he had loaned Squire moneys largely; spoke of one note, if I recollect, for six thousand dollars; spoke of the fact that Mr. Squire while in Cincinnati had drawn on him for five hundred dollars without notifying him or writing, and that he had honored the draft; spoke of the fact that some druggist, whose name I have forgotten now, here in Broadway, had bought from a contractor a number of Squire's notes and said there was a lot of that sort of matter which he could get together in case of need, but that he had made up his mind that the paper shouldn't be used.

Q. Is that the substance of what occurred then? A. That is the substance of what occurred at that meeting.

Q. After that Legislature adjourned, did you see Thompson and Flynn together in Thompson's room? A. I think it was about a week after the adjournment of the Legislature that I met Mr. Thompson and Mr. Flynn at Mr. Thompson's rooms, at Mr. Thompson's request.

Q. What occurred there? A. Mr. Flynn stated "The Legislature is now adjourned and this Bruns matter has passed over, and it now seems as if we ought to do something to get this man Squire out, and I am willing to co-operate in anything that Thompson suggests;" he said that he agreed with Mr. Thompson that Mr. D. Lowber Smith was the fittest and most capable man to have the place, and that if Mr. Grace would agree to appoint D. Lowber Smith he would co-operate with Mr. Thompson in any way that Mr. Thompson desired, for the purpose of getting Squire out of office; he then said that in the use of that letter which was freely referred to in the conversation, he would be peculiarly hampered by virtue of the fact that he understood from William V. Smith that there were a number of witnesses prepared to swear that he (Flynn) had attempted the destruction of the letter of December 26th, prior to Squire's confirmation, which he says, "As you know is not true; Thompson has the letter now, but with regard to which in my testimony I would be alone;" and he then said that he thought some way should be found other than the use of that letter for the purpose of getting rid of Mr. Squire.

Q. Is that the substance of what occurred then? A. That is the substance of that conversation.

Q. I want to call your attention to a conversation at Delmonico's, in Twenty-sixth street, in January.

The Mayor—January, 1886?

Mr. Peckham—I don't know what time it was.

A. July of this year; it was either the very end of June or early in July; I went into Delmonico's up-town, in the cafe, to get my supper about 11 o'clock; I was sitting there when I saw Mr. Flynn go across the room; I called to him and he came and sat down by my table; I asked him to take a cup of tea with me, which he did, and as we drank our tea we talked about this matter; I asked him how he was satisfied with his protegee Squire, and rather run him a little on it, and he appeared to grow very much in earnest; said he was absolutely and heartily tired of this thing and he had finally made up his mind that it must be stopped.

Mr. Strahan—What stopped?

The Witness—The way in which Squire was conducting his office and Squire's continuance in the office; that was the subject matter of our talk.

Mr. Strahan—I want what he said; give us that.

The Witness—Well, you have got it; he said, "I will see Thompson right away; I haven't seen him for several days, and I have not told him how annoyed I feel at this situation; it all depends on Grace, however; if Grace will appoint Lowber Smith I will co-operate with Thompson, and that letter or anything else that is necessary shall be used; but he says, 'I am still of the opinion that we had better proceed against Squire on another basis; that is, the basis of his financial relations with his contractors;' we talked the matter over generally; that is the substance of it—the talk; then we separated; I made an appointment with him at his request to meet him a few days later at the Brunswick, which appointment I failed to keep, through mistake in the time. I went there too early and failed to meet him; the following Saturday—the following Friday or Saturday, I was talking with the State Comptroller on the corner of Broadway and Wall streets, when Flynn came up and asked me why I hadn't met him, and said that he had something further to say in the Squire matter; I asked him if he had had his lunch and he said "No;" he proposed that we lunch together; we went to Delmonico's a little later, not together, at two o'clock, and he then said to me "I have seen Thompson; I have gone all over the situation thoroughly; I have made up my mind to become State's evidence; I, as you know, had a talk with the District Attorney about this matter, at the District Attorney's office, in the Spring, and I have now made up my mind to take up that subject again with the District Attorney to see if he will not accept me as State's evidence, and in case he does, that letter shall be used; I have determined in any event not to stand behind Squire any longer." He said he thought it would be proper for him and Thompson to have another interview with Mr. Grace, and wanted to know where Mr. Grace was most easily to be found, and I told him Mr. Grace always went to Hanover Square in the morning before he came to the Mayor's office; a day or two after that Mr. Thompson said that he and Mr. Flynn had made up their minds that they wanted to talk about this matter with the Mayor; up to this time I had never shown the Mayor a copy of this letter, and up to this time, so far as I know, the Mayor did not know of the existence of this letter; Flynn and Thompson came to Hanover

Square and saw Mr. Grace; I was present at the conversation; Flynn asked Mr. Grace unequivocally whether or not he would appoint D. Lowber Smith in case this letter was used, referring to the letter; Mr. Grace asked what the letter was, and I explained what the letter was; Mr. Grace said that he could make no promises in the premises; Mr. Flynn and Mr. Thompson, after having talked about the matter for a while, went away; I saw Thompson a day or two after, which was Thursday.

Mr. Strahan—Thursday, what day of the month?

The Witness—I can tell that by referring to my memorandum (referring to paper); that was Thursday, the 15th; on Thursday, the 15th, I saw Mr. Thompson, and he told me that Flynn had agreed with him that he might use—that he (Thompson) might use that paper, but that Flynn was not at all satisfied with his talk with Mr. Grace; he said he thought—Thompson said he thought—something should be done at once, and asked me if I would meet Flynn and himself and the District Attorney at an early day; I told him I would; he wanted to know when it would be convenient and I told him Saturday; he then asked me to meet him on Saturday, which was the 17th, at his rooms, or rather he asked—told me to meet him; I went there on Saturday at one o'clock and found Mr. Flynn.

Mr. Strahan—Were you there on Friday?

The Witness—No, this was Saturday; I wasn't there on Friday; (continuing) I found Mr. Flynn; Mr. Flynn told me that he had thought this whole matter over.

Mr. Strahan—He did that often.

The Witness—He did it almost every time; Mr. Martine and Mr. Thompson were not yet in the room.

Q. Where was this interview? A. At Thompson's room; Thompson was in the back room; Martine hadn't come; he said he wasn't satisfied with his talk with Grace; that he had talked this matter over with his partners; that they had told him it would be absolutely ruinous for him to use that paper, and in case it ever became public he would have to leave the community; that he was willing to sacrifice a great deal to get rid of Mr. Squire and to please Mr. Thompson, but he was not willing to sacrifice himself to that extent; that he proposed to stay here; while we were talking about the matter Mr. Martine came into the room; he repeated to Mr. Martine the latter part of our conversation, and he then said "I am not willing to become State's evidence in a case made on the use of that letter, but I am willing, Mr. District Attorney, to become State's evidence on another line;" then he became familiar, and addressed Mr. Martine as "Tiny," and told him the following story:

Mr. Strahan—Was that in reference to this matter?

The Witness—It was, directly; he said instead of the use of this letter, I suggest that you indict Squire for bribery, and I am willing to become State's evidence for the purpose of making out a case of bribery, for I, myself, have bribed Mr. Squire by giving him sums of money in return for specific services rendered; I said to him: Why, Mr. Flynn, that can't be, because you have stated to me heretofore that the moneys which you gave Flynn were moneys loaned.

Q. Mr. Squire? A. Mr. Squire, rather—were moneys loaned, and the District Attorney cross-examined Mr. Flynn at the time quite thoroughly, or very fully, rather, as to whether or not cases which he named were sufficient to make a case of bribery against Mr. Squire, and the District Attorney said: "It doesn't seem to me that you can make any such case; it doesn't seem to me that you can make any such case on your own statement." Mr. Thompson had in the meanwhile gone out of the room. While Mr. Thompson was gone from the room, Mr. Squire repeated—

Q. Mr. Flynn, you mean? A. Mr. Flynn, I should say, repeated what he understood would be Squire's defense, in case of the use of this letter. He repeated it over to Mr. Martine substantially as he had repeated it to me alone and to Mr. Thompson before. Thompson came back into the room, and a few moments afterwards Mr. Flynn left, saying to Mr. Thompson that he would come for Mr. Thompson to see him on the following Monday.

Q. After Flynn went out— A. After Flynn went out, Mr. Thompson said: "Flynn gave me his absolute promise that I should be permitted to use that paper, and now he has taken it back, and I am not going to submit to it any longer. He can come with me on Monday and give you that document, or he needn't. I will come and see you on Monday."

Q. Did Mr. Thompson say anything as to Flynn's unwillingness at that time to give Mayor Grace the opportunity to— A. He said at that time, Mr. Flynn wasn't satisfied with his last talk with Mr. Grace, and wasn't willing that Mr. Grace should have the filling of the vacancy created by Squire's removal.

Q. Go on. A. Mr. Thompson came to see me on Monday afternoon the 19th. He came with Gilbert M. Speir, Jr. He came to my business office in Hanover square. He was very feeble at the time and appeared to be in pain. He asked me to step apart with him, and I went into the room of another department in our house.

Q. In your office? A. In our office, and he then handed me this letter. He said, "Well here is the letter, take it and use it. I have got quite tired of Flynn's backing and filling on this matter and won't stand it any longer." I said to him at the time, "Thompson, that means a great deal for me to take and use that letter. As soon as I take it I shall hand it either to the Mayor or to the Commissioners of Accounts." "Well," he says, "give it to the Commissioners of Accounts; it don't make any difference to me." I said, "As soon as it is used both Flynn and yourself are involved in this whole business, and I want you to consider that fully before I take the letter;" and I said to him at the time that I thought for his own good and in view of the condition of his health and the possible result of the use of this letter, that he had better take it and keep it himself. He says, "No, I want you to have it," and he gave it to me. He then said, "There will be a strong fight made on the use of that letter and everybody has been trying to dissuade me from using it."

By Mr. Strahan:

Q. Did he mention their names? A. He did.

Q. Mention them, please? A. He put his hand in his pocket and pulled out a letter which he showed me, and which I read, from Counsellor Newcombe, and he said, "Here is a letter which Newcombe wrote me from Saratoga, New York, and which I got only this morning, in which he says that that paper has lost its validity and that it will only result in ruining Flynn, and for heaven's sake not to go ahead; that he can show a better way of doing the business."

By Mr. Peckham:

Q. Have you the letter? A. I have not the letter.

By Mr. Strahan:

Q. Is that all the letter that applied to him? A. That is the only one he mentioned specifically at the time.

By Mr. Peckham:

Q. Did you see Mr. Thompson after that? A. I saw Mr. Thompson after that on Thursday night; Mr. Thompson was ill and I only saw him for a few minutes; I went to see him to ask him if he would write out or dictate to his stenographer the complete history of that paper, and he says, "Then you are determined to go ahead and use that paper, let happen what may?" I said "Yes." He said, "All right, I don't object to it; go ahead." He told me that he was feeling ill; that he had a friend in his inner room; he wished I would excuse him; it was then about nine o'clock and the conversation was broken off at his request.

Q. Was that the last time you saw him? A. That was the last time I saw him.

Q. How soon after that did he die? A. He died on the following Monday morning.

Q. On Monday of his death, did you have a talk with Mr. Flynn at his club? A. On the Monday of his death, a meeting was called at the New Amsterdam Club; I went there in the evening and saw Mr. Flynn there; I had two conversations with Mr. Flynn that evening, one somewhat early in the evening, which lasted for ten minutes, possibly, in which we talked of matters entirely foreign to this subject; after the room had cleared away somewhat, and fewer people were there, Mr. Flynn and I sat down in the rear room and talked about this document and about its use; I asked Mr. Flynn if he knew where that letter was (referring to the letter of the 26th of December); Mr. Flynn said, "Yes; it was in Thompson's and Connie Smythe's Safe Deposit Vault; that Thompson had held it in trust for him, and that it would now come into his possession;" I asked him if he felt confident about that and he said "Yes," I said, that being the case, then this letter will never be used, assuming that you have it; he says, "No; there is no need of that;" he said "This is all a very simple matter; you and I can sit down and arrange it, but Mr. Grace has got to appoint a man satisfactory to me to fill that vacancy;" I asked him who would be satisfactory to him and he said, "that Aqueduct Commissioner Ridgway would be a very satisfactory man; that he would be entirely satisfactory to Mr. John O'Brien and Judge Muller, but that he wouldn't be quite so satisfactory to him (Flynn);" "Now," he says, "there is Will Andrews whom the Mayor has just appointed Excise Commissioner;" he said, "He would do, but I don't believe he would be quite so satisfactory to O'Brien;" he said, "Here is a man I think would satisfy everybody—Jim Coleman."

Mr. Strahan—Who is he?

The Witness—Meaning the present Commissioner of Street Cleaning; "Why wouldn't the Mayor appoint him?" "Well," I said, "I don't know anything about that; you have talked heretofore a great deal about Smith; what is the matter with Smith?" "Well," he said, "Smith will not suit our folks;" then I looked at him and said, "Well, then how would I do for Commissioner of Public Works, and he leaned over and put his hand on my knee and looked me straight in the eye very seriously, and said, "You would suit me perfectly if I had the right kind of understanding with you;" "Well," I said, "I don't believe I will ever suit you, Flynn, but you are a cool one," and we had a laugh over it; he asked me if I would meet him the next day and I told him I preferred to meet him on Wednesday; I did meet him, however, the next day at the Chamberlain's office in the afternoon; we went over this whole story again; I told him that if I were in his place I should make perfectly sure that I had the custody of that letter, and that if I didn't feel sure that I had the custody of that letter I should hasten to produce Mr. Squire's resignation, and I said to him as much as I felt at liberty to say; that I thought Mr. Flynn was in a very serious situation, and that the best thing he could do was to regard himself—that if I were in his place I would leave no effort unappealed to get Squire out of that office and at once.

Mr. Strahan—Certainly, that is what you were after all the time.

The Witness—Of course.

Mr. Strahan—You didn't succeed.

The Witness—I wasn't responsible for Mr. Squire being there, and I never designed that he should stay there a day if I could prevent it, so that is the reason I got this paper.

Q. What did he say to that? A. He said, "That is a pretty serious matter; I don't believe I could do it;" says I, "Well, Flynn, if I were in your place, I should think it would be worth a great deal to get him out of that office;" "Well," he says, "do you mean to suggest that I should buy him out?" I said, "I don't make any suggestion whatever;" "Well," he says, "suppose I were to buy him out, would you put up after?" I said, "No; you put that jewel into bond, you have got to take it out;" he said, "Well, I can't get his resignation, but I can bring you that letter on Friday;" he says, "Then you can use that letter as a threat; it is of no value otherwise;" he then went over again the names of these three gentlemen, Messrs. Ridgway, Andrews and Coleman, and wanted to know if I thought the Mayor would appoint either of them, and I told him decidedly no, that I did not; I said to him, "You might as well make up your mind now as any time later, that Mr. Grace will never appoint your Deputy as Commissioner of Public Works;" he says, "If that is the case, there is no good of dealing any further;" and we haven't talked about the matter since.

Cross-examined by Mr. Strahan:

Q. Have you told us all your connection with this matter, Mr. Ivins? A. I have told you all my connection with this matter so far as the Mayor, as Mr. Squire, as Mr. Flynn, and as Mr. Thompson are concerned; I have talked with a number of gentlemen about it; I have talked with my friends about it; I have talked with counsel in this case about it; I have talked with Mr. Scott about it during the time that this history was occurring; I talked with Mr. Miller about it during the latter stages of the history.

Q. You got up some material for charges against Mr. Squire getting removed from this office; will you tell us about them? A. I never did; I suggested to the Commissioners of Accounts that it might be a good thing for them to send some one to Boston, for the purpose of finding out what the antecedents of Mr. Pollard were; the way in which that came about was this—

Q. I am not asking that. A. You apparently don't want to know the whole story.

Q. Yes, I want to know the whole story, but that is no part of the story, Mr. Ivins.

Mr. Peckham—We will agree; stop just where he wants to.

The Witness—I sha'n't suggest anything to him.

Mr. Strahan—When you are asked to do so, it is time to answer.

Q. In the months of April and March last, were you not engaged in getting up charges against Mr. Squire for his removal? A. The Commissioners of Accounts came to me and told me that they had collected a large mass of material against Mr. Squire, and that they had sent a certain preliminary report on the matter to the Mayor; this was Mr. Shearman, rather, not the Commissioners.

By Mr. Peckham:

Q. One of them? A. One of them, and I went over that material with Mr. Shearman.

By Mr. Strahan:

Q. What did you do with it? A. What did I do with it?

Q. Yes. A. I told him that I didn't think he had a case; that he had better continue his investigation.

Q. Didn't you take that material to the office of the Counsel to the Corporation? A. I did not.

Q. Or deliver it to any one connected with that office? A. I gave a part of that material to Mr. Allison.

Q. Who is Mr. Allison? A. And I remember—I will tell you in a minute when I make the connection—I told the Corporation Counsel that this material had been submitted to the Mayor and to me; that there was a doubt in my mind as to whether it was sufficient; that Mr. Grace had asked me to request him, the Corporation Counsel, to look into the matter and see whether or not there were charges sufficient to make a case; the Corporation Counsel said he thought the best man to do that was, to use his own words, "Tom Allison"; a couple of days after that Mr. Allison came to my office; I still had those papers.

Q. My question was, did you deliver them to him or to the Counsel to the Corporation? A. And I then delivered a part of those papers to Mr. Allison.

Q. Let me ask my question again: Did you deliver those papers to any person connected with the office of the Counsel to the Corporation? Did you deliver them to Mr. Scott? A. I did not.

Q. Did you have any conversation with Mr. Scott on the subject? A. Not with the papers before us.

Q. Had you any conversations with Mr. Scott on the subject? A. Yes.

Q. Repeat them, please. A. I told Mr. Scott that I had been to see the Corporation Counsel, and that I had suggested to the Corporation Counsel that the Mayor requested the Corporation Counsel's office to look into this matter, and that I thought Scott was a good lawyer to do it.

Q. No doubt about that? A. And Lacombe said, "Scott is too busy; Allison is the man to do it," and that is the talk which I had with Mr. Scott about this matter.

Q. I asked you to repeat what you had with Mr. Scott? A. That is what I had with Mr. Scott.

Q. What? A. I told Mr. Scott that, sir.

Q. That is all? A. That is all, and neither he nor I wasted time on it; Mr. Allison had the papers.

Q. Have you those papers? A. I have not.

Q. Get them, please. A. You will have to subpoena the Commissioners of Accounts.

Q. You delivered them up again? A. I did.

Q. Did you read them? A. I did.

Q. Did they refer to some matters that are specified in that paper (handing witness Exhibit "2")? A. I believe they referred in part; they did not refer at all to charge No. 1, the first charge; it had part of the matter which is set out in the second specification; it made a passing reference—nothing more, so far as I am aware of—to the matters set out in the third charge.

Q. That is now the most elaborate one there? A. Yes, the Civil Service charge, and I remember distinctly that the Commissioner of Accounts said that that was a matter through which he would have to go much more thoroughly and much more in detail; it did not refer, as I recollect, to the fact that Pollard had been a convict; it did refer to the fact that Pollard had been appointed an Axeman and had subsequently been made Deputy Water Register; the Commissioner of Accounts had at that time, if I recollect, a report which was made to him of an investigation of Pollard's record in Boston made by Mr. Walcutt, and I think the transcripts of the records were among the papers; it made no reference to charge fifth, being the Fifth avenue pavement matter, and it made no reference to charge sixth, and it made no reference to charge seventh.

Q. At the time you were in full possession of all the matters you have now stated referring to charges fifth, sixth and seventh, set forth in this paper? A. I was not; I had no knowledge of anything that is contained in charge fifth; I had no knowledge of anything that is contained in charges sixth and seventh.

Q. I said sixth and seventh. A. I understood you to say fifth, sixth and seventh.

Q. Not at all. A. I had no knowledge of anything contained in charges sixth and seventh, except the knowledge that had come to me through Mr. Thompson and Mr. Flynn; I had never seen the original document; I had a copy of that letter; I had never seen the original document, and was hopeless of ever seeing it.

Q. You had full knowledge where it was? A. Mr. Thompson had told me it was in his safe deposit vault.

Q. You knew that it was entirely under the control of the Mayor, and he could reach it by subpoena any time? A. I did not know anything of the kind.

Q. You didn't? A. No, sir.

Q. You didn't know the Mayor had the power to try the charges? A. I knew that Mr. Thompson had the power to destroy.

Q. You didn't know that he had the power to try charges? A. I did.

Q. You knew that he had the power to issue subpoenas? A. Yes.

Q. You knew that Mr. Thompson was answerable to a subpoena as much as yourself? A. I did, and I knew that if I acted on Mr. Strahan's suggestions the paper would never appear and see the light.

Q. What is that? A. I knew that if I acted as Mr. Strahan suggests the paper would never see the light.

Q. That was your opinion? A. That was more than my opinion; that was my knowledge.

Q. Have you any doubt of Mr. Thompson's culpability in destroying it. He was the entire custodian. Do you mean that if the Mayor had issued a subpoena to Mr. Thompson, the custodian of this paper, to produce it, that your knowledge of Mr. Thompson was such that he would have destroyed it? A. I don't know whether you would call it knowledge or opinion; my judgment is what I am taking in the premises, and my judgment was that people who would be parties to the execution of such a letter would do anything.

Q. To whom do you refer there? A. Both to Mr. Flynn and Mr. Thompson in connection with that letter.

Q. Mr. Flynn had no control of the letter? A. Mr. Flynn helped suggest it and it was there subject to his order; that it could not be used without his consent.

Q. Did he tell you he had access to the letter? A. He had access to Mr. Thompson.

Q. Had he any access to the letter to your knowledge? A. I don't know; he had access to Mr. Thompson.

Q. So, that your opinion is that Thompson was of such a character that if he was subpoenaed he would be a party to the fraud of having it destroyed—the paper which he was subpoenaed to produce? A. That was not the way to get the paper.

Q. Answer my question. I said if he was subpoenaed that paper would be destroyed. A. I believe it would.

Edwin C. Donnell, being duly sworn, testifies as follows:

By Mr. Peckham:

Q. Mr. Donnell, what is your business? A. I am a stenographer by profession.

Q. Do you know Mr. Squire? A. I do.

Q. Were you ever stenographer in his office? A. I was.

Q. When? A. Up to the 6th of April of this year.

Q. Beginning at what time? A. The 1st of January, 1881.

Q. When he went into office? A. When Mr. Thompson went into office; I was there—

Q. (interrupting) I was asking about your acting with Mr. Squire. A. (Continuing) From the time Mr. Squire went into office.

Q. Until when? A. The 6th of April of this year.

Q. Do you know Mr. Flynn? A. I do.

Q. Please state, Mr. Donnell, what you know about Mr. Flynn's intimacy with Mr. Squire, or anything you know with regard to his influence and control over the office pending Mr. Squire being there?

Mr. Strahan—That is not a proper question to put.

Mr. Peckham—Why not?

Mr. Strahan—Ask him for facts that he knows in connection with it.

Mr. Peckham—I have asked him several times.

Q. Tell me what facts you know? A. Mr. Flynn was there every day—very nearly every day; sometimes he was not there; he had free access to Mr. Squire's office at all times.

Q. Can you tell us anything about his conversations or discussions or consultations with Mr. Squire? I don't mean the details of it, but whether you saw anything of the kind going on. A. I saw Mr. Flynn and Mr. Squire converse together very often, but I was never within range of the conversation; I could never hear what was being said.

Q. Can you remember anything about Mr. Squire's actions in respect to appointment of persons to his office? A. I know that he consulted with Mr. Flynn before appointments were made, as a rule.

Q. What do you know on that subject; just give the Mayor the information that you know? A. I know that Mr. Flynn was sent for before appointments were made; Mr. Brandon usually went for Mr. Flynn.

Q. And then after—? A. After Mr. Flynn left the office the appointments were made.

Q. In what way were the appointments made that you now speak of? A. A memorandum was made on a slip of paper and sent to Mr. Bushnell, the appointment clerk; he made out the appointments and brought them into the Commissioner, who signed them.

Q. Now, Mr. Donnell, won't you please give the Mayor the extent of your knowledge on that subject—how frequent it was? A. There was scarcely a week passed but what appointments were made; I saw Mr. Flynn there almost every day; what he did when he was in Mr. Squire's office at all times I can't say; they were very suspicious of me and I was continually followed about the building, from roof to cellar, wherever I went; there was very little I could see.

Q. So that substantially what you know is limited to the fact of your having seen them constantly in conversation, and that Mr. Flynn was sent for prior to the making of appointments, and then after consultation the appointments were made? A. Yes, sir.

Q. That was very constant and continued? A. Yes.

Cross-examined by Mr. Strahan:

Q. What is your name? A. Donnell.

Q. Is that the name you had in there? A. Yes.

Q. Is your name Donnelly? A. No, sir.

Q. You were discharged by Mr. Squire? A. I was.

By Mr. Peckham:

Q. When? A. On the 6th of April, this year.

Q. What are you doing now? A. I have an office in the Potter Building.

By Mr. Strahan:

Q. When you were discharged by Mr. Squire were you employed by Mr. Thompson? A. Not employed regularly by Mr. Thompson.

Q. Were you employed by Mr. Thompson? A. I did work for Mr. Thompson after office hours.

Q. Hubert O. Thompson? A. Hubert O. Thompson.

Q. Down to the time of his death? A. Down to the time of his death.

Mr. Peckham—That is the case, Mr. Mayor, for the Commissioners.

Mr. Strahan—We shall be ready to go on to-morrow morning. I understood from Mr. Miller, on Friday, that he had a number of witnesses to examine.

Mr. Miller—I didn't say anything of the kind.

Mr. Strahan—(Reading from the stenographer's minutes) I have no further witnesses to-day. We have examined eight witnesses, and several witnesses that we want to examine are out of town, and as I myself must leave this afternoon, I would ask an adjournment till to-morrow; we will be ready to go on to-morrow morning, your Honor.

The Mayor—It will stand adjourned then till 11 o'clock; I shall expect you to go right on then. You understand that, Mr. Strahan?

Mr. Strahan—We will go right on, of course.

MAYOR'S OFFICE, Tuesday, August 10, 1886.

Met pursuant to adjournment.

Present—Counsel as before, and Mr. Lacombe.

Rollin M. Squire, being duly sworn, testified as follows:

By Mr. Strahan:

Q. What is your name, in full? A. Rollin M. Squire.

Q. Are you, at present, Commissioner of Public Works in the City of New York? A. I am.

Q. When were you appointed to that office? A. On the 31st of December, 1884.

Q. How long preceding that date did you know the late Hubert O. Thompson? A. I did.

Q. How long preceding that date did you know the late Hubert O. Thompson? A. Since the fall of 1883.

Q. By whom were you introduced to him? A. I think I was introduced to him by the ex-Collector of the port of Boston.

Q. What was his name? A. William A. Simmons.

Q. Did you know Mr. Flynn preceding that date, or was it subsequent that you became acquainted with him? A. After I became acquainted with Mr. Thompson, I think, Mr. Thompson presented me to Mr. Flynn.

Q. How long after your acquaintance with Mr. Thompson was that presentation made? A. A very short time, I think; I couldn't give the exact lapse of time.

Q. From the date of your introduction to Mr. Thompson, had you occasion to see him repeatedly? A. I saw him very often.

Q. Did you form an intimate acquaintance with him? A. I knew him somewhat intimately.

Q. At his request, I believe, you went to the Chicago Convention? A. I did, sir.

Q. And returned with him? A. Returned with him.

Q. Was there any special purpose he wanted you out there for? A. Well, I knew the Massachusetts delegation very well, and I judged from Mr. Thompson's conversation with me that all the aid he could get there in favor of his project would be grateful to him.

Q. Was it for the purpose of using your services in securing any members of that delegation that he wanted you to accompany him to Chicago? A. Well, I can't say that he outlined his reasons—why he wished me to go, until I arrived at Chicago; after we got there I went back and forth from Mr. Thompson to General Butler, Cuniff and other members of the Massachusetts delegation at his request.

Q. Did you bring him into contact with them? A. I don't know that there was any meeting; I believe Mr. Cuniff, one of the members of the delegation from Massachusetts, was personally introduced to Mr. Thompson by me.

Q. Your services to Mr. Thompson there were of a confidential character? A. I carried whatever messages he desired to be taken.

Q. And took the messages in return? A. Back to him.

Q. After you returned here were these relations—confidential relations—maintained?

Mr. Peckham—One moment, I object to that examination. He has not said there was any confidential relation; he said he was a messenger.

The Witness—I beg your pardon, sir; I said nothing of the kind.

Mr. Peckham—You did.

The Witness—I did not; it was merely by implication.

Mr. Peckham—If a man says he carries messages, I suppose he is a messenger.

Q. Go on, Mr. Squire; you returned to the City? A. Yes, sir; I returned to New York with Mr. Thompson in the Iron Age, his own private car.

Q. And after you returned, what were your relations with him? A. I was more or less engaged immediately after I returned in trying to bring Thompson and Butler together.

Q. Did Thompson explain to you the purpose for which he desired that? A. Yes, sir; he desired that Butler should support his nominee.

Q. Who was his nominee? A. Cleveland.

Q. Did you do any writing for Thompson, at his request? A. Yes, sir; at various times.

Q. These relations were continued down to the month of September, 1884? A. I saw more or less of Mr. Thompson during that year.

Q. When was this idea of your becoming Commissioner of Public Works, or putting yourself into the field for the nomination, suggested to you, and by whom? A. I think the first mention—in fact, I know that the first mention that was ever made to me in connection with myself as Commissioner of Public Works, was made on the 24th of December, by Mr. Hubert O. Thompson.

Q. Where? A. In his office.

Q. In the Department of Public Works? A. Yes, sir.

Q. He was at that time Commissioner of Public Works? A. Yes, sir; holding over, I believe.

Q. Do you recollect what he stated to you? A. He said that he thought I could be of service to him in the then muddled condition of politics; I asked him how; "Well," he said, "You are aware that Mr. Edson has appointed a Commissioner of Public Works; we have stopped that; Edson will not appoint me; Mayor Grace came to me, and desired me to get behind his nomination, pledging himself that in case I was nominated—he was elected—he would nominate me as Commissioner of Public Works, or in other words appoint me; he has gone back on me, and that thing comes down to a fight now, and I think you can help me in the premises."

Q. Did you ask him to explain how? A. I said "Let me know what you want; if it is anything that I can do properly and in order, I shall be very glad to assist you; I do not know much about New York politics, but I am a good lieutenant."

Q. Did he go on to explain anything? A. He said, "You told me that you were a school-boy with Mayor Edson; "Yes;" "Now, I think it would be a good plan for you to go and see the Mayor, and see if you can't get him to consent to nominate you;" I expressed the idea that there was very little chance of that; he called to my mind that the memories of schoolboy days sometimes made very lasting effects upon men's minds, and that it was worth the effort; I said, "Very well; I will go and see the Mayor."

Q. What date was that, do you say? A. That was on the 24th day of December.

Q. Did you get any other message from him that day? A. Not from him, but I got a message at my house from Mr. Flynn, asking me to come down to his house, which I did.

Q. Do you remember what time of the day or night that was? A. I think the message was got late in the afternoon, and possibly at about my dinner hour; however, I went down to Mr. Flynn's house, and he said, "Have you been up to see the Mayor?" and I said, "No, I have not;" "Well, Thompson is very anxious that you should go up, and if I were in your place I would start right away now;" so I started for Mr. Edson's house, and I reached there very late—I think somewhere in the region of ten o'clock; I went up on the Elevated to One Hundred and Fifty-fifth street, I think it is, and took an open sleigh and drove up to Mr. Edson's house; when I got up there I looked like a ghost, for it was snowing very hard, and just as I rang the bell the bolt shot in the door, and then shot back again, and the door was opened and the Mayor stood there; he looked somewhat astonished.

Q. Now, tell us what took place between you and the Mayor? A. I said, "Mr. Mayor, my excuse for intruding upon you at this hour must be found in my message;" he asked me in, and we went to his library and sat down, and he said, "Well, what is it?" and I said, "Mr. Mayor, you have nominated a man for Commissioner of Public Works—General Porter—and his name has been tabled;" "Yes;" I said, "I am of the opinion that you desire to master this situation before you go out of office, from all I can learn;" he said that was history; I said, "I can nominate a man, I think—name a man, I think, who, if nominated, will be confirmed;" "What is his name?" "Good;" "Who will stand by him—back of him?" I said, "Mr. B. E. Perry, of Boston;" that was our old preceptor.

Q. Who did you say—our old preceptor? A. Mr. Edson and myself went to school with Mr. Perry; he remarked to me, "Anything that Mr. Perry says to me will be law and gospel;" I said, "That is very pleasant for me to hear;" he said, "Who is the man?" I said, "I am the man."

Q. What did he say to that? A. He said, "Well, Mr. Squire, I think you deceive yourself; you have been in New York but a short time; I am in the Executive Chair of the City, and you come here and tell me that you can accomplish a result that I have been unable myself to accomplish?" "Yes, sir." That was about all our conversation on that evening; he asked me to see him again.

Q. What was said about seeing him again or when you were to see him? A. I think he asked me to call at the City Hall, on Friday.

Q. That was the day after Christmas? A. Yes.

Q. Was that the day after Christmas? A. Friday was the day after Christmas; yes.

Q. Did you see him in the interim? A. Christmas forenoon he sent his carriage down to my house, and I went up to his house.

Q. What was said when you were there on that occasion in reference to this proposed nomination? A. He was anxious to know if I cared to talk with his brother-in-law.

Q. Who was his brother-in-law? A. Colonel Wood.

Q. Well, that is all right? A. I told him no; I didn't want to talk with Colonel Wood or anybody else.

Q. Go on? A. I stayed there I think—I think I was with him on that day, in the middle of the day.

Q. Did he say anything about having received a message from Perry—a telegraphic dispatch, or sending a message, or what? A. He told me that he had wired to Mr. Perry and had not then received an answer.

Q. Well, now, after you returned to the city from this visit, did you communicate with Mr. Thompson? A. From Mr. Edson's house on Christmas, I went at once to Mr. Flynn's house and repeated to him, as near as possible, the conversation which had taken place; Mr. Flynn and myself then left his house and went down to the Worth House, and there saw Mr. Thompson, and the conversation held at Mr. Edson's house was repeated to Mr. Thompson.

Q. Well, what was said on that occasion, was there anything said? A. The conversation was continued with regard to what was said to Mr. Edson, and I think the fact was alluded to, that it had taken a pleasant complexion, and then the conversation wandered off to other things; I think they were discussing—they discussed in my presence the continuance of efforts to hold to Mr. Edson.

Q. In what way? A. By injunction or something; that was talked over a while and I believe Mr. Flynn was instructed by Mr. Thompson—in fact, I know he was—to go off and find Mr. Charles P. Miller as being the most pliant man in New York, and who was always ready for everything and had a finger in every pie, and that he would bring Roosevelt and somebody—I don't remember the names—around.

Q. After this injunction matter was talked over what followed? A. Mr. Flynn got up and left.

Q. Did you leave? A. In a few moments.

Q. Were you invited to return by Mr. Thompson? A. I don't know; we were talking, and the manner of Flynn's leaving was such that I saw it wasn't desired that I should go along with him; we sat there talking on this subject.

Q. What followed after Mr. Flynn left? A. Finally Mr. Thompson said, "Mr. Squire, let us go outside a little while; there are a great number of people liable to come in here to interrupt us, and I want a little further talk with you;" we strolled out and went over to the Brunswick Hotel; there, after we first entered in, we stopped at the bar, and then from there passed into a room, in the centre of which was a table with paper on it; I think it was a writing room; as you pass through the hotel here is the bar and here is the office; you pass through to the bar and then it is here on the left-hand side going in, on the upper corner of the street."

Q. Is that condition of affairs the same now as it was then? A. No, it is not.

Q. Go on; what took place when you got inside this room that you refer to? A. We sat down at the table and Mr. Thompson said, "Now, Squire, it really seems from your conversation with Mayor Edson and the way in which he took it, that it is possible that you may secure that nomination, but that is not the most important part of this business; confirmation is the wind-up that we are after; now, I want a little writing from you which will help that matter on;" I said, "Mr. Thompson, I don't approve of little writings;" "Well, you do as I tell you, now; this is a matter of friendship;" "Well," I said, "What do you want?" "Well," he said, "take your pen;" I took my pen and he dictated to me the letter that I wrote; he said, "New York, December 25."

Q. Is the letter which you wrote—go on? A. He said: "New York, December 25"; "No," he says, "Don't date it to-day, this is a holiday;" I said, "It isn't a promissory note, is it?" he said, "Date it the 27th;" I dated it the 27th; he said nothing for a moment, and then he said, "No, make that the 26th;" I put the six over the seven. "Maurice B. Flynn, Esq.," I stopped; I said, "Mr. Thompson, what are you addressing this to Flynn for?" He replied, "Well, I am the Commissioner of Public Works, and it is just as well to direct it to Flynn. Address it to Flynn, because he can do the business just as well as I can;" "Well," I said, "Mr. Thompson, do you desire an instrument with my name at the bottom of it, but at the top of which you decline to put your own?" He said, "Now, Squire, don't bother yourself about that at all. I shan't dictate anything to you that is of a criminal nature, or that will criminate you;" I said, "Go ahead, Mr. Thompson, let me see what you want. That is the best way to get at what you are after," and the letter was dictated and finished. I then laid my hand on the letter, and I said, "Mr. Thompson, I don't care to be engaged in anything of this kind. It isn't a proper thing to do. You are playing with fire, and it is an edged tool;" "Now," he says, "Squire leave that entirely to me; this is all amongst friends;" I said, "I will do nothing of the kind, Mr. Thompson;" I thought a moment, and I said, "But you take that letter and you read it over in your calmer moments, when you are not as anxious as you are now, and you will see for yourself it isn't a fit paper to be connected with. Don't you deliver it to anybody; keep it in your pocket, and I will go and see a friend of mine who is not engaged in politics, and who has my interests at heart, and if he tells me that this is a thing that I can properly do, very well;" I left Mr. Thompson, and I hunted all the next day for Judge Gildersleeve, and didn't find him; I then went to his house Saturday morning before he was up.

Mr. Peckham—What was the date of Saturday—the day of the month?

The Witness—That was the 27th of December, sir; (continuing) Saturday morning before he was up; I waited in the drawing-room until he came down and I sat down and told him all that I had done; my having been to the Mayor, what I had said to him, its report to Mr. Thompson, and the writing of the letter; "Now," I said, "Judge, what is the effect of that letter?" The Judge replied, "I don't care to discuss the effect of that letter with you; it isn't a proper thing to write, firstly, and secondly it isn't proper that you should write any letters of any sort or kind, or make any pledges of any name or thing in connection with your office if you get it; now, I am a friend of Mayor Edson and know him quite well and should be always glad to do anything to advance your interests and will do so, and will go forward for you, but I never will take a step in your behalf,

but rather against you, with any such paper or any other paper in existence." I then went into the dining room and stayed there—I had my breakfast and stayed there until the Judge had finished and came down-town; left the Judge; I went to the Worth House; Mr. Thompson wasn't there; come on down-town and went to the Department of Public Works; there I found Mr. Thompson.

Q. What did you say to Mr. Thompson?

Mr. Peckham—Was this the same day, the 27th?

A. This was on Saturday; yes, sir; I said "Mr. Thompson, I have been up to see Judge Gildersleeve; I have laid this whole matter before him and he confirms the opinion which I expressed to you, that it is the height of impropriety to write any letter at all, a letter of that character or any other kind, and I want the letter."

Q. Go on? A. He said, "Well, now, Squire, you let that matter rest; I will talk it over with Mr. Flynn;" I said "I don't care who you talk it over with, Mr. Thompson, I want that letter;" he still insisted that he wanted to talk it over with Mr. Flynn, and I said, "Very well, sir, do what you like; I am a citizen, not an official, and I never will cross the threshold of the City Hall again to seek a nomination or permit a confirmation; if I get that I have the power in my own hands with regard to taking the oath of office, which I will never take with that paper or any other kind of agreement; if you want any service of me, of any name or nature, you have got to rely upon Squire;" he didn't give me the letter, and I went out and started and went up to No. 624 East Fourteenth street after Mr. Flynn; I didn't find him, and came down here and went over into Kellogg's office, where I had often been.

Q. That is the Bigelow Blue Stone Company? A. Yes; No. 285 Broadway, and I saw Flynn passing on the other side of the street; I went out and caught him—called him in there and I said, "Mr. Flynn, I want that letter;" Flynn said, "What letter?" I said, "Why, the letter I wrote for Thompson after you left;" he said, "I have got no letter of yours; what did you write?" I told him what I had written; he said, "Well, you are a foolish fellow to write anything of that kind; don't you know any better than that?" He said, "Sit right down here and I will go and get it;" I sat down in the office; Mr. Flynn went off and I should think he was gone perhaps three-quarters of an hour when he came back, and he said, "It is all right, Squire, in the matter of that letter."

Q. Did he say that he had seen Thompson? A. That he had seen Thompson; he came in and he says, "It is all right about the matter of that letter; Thompson hasn't got it; it is up-town and you shall have it Monday;" I said, "Mr. Flynn, I have got an engagement with the Mayor, made by myself, at 11 o'clock on Monday; he desired me specially to come in at that time; now, I won't cross the threshold of the City Hall again without that letter; I don't like this business—have nothing to do with it whatever;" he said, "I will bring that letter to you at half-past ten o'clock; you meet me here."

Q. Here—that is at Kellogg's office? A. Kellogg's office.

Q. Did you keep the appointment? A. At half-past ten I was at Mr. Kellogg's office and there I stayed until somewhere about one o'clock when I went out and got some lunch; I came back and found that Mr. Flynn had been there and I waited until a little after three—whether it was fifteen minutes or twenty minutes, or whatever it was—I gauge the time by the time that I arrived here afterwards; Mr. Flynn came into Mr. Kellogg's, accompanied by his brother-in-law, Mr. Brown; they passed into the office, passed around Mr. Kellogg's private office and into a back room; Mr. Flynn took out a letter, unfolded it and handed it to me.

Q. Did he call you in? A. We all three of us went into that room, took out a letter out of his pocket, unfolded it and handed it to me and says: "Squire, there is your letter;" I took the letter in my hand exactly like this (illustrating), glanced at it, and I dropped my hand at my side. I said "That is business; I have done a good many foolish things in my life, but I don't know whether I ever did a more foolish thing than this;" I said "Mr. Brown, read it."

Q. Did he read it? A. He did; I put my hand in my pocket, took my match safe out, took a match out of it, scratched the match and touched the paper and held it over the cuspadore until it was burned up; "Now," I said, "I will keep my engagement at the City Hall; this thing out of the way I shall be happy to serve Hubert O. Thompson whenever I can."

Q. Was that letter handed you as the letter that you had given to Mr. Thompson? A. Yes, sir; it was the letter; I asked for that letter.

Q. Did you believe that to be the letter that you did give to Mr. Thompson, as you have described? A. Most absolutely did I believe it.

Q. And burned it under that belief? A. Yes, sir.

Q. Go on, Mr. Squire. A. I then left Kellogg's and hurried over to the Mayor's office; I came in here and Mayor Grace said to me—

Q. We have not got to him yet. A. (continuing) I beg pardon; Mayor Edson said to me, "Mr. Squire, I have been waiting for you all day;" I said, "Mr. Mayor, circumstances over which I have no control have made it impossible for me to get here until this time," and then I went forward from that time.

Q. One moment; had you any conversation then about this nomination with the Mayor?

Mr. Miller—That was on Monday?

Mr. Strahan—On Monday.

A. On Monday; yes, sir; the Mayor asked me a great many times—and I can't say how many—as to whether or not I could be confirmed; I said, "I think I can, Mr. Mayor;" "How can you be confirmed?" "You must leave that entirely to me;" that was the burden of our talk up to the very time that my name was sent in.

Q. You saw him subsequent to that Monday afternoon's interview? A. Yes.

Q. Between that and the day— A. Oh, yes, sir; I saw him again Tuesday and—

Q. And still no resolution on his part to send in your name? A. No, sir; he never had told me that he would send in my name until a very short time before he did send it in.

Q. When did he send it in? A. I should think it was about ten minutes before five o'clock.

Q. On the afternoon of the 31st? A. The afternoon of the 31st.

Q. When it was sent in it was confirmed? A. Yes, sir.

Q. Was there anything said on your confirmation—did the Mayor express any surprise at it, and was anything stated upon the subject at that time? A. After I was confirmed we were in that inside room there, and Mayor Edson walked over to me and he says: "Squire, this is a very extraordinary confirmation; you have got all the votes of those who cared to vote;" I said, "yes, sir;" says he, "It makes me very uneasy;" "Well," I said, "It needn't, sir;" "Did you make any promise?"

Q. This is him asking you? A. Yes, sir; "Did you make any promise in connection with the Department?" I said, "Yes, sir; I made quite an extensive promise, but the letter that I wrote was destroyed on Monday, and that is what kept me out of your office all day."

Q. Did Edson ask any promise from you in connection with any of the Departments? A. Yes, sir.

Q. What was that? A. That I should run the office honestly.

Q. Is that the only statement that he made to you on the subject? A. That is the only statement, sir.

By Mr. Peckham:

Q. Did you promise that in writing? A. No, sir; I had got done writing on that subject.

By Mr. Strahan:

Q. Do you recollect on the first day of January of going to the Manhattan Club? A. I do.

Q. Who accompanied you? A. Maurice Flynn.

Q. Did you see Judge Gildersleeve there? A. I did.

Q. What passed between you? A. Mr. Flynn and myself spoke to the Judge, and during the conversation Mr. Flynn turned to him and said, "Judge, the letter about which Squire was talking to you was destroyed as he told you; that is all right."

Q. Had you, in the interim, seen Judge Gildersleeve and told him of the destruction of that letter? A. Yes, sir.

Q. Do you recollect when that was? A. I think the Judge came to the Mayor's office on Tuesday—on Tuesday morning; left the court over there and I had been into the court and told him that the letter was destroyed and all pledges or implications of pledges were done away with.

Q. When did you enter upon the duties of your office? A. I went into the Department on the second day of January, in the morning.

Q. What was the next phase of development in connection with this matter? A. I might say on the first day of January, I was over in this office to congratulate his Honor the Mayor upon his accession to an office which he had already once filled and took occasion on that visit to state to him that though nominated by one Mayor I hoped to make a good officer for another; on the second of January, I took charge of the office over there; Mr. Thompson was present, introduced me to all the heads of the Bureaus and stated that he should be very glad at any time if I felt like consulting him upon matters about the Department, to give me the benefit of his experience.

Q. Well, tell us the next matter in connection with it; when did Mr. Thompson approach you again? A. Mr. Thompson came down to the Department some time during January; I can't fix the absolute time, but the conversation that he had with me is fresh in my mind.

Q. Will you give us that conversation, please? A. "Now," he said "Squire, Mayor Grace is very much nettled at the success which attended our efforts to make a Commissioner of Public Works and I don't know what conclusions he may come to, but I think I can induce him to appoint me Commissioner; what I want to talk with you about now is in case he will appoint me, what is your feeling as to giving up the office to me;" I said "Mr. Thompson, I should be very glad to serve you in any way that I can properly and in order; I see nothing wrong in my saying to you that if Mayor Grace will appoint you Commissioner of Public Works, you can have the office, and I tell you so now, whenever you will say to me that Mayor Grace is prepared to appoint you, I will get down and out and you shall have the chair."

Q. Was there anything said then about any promise by the Mayor to Thompson? A. The only matter of promise referring to Mayor Grace that dwells in my mind now, is what I have already stated about the Mayor.

Q. No; was there any at that time; you have already told us what Thompson said on a previous occasion? A. I don't recall any promise in that conversation.

Q. Well, your relations with Thompson continued friendly? A. Continued perfectly pleasant.

Q. How were they in the month of March, 1885? A. Pleasant, as far as I know.

Q. No jar, so far as you know? A. No, sir.

Q. Never any brought to your knowledge? A. No, sir.

Q. Did he on any subsequent occasion give you to understand that Grace was going to appoint him? A. No; but not directly; I don't recall any conversation with him; but Mr. Newcombe came into my office in the month of May; I had seen Mr. Newcombe with Mr. Thompson and we had talked together.

Q. You knew that Newcombe and Thompson were confidential? A. Oh, I knew their relations were pleasant and Mr. Newcombe came into my office in the month of May and said "Mr. Squire, Thompson tells me that it looks as if the Mayor would appoint him"; I said, "Very well"; "Well," he said, "What do you think about writing a resignation, so that in case the Mayor chooses to act, your resignation will be ready?" I said, "Certainly; I am perfectly willing to write a resignation; shall I do so now?" "Yes"; I sat right down and wrote the resignation and handed it to Mr. Newcombe; I said, "Mr. Newcombe, you hold that paper with this understanding, that if Mayor Grace will appoint Hubert O. Thompson Commissioner of Public Works, you can deliver him that paper," and Mr. Newcombe took the paper; I think on the next day Mr. Flynn sailed for Europe.

Q. Was Flynn with Newcombe when he came to you? A. No, sir.

Q. Go on? A. I think on the next day Mr. Flynn sailed for Europe; his wife and my wife were in Europe, but both anticipated going over after them, and Mr. Flynn went alone.

Q. Before Flynn went to Europe, did you tell him about that resignation? A. I did, sir; I told him I had given the resignation to Mr. Newcombe on his statement that it might be delivered to the Mayor if he would appoint Hubert O. Thompson.

Q. When did you first hear a suggestion as to the existence or representation that that letter that you wrote in December was still in existence? A. I think it was about the month of June.

The Mayor—1885?

The Witness—1885; I know that it was during Flynn's absence; Mr. Newcombe came to me and told me that Mr. Thompson had that letter.

Q. Did that arise in connection with the proposition of putting some person other than Thompson in the Public Works? A. I believe rumors were started that my Deputy was being considered as a fit person to be put in his chief's place.

Q. Did Newcombe come to you to suggest such a thing?

Mr. Peckham—I suppose you mean to ask if he did suggest it?

Mr. Strahan—Yes.

A. I was trying to recall how it came to my attention; whether it was through the press or what, I don't know; I can't now recall; I don't recall that Mr. Newcombe ever suggested the propriety of putting Mr. Smith in my place, or anybody else in my place; he held my resignation.

Q. What was stated in reference to this letter, that you supposed destroyed, and when was it stated? A. Mr. Newcombe came to me and he said, "Squire, I am afraid Thompson will make trouble for you"; "I said, 'Make trouble for me; how;?' " "Why," he says, "he has got that letter of yours"; "Got what letter; a letter of mine?" "Yes; the letter that you thought was destroyed"; "Oh," I said, "he has"; "Well," I said, "that looks a little thin"; nevertheless that was his statement; I can't tell how soon afterwards it was, but within a very few days, I ran across Mr. Thompson; whether I met him in the Hoffman House, or on the street near the Hoffman House, I can't now recall; but I met him; I said, "Mr. Thompson, you have cruelly and shamefully deceived me"; "In what?" he says; "In foisting off upon me a letter which was not mine, if it be true that you have got the letter that I wrote for you, in your possession"; "Well," he says, "Yes, I have got it"; says he, "That is a little matter of politics, Squire"; "Well," I said, "politics be damned; you have deceived me, sir, and I now want to tell you one thing, that I notify you to bring that letter before the community whenever and wherever you will, and from this day henceforth, sir, you go your way and I will go mine"; and I have been going it in that direction ever since.

By Mr. Peckham:

Q. This was in June, 1885, I think you said? A. In June, 1885.

By Mr. Strahan:

Q. Mr. Squire, you went your own way, you say? A. Yes, sir.

Q. What do you mean by that? A. Well; very shortly thereafter I issued a notice to my Deputy, desiring him to bring in all appointments for my approval; when I appointed him I had been instructed that he was perfectly familiar with the Department, and that he could manage the matter of appointing men; it was a matter of a good deal of trouble, and occasioned a good deal of talk with the leaders, and one thing and another, who came into your office and occupied all the time of trying to fill the rolls up; and that he was a good man to take care of it.

Q. You had no experience in that matter? A. No, sir.

Q. And you had no knowledge about the parties? A. No, sir.

Q. And therefore you were advised that he had both experience and knowledge in these particulars? A. Yes, sir.

Q. Did you withdraw the resignation that you have stated that you wrote to Mr. Newcombe? A. I saw Mr. Newcombe several times and asked him for that resignation, and Mr. Newcombe took the view that he held it to be delivered when Mr. Thompson should be appointed Commissioner of Public Works by Mr. Grace, and that he rather declined to hand it over; I asked him several times; finally, on the 2d day of November I wrote him a formal letter.

Q. Have you that letter? A. I have not, but it is in my private letter-book.

Mr. Strahan—Will you send for your letter-book; is there any one here from the Department?

The Witness (to an officer from his Department)—Step over to my desk, if you please, and get the letter-book out of the right-hand side of my desk and bring it over here to me, if you please (continuing); on the second of November I wrote this letter to Mr. Newcombe:

"R. S. NEWCOMBE, Esq.,

DEAR SIR—You are hereby notified that my resignation as Commissioner of Public Works of date May 19, 1885, is hereby revoked and withdrawn, and you are requested to hand the same to me; that was on the 2d of November, I think.

Q. That letter was delivered to Mr. Newcombe? A. Yes.

By Mr. Peckham:

Q. The second of November, 1885? A. 1885; I wrote the letter because I had asked him for the letter several times and he always took the view that this understanding between Mr. Thompson and Mayor Grace might be carried out; "Well," I said, "it can't be carried out with me after the way the thing has been going on."

By Mr. Strahan:

Q. You continued on your course? A. Yes, sir.

Q. You made several removals in your Department? A. I had appointed—I had been elected a member of the County Democracy, a member of Tammany Hall and a member of Irving Hall, and was looking after the republicans as well, but didn't get it, and under the suggestion—

Q. You had honors thrust upon you? A. Under the suggestion of Thompson that it was a proper thing to join the dominant and regnant party, I got into the County Democracy, and I continued to favor the County Democracy as a member of that organization until such time as I found they were trading for my head without rhyme or reason, and with an utter and absolute disregard to any sort of consideration for Mr. Squire; then I began to select laborers wherever I could find good and suitable ones out of the Republican party, and all the Halls put together.

Q. You continued in that course down to the present time? A. Yes, sir.

Q. In connection with that same subject, did you write a subsequent letter, withdrawing resignations? A. I wrote a letter to his Honor the Mayor, somewhere about the 30th or 31st of December, 1885.

Q. Will you produce that letter, please; it is one of the exhibits in the case? A. I can repeat it to you, to save trouble.

Q. Never mind.

The paper is produced.

Q. Look at that paper, Exhibit "14"; is that the letter you wrote to Mayor Grace on December 31? A. Yes, sir.

Q. Early in the month of July last, after an examination into the workings of your Department, you determined on making some pretty wholesale removals, did you not? A. Yes, sir.

Q. And reducing the expenses of the Department? A. I did, sir.

Q. And you instructed these to be carried into effect?

The Mayor—1886?

The Witness—1886; along in the month of February, I directed my deputy to report to me, from his experience as an engineer and with the works of the Department, what he considered to be the actual excess of labor on the various rolls of the Department, and report the same to me.

The witness here reads the letter of November 2, called for as follows:

"NOVEMBER 2, 1885.

RICHARD S. NEWCOMBE, Esq.:

MY DEAR FRIEND—You are hereby notified that my resignation as Commissioner of Public Works of date May 19, 1885, and deposited in your hands is hereby revoked and withdrawn, and you are requested to return the same to me.

Sincerely yours,

ROLLIN M. SQUIRE, Commissioner of Public Works.

Q. Go on, Mr. Squire; you are telling us that you instructed an investigation? A. Shortly after the appointment of Mr. William V. Smith as Deputy, I desired—

Q. You have told us that; when did you get the report from him? A. I got the report some time about the first of July; between the 1st and the 6th.

Q. And you directed that report to be carried into effect, did you not? A. To be carried into effect.

Q. And that was published in the New York papers substantially? A. Yes, sir.

Q. That necessitated considerable removals of appointees that Mr. Thompson had made to the Department during his term as Commissioner of Public Works? A. Yes; because if you remove anybody there it was somebody that he appointed; there has been a good deal of talk about removing the County Democracy men; you couldn't strike in any direction but what you would meet one.

Q. You know Mr. Ivins, do you? A. Yes, sir.

Q. He is a partner of Mayor Grace? A. I understand that he is.

Q. Did you ever have any conversation with Mr. Thompson as to Mr. Ivins? A. Yes, I have had several talks with him about Mr. Ivins when he has alluded to him several times.

Q. When did he first do so? A. Well, I met Mr. Ivins somewhere over in a restaurant here; I think possibly this one on the corner of Chambers street, on one occasion, and it was when the trading for Squire's head had got to be pretty lively and I didn't hesitate to talk to anybody I met about the situation; I saw Mr. Ivins there.

Q. Stop one moment; that is not what I am referring to; I am speaking not of your conversation with Ivins; I am asking your conversation with Mr. Thompson in reference to Mr. Ivins?

Mr. Peckham—Won't you be kind enough, Mr. Strahan, first to fix the time and place of the conversation.

Q. Fix the time and place, please? A. That would be very difficult to say, because I met Mr. Thompson frequently; I would meet him at Wallack's Theatre or the Star Theatre, or in the winter at the Old Guard ball; we met constantly, everywhere.

Mr. Peckham—It can be fixed with reference to some time.

The Witness—I was going to fix the conversation—the first conversation, I think, that I had with Mr. Thompson with regard to Mr. Ivins followed this conversation which we had over here.

By Mr. Peckham:

Q. Followed the conversation which you and Mr. Ivins had? A. Yes; and I said to Mr. Thompson that I had seen Mr. Ivins.

Mr. Peckham—If the conversation has anything to do with reference to this letter or this matter I will not object to it, but if you are asking, as the question seems to ask, what Mr. Thompson said about Mr. Ivins, I object.

Mr. Strahan—It is a little out of the ordinary; I withdraw the question.

The Witness—I will repeat it; it wasn't very complimentary.

By Mr. Strahan:

Q. Tell me about the meeting you had with Mr. Ivins in the restaurant? A. I saw Mr. Ivins in some restaurant—I think it is the one on the corner—and strolled over to him, and we got into conversation, and I said, "Well, Mr. Ivins, they are making the trade for Squire's head pretty lively," and he said, "Yes, there seem to be rumors of that sort of thing"; "Well," I said, "they can all, one and all, understand that they are barking up the wrong tree; they have used me in a shameful manner, and when they get any concessions from me they will be older than they are now"; I think I said, "If they desire to frighten me with any non-existent papers, or if they desire to get hold of my resignation, or anything of that kind, they will have to work a good deal harder than I think they anticipate working."

Q. Did you at that time state that the resignation which you had made out was made out at Flynn's request? A. No, sir.

Mr. Peckham—At that time? I don't know what time you are referring to; he has not taken up any particular time.

Mr. Strahan—Yes, he has; he said the meeting at the restaurant with Mr. Ivins.

Mr. Peckham—Is that what you are referring to?

The Witness—I suppose that is the question he asked. No, sir; I made no such statement to him, because it wasn't true.

Q. Did you say that Newcombe wasn't at liberty to use that resignation without Flynn's consent? A. Never.

Q. That is not true, either? A. No, sir.

Q. There were no such instructions given to or request made of anybody? A. Not the slightest; I wasn't manufacturing whole cloth then; I was stating the facts.

Q. Had you any other conversation with Mr. Ivins; he sent for you, didn't he, on one occasion? A. I met him, on one occasion, in the Stewart Building; I think I was on the floor of his office; he asked me to step in; I think it was the first time I ever was there; a large outside office and turned to the left, and I think, passed through a rail, turned to the left and went into a little room looking out on Broadway.

Q. Please state what Mr. Ivins said. A. Mr. Ivins said to me, "Squire, you and I are both men of the world"; I said, "Yes, I have taken a good many voyages in my life"; "Well, we don't hesitate to take hold of a good thing when we get it"; "Well," I said, "I don't know that I have the reputation of ever having declined anything of that kind"; "Well now, Squire, to talk the matter over just between you and me, have you got any price for your office?" I said, "Yes"; "Well," says he, "What is it?" "Well," said I, "I come from the land of nutmegs, and I always like to know when there is a trade started how anxious the other man is, and whether he is really ready to buy"; "Well," he said, "We are ready to purchase at a reasonable price"; "Well," I said, "Mr. Ivins, my price for my office is my good name and repute at the end of my term, and because of the character of the price I overlook the quality of your offer," and left his office.

Q. When you put words into Mr. Ivins' mouth, "We are willing to buy," was any reference made to who was included in the offer? A. No, sir; that is all he said; he didn't mention any names.

Q. You had a conversation with—you know Judge Spencer, I believe? A. Yes, sir.

Q. He is the President of the Croton Aqueduct? A. Yes, sir; the new Aqueduct Board.

Q. Do you recollect the date of Mr. Thompson's funeral? You met him in the Hoffman House, did you? A. Yes, I met him in the Hoffman House. We had talked over this letter.

Q. Give us that talk, please. A. I think the Judge asked me if I wrote such a letter, and I said "Yes." We spoke about the suggestion of my being made Commissioner of Public Works, and I said when that was made I regarded that as the highest joke of the season, and then I—

Q. Did you say that the writing of that letter you considered a joke? A. No, sir; the suggestion that I could be made Commissioner of Public Works. Then I recited the writing of the letter briefly. I probably didn't go into the whole story as I have gone into it here, but touched on the edges of the facts; that I had seen Judge Gildersleeve, I think. I think he asked me afterwards who it was. I told him that, as far as I was concerned, the letter was destroyed.

Q. Before you were nominated for Commissioner of Public Works? A. Yes, sir.

Q. Judge Spencer in giving his version of this affair used the word badinage; did you use that word in connection with the writing of the letter, or in connection with Thompson's suggestion that you should apply for the nomination of Commissioner of Public Works? A. If I used the word "badinage," I applied it that the thing was in the nature of a joke in the nomination—of my nomination; when the suggestion was made to me that I could have been made Commissioner of Public Works, it wouldn't have astonished me any more if they had told me that I could have been made Czar of Russia. I don't know but what I should prefer the latter place.

Q. You have stated, Mr. Squire, that when you handed that letter to Mr. Thompson on the 25th, or 26th, or 27th of December, you requested him to keep it till he heard further from you? A. Yes, sir; after holding—

Q. Never mind, you have said yes; that is all I want; it is only to lead on to another question. Did you at any time direct Mr. Thompson to deliver that letter to Mr. Flynn? A. Never.

Q. Were you aware that that letter was ever given to Mr. Flynn except for the purpose of redelivering it to you for destruction? A. No, sir.

Q. Mr. Squire, we have heard something here from some of the discharged employees of your Department about Mr. Flynn's visits to the Department after you entered upon the Commissioner-ship of Public Works; did he visit your Department after your appointment? A. Yes, sir.

Q. You knew he was one of the leaders of the County Democracy? A. Yes, sir; I had heard so.

Q. He represented what? A. The Fourteenth District, I think.

Q. In the General Committee; did other leaders of the County Democracy visit your Department? A. Yes, sir.

Q. Were they there oftener than Flynn? A. Quite as often.

Q. Did Mr. Flynn, after you entered upon the duties of your Department, interfere with its management or suggest to you in any way whatever anything relating to the management of your Department, directly or indirectly? A. Never in his life; the only dealing I had with Mr. Flynn in any form or shape was the general discussion of his appointees; I guess he would have liked to have filled the whole Department up, as any other leader of the County Democracy would have done if he could have done it.

Q. That is what they came to you for? A. Yes.

Q. And he, like the rest, persisted in having appointments when he could get them? A. Yes.

Q. Now, did you refuse him as often as you did the others? A. Yes, sir; so far as I know; I wouldn't be understood, Mr. Strahan, as implying by that last answer of mine that a man is not entitled in this country or any other to have his preferences.

Q. A witness by the name of Donnell testified here yesterday that you consulted with Mr. Flynn before you made any appointments? A. Well, I guess he would swear to anything.

Q. Is that true? A. Oh, no; that is not true.

Q. You consulted with him in reference to the appointments he asked for himself? A. Mr. Flynn's consultations with me with regard to appointments were generally confined to impressing upon my mind the fact that he would like this man, that man and the other, appointed from his own district.

Q. Now, did you ever consult with Mr. Flynn as to the parties that you appointed on the recommendation of leaders of other districts in the County Democracy? A. No, sir; I never did.

Q. Never in your life? A. No, sir.

Q. Did you consult with him in reference to a contract with the City of New York? A. I think on one occasion Mr. Flynn said that Thompson had met a very serious stumbling-block in contracts which were known as the \$999 contracts, and if he were Commissioner of Public Works he should very strongly lean to advertising all work that was done by the City which he could advertise, and which he certainly couldn't get prices for by letting in the old way.

Q. What course did you follow in that particular? A. I advertised as largely as I possibly could, and put out contracts less than a thousand dollars whenever my contract clerk was able to assure me that the prices were the best that could be got in New York.

Q. You didn't act in any case except upon the conference or recommendation of your contract clerk? A. No, sir; my contract clerk was told by me to see that all prices were as good as could be obtained in the City of New York, and that I should hold him strictly to that, and that if I found him ordering things and paying excessive prices for them, I had the opportunity of knowing the prices as well as him, and I shouldn't countenance it.

Q. And that was the rule of action during all the period you administered that Department? A. Yes, sir.

Q. Mr. Squire, you have stated that it was during Mr. Flynn's absence in Europe that Mr. Newcombe first informed you of the claim that that letter was in existence? A. Yes, sir.

Q. Did you, on Mr. Flynn's return, direct his attention to the fact that it was claimed that the letter was in existence? A. Yes; when he got home I told him that I had learned from Mr. Newcombe that Thompson had that letter.

Q. What passed between you and him on that subject? A. Well, I judged from Mr. Flynn's remark that he had heard rumors of that character, but he didn't inform me that he was aware or positive of the matter until some time afterwards; I think it was somewhere in the month of August he said to me—

The Mayor—August, 1885?

The Witness—August, 1885; he stated to me, "There is very little doubt but what you and I were deceived in that matter."

Q. You stated that you removed your deputy, Mr. Lowber Smith, and appointed Mr. William V. Smith in his place? A. Yes, sir.

Q. When was that done, do you recollect? A. That was done in the month of February.

Mr. Peckham—What year?

The Witness—1886.

Q. Did you at that time state to Mr. Lowber Smith that political reasons induced you to part with him? A. No, sir.

Q. Did you tell him or make any explanation whatever? A. I told him that he wasn't in sympathy with me; that I couldn't keep him in harness, and I wanted a counterpart of Squire as long as I sat in that chair.

Q. As your deputy? A. As my deputy; he had begun then to disobey my orders very frequently, and that hastened the matter; I tried to get along with Mr. Smith; he had visited my house very frequently and knew my people, and I knew his, and I temporized with him as long as I could, but I couldn't make him heed the orders which I gave him; I issued orders that no more appointments should be made in the Department without my approval.

Q. That was done earlier? A. Well, yes; but he didn't obey them; I think, Mr. Strahan, Mr. Smith would be perfectly aware of that fact, that I made no such remark concerning the political necessities.

Q. It is him who has made the remark? A. I think he would be perfectly aware that no such remark was made, because when I had dropped him as Deputy, and put him into another position in the Department, he returned to me and said, "I trust, sir, that you will feel that I will no longer continue to be a spy upon your acts; I do not desire to know what appointments you make or look into your appointment books, and I have told them up to the Worth House that I will have nothing more to do with it."

By Mr. Miller:

Q. Meaning Mr. Thompson? A. I don't know what he meant.

By Mr. Peckham:

Q. You knew—A. that was a hasty remark; I will withdraw it at your suggestion; I fancy he meant Mr. Thompson; I took it to be so; I thank you for the correction.

By Mr. Strahan:

Q. Mr. Squire, in these elaborate charges which have been got up here, presented by the Mayor to himself through the Commissioners of Accounts, the first charge refers to "Mutilation and Alteration of the Official Records of the Department of Public Works;" tell us about that matter, please. A. Well, I shouldn't tell you if you didn't want it, because my feeling is the other way, but there were charges lying on my table preferred against Mr. Joseph Blumenthal, the Superintendent of Incumbrances; for very many months there was a flight of complaints from the office over here to the Commissioner of Public Works, about incumbrances existing in the City of New York, until they had got to be very numerous, so much so—

Mr. Peckham—You mean incumbrances on the streets or sidewalks?

The Witness—Yes; complaints were coming from the office about incumbrances on the streets; after they got pretty numerous I examined and found a great majority of the incumbrances complained of existed under his Honor's permits, and so informed him; I then told Mr. Blumenthal not to permit them to come to me; I was mandamus for complaints on Fourteenth street, and finding that I couldn't get the information that I wanted in the bureau under the then head, I then preferred those charges, alleging what I have stated here about the mandamus and the complaints.

By Mr. Peckham:

Q. You preferred charges to whom? A. Mr. Blumenthal.

Q. To whom? A. To him to appear before me; notice was sent to him to appear before me at such an hour on such a day.

By Mr. Strahan:

Q. That is, to make an explanation as a statute requires? A. To make an explanation; his friends came to me and asked me not to insist upon the hearing of those charges; that Mr. Blumenthal would tender his resignation; Mr. Blumenthal came and tendered his resignation, and when he did so I handed him the charges taken out of the book over which I assume I have control, and which I do not regard as of necessity as a public record, and said, "Mr. Blumenthal, there are all the charges that are in the Department against you; put them in your pocket," and sat down and wrote a letter to Mr. Clifford, saying, "You are hereby directed—"

Q. One moment, let us have the letter. A. The letter is in the office.

Mr. Strahan—Give us that letter, Mr. Miller.

Mr. Miller—It is in your books; it is copied in the stenographer's minutes.

Mr. Strahan—Will you send for that book, Mr. Squire?

The Witness (addressing a man in the room)—Get the Letter-book No. 34, in which pages 606, '7, '8, and '10 are taken out.

The letter-book is produced.

The Witness—The letter is on page 830 of Letter-book 34.

Q. Do you now produce the letter? A. Yes.

Q. It is on that page? A. Yes.

Q. It is on that page of the letter book? A. 830, of Letter-book 34.

Q. On February, of what date? A. On February 25, 1886.

Q. When was that written; was that written on the day it bears date? A. As far as I know, sir.

Q. The letter-book bears a portion of each detached sheet, showing where it was taken out? A. Yes, sir.

Q. No person could open that and not see it? A. No, sir.

Q. And the letter of explanation showing that it was taken out under the direction is upon page 813? A. 830.

Q. Just read the letter, please. A.

ROBERT W. CLIFFORD, Esq., Chief Clerk:

As the matters referred to on pages 606, 607, 608 and 610 of Letter Book 34, have been disposed of, you are hereby authorized and directed to remove said pages from said book 34.

Q. Was there any effort in removing these pages to conceal or cover up anything? A. The only desire I had was at the request of Mr. Blumenthal's friends and Mr. Blumenthal himself, that having resigned his position there should be no charges or evidence of charges against him, and I was very anxious to serve him in that direction, and did so.

Q. Was that the only feeling that actuated you in connection with this matter of the removal of those pages? A. That is all, sir; the letters referred to nothing in the world but Mr. Blumenthal and the charges, and before I took them out of the book, I asked Mr. Clifford if there was anything—any reason why that couldn't be done and he assured me there was no reason.

Q. Had Mr. Clifford the charge of those records of those papers? A. Yes, sir.

Q. Do you know how long Mr. Clifford was connected with that Department? A. Well, I have heard he has been there since the days of Tweed.

Q. And you assumed he was perfectly familiar with all matters relating to the administration of the Department? A. I did not question it then, and don't now.

Q. This was a pure act of kindness on your part? A. That is all that induced me to remove the letters from the book.

Mr. Strahan—Have you got that letter or memorandum of Birdsall's, Mr. Miller?

Mr. Miller—Copies were furnished to each of the stenographers at your request; here it is though, if you want it.

Q. (Handing witness Exhibit No. "3"). Just read over that paper there on that page of the book, page 97, read it to yourself? A. Yes, sir.

Q. You have read this paper marked Exhibit No. 3? A. Yes, sir.

Q. Did you ever see the original of which that purports to be a copy? A. Never, sir.

Q. Was that paper ever handed to you by your then Deputy, Mr. Lowber Smith? A. No, sir; it was not.

Q. You are quite certain of that? A. I know it, sir.

Q. Do you recollect when your attention was first directed to the matters relating to the Croton Aqueduct Fund? A. Sometime May or June; I can't tell exactly when, but somewhere about there I had a conversation with Mr. Birdsall.

The Mayor—May or June, 1886?

Mr. Strahan—This year.

The Witness—1886, yes, sir; I had a conversation with Mr. Birdsall upon the subject of the Croton Water Fund, and the employees under it, and I think Mr. Birdsall called my attention to the fact that he had written me upon that subject; I stated to him that I had received no letter from him, and begged him if he wanted to communicate anything to me, taking into consideration the way I was surrounded, he would confer a great favor upon me if he would deposit his communications in my post-office, instead of my Deputy's.

Q. Who was your Deputy at that time; was it Mr. W. V. Smith, or Mr. — A. (Interrupting) At that time Mr. W. V. Smith was my Deputy, and when we spoke about this letter, I said, "No letter of that character has ever reached me."

Q. Who is the custodian of the documents of your office? A. The letters are brought in to me, and it is my habit to mark each letter that I receive, in some way or other; I do it now with a stamp, and it is sent out to the clerk who sits in the Deputy's room, and each letter is entered in a book, and the file is pasted on the back of it, and it is sent forward to the Chief Clerk, and by him filed away.

Q. Did you ever go to the files of your Department to remove any papers? A. No, sir.

Q. Any papers that you ever required, you sent for the Chief Clerk? A. Always sent for them.

Q. And requested the Chief Clerk to bring them to you? A. Yes; made diligent search for those papers.

Q. One moment; did you ever, before the present proceedings were commenced, have your attention directed to such a letter as this? A. No, sir; beyond the fact—I want to qualify—beyond the fact that Mr. Birdsall, without reciting any letter to me of any name or nature, said that he had written a letter to me touching upon the subject which we were then discussing.

Q. At that time did you direct an inquiry to be made for that letter? A. I can't say that I did at that time.

Q. Do you recollect? A. No, I don't recall that I did; it is very probable that I made some talk about it; I think I did, but I don't remember it distinctly enough to dwell upon it.

Q. When these charges were served, did you direct an inquiry then? A. Yes, sir; we had the whole Department turned upside down for it.

Q. And the report was that that letter couldn't be found? A. Couldn't be found.

Q. Who, besides Mr. Clifford, do you know, has access to those files? A. Well, I don't know how many of the clerks in the office; perhaps all of them; you mean insiders—that is, inside of the Department?

Q. Yes. A. Yes.

Q. Who did you ask to make the search for this letter? A. Mr. Clifford.

Q. And the search was conducted under his supervision? A. Yes, sir.

Q. Did he report to you? A. Yes, sir.

Q. And his report was that it could not be found? A. Could not be found.

Q. Who besides the employees of your office had access to the files? A. The Commissioners of Accounts; they had access.

Q. And by your direction they had full access to all the papers and documents in your office? A. Yes, sir; in the office; they have manifested a great desire to get them outside for a long time.

Q. But in the office, they at all times have had access to them? A. Everything; there is not a paper or anything in the office that is not at their disposal.

Q. And they have been in there for a long time, have they not? making examinations? A. Well, as near as I can remember, ever since I have been there.

Q. When your attention was directed to this matter, did you cause an inquiry to be made in reference to it by your Deputy? A. Yes, sir; I stated that my Deputy was then engaged in making a search, which must include these matters.

Q. And upon his report was the system changed? A. The system was changed; there is no detailed man in my Department at the present writing.

Q. That was before these charges were commenced—the charges were made? A. Yes, sir.

Q. Before you heard of charges? A. Yes, sir; Mr. Smith's report came to me, I think, on the 6th of July.

Q. Before you heard of charges? A. Before I heard of charges? I had heard of rumors of them since the year one.

Q. Since the date you went in there? A. Yes, sir; that is the year one to me.

Q. When you went into your office, did you find that there were what is known as detailed men—men appointed as Axemen, and detailed to various other occupations? A. Yes, sir.

Q. Do you know how many you have so found? A. I cannot tell you the number, the records will show; I don't think there was very much change.

Q. The system that you found in operation when you went in there was continued under you? A. Up to the changes that were made this year; I have constantly endeavored to work out the problem; it is a long story to work out any problem in a Department of that kind when you have got to fight pretty near every man in it before you can get to a conclusion, besides the outsiders.

Q. And they are sometimes the fiercest? A. The outsiders?

Q. Yes. A. Well, they are said to be.

Q. There is a charge here of neglect of duty and unfitness for office, based upon one solitary appointment which you made of one Uriah A. Pollard? A. Yes, sir.

Q. And we have heard a good deal upon that subject from some of the witnesses, including Chamberlain Ivins? A. Yes, sir.

Q. You know this man Pollard that you appointed? A. Yes, sir; I have known him since his boyhood.

Q. Did you know anything about some offences he had committed or been indicted on in Boston? A. I did when he told me.

Q. When did he tell you? A. On the 15th of February, 1886.

Q. Was that the first information you had on that subject? A. Yes, sir.

Q. What did he say to you when he came in? A. He came into my office with a letter in his hand and told me they had been looking up his record in Boston; well, I said, "My dear fellow, that is not going to disturb you much; they have been looking up mine for the last fifty years"—I shan't be fifty till next December; then he said, "Mr. Squire, I have something to say to you in that connection;" I then listened to his story of an indiscretion.

Q. Tell us what it was. A. Of an indiscretion that he had committed years ago at a time, as I recalled, when I listened to him, when I was not in the city.

Q. What city do you refer to? A. In the City of Boston; and I heard it through, and I said, "Mr. Pollard, this pains me very much indeed, and I want to say to you, as far as I am personally concerned, that if I were at the head of the largest banking institution in the City of New York, I would trust you with every dollar of its funds without any hesitation; but I am at the head of a public department, and it may be claimed that men whose records are clear are entitled to places, rather than those against whom anything can be said, and I must, therefore, ask for your resignation;" he sat down and wrote his resignation then and there, and I desire here and now to say, in the presence of the City of New York, that not one of the charges made against me has touched me or affected me or made me so unhappy as the fact that the unparalleled brutality was possible of striking at a man who has been endeavoring for the last seventeen years to lift himself above the error of his boyhood, for the sake of getting, as it was expressed in the letter, "a blow at Squire;" I don't ask or seek vicarious atonement; I am able to bear upon my own shoulders the weight of any folly that is alleged as having been committed by me.

Q. You have had some experience with this man Pollard in your Department? A. I have, sir.

Q. How have you found him while serving there? A. I have found him as I knew him to be, a capable, expert bookkeeper, and a man who has been of infinite service to the City of New York; my reason for putting him into that Department was because my attention was called not only to the misappropriation of funds alleged to have gone on at an earlier date before I was Commissioner, but the system which then obtained in the Department; it was possible for any inspector—an man in the employ of the Department below stairs to trade upon the claims of the City against its citizens through the Water Register's Bureau; I called Mr. Pollard's attention to that fact, and asked him to lay before me a system which should appeal to me which should stop that business and render it impossible; Mr. Pollard did that, and instead of being obliged, as you were two years ago, or even a year ago, when asked what is the revenue of the City of New York, to say, "I don't know"—

Q. The water revenue, you mean? A. Yes; "I don't know just what I took in in connection with that bureau," simply that you collect and charge money, and it is specified so much returned to the financial officer, and there is so much that has not been returned that is supposed to be in arrears, I hope, at the end of the year, to answer the question as to what every ward in this city owes, and what she has paid, and that not only all the claims outstanding have been classified, but put in a thorough shape, so that no question can be asked about that that any bookkeeper can't understand.

Q. Is that the system that you are now acting upon and with what results? A. Well, sir, my attention was early called to the fact that the most inequitable system of charge to citizens existed in that Department; for instance, A and B living side by side, having precisely the same establishment—the front rates chargeable alike and all other proper chargeable features being precisely the

same, that A was charged one price and B another; it was the result of either an incorrect, careless inspection or else the—

Q. Favoritism? A. The favoritism of the Inspector and, therefore, I ordered a reinspection to be made of the whole city, and that figures up to-day in my Department an increase of the water income of about \$204,000.

Q. For the present year? A. For the present year; now, if any complaint is made that any reinspection is wrong there are blanks which an Inspector can take; these names once sent out he returns the blank and it is filled and the reinspection—the cancellation is made; when they want to make a cancellation—John Smith for instance—he would formally come into the office, and if he owed \$100 he would come in and say the bill was only \$30, and instead of asking for a reinspection it was possible for him to go to an Inspector outside and give him \$20 or \$30 and pay the city \$30 and beat the city out of \$70, and by simply erasing the \$100 and writing \$30 over it you could not find out who did the erasing; now, a system of checks has been established for that; there is a system of checks there now and I am of the opinion that nobody now can get around it; each bill bears its coupon and it is a fac-simile of the bill, and any one inquiring can readily find out.

Q. Is this improved system with these results attributed in any degree to the services performed by Mr. Pollard in your Department? A. Yes, sir.

Q. Almost wholly so? A. Almost wholly so; yes, sir; and when Mr. Pollard made his report upon the Water Register's Bureau and what improvements he thought could be made there, and what changes for the advantage of the city, I laid the matter before the Commissioner of Accounts, Mr. Shearman, who was in and out of my office, I guess, on the whole, fifteen or twenty times, and he took Mr. Pollard's report and read it and asked the privilege of taking it to his own office which he did and returned it to me after a time and said, "That is a very able document; it meets the views you and I have talked over clearly, and I think it is the ablest document of the kind that has come out of the Public Works."

Q. This is the same gentleman now that makes the charge against your employment of Mr. Pollard? A. Yes; he don't question Mr. Pollard's ability; he is not attacking Pollard; he is only guilty of the brutality of dragging him into it in the way he has.

Q. During the time Mr. Pollard was there in your office, was he faithful in his attendance? A. Entirely so, sir.

Q. Honest in the discharge of his duties? A. Yes, sir.

Q. And you had no occasion to find any fault? A. None whatever.

Q. With the services he performed or the manner he performed them? A. None, whatever.

Q. Do you know of any other person having found any fault with him? A. With Mr. Pollard?

Q. Yes; during the time? A. Nothing, except what I have said.

Q. With reference to his services and duties while in the Department? A. No, sir; no.

Q. No complaint about him to you upon that subject? A. No, sir; on the contrary I have been told by almost every man in the Department that when Mr. Pollard went out of it they viewed his going with great regret, from the Water Register down.

Recess until two o'clock.

After recess.

The Mayor—Now, Mr. Strahan, are you ready to go on?

Mr. Strahan—No; I am not ready to go on; since we adjourned here I have been informed, and I presume it is correct, that indictments have been found against Mr. Squire and Mr. Flynn; in view of that fact and the necessary change it presents in the conducting of these proceedings, I have a motion to submit, and that is that these proceedings stand over until the day after to-morrow; I do so for two reasons: First, assuming the fact to be as I have stated, my presence and the presence of Mr. Squire is necessary elsewhere, and Mr. Flynn and his counsel, so as to provide the necessary bail and take the necessary action in connection with such a proceeding; and secondly, I ask it over to-morrow, because in view of that fact it is necessary that I should have a consultation with those who have taken a moderate part in this proceeding, so that I may determine upon my future course of action.

Mr. Peckham—Mr. Strahan, if you will allow me to save as much time as we can; we are favorably impressed with the propriety of your request and shall unite with you in making the request to the Mayor; we do not take any issue upon the propriety of your request and shall unite with you in making the request to the Mayor that under these circumstances the examination stand till the day after to-morrow at 12 o'clock.

The Mayor—Will that suit all the counsel?

Mr. Peckham—I admit on the part of the Commissioners there seems to be a propriety in Mr. Strahan's request, and, therefore, we most cheerfully acquiesce in it.

Mr. Miller—I suppose Mr. Strahan has the information.

Mr. Strahan—I presume I have.

The Mayor—I have no official notification or knowledge of the fact.

Mr. Strahan—No, I have no statement nor official notification of the fact; I don't know that they can officially notify me in any way whatever, as I am not recognized; I have no standing there as yet.

The Mayor—This investigation stands adjourned till Thursday, at 12 o'clock.

THURSDAY, August 12, 1886.

Met pursuant to adjournment.

Present—Counsel as before.

The Mayor—Well, gentlemen, are you ready to go on?

Mr. Strahan—No, your Honor, I am not ready to go on to-day. As I stated on the last occasion, it was a matter for you to determine as to the course which I should pursue. Since then a few unforeseen circumstances have interfered. I haven't seen my friends with whom it was necessary for me to have consultations substantially until I saw them on entering this room. I had occasion to leave the city yesterday morning and did not return until late in the evening, and did not see either of them till yesterday. I haven't seen the indictment even, which has been procured. I wanted to get a copy of it but I have failed to get that as yet, so that under these circumstances I am not prepared. I am anxious to go on. My determination is to go on and finish this matter up before the Mayor. I am just as anxious as the Mayor can be upon the subject, but under the circumstances I desire that it should go over until Monday or Tuesday, when I feel I shall be ready to go on and put in my case continuously so as to finish it up.

Mr. Peckham—At the adjournment, day before yesterday, I understood Mr. Strahan to say that they were practically through with the direct examination of Mr. Squire. They might want to ask him so few further questions and they had certainly for a considerable length of time finished asking him anything about the most substantial charge that is made. They had gone on inquiring about other and minor matters. That statement and evidence of Mr. Squire is in the case and has gone to the public and it was made in a manner that showed that Mr. Squire was in the fullest possession of what he deemed the proper course to take, and in the most familiar and fresh recollection of the facts which he chose to state. We also know perfectly well that the matter of the indictment of Mr. Squire has been matter of great probability for a considerable length of time and we have seen statements in the prints—the newspapers—to the effect that Mr. Squire had asked to go before the Grand Jury, so that the probability of his indictment was practically an expectation—almost a certainty on his part. Now, my learned friend, Mr. Strahan, makes no mention of any engagement upon his part to-day, particularly, to prevent his attention to it or his attendance. I haven't heard from him a suggestion of any difficulty on the part of Mr. Squire to attend here to-day and go on with the little further testimony he may desire to give upon the direct and to allow us to go on with his cross-examination. There is no suggestion that this indictment is being pressed for trial. He had given bail. There is nothing to take any attention in any way. I don't see why this proceeding should be adjourned. I don't remember a single suggestion upon the part of my friend, Mr. Strahan, giving any reason why this should be adjourned now—at any rate until we close up the cross-examination of Mr. Squire. It was a very considerable stretch of courtesy the other day to adjourn it at all. Usually, it is desirable to have the cross-examination follow as rapidly as possible upon the examination. We desire now to cross-examine Mr. Squire. He has told an extraordinary story and we desire to see how it will stand the test of cross-examination. We submit to the Mayor that the examination should go on. I can't see the least probability that the defense will be in any other or different position Monday or Tuesday than they are now. I ask to go on.

Mr. Strahan—Not calling in question my friend's statement when he says he does not see anything connected with this matter, and so far as his remarks applied to this indictment as matter of such and such; I hadn't the facilities that he and his side of the question have had of private consultations—not with myself it may be, but with others who have appeared prominently in connection with this case with the learned District Attorney. I haven't been on the inside of the District Attorney's Office and I haven't been in communication with him in connection with these matters. It is sufficient for me to say that so far as the stoppage of Mr. Squire's examination that day was concerned it is his side of the house that is responsible in connection with it. When Mr. Squire had almost, as I correctly observed, in my judgment got through with his principal examination I was waiting for information which was considered of importance and my friend, Mr. Newcombe, had left the room for the purpose of bringing the data in connection with it here. It was while the matter was thus suspended that another agency came into operation. That agency was so patent that to my friend, Mr. Peckham, it appeared conclusive on the question of proceeding with the examination that day, and I have no doubt he has got further light since that. I have no doubt he is prepared to recommend a different course of action now. Since that adjournment matters have just remained in the position I have explained. It was necessary for me to have a consultation as to the course that I should pursue. It was in my option to proceed or it was in my option to stay.

Mr. Peckham—Are you referring, Mr. Strahan, to your personally proceeding or staying, or do you refer to your client?

Mr. Strahan—It was in my option to proceed or it was in my option to stay. My own desire was to proceed; my desire now is to proceed, and my resolution is to proceed, but from circum-

stances as I have explained them, I haven't had the benefit of what I considered to be necessary—the advice and consultation before I do proceed. That is all I ask upon the subject. I say I would be ready on a very short notice to proceed, and how I shall conduct the hearing it is not for my friend Peckham to dictate to me, and it is not my intention to proceed in the form that he suggests or the manner he suggests. I shall take my own course upon that matter. The question at present is the proceeding. The exact status of it is well known. I can't interpose the objection which my friend suggests as to any personal engagement which will interfere so far, if I was otherwise prepared, simply because it wouldn't be a correct statement of the fact, but all that I have stated otherwise is a correct statement exactly about the facts and the position in which I am placed. I must prefer, therefore, for the reasons I have explained, not to go on to-day. I shall be prepared, as I have stated, to go on upon Tuesday next, and proceed with this hearing continuously until it is closed.

Mr. Peckham—Now, Mr. Mayor, let me call your attention to the disingenuousness of the learned counsel. I asked him if the matter of which he spoke had reference to himself individually, that he couldn't proceed or that his client couldn't. He tells me that he wants to adjourn. Why? Because he wants to consult with somebody. Whom? Does he name them? Not a bit. Is it with his associate counsel who are here? Not at all, for they are ready to consult with him, or have been. Not named. In some undetermined, indistinct, unknown way he demands and says he will not take any suggestion from me. I do not know that I have offered any. He demands that this proceeding shall be adjourned because he is going to consult with somebody. With whom? It hasn't been convenient for him to consult yesterday or to-day, and consult in regard to what? In regard, he says, to his course. I asked him whether it was in regard to the course that his client ought to take, and he ignores my question.

Mr. Strahan—You knew perfectly well it was my course and nothing else.

Mr. Peckham—I didn't know at all. I asked you the question and you didn't answer me. Thus it is, Mr. Mayor, that my learned friend here now is asking for time and putting off this in order to determine upon his present course—whether we are to have the benefit and advantage of his personal presence here or otherwise, or his client to have the advantage.

Mr. Strahan—Will your Honor permit me, before Mr. Peckham goes further, to refer you to a precedent in this matter. There came a case here before your Honor, presented on charges by yourself against General Shaler. You were very emphatic in your statement, that pending an indictment and before a trial, you would not proceed with the hearing. It was adjourned, I think, on three different occasions. It was not until after a second trial, where the jury failed to agree, that you resolved to proceed. I don't ask for any such indulgence. I don't ask you to wait for a trial. I don't ask you to wait for anything except that the counsel in the case, from the very extraordinary turn matters have taken—not through my agency, nor on my anticipation notwithstanding the statement of friend Peckham—that this matter shall be put down at such a reasonable time as will enable me to determine as to the course which I shall follow—if he wants it very expressive—in relation to the conducting of the proceedings here. A criminal charge is presented, and when other charges are present it is a matter of responsibility in reference to the office of counsel, and that responsibility I want to discharge fully and faithfully to my client and also to the interest that is here being tried or inquired into. Now, I ask, therefore, for nothing that you have not already conceded to be a just and a proper claim. I do not ask it to the extent to which you have decided; I ask it only for a reasonable time that will enable me to decide—until Tuesday next, at any hour that you may be pleased to assign.

Mr. Peckham—Let me make this suggestion, Mr. Mayor: Mr. Strahan now says that he wants to call your attention to a precedent, and he interrupted me for that purpose. That precedent, he says, was made upon the application of the party charged on his account and for the benefit of a postponement. This application is not made by the party charged and not for his benefit and not asked by him. It is made by counsel in his own interest, for his own purpose, to determine.

Mr. Strahan—It was made by counsel there.

Mr. Peckham—To determine what course he will take in respect to his client—whether he will act for him, or won't act for him.

Mr. Strahan—I didn't say so. I shall act for him in connection with this proceeding until the end, and don't let my friend be under any misapprehension on that subject.

Mr. Peckham—It is very difficult to understand what you mean by what you say.

Mr. Strahan—That is not true. I am not responsible for your not being able to comprehend it.

Mr. Peckham—My dear fellow, I never asked you to be responsible for me under any circumstances. Thank God I haven't got to that point yet.

Mr. Strahan—I can reciprocate that with all my heart.

Mr. Peckham—He says, now, that he is asking for this adjournment for his own person—for something with regard to himself to determine something in relation to his personal action. Now that is what he asks. The precedent spoken of has nothing at all to do with it. There is no grounds in the precedent that was spoken of. I believe, if I am not mistaken, General Shaler was charged with matters with respect to his removal, or the prospect of his removal, from the Board, was he not?

The Mayor—Yes, sir.

Mr. Peckham—He was one of several of the Health Board, wasn't he?

The Mayor—Yes, sir.

Mr. Peckham—This man here to-day is the sole man in control of this Department of Public Works—the sole man in control of the largest Department in the City of New York. Are indictments to be studied to determine whether he, now under indictment, shall remain in control in order to determine whether my friend, Mr. Strahan, can satisfy himself in relation to it? Now, I do not wish to unduly urge this, Mr. Mayor, and, of course, counsel is liable to be a little too eager. I will be very glad to have you consult with the Corporation Counsel, or with anybody, and I would like it decided in the strictest way upon what would be fair and proper and right, but the public has some rights here, and they have some right that if this man is an improper man to preside over this Department he shall be quickly removed and the Department relieved of him, and I ask that this examination go on now.

The Mayor—It seems to me, in reference to the Shaler case, that any comparison of the Shaler case with this one is entirely out of consideration. This proceeding was commenced for the removal of Mr. Squire long before we had any reason to suppose that there would be an indictment against him. Mr. Shaler was arrested the very day on which he was served with the charges which I made against him, and it was a pure question of courtesy as between the Mayor's office and the District Attorney's office as to which should proceed first. In this case the Mayor's office has commenced the proceeding. It has gone so far as to have been closed so far as the Commissioners of Accounts are concerned. The witness himself against whom the charge is made was put on the stand and made a long statement in regard to the facts connected with the case and through courtesy and against my own conviction and merely in deference to the views of the counsel on both sides, I granted an adjournment. At that time I stated positively that it would be for the purpose of going on continuously from day to day. First I said 11 o'clock, and then I said 12 o'clock, and I will grant no adjournment.

Mr. Strahan—Then your Honor can proceed.

Mr. Peckham—Gentlemen, will you produce Mr. Squire?

Mr. Strahan—I am not through, sir, with my examination, and you can't dictate to me how I am to conduct it. The Mayor may close it, but he can't take it out of my hands. I want him to understand so.

The Mayor—Well, are you ready to go on? Have you got any witness to put on the stand?

Mr. Strahan—I said I am not ready to go on to-day.

The Mayor—Very well, there is no adjournment granted; we are ready to go on.

Mr. Strahan—The case is in my hands. You may close it. You can't turn me out of Court.

Mr. Peckham—Mr. Shearman, will you take the stand a moment?

Mr. Strahan—I object; I am not through with my case.

Mr. Peckham—Take the stand, Mr. Shearman. Will the Mayor be kind enough to swear Mr. Shearman?

Mr. Strahan—I object to this proceeding.

The Mayor—Mr. Strahan, what is the ground of the objection?

Mr. Strahan—I object and protest on the grounds I have stated.

The Mayor—What are the grounds?

Mr. Strahan—If I am stopped from going on with my case they can't go on with any case whatever.

Mr. Peckham—I suggest, Mr. Mayor, he is not stopped.

Mr. Strahan—I don't care what the Mayor or Mr. Peckham do.

Mr. Peckham—Go out of the room if you don't care.

The Mayor—Let us hear your objection, we would like to have it.

Mr. Strahan—I have repeated it already.

Mr. Peckham—It is unnecessary to state, but I want it on the record, that the counsel has declined to go on with his case.

Mr. Strahan—No, sir; I have not declined.

Mr. Peckham (continuing)—And the counsel has declined and omitted to produce his witness when he was called upon to do so.

Mr. Strahan—I have just sent a messenger out for my witness, Mr. Mayor; he will be here presently.

The Mayor—Mr. Corporation Counsel, what is your opinion upon the objection raised by the counsel?

Mr. Lacombe—In my opinion the objection should not be sustained.

The Mayor—The objection is overruled.

Lawrence Hobart Shearman, being duly sworn, testifies as follows:

By Mr. Peckham:

Q. Mr. Shearman, did you a few moments ago take a subpoena and endeavor to serve it on Mr. Squire? A. I looked for him; yes, sir.

Q. How did you come to look for him? A. I waited at the back door; I expected he would be coming out there, so I waited while some one else went upstairs.

Q. Have you been here this morning? A. I have, sir.

Q. Did you hear the proceeding that took place this morning in the way of the application to adjourn? A. I did, sir.

Q. Did you hear me say to somebody standing near me to get out and have a subpoena served on Mr. Squire immediately? A. I did not; no, sir.

Q. Who gave you any instructions with reference to serving a subpoena? A. Well, I understood from what Mr. Miller said that he wanted Mr. Squire served.

Q. And you went out to do it? A. Yes.

Q. Just tell what you did and what effort you made to serve it? A. I went directly from here around the south side of the Court-house, and there I met the messenger, Brown, and went up to our own office and got a subpoena, and went to the back door; as I was going over I saw Mr. Newcombe coming out of the Department of Public Works, and I expected Mr. Squire would be coming out of the back door at the same time, and I went there and waited.

Q. The Mr. Newcombe you have referred to is counsel for Mr. Squire? A. Yes, sir.

Mr. Strahan—He is not the counsel for Mr. Squire.

Q. The Mr. Newcombe to whom you have referred is the same gentleman here present? A. This gentleman (indicating Mr. Newcombe).

Q. And he has been present during all the time of this trial, pretty much? A. Yes.

Q. And in conference with Mr. Strahan, who has been the questioner? A. I have seen him talking to Mr. Strahan.

Mr. Peckham—Mr. Brown, will you take the stand, please?

Michael W. Brown, being duly sworn, testifies as follows:

By Mr. Peckham:

Q. Have you been present here this morning? A. Yes, sir.

By the Mayor:

Q. What is your business? A. Messenger in the Mayor's office.

By Mr. Peckham:

Q. Have you been present during the proceedings this morning before the Mayor? A. Yes, sir.

Q. Did you hear the application made by counsel for Mr. Squire to adjourn the proceedings? A. I wasn't here at that time.

Q. What? A. I wasn't here when he made the application for the adjournment.

Q. At what point of the proceeding did you come in? A. I was out in the hallway.

Q. What was the first you knew of any proceeding of that kind, or anything about an application to adjourn? A. I was passing through the room here, and I heard Mr. Strahan's voice, but the nature of it I do not know.

Q. You heard Mr. Strahan talking on his feet? A. Yes, sir.

Q. Apparently making some speech? A. Yes, sir.

Q. You could hear him without much effort? A. Yes, sir.

Q. Did you see Mr. Miller soon after you heard Mr. Strahan speaking? A. Yes, sir; I met Mr. Miller in the hallway.

Q. Mr. Charles P. Miller? A. Yes, sir.

Q. What did he say to you? A. He asked me to go after Mr. Newcombe, and see where he was going.

Q. What did you do? A. I followed Mr. Newcombe over to No. 31 Chambers street.

Q. This gentleman here present? A. Yes, sir.

Q. Where did you first see him? A. On the north side of Chambers street, going to No. 31.

Q. How was he going? A. Going towards No. 31 Chambers street.

Q. How was he going, walking or running? A. Yes, sir; rather quick steps.

Q. Rather quick? A. Yes; well, it was a quick walk.

Q. Where did he go? A. Into No. 31 Chambers street.

Q. What is No. 31 Chambers street? A. The Department of Public Works.

Q. What more did you see of Mr. Newcombe? A. That is all; I didn't go into the building; I waited with Mr. Shearman outside, and we saw Mr. Newcombe come out of the office again.

Q. When did you see Mr. Newcombe come out again? A. About ten minutes afterwards.

Q. Is he here now? A. Yes, sir.

Q. Did you make any inquiry for Mr. Squire in the office? I asked one gentleman over there if he was there, and he said he did not know.

Q. Who was that? A. I don't know his name.

Q. Is that the only inquiry? A. No; I have been there since.

Q. What was the inquiry you made? A. If Mr. Squire was there, and they said "No; he had left at twenty minutes after twelve."

Mr. Peckham—Now, Mr. Mayor, it is apparent from the extraordinary course pursued by the counsel in this case, of declining to produce a man whom they have examined for cross-examination or to go on with it, and in making an application to adjourn, which they had already decided for themselves that they would compel, so far as they could, by the non-production of the witness, and failure to go on; and as these witnesses have now disclosed that Mr. Squire is out of the reach of the subpoena, and as we have a subpoena in order to compel his attendance, which I propose to do if it can be done. I submit to you that if he is not to be found in his place of business it is hardly necessary for us to continue formally here, and I formally ask of these gentlemen, who here have been representing Mr. Squire, to inform us where he is so that we can serve that subpoena.

The Mayor—Do you ask the counsel, Mr. Strahan?

Mr. Peckham—I ask the counsel, Mr. Strahan, to inform us where that man is, so that we may subpoena him, and Mr. Strahan failing to make any reply to that, I submit to you that the proper course for us to pursue is to take a recess, to reassemble as soon as we can obtain the presence of Mr. Squire by that subpoena being served on him, or as soon as we can obtain proof of the service of that subpoena upon him, and that we shall go on as soon as the subpoena server returns the service; and I ask, in the meantime, that the proceedings be held open.

Mr. Strahan—Is the Deputy Commissioner here? I sent for him.

The Mayor—Mr. Corporation Counsel, what is your advice in regard to the application made by the counsellor in this case for the Commissioners that we should take a recess until such time as they shall make proper efforts—further efforts to serve Mr. Squire?

Mr. Peckham—We will go on to-morrow morning, at 11 o'clock.

Mr. Strahan—I have made my motion for an adjournment and you have thought proper to determine otherwise. Mr. Squire is not here. I know nothing at all about it. I told him I had no doubt the adjournment would be made this morning, and I have had no communication with the gentleman since. I sent for the Deputy Commissioner, and I find from the Deputy Commissioner that I am in such a position that I can say if this is adjourned till two o'clock, Mr. Squire will be here.

The Mayor—Then we will take a recess until two o'clock.

After recess.

The Mayor—Now, Mr. Strahan, are you ready to go on?

Mr. Strahan—I made a motion this morning before your Honor, which, by the advice of my friend Peckham, and on the anomalous position of my friend the Counsel to the Corporation—on what authority I don't pretend to say—that motion was overruled. Personally I regret that it was overruled, because I would have then made a personal pledge, I think, which it would have been my duty to have carried into effect, and which I certainly would have done, sir. Matters have now taken such a change that it will be necessary for us to proceed so as to raise the questions which I propose to raise in a form different from this tribunal, and therefore I ask permission to withdraw Mr. Squire—I have not concluded with his testimony, as I have explained—and go on to the examination of another question in relation to the subject matter of these letters without prejudice to my own rights in the matter.

Mr. Peckham—Mr. Strahan should inform us what other branch he proposes to pursue, and what reasons there are for having a witness who is on the stand withdrawn. The familiar practice of all courts is that when a witness is on the stand he has to be finished.

Mr. Strahan—That is a practice which you haven't followed in this case.

Mr. Peckham—Unless in the discretion of the Court, or by consent of the other side, for some good reason, he is allowed to be withdrawn and another witness in the meantime furnished. Mr. Strahan has failed to state any reason whatever for the course he suggests. There is no reason for it. I want Mr. Squire finished, and I have a few questions I would like to ask him.

Mr. Strahan—You will get full opportunity. Don't be alarmed, by friend.

Mr. Peckham—I am a little alarmed that I will never have the opportunity. I don't like to be afraid, but I am. I don't see that there is any reason for Mr. Squire being withdrawn from the stand, and I think that before the application to withdraw him is made, the proper Court proceeding would be for Mr. Squire to take the stand. I notice that he is here present now behind his counsel.

Mr. Strahan—Certainly; I said he would be here.

The Mayor—Now, Mr. Corporation Counsel, you have heard the application of Mr. Strahan and the objection of counsel for the Commissioners, what is your opinion in the premises?

Mr. Lacombe—The order of proof is in the discretion of the individual or Court who is charged with the proceeding, and in the absence of any reason whatever I don't see why that discretion may not be exercised adversely to the application.

Mr. Strahan—That is very clear reasoning. I suggest that you reverse it a little.

The Mayor—The application for permission to withdraw Mr. Squire from the stand is denied.

Mr. Strahan—Now, Mr. Squire take the stand.

Rollin M. Squire, direct examination continued.

By Mr. Strahan:

Q. Mr. Squire, there was a little motion here in your absence this forenoon in relation to your absence? A. Who by, Mr. Strahan?

Mr. Peckham—I don't care who it was made by.

Q. Will you explain with reference to that absence? A. When I left Mr. Strahan this morning after pleading to the indictment, Mr. Strahan was of the opinion that the hearing wouldn't go on, and instructed me not to come here until I saw him, and I obeyed his instructions.

Q. Did you see Mr. Newcombe? A. I did.

Q. What was it he said to you? A. He told me to come here.

Q. And you replied? A. I cannot go over there until I see Mr. Strahan.

Mr. Strahan—Now, Mr. Peckham, I shall explain my position clearly; I have advised Mr. Squire to answer every question which you can suggest in relation to all matters relating to these charges, with the exception of the charges upon which he has been indicted; the indictment was a procuring not of my own or anything with which I was identified and I have advised him now that the proper place for him to meet that charge is the Criminal Court, and meet it there with Mr. Peckham, if he is honored with an opportunity of putting his cross-questions or his questions in chief, and until that indictment is disposed of, I have instructed Mr. Squire to answer no question that may be put here in reference to the matter; I do so taking the full responsibility of that position for two reasons; in the first place an indictment being found, it is the proper tribunal for these questions to be investigated and until they are investigated and disposed of in the proper tribunal, this farcical court has no jurisdiction to inquire into the matter; in the second place, I find myself substantially placed in a position whereby such a course is forced upon me; it is my desire, as I stated, correctly to proceed with this investigation and give the gentlemen a full opportunity; my counsel in the matter has been overruled to this extent that one of the witnesses has been placed in the same position as Mr. Squire and his counsel, whether from over-caution or otherwise have indicated to me—and both gentlemen are here present—that under no circumstances will they permit Mr. Flynn to answer any questions except in answer in the Criminal Court, the proper tribunal to investigate these charges; I, therefore, cannot conclude this case, without having the evidence which is thus postponed—only postponed until the proper time for the investigation, and I prefer taking the responsibility upon my own shoulders and not delegating it to any other and to instruct Mr. Squire, under the circumstances in which he is placed, to answer every question that may be suggested in connection with any matters in these charges with the exception of the matters upon which he has been indicted and in those to reserve his defense until he meets the criminal charge in the proper tribunal; you may proceed, sir.

Mr. Peckham—Have you anything further to ask Mr. Squire?

Mr. Strahan—I have further to ask Mr. Squire. It relates to the matters which have been taken up by the Criminal Court, and, therefore, judging from the advice which I have given him, you can see the position in which I am placed.

Cross-examined by Mr. Peckham:

Q. Mr. Squire, were you ever on the stage? A. What stage do you mean, sir?

Mr. Strahan—I object to the question.

The Witness—One moment; I am a little curious myself.

Q. The dramatic stage? A. Never.

Q. Did you ever act any? A. Never.

Q. Are you a ventriloquist? A. Am I; I don't profess to be sir.

Q. Are you? A. I don't profess to be, sir.

Q. Are you? A. I have experimented once in a while on that.

Mr. Strahan—Where is there anything in the charges here, Mr. Mayor, that refers to those matters?

Mr. Peckham—This is cross-examination.

Mr. Strahan—You can't go into anything that is not within the charges.

Mr. Peckham—Can't you?

Mr. Strahan—No.

Mr. Peckham—Is that your professional opinion?

Mr. Strahan—We are not before a court here; we are before all friendly counsel, who have all made up their minds as to what they are to do in the matter. Now, we will sweep you all aside and you follow your counsel and we will follow ours. I can tell you I have the most perfect indifference to it from beginning to end, and want you so to understand. I withdraw all but the objection, because the Mayor has not ruled.

The Mayor—Mr. Corporation Counsel, you have heard the objection of Mr. Strahan; What is your opinion?

Mr. Lacombe—In my opinion, the objection is not well taken.

The Mayor—The objection is overruled.

Mr. Strahan—I advise you not to answer it, Mr. Squire, on the ground of its absurdity.

Q. Mr. Witness, will you answer? A. I decline to answer.

Q. Have you ever been a massage rubber?

Mr. Strahan—Same objection.

A. I will answer that. No, sir.

Q. Have you been a mesmerizer? A. No, sir.

Q. Have you frequently indulged in the recounting of tales and stories for the amusement of your friends?

Mr. Strahan—I object to the question. Put the Mayor on the stand, and ask him where he has been and what he has done.

A. I decline to answer, then; not that I see any objection, personally, to it.

Q. Why do you decline to answer? A. I decline to answer.

Q. Why? A. Under the advice of my counsel.

Q. Do you understand that it is the province of your counsel to tell you what questions to answer and which to decline to answer? A. I am in this boat, and my counsel are rowing it.

Q. Do you know where they are rowing you to? A. I am perfectly willing to go wherever they row me.

Q. Wherever it may be? A. Wherever it may be.

Q. Mr. Squire do you read the daily papers?

Mr. Strahan—I object to be question.

A. I decline to answer.

Q. Did you read the papers published on the morning that you were called to testify as a witness on this question?

Mr. Strahan—I object to that.

A. I decline to answer, and I decline, sir, as a general principle now, since I understand you.

Q. Were you informed, and did you understand before you came upon the stand to testify—I don't mean called upon the stand to testify to-day, but in the first instance—did you understand from the public press, or otherwise, that witnesses were being examined before the Grand Jury with a view to your indictment?

Mr. Strahan—I object to the question as what he understands from the public newspapers is of no consequence; that is all a matter objected to on the direct.

A. I decline to answer.

Mr. Peckham—Mr. Strahan, it will be just as well for you to keep quiet a little while; putting a witness on the stand and examining him with a direct view to cutting off his cross-examination any reputable counsel would know better.

Mr. Strahan—I am going to do that as far as these charges are concerned and I gave you notice of it.

Mr. Peckham—That is a piece of practice that is worthy of a Tombs practitioner.

Mr. Strahan—I take all the responsibility; you may characterize it as you please; there are courts to determine those questions; we will now go to the court.

Mr. Peckham—I am not asking you any questions here; keep still.

Mr. Strahan—I am advising you; this whole trial has been a farce up to this point and the farce will be continued with the tables changed.

Mr. Peckham—I don't think there was any trial in which you took part but what was a farce.

Mr. Strahan—You and I have been in them together.

Mr. Peckham—No, sir; thank God, I have never been in a case with you before.

Q. Now, Mr. Squire, you know Judge Spencer, I think? A. I do; yes, sir.

Q. You have testified here to a conversation you had with Judge Spencer?

Mr. Strahan—I object to the question.

A. I have, sir.

Q. On the morning of the conversation that you had with Judge Spencer had you seen the copy of the New York "Star" which I now hand you of date July 29, 1886? A. I couldn't say whether I had seen the "Star" or not.

Q. You see the "Star" now before you? A. I see the "Star" now before me; I couldn't say—

Q. Can you say whether you had seen the copy of the New York — A. Perhaps I can help you, sir; do you want to know whether I had seen them?

Q. If you will confine yourself to answering what I ask you, you will have plenty to answer? A. I knew his Honor was in a hurry, and I thought I would help you out.

Q. Did you see a copy of the "Tribune" of date July 29, which I now hand you? A. Very possibly, sir.

Q. What is your opinion? A. Very possibly; I wouldn't swear under oath that I had seen it.

Q. Would you swear without that? A. No; I wouldn't swear any way; I say very possibly.

Q. I am asking you according to your best judgment, whether you had seen it or not? A. Very possibly.

Q. I didn't ask you whether very possibly you had seen it? A. That is the only answer you will get out of me.

Q. Have you made up your mind on that? A. Because that appears to be the only correct answer that I can make.

Q. Had you seen any newspaper that morning, published in the City of New York, which contained a lithographed letter similar to that which you now see, as I hand it to you, in the

"Tribune," and which you now see as I hand it to you in the "Star," of the day that I have referred to?

Mr. Strahan—I advise you not to answer.

The Witness—I decline to answer.

Mr. Peckham—I ask the stenographer to mark those two papers and those lithographs, as matter shown to the witness, and to mark them in evidence.

Mr. Strahan—I object to them being marked in evidence; there is no evidence here before this great tribunal that such papers were ever published.

The papers are marked Exhibits "15" and "16."

Mr. Strahan—Mr. Mayor, how are those papers marked?

Mr. Peckham—These papers are marked Exhibits "15" and "16."

Mr. Strahan—I would like to know where is Mr. Peckham's authority for requesting anybody to mark the papers as exhibits?

The Mayor—The objection is overruled.

Mr. Strahan—After they were marked?

The Mayor—Before they were marked.

Mr. Strahan—I want the stenographer to note that after my objection, these papers were marked, without a word or statement on the subject, by the presiding officer of this court.

The Mayor—The objection is overruled.

Q. Mr. Squire, was it in reference to the publication of a lithographed letter similar to that contained in these two papers, that you stated to Mr. Spencer that you had written the letter?

Mr. Strahan—I advise you not to answer, Mr. Squire.

Mr. Peckham—Well, Mr. Mayor, this farce on the part of our friend, Mr. Strahan, of putting his witnesses and client on the stand and preventing his cross-examination as to the matters as to which he has testified, has, I think, proceeded sufficiently far to show us that his client proposes to carry out the programme he has stated, and that having testified, as he calls it, on the direct, and given a story to your Honor and to the public on his direct, he is unwilling to submit himself to the test of cross-examination, which I rather apprehend might be somewhat disturbing to him.

The Witness—Not in the least.

Mr. Peckham—Then let us go on; we will go right on; are you ready, sir?

The Witness—I follow the suggestion of my counsel; I regret very much that anything intervenes between my testimony and this present moment.

Mr. Peckham—You are not on the stand.

Mr. Strahan—Say what you want to say.

Mr. Peckham—I am talking, and this sort of an animal will keep still.

Mr. Strahan—Mr. Mayor, where is the courtesy and the manners you learned in the old country?

The Mayor—Courtesy requires a man to keep still.

Mr. Strahan—You ought to apply your remark to your friend, Mr. Peckham, who has lost his head.

Mr. Peckham—I suggest to the Mayor that this man here should be compelled to keep quiet or be put out of the room, and I think the only proper proceeding is to put him out.

Mr. Strahan—You suggested that; you had better try it; maybe you will come over and try it; it will be rather an amusing scene.

The Mayor—I don't take any of the talk by Mr. Strahan as personal to myself, but as being conduct unbecoming a gentleman before the Mayor of the City of New York, and consequently as an insult to the people whose representative I am, and as I am not vested with any powers that I know of to prevent him from offering insults and behaving in an ungentlemanly and unbecoming manner, I have not attempted to suppress his action in the matter, but have left it to the public to judge his conduct and him and his client by the way he undertakes to defend him.

Mr. Strahan—My statement was thoroughly understood, and I gave you fair notice not to persist in it; after you got this notice that you did not raise it as it ought to be raised in the ordinary forms and course of legal procedure, is not my fault; it is yours; you are prosecutor and judge and witness here, and everything combined, and it is the unfortunate thing that the people of the City of New York have to recognize you in that character; I am not taking any insult from it; you are not fit to speak for the people.

Mr. Peckham—Nor you.

Mr. Strahan—No, sir; I am not, nor you.

Mr. Peckham—Will you keep still for a few moments?

Mr. Strahan—With pleasure; to give you an opportunity of showing yourself.

Mr. Peckham—I will just remind you of your promise for five minutes. Now, Mr. Mayor, I was about saying, this man, who was on the stand as a witness, having declined to submit to cross-examination, thereby evidently showing that he is unwilling, his counsel arguing that under the conditions, as he says, of an indictment, the story that he has told here should not be submitted to the test of a cross-examination, it is useless to proceed with the inquiry of him further; he simply declines to answer; in any court his testimony would be struck out. No witness has a right in any court to give testimony and then decline to be cross-examined. I want to call your Honor's attention, and the attention of all men who look at this proceeding, to the fact that his declining is simply without any reason expressed or stated.

The Witness—Did you ask my reason?

Mr. Peckham—He has not said that his answer would tend to degrade him, nor has he given any one of the excuses which are offered some times in courts for declining to answer particular questions, and as suggested to me by my associate, that is the only answer that ever can be given in the way of declining to answer a question; I shall not ask to have his testimony struck out of this record; I am content to have it stand, together with what has transpired here this day. He declines to answer; consequently I shall ask no more questions.

The Mayor—You have heard that the counsel for the Commissioners desire to ask no further questions, under the circumstances, from the witness who is on the stand.

Mr. Strahan—I do not think my opinion, or my objection, or my statement is of the slightest avail in relation to it. Very fortunately you are not the only tribunal, and there is another tribunal to judge this matter fairly.

The Mayor—Do you wish to ask Mr. Squire any further questions?

Mr. Strahan—I have nothing to say, Mr. Mayor.

Mr. Peckham—Mr. Mayor, if there is no further testimony on the part of the defense—

Mr. Strahan—There is.

The Mayor—Well, I think you had better go on with it, if there is.

Mr. Strahan—There is a motion, I understand, before this august tribunal.

The Mayor—No motion; he said he did not make any motion to strike out.

Mr. Peckham—I wish to add one single word to what I have said before you, Mr. Mayor, in order that there may be no possible claim of misunderstanding.

Mr. Strahan speaks to the witness.

Mr. Peckham—I object to any communication between counsel and client while he is on the stand; that is an irregularity of which—I was going to say Mr. Strahan knew it was, but I don't know that he knows; I want to make a further statement, Mr. Mayor, to this effect: That although we don't move to strike out this testimony, we shall claim that the refusal of the witness to answer the cross-examining questions conclusively shows it to be worthless.

Mr. Strahan—In the opinion of Mr. Peckham.

Mr. Peckham—Have you any further witnesses, Mr. Strahan?

Mr. Strahan—Yes, sir; it has been suggested, Mr. Squire, to ask your reason for refusing to answer under my objections?

Mr. Peckham—I object to any questions being asked of Mr. Squire when the witness declines to answer my own; he is my witness.

The Mayor—What is your opinion, Mr. Corporation Counsel?

Mr. Lacombe—I should allow the witness to answer that question.

The Mayor—The objection of Mr. Peckham is overruled.

The Witness—My reason for taking the view that I ought not to go on in this matter as far as any testimony sought to be elicited from me in the way of cross-examination touching the charge which refers to the letter which you have called to my attention here to-day, is that I am now under a criminal indictment touching that charge; I believe myself to be surrounded by the spies of those who have brought those charges against me; (to Mr. Peckham) I do, honestly, notwithstanding your smile of derision.

Mr. Peckham—I suppose it would take a spy to read the testimony you might give.

The Witness—No; I don't touch on testimony; I confine myself to the statement which I made that I believe myself to be surrounded by spies in the service of those who have brought these charges against me, which they ought to have brought long ago.

Mr. Peckham—That is so.

The Witness—Yes, sir; because the knowledge they have got to-day they had long ago, and my objection is not that anything that I could say here to-day, would tend in any form or shape, however ingeniously tortured, to criminate me, but I believe that I ought to be allowed to hold my peace at this juncture, with regard to this malicious prosecution, and answer it before a jury of citizens, whom we can at least suppose not to be malicious; because any utterance of my own here, I am free to say, I believe would be warped out of its complexion and intention by those into whose ears I would pour it, leaving out of that suggestion the citizens of New York, within the sound of my voice, and who do not constitute this tribunal.

By Mr. Peckham:

Q. Mr. Squire, did you mean the testimony which you have just made to be testimony under oath? A. I meant that to be my reason as far as I have any authority or any right to influence these proceedings, from my desire not to go forward on the question of any criminal point in the charges brought against me.

Q. And you mean to be understood as giving those reasons and testifying to that under the sanction of your oath? A. Under the sanction of my oath.

Q. Yes? A. Most certainly, sir.

Q. Now, will you have the kindness to explain to me, in what way the telling of the truth, by an innocent man, could in any way possible injure his prospect before either this tribunal or a jury? A. Well, although I spoke the English language in its purity, I will fire at you again the remark that I made before, that notwithstanding I could say nothing here that could criminate me in any form or shape under your ingenious cross-examination or that of anybody else, that I am personally of the opinion, that any utterance made by me under that cross-examination, would be said by this tribunal to be warped out of its shape and complexion to my hurt.

Q. You are doubtless aware, Mr. Squire, that this tribunal to which you refer is not the only tribunal that must pass upon your testimony before you are finally removed, are you not? A. I am, sir, and I object to any other tribunal; too many cooks spoil the broth.

Q. Then are you so apprehensive that both the Mayor, trying this matter now before us, and also the Governor, who is to pass upon it, will be so warped that it will be twisted to your prejudice? A. I have stated my case clearly, sir. I understand, I appreciate the ingenuity of your question, but it does not alter my conviction.

Q. Perhaps you will have the kindness to answer my question? A. I have already answered it, sir; shall I repeat it again to you, sir?

Q. No; I don't want any repetition of what you have said, but will you kindly answer the question? A. I see nothing in your question that wouldn't require a repetition.

Q. Now, Mr. Squire, possibly you may answer this question: Don't you know that every word that you might say would be taken down here by two stenographers, one of whom is selected by yourself, and that it is impossible to twist or distort the meaning of anything you might say, unless the words you used justified it?

Mr. Strahan—I object to that, and I want to state my reasons: this trial has gone on for six or seven days; whether it has been on the suggestion here or not, I will not say, but there hasn't been a word uttered on this trial but what has been almost of gross misrepresentation, and any one who has taken part in it has been villified and abused. Everything that has been done upon the other side of the case has been applauded and urged and every one patted on the back to proceed, while on our side of the case, and particularly in reference to myself, there hasn't been a statement made that hasn't been false; there hasn't been a word uttered or published or printed that didn't attempt to distort what was stated in reference to the case, and so far, therefore, as this is an appeal to the citizens for political effect, as the whole of this tribunal is for a political effect and nothing else—

Mr. Peckham—Certainly; it is to get a rascal out of office.

Mr. Strahan—So that in reference to it I approve of the suggestion which Mr. Squire, in his answer, has given, and so far as it is concerned, I say that he is right in it, and that I advise him not to answer anything further upon that matter, either.

The Mayor—Do I understand your objection to be to the records or to the public press?

Mr. Strahan—Mr. Mayor, you will understand my objection from what is stated on the record. You can read it for yourself.

At the request of the Mayor the Stenographer read the objection.

The Mayor—You have heard the objection, Mr. Corporation Counsel; what is your opinion? Mr. Lacombe—I do not understand there is any objection made. He has directed the witness not to answer. He said he objected. The statement of his ground is not very clear. I would like to hear the question read.

The question is read by the Stenographer.

The Corporation Counsel—I don't see any objection to that.

The Mayor—The objection is overruled.

Q. Answer the question, Mr. Squire? A. I would like you to put it; I have heard the question now, and I confess I don't understand it; you say, "Don't you know that there are two stenographers here practically—not your own words—and that your testimony will be taken down exactly as it is given, and that it won't be in any feature changed, unless it deserves to"; is that it?

Q. Oh, no. A. What did you mean by saying that it wouldn't be in any feature changed? Did you mean that it wouldn't be in any feature changed here?

Q. I think if the Stenographer will read it probably Mr. Squire will readily understand it; there has been so much transpired since.

(Question repeated.)

A. Then the distortion would depend entirely upon the peculiar character of my language?

Q. Let me explain this a little more. A. I understand it clearly; will you tell me what you mean by distorted?

Q. I meant distorted by any person who might read your language. A. Where?

Q. Anywhere. A. Read it where?

Q. Anywhere? A. From the Stenographer's reports, yes; but I have read the evidence which has been published broadcast in the City of New York, which I gave here the other day, and with one or two exceptions I am prepared to say that I should not know that I had ever been upon the stand if I were to depend upon my knowledge of what I was then reading; now, sir, if you purpose to try me upon a criminal charge before a jury of twelve good and honest men of the City of New York, don't particularly see why I should be tried by nine or ten newspapers of New York—the men who make the public opinion, and who, if they may happen to have been in any form prejudiced in advance, as much as you were, sir, when you said this was an effort to get a rascal out of office—which was unworthy of you, as you are prejudging a man who, under the maxim of the law, is deemed to be innocent until he is found guilty—aye, sir, whatever I am, should have been ashamed of the utterance, and you ought to have been so, and have been silent on that point.

Mr. Strahan—He had better not go much further upon that line.

Q. Does it occur to you that a man who testifies in his defense, and then declines to have cross-examining questions put to him or to answer them, is a very long way on the road to a confession?

Mr. Strahan—There is no such case here. I object to the question. He doesn't object to answering. He only objects to answer to this peculiar tribunal. He has challenged an inquiry and he is prepared to answer and be cross-examined. I object to the question.

The Mayor—The objection is overruled.

Q. Will you answer it? A. I answer the question that I decline to be tried by more than one tribunal.

Q. Will you answer this question which your counsel has objected to, which the Mayor has decided you must answer.

Mr. Strahan—Not that he must answer.

Mr. Peckham—Yes, he has.

Mr. Strahan—No, there is no such power in the Mayor.

Q. Now will you answer it or not? A. No, it doesn't occur to me so.

Mr. Peckham—Now, Mr. Mayor, I will answer on my own part to the little speech which the respondent has made in this case as to my having prejudged him and having called him a rascal. I judge that a man who writes a letter in which he says, in consideration for so and so I will submit my office to the dictation of the man to whom he writes, signs it, delivers it and then goes to inquire of somebody else as to whether that is right or wrong, is so far satisfied of its being right that he temporizes and talks about it and entertains the proposition to deliver that upon his own testimony, I don't think there is any man in the City of New York who will differ from me in calling that man a rascal.

The Witness—Your position is badly taken, sir, because there is nothing—

Mr. Peckham—I am not talking to you.

The Witness—I have a right to answer.

Mr. Peckham—You have not, unless you answer the question; you are a witness and nothing else.

Mr. Strahan—Answer it, Mr. Squire.

The Witness—I only want to say—

Mr. Peckham—Never mind; you cannot answer unless as a witness.

The Mayor—Let Mr. Squire say what he wants.

The Witness—I want to answer you to this effect: that in the proposition which you made for yourself, I most thoroughly agree with you; but, sir, you had no right to make it, and it is made with malicious intent, because there is no evidence before you or this tribunal that Mr. Squire ever temporized a moment with anything of the kind; but there is his testimony here that when he was asked to write a letter of that character he declined; that when it was written, it was only written to let us see what you want, and that it was never delivered but given to the party desiring it to look it over and to see if in his calmer moments he cared to be connected with anything of that character. Therefore, you attempt to warp the testimony which I have given before this tribunal now, as you did then—now as you would hereafter if you had an opportunity to try me in the newspapers of New York, rather than before a tribunal of citizens.

Mr. Peckham—In answer to this I will read two or three lines of the testimony of this man:

"I thought a moment and I said—"

Mr. Strahan—Is this evidence?

The Mayor—He is reading the evidence which was given.

Mr. Peckham (continuing)—"But you take that letter and you read it over in your calmer moments when you are not as anxious as you are now, and you will see for yourself it isn't a fit paper to be connected with. Don't you deliver it to anybody. Keep it in your pocket and I will go and see a friend of mine who is not engaged in politics, and who has my interests at heart, and if he tells me that this is a thing that I can properly do, very well."

The Witness—I thank you a thousand times, sir, for having read that, because if a man who had my interests at heart, and who stands as high as the gentleman to whom I went, could have convinced me that that was a proper thing to do, it would then have been a mere question of my judgment against his.

Mr. Peckham—Mr. Strahan, if you have any further proceedings to take upon the part of the defense, go ahead.

Mr. Strahan—Is Mr. William V. Smith here?

Take the stand.

William V. Smith, being duly sworn, testifies as follows:

By Mr. Strahan:

Q. Mr. Smith, what is your present position? A. I am the Deputy Commissioner of Public Works.

Q. When were you appointed Deputy Commissioner of Public Works? A. The 20th of February, 1886.

Q. Do you recollect shortly after your appointment being sent for by the late Hubert O. Thompson to come to the Worth House? A. No, sir; I was not sent for by Mr. Thompson.

Q. Do you remember going there? A. Yes, sir.

Q. Can you tell me the date you went there? A. I went there the 8th of March.

Q. Had you any conversation with Mr. Thompson then? A. Yes, sir.

Q. Will you please repeat that conversation here?

Mr. Peckham—One moment. I object to that.

The Mayor—What is the ground of the objection?

Mr. Peckham—Conversation of Mr. Hubert O. Thompson with this gentleman has nothing to do with this case.

The Mayor—It seems to me that there has been a great deal of such testimony admitted.

Mr. Peckham—The testimony that has been admitted on the part of the prosecution here with regard to Mr. Thompson has been testimony with regard to the obtaining of this letter, and was properly admissible at any time and wasn't objected to.

The Mayor—Then your objection is grounded on what?

Mr. Peckham—That it is immaterial, inadmissible and incompetent, and serves no purpose.

The Mayor—Mr. Corporation Counsel, what is your opinion on the objection?

Mr. Lacombe—The evidence is undoubtedly immaterial; there have been large quantities of immaterial evidence admitted here on the part of both prosecution and defense. Your Honor can exercise your discretion now as to whether more shall come in or stay out.

Mr. Peckham—I should add, Mr. Mayor and Mr. Corporation Counsel, that in view of the very extraordinary course taken by the defense here, examining their witness and declining to have him cross-examined, we don't propose to admit anything but competent evidence so far as we can avoid it hereafter.

Mr. Strahan—I have to remind this learned tribunal that when Mr. Speir was put upon the stand, the first question that was asked referred to a conversation between himself and Mr. Speir. If there is a lawyer on the other side of this case, he would be more than ready to admit that the question was incompetent as to anything said between parties outside of the presence of Mr. Squire as to him, and well do the gentlemen know that when they shall take their march across the road to the criminal court, all such testimony must be excluded. But, sir, I then stated that as this was a public and not a private matter, that as all matters that related to the letter in question affected the public, who were anxious to know all the facts on the distinct understanding that all matters relating to that subject-matter should be laid bare and brought before the public, I consent to waive my objection. "Allow me here to state that you cannot, without my consent, go into the questions of matters of conversation away from my presence; that I look upon this matter as affecting not private interests but the public, and, therefore, distinctly understanding that all matters relating to this subject shall be fully stated and put upon the record here, I withdraw my objection and shall not interpose it to your getting everything that was stated upon the question through whatever source you can procure it." Now, sir, upon that consent and understanding they proceeded, and it is a fact—I see it referred to in the morning papers this morning, and where it came from I know not—that Mr. Miller reminded me upon several occasions of my promise.

Mr. Peckham—You say everything that is in the newspapers is misrepresented?

Mr. Strahan—I think, as a general rule, everything that is stated there is correct, but so far as that particular statement is concerned, it was exactly Mr. Miller's language. Now I am going to follow the course that was agreed to then, and I ask now either that this evidence shall be admitted, or that all the hearsay evidence that has been admitted upon my consent upon that understanding shall be stricken out from this so called record.

Mr. Peckham—In the first place, this speech of Mr. Strahan's is unnoted and unanswered. No attention was paid to it whatever. Aside from that, I want to call your Honor's attention to this statement: "On the distinct understanding that all matters relating to this subject shall be fully and freely stated and put upon the record here, I withdraw my objection." Now, sir, the man who is most competent to give evidence upon this subject has declined to give it. "Upon the distinct understanding that all matters relating to this subject shall be fully and freely stated." Did Mr. Squire fully and freely state all matters relating to this subject? Who has violated this statement? You have stated in the most distinct and positive way that Mr. Squire shall neither freely nor fully state, nor at all. Now, sir, I think that thing is done away with, and I don't propose to sit here after they have withdrawn their witness who knows something, and after they have taken out the matter that is really in controversy—the whole of it. I do not propose to sit here on little trifling details, and to hear small gossip told by witnesses who know nothing about the subject matter in controversy.

Mr. Strahan—Strike out all Mr. Peckham's gossip, and I haven't the slightest objection.

The Mayor—Do you propose to show that this conversation is connected with this letter?

Mr. Strahan—I do, sir.

The Mayor—Then I overrule the objection of Mr. Peckham.

Q. Go on, Mr. Smith, and give us the conversation? A. I met Mr. Thompson on the train going up to Albany, and he said, "I wish you would come up to the Worth House sometime; I would like to see you;" so I said, "What time do you want me to come up?" he said, "I would like you to send me word if you can come up on Monday night;" so I sent him a note up on Monday that I would be up at half-past eight on Monday night, and I went to the Worth House and saw Mr. Thompson, and he took a pocketbook out of his pocket and showed me a lead-pencil copy of this letter.

Q. Which letter do you refer to? A. The same letter that I saw published in the newspapers.

Q. The letter of the 26th of December, 1884? A. There was no date on this letter that I saw at all; it was on a piece of paper in lead-pencil.

Q. But that was a copy of the letter in the charges; you saw the letter in the charges in Exhibit "3"? A. Yes, sir; that is the same letter; and he said to me, "Read that," so I read it.

Q. Speak a little louder, Mr. Smith? A. I read it, and he said, "I was so mad when he discharged McCartney down there that I made up my mind I would have his scalp anyhow, and I took that letter down and read it to the Mayor, and offered it to him, and the Mayor said, 'Don't give it to me, because if I had it as Mayor of New York I would be obliged to use it; give it to Mr. Ivins, and he can keep it until we want to use it;'" so I said, "Mr. Thompson, Mr. Squire told me that letter was burned up long before he went into office at all;" "Well," he said, "the damn fool thought it was, but it wasn't, and can't prove it," which was the substance of the conversation, as I remember it.

Q. You have stated here that Thompson told you that the Mayor had told him not to leave it with him, but to give it to Ivins; did Thompson tell you what he did with the letter. A. He said he gave it to Mr. Ivins and Mr. Ivins had given him his word and honor that he wouldn't use it until he told him he might.

Cross-examined by Mr. Peckham:

Q. What time did you say this conversation took place? A. I believe it was on the 8th of May, sir; somewhere about half-past eight; it was somewhere about half-past eight when I got there.

Q. What year? A. 1886; the 8th of March I should say, sir, not May.

John S. Routh, being duly sworn, testifies as follows:

By Mr. Strahan:

Q. Mr. Routh, I think you are connected with the Department of Public Works, are you not?

A. Yes, sir.

Q. How long have you been connected with that Department? A. Going on seventeen years.

Q. What position do you now hold in the office? A. Contract Clerk.

Q. How long have you held that position? A. About five years; five or six years.

Q. You were appointed by Mr. Thompson Contract Clerk, were you? A. Yes, sir.

Q. Do you recollect the letting of the contract for the paving of Fifth Avenue? A. I do, sir.

Q. Do you recollect that; where was the letting? in the Mayor's office, here? A. In the Mayor's office.

Q. At least the agreement of the letting? A. Yes, sir.

Q. Were Mr. Ivins and the Mayor here together? A. They were, sir.

Q. On that occasion? A. Yes, sir.

Q. Now, will you tell what Mr. Ivins said to you on that occasion in relation—

The Mayor—What was the date of that?

The Witness—It was during one of the lettings; I do not exactly remember; it may have been the latter part of August, or the early part of September.

The Mayor—1885?

The Witness—Yes, sir; I was the Secretary of the Fifth Avenue Paving Board.

Q. Commission? A. Yes, sir; and we were waiting down here for a meeting, and the cause of the delay was evidently on the part of the Mayor as he was in close conversation with Mr. Ivins; the table was at that end of the room (pointing); I was at the end, and I was intently watching the Mayor to see when he would get through, for I was anxious to have the business over; during the conversation with Mr. Ivins the Mayor was with his back to that window (pointing) a little aside of it; Mr. Ivins was facing the Mayor; he turned around and faced me.

Q. Mr. Ivins did? A. Yes, sir; and turned back again; I waited for a few minutes longer and went into the water-closet for the purpose of urinating, and about the time I was through Mr. Ivins came in.

Q. That is this little closet over in the corner here? A. Yes, sir; Mr. Ivins says to me, "How do you do, Mr. Routh?" "I am very well, sir;" and with that he commenced to wash his hands; he says, "It is a very warm day;" says I, "Yes, sir;" and in a low and confidential tone he asked me if I would meet him, as he desired to have a conversation with me; I said I had no objections; he requested me to go and dine with him; I said I was a poor diner; "Well," he says, "any place you say;" says I, "If you want a meeting you name the place;" "Then meet in Mr. Grace's office—my down-town office in Hanover Square to-morrow morning, at ten o'clock;" I said, "All right, sir;" the next morning I accordingly went down to Hanover Square and called at the office and I met a gentleman; judging from his appearance it must have been Mr. Michael P. Grace.

Q. Mr. Grace's brother—the Mayor's brother? A. Yes, sir.

The Mayor—Do you know him?

The Witness—I have had a gentleman pointed out to me who they said was Mr. Michael P. Grace.

The Mayor—Did you know this gentleman you saw? A. Yes, sir; not that he was Mr. Michael P. Grace, but that he was a gentleman that looked very much like Mr. Michael P. Grace, and from the similarity of appearance I judged it was Mr. Michael P. Grace; I don't remember whether it was August or September; thereabouts.

Q. But whether it was Michael P. Grace or not, you are not positive? A. No, sir.

Q. You met a gentleman in the Mayor's office? A. The down-town office—the business office. I stated to him that I had an appointment with Chamberlain Ivins at ten o'clock. He said "Yes," as though he was acquainted with the fact; "but Mr. Ivins has not arrived; he will be here right away. Won't you walk in and take a seat?" I excused myself. I thought I would prefer staying outside as it was a very warm morning. I went outside and stood in front of the Hanover Square railing; went up to the corner and bought a newspaper, and was reading it, and at the same time was watching occasionally for Mr. Ivins. About half-past ten Mr. Ivins came down from the steps of the elevated railroad, and as he was coming over I walked in the office and we met at about the entrance; he bid me the time of day, excused himself for being so long, and requested me to step into the private office, which I did; he had a valise with him at the time, and my impression is he changed his coat; I don't know; I think he did something with the valise; he asked me to sit down, and then commenced a conversation with me; he says, "Mr. Routh, how long have you been in the Department of Public Works?" I told him fifteen or sixteen years; about that time; "Well, I understand," he says, "that you are thoroughly conversant and know all the doings of that Department;" "Well, yes, I am pretty well posted in the Department," I said, "Well, my information is that you are a pretty reliable man, and what I wish to say to you to-day is simply this: If you are an observer of events it is very apparent to you—it certainly is to me and to everybody else—that the Thompson regime is on the wane; the Grace regime is on the ascendancy; I would like to have you with us; the Mayor is determined to remove Mr. Squire, and anything that we undertake we never fail in; it is a well-known fact that the Department of Public Works is run by the gentleman in the Worth House, through the Deputy Commissioner; now that state of things—that is, the Thompson regime—will have to give way; I would like you to get in the boat with us and sail with us; we are on the ascendant," and went on and gave a long history of about how Cleveland had went back on Thompson, and how Mr. Grace was strong with Mr. Cleveland, and instanced some appointments that had been made at Mr. Grace's instigation, and a lot of material like that.

Q. And how Thompson had failed to get the Collectorship? A. How Thompson had failed to get the Collectorship, how he was going down hill; so I listened attentively for some time, and I said, "I don't know anything about those matters, Mr. Ivins; I am under no special obligations to Mr. Thompson that I know of; I am merely a clerk in the Department and tend to my business;" "Well, now, Routh, don't you know," he says, "that the business there is not transacted as it ought to be?" Says I, "In what respect, sir?" "Well," he says, "for instance, in the matter of contracts." "Well, I don't understand you, sir." "Well, how is it that Mr. Flynn gets so many contracts in the Department?" "I don't think Mr. Flynn gets many contracts, sir." "Well, don't he have all the contracts for iron, stop-cocks, and such things as that?" Says I, "Yes, sir; principally; he has all those contracts." "Well, how does he manage to get them?" "By being the lowest bidder." "Well, now," he says, "isn't there a possibility of there being something wrong about those things?" Says I, "I have not discovered anything wrong about them, and I would be apt to know something about it." "Well," he says, "suppose the Reading Clerk should read off the prices wrong and they could be fixed up afterwards?" I says, "That thing could not be done." Says I, "Do you know the Reading Clerk?" He says, "No;" says I, "Mr. Clifford." "Well, suppose he read them off wrong?" "Well," says I, "he isn't that kind of a man." Says I, "Mr. Clifford is an honest man; he would not do anything like it."

Q. Could he do it? A. Why, it would be a physical impossibility.

Q. The Comptroller has a clerk there? A. The Comptroller's bids are put in at twelve o'clock, or prior to that, within a few minutes, an hour maybe; put into a box which is sealed; the box is immediately opened, the bids are laid on the table in the presence of the bidders; one clerk opens the envelopes, then hands them to Mr. Clifford; Mr. Clifford reads them off, the Comptroller's clerk and myself put them down, the bid is handed to the Commissioner, the Commissioner puts his initial on the bid; it is handed to the Comptroller's representative, who looks over it and then it is handed to me. Now, it would involve the combination of, at least, five men.

Q. Go on, now, and tell us what he said. A. I disabused his mind of that matter, and he was very much surprised, so he went on talking about the different regimes and says: "Now," he says, "Mr. Routh, I would like to have you with us." He says: "The Mayor intends appointing a business man to that position."

Q. What position, the Commissioner of Public Works? A. Yes, sir; "It doesn't necessarily follow that that man shall run the office; what we want is a reliable man—a good man—a man like you whom we can trust, who will run it in our interest and for us." I didn't realize the force of his expression at the time. I listened attentively, and he said very little more, but asked me if I would call and see him again. He says "You know where my office is?" Says I, "Yes, sir." He meant his official office; the Chamberlain's office; it is in the Stewart building. Says I, "Yes, sir; I have been there." I got up and we shook hands, and he says, "I suppose this conversation is confidential?" Says I, "Yes, sir; it is confidential;" and I departed.

Cross-examined by Mr. Peckham:

Q. When was this conversation? A. Sir?

Q. Give me the time? A. Give the day?

Q. Give the day. A. I couldn't give you that; it was the day following one of the meetings of the Fifth Avenue Pavement Commission.

Q. The year? A. 1885.

Q. The month? A. It was either the latter part of August, or in the early part of September.

Q. That is the nearest you can get to it? A. Yes, sir.

The Mayor—Have you any other witnesses?

Mr. Strahan—Yes, I have other witnesses, but I have not them in attendance here.

The Mayor—Can't you get them to-day?

Mr. Strahan—I fear not.

The Mayor—We will take a recess for you for half an hour.

Mr. Strahan—I wouldn't be able to continue if I went on.

The Mayor—That is the reason we want to go on, because we see you are trying to postpone the case; the business of this office is very considerable and is very much interrupted by this proceeding, and I want to go on as rapidly as possible.

Mr. Strahan—So will I; I will have my witnesses here at ten o'clock to-morrow morning; I asked for an adjournment because I did not anticipate to go on.

The Mayor—All right, sir.

Mr. Peckham—Now, Mr. Mayor, I object to that; you have seen already by the character of the testimony which has been introduced by the last two witnesses, that the good faith of our friend can't be relied upon. Neither of those witnesses testified to a word that had any relevancy whatever to this matter.

The Mayor—Still I thought it was best to let it all in.

Mr. Peckham—Very good; but I am alluding to that simply as showing a lack of good faith. Now, these gentlemen ask for an adjournment. If they want an adjournment let them make a case. Let them say what they are going to prove. We adjourned the other day upon the statement by Mr. Strahan that he would be here ready to go on to-day at the adjourned hour. He came up and wasn't, so we adjourned then on the failure of Mr. Squire to go on. He comes here and does not, and puts witnesses on the stand on the idea they are going to testify about this case, but they do not. Now, I submit, your Honor, there is nothing here to adjourn for.

The Mayor—There is no charge against Mr. Ivins.

Mr. Strahan—There is a charge against Mr. Ivins.

The Mayor—We are trying a case against Mr. Squire.

Mr. Strahan—I am not trying any case with reference to anything but Mr. Squire, but Mr. Ivins was a witness that was brought forward here, and I am impeaching Mr. Ivins' testimony. I think I have done so successfully, and I propose to do it further. I want to examine Mr. Koch, Mr. Tracy, Clerk of one of the District Courts, and three witnesses.

The Mayor—That is to say, you have got five witnesses in all?

Mr. Strahan—I think five witnesses in all.

The Mayor—Will you have them here to-morrow morning, if we adjourn till ten o'clock?

Mr. Strahan—Yes, sir; I will be ready to go on to-morrow morning.

Mr. Peckham—I will be ready to go on at half-past ten.

The Mayor—We will adjourn to half-past ten to-morrow morning, with the understanding that you have your witnesses here and ready to go on.

MAYOR'S OFFICE, Friday, August 13, 1886.

Met pursuant to adjournment.
Present—Counsel as before.
The Mayor—Mr. Strahan, are you ready to go on now? Counsel are all here.
Mr. Strahan—Well, sir; I will go on. Yesterday we closed here very close after three o'clock, and between that and four, when we went out to make out our subpoenas, we came back and found the Mayor had left and his office was closed. We are not in a position to get our volunteers like the other side so we will have to go on as far as we can. Mr. Adamson, you take the stand.
Joseph B. Adamson, being duly sworn, testifies as follows:
By Mr. Strahan:
Q. Are you one of the Commissioners of Accounts of the City of New York, Mr. Adamson?
A. Yes, sir.
Q. The charges that are presented here bear your name; was that signed by you? A. Yes, sir.
Q. Will you tell us the circumstances under which you came to present those charges? Give us the whole story?
Mr. Peckham—One moment, please. I object to that. I can't see what relation the way in which he came to present the charges has to them, whether the charges are true or false. The issue is made by the charges and the denial. It is an issue of fact.
The Mayor—Mr. Corporation Counsel, you hear the objection of Counsel for the Commissioners, what is your opinion?
Mr. Lacombe—In my opinion, the objection should be overruled. The question may be immaterial to the evidence, but may as well come in; it will take less time to take the evidence, probably than to wrangle over it.
The Mayor—The objection is overruled.
Q. You are permitted to answer, Mr. Adamson, by some gentleman that I do not recognize here? A. I do not know, Mr. Strahan, that I can go into the details of this proceeding.
Q. Give us the details as far as you can? A. I did not conduct the examination of the Department of Public Works; I started in with my colleague about a year ago in that examination, and as it progressed other duties drew my attention away from it.
Q. Just here please tell me when you began to investigate the Department of Public Works?
A. I think about a year ago, as near as I can remember.
Q. Well, go on now? A. And as I have said, my colleague has conducted the examination almost exclusively; I knew of certain things that would come up in the course of the examination that would be shown to me and referred to me, and over which we conferred together, but as regards the drawing up of the charges, I might say that I took no part in it.
Q. Did you know anything about them? A. Only as I have stated incidentally in the course of the examination.
Q. Do the counsel that appear here represent you? A. They represent the office of the Commissioners of Accounts; yes, sir.
Q. What office? A. Of the Commissioners of Accounts.
Q. Will you point out to me the appropriation out of which you are authorized to employ counsel? A. I do not know that they are to be paid at all, sir.
Q. What else—are they volunteers?
Mr. Peckham—One moment, please. Is the subject matter of inquiry this commission, as to the relations of counsel to them?
The Mayor—No, sir.
Mr. Peckham—I desire it should be stopped right here and then.
The Mayor—Do you object to that?
Mr. Peckham—I do, sir.
The Mayor—What is the ground?
Mr. Peckham—On the ground that it is wholly immaterial to this inquiry.
The Mayor—Mr. Corporation Counsel, what is your opinion?
Mr. Lacombe—In my opinion that objection is well taken. When the time comes to pay counsel it might be well to go into that.
The Mayor—The objection is sustained.
Q. Did you retain counsel, Mr. Adamson?
Mr. Peckham—I object to that.
The Mayor—The question is asked the Commissioner, Mr. Corporation Counsel, whether he obtained counsel, and the objection is raised by Mr. Peckham to his answering that question.
Mr. Lacombe—In my opinion, that objection should be overruled.
The Mayor—The objection is overruled.
Mr. Miller—You can answer.
A. I know that counsel were to be retained, or casually I knew, rather, that counsel had been spoken to in regard to conducting the proceedings.
Q. Who informed you of that—was it the Mayor? A. My colleague.
Q. Had you any conversation with the Mayor on the subject? A. Never, sir.
Q. Your colleague is the gentleman who got up these charges principally, was he, and consulted with you now and again? A. Yes, sir.
Q. You refer to Mr. Shearman? A. Yes, sir.
Mr. Strahan—That is all.
Mr. Miller—That is all.
William L. Turner, being duly sworn, testifies as follows:
By Mr. Strahan:
Q. What is your present appointment Mr. Turner? A. Secretary for the Mayor.
Q. When were you appointed to that office? A. I think it was last October—the first of October, I think.
Q. Were you the Mayor's Secretary on the first of January, 1885? A. No, sir.
Q. Who was? A. Mr. Richard J. Morrison.
Q. Were you connected with the Mayor's office preceding that? A. Yes, sir.
Q. What position did you occupy? A. I was then Chief Clerk.
Q. Will you tell me who was stenographer to the Mayor during the months of January, February, March, April and May, 1885? A. David S. White.
Q. Is he still the stenographer? A. No, sir.
Q. Where did he perform his duties? A. Did you say when did he?
Q. Where—what were his duties, tell me that? A. His duties were to take down such letters as were dictated to him by the Mayor or by the Secretary or by myself, and to make out burial vouchers.
Q. Where did he perform his duties? A. He performed them in a room connected with the Mayor's office.
Q. From what appropriation was his salary paid? A. His salary was paid from the appropriation made to the then Bureau of Permits.
Q. From the Bureau of Permits? A. Yes, sir.
Mr. Strahan—That will do.
Mr. Miller—That is all.
Mr. Strahan—I will put in the appropriation for the Mayor's office. Shall I read it from the printed paper or will you require the official records to be here?
Mr. Peckham—It would be as relevant so far as I can see, if he put in a chapter of the Koran.
Mr. Strahan—Then there can be less objection to its going in. I don't ask any indulgence in the matter. We will put it in the proper form and you can object to it and keep it out.
Mr. Peckham—I object to it, not on the ground of form, but as wholly immaterial, as seems to be all the evidence that has been offered.
Mr. Strahan—I offer now to put in the estimate for the Mayor's office, as provided by law for \$30,000 in full to cover his salary, and that of clerks and subordinates: (Reading) "The Mayor's contingencies, Mayor's office, \$4,000."
Mr. Peckham—One moment, Mr. Strahan, there is an objection here.
The Mayor—I shall wait till the Corporation Counsel comes back to consult as to his opinion in regard to the objection, and then I shall decide whether to admit or not. (The Mayor consults with Mr. Scott).
The objection is overruled.
Mr. Strahan—You have got another Corporation Counsel at hand; it is very convenient. (Reading) Salaries Mayor's Office—Salary of the Mayor, \$10,000; salaries of the clerks and subordinates, \$16,000, added together, \$26,000, and that added to the \$4,000 makes it amount to \$30,000. I offer the paper in evidence to be marked so far as it applies to the Mayor's office.
The Mayor—What is the paper?
Mr. Strahan—The final estimate for the year 1885.
The Mayor—All right; mark it.
Mr. Peckham—Isn't it better to have whatever is read there marked?
Mr. Miller—Read it right out and have the stenographers take it down in their notes.
Mr. Peckham—The offer of counsel as to so much that applies is so wholly indefinite that it is impossible to say what he offers. If we mark what he offers then we can't have any difference about it. If you will only mark what you offer, then we won't be bothered with the rest of the stuff.
Mr. Strahan—I am willing to do that, but I find I have got the wrong year and I will have to send to the Comptroller's office for the year 1885.
Mr. Peckham—I wouldn't bother with a little trifle of having the wrong year.
The Mayor—I do not know that there is any objection; the appropriation is the same for 1885 as 1886; if you will put it in writing—the whole thing—then there will be no dispute about it; if we have got a copy of 1885 we will give it to you.
Mr. Strahan—Mr. Turner, will you give me the estimates for 1885?
Mr. Turner produces the book called for.
Mr. Strahan—I offer in evidence the estimate for the year 1885.
The Mayor—But not the whole of the estimate.

Mr. Strahan—No; the portion that applies to the Mayor's office under the head of "The Mayor's Office," and under the head of "The Bureau of Permits."
The Mayor—There is no objection to that, Mr. Peckham?
Mr. Peckham—I suppose that is governed by your previous ruling, sir. I can't see that it has any materiality.
The portion offered by Mr. Strahan read as follows:
Final Estimate for 1885—The Mayor's Office:
Contingencies—Mayor's office..... \$4,000 00
Salaries—Mayor's office:
Salary of the Mayor..... \$10,000 00
Salaries of Clerks and Subordinates..... 16,000 00
26,000 00
\$30,000 00
Bureau of Permits (under direction of the Mayor):
For Salaries..... \$11,800 00
For Contingencies..... 200 00
\$12,000 00
William J. Lyon recalled.
By Mr. Strahan:
Q. Mr. Lyon, have you been served with a subpoena? A. Yes, sir.
Q. To produce certain pay-rolls? A. Yes, sir.
Q. Have you those pay-rolls? A. I will say that the parties were subpoenaed to produce the pay-rolls, and they are produced by Mr. Storrs through the clerk, and I believe they are here.
Q. Are these the ones applying to the skilled laborers? A. Yes, sir.
Q. What duties do the skilled laborers perform in the Department of Finance? A. Duties directed by the Comptroller of the City.
Q. Describe them please? A. Those duties, I understand, are ones which are prescribed by the Comptroller himself or the Deputy Comptroller; what his directions are in that particular, I am unable to say; they are prescribed by him.
Q. Do you audit the pay-rolls? A. Upon the certificate of the Deputy Comptroller; yes, sir.
Q. Let me see them, please? (The witness hands Mr. Strahan a paper).
Mr. Miller—Are these the Comptroller's pay-rolls?
The Witness—Yes.
Mr. Peckham—Are these the Comptroller's or the Mayor's?
The Witness—The Comptroller's, that one; that is the only one called for in this subpoena; January, February, March and April, 1885.
Mr. Peckham—What pay-rolls are you looking at?
Mr. Strahan—Pay-rolls of skilled laborers.
Mr. Peckham—In what Department?
Mr. Strahan—The Finance Department.
Mr. Peckham—And you are proposing to offer pay-rolls of the Finance Department? Hadn't you better let us see if the Finance Department is to be tried here now? If you offer those, I would like to see whether they are to be admitted. If they are we can send for them, but if they are not we will save that trouble.
Mr. Strahan—We will assume they are here.
Mr. Peckham—We will assume they are here.
Mr. Strahan—I offer in evidence the pay-rolls of the Finance Department, called pay-rolls of skilled laborers, with a view of showing that in the Finance Department there have been appointed skilled laborers who have been detailed to their duties—performed other duties—and who have not passed a Civil Service examination. I will concede that this is within an objection which was taken before and sustained by the very learned Counsel to the Corporation upon that subject that other Departments were not within the investigation here, and what wrong other Departments might have done was no justification to the Department of Public Works. I think I give the ruling correctly. I now offer this evidence for the purpose of showing the facts as I have stated.
Mr. Peckham—Are you now through?
Mr. Strahan—I am now through.
Mr. Peckham—I object to those pay-rolls, Mr. Mayor. The former matters, which were offered in evidence, were quite as immaterial and irrelevant as this. I can conceive of no ground upon which your Honor admitted them unless it be that inasmuch as they had some reference to your own office there was a sort of feeling of delicacy that prompted you to admit them. These are from another office and another Department, and if this is admitted upon the inquiry as to what has been the conduct of Mr. Squire in his office, we are to investigate and try every Department in the City Government. That is rather too large a labor to undertake if there were any charges. Certainly, there being none, the immateriality and impropriety would be apparent. I object to those pay-rolls.
The Mayor—Mr. Corporation Counsel, what is your opinion on the objection?
Mr. Lacombe—My opinion as to the evidence has been already given and repeated just now by Mr. Strahan. The offer in regard to the conduct of other Commissioners has no materiality. Much immaterial evidence has been admitted—not from any other Department, as far as I know, except the pay-rolls your Honor has admitted of your own office here. As a matter of law, the objection is undoubtedly well taken. No one knows that better than Mr. Strahan.
The Mayor—The objection is sustained.
Mr. Strahan—I offer in evidence the pay-rolls of the Finance Department for each month since the month of March, 1885, so far as they apply to employment of skilled laborers, and I offer to show, and ask permission to show, that the parties on these several pay-rolls were employed as laborers and detailed to the performance of other duties in that Department, and paid as such.
Mr. Peckham—That is but a repetition of the former statement.
Mr. Strahan—Exactly.
Mr. Peckham—We object to it on the same ground.
The Mayor—The objection is sustained and the evidence excluded.
Mr. Strahan—The objection is sustained and the pay-rolls are refused to be received in evidence, and the permission to prove, as stated, is not granted; that is the way to put it; it is not granted?
The Mayor—That is correct.
Mr. Lacombe—Mr. Strahan asked to prove that certain men had been detailed, and that offer is declined.
Mr. Strahan—The objection is sustained to the receiving of the pay-rolls and the permission asked is not granted; that is the ruling as I understand it.
The Mayor—That is right; so far as my own office is concerned I make no objection to the pay-rolls and those facts being put in, although they are entirely immaterial.
Mr. Strahan—Do you mean that to be put on the record, Mr. Mayor?
The Mayor—I mean that as a statement; yes, sir.
Mr. Peckham—Anything else?
Mr. Strahan—Oh, yes.
Mr. Peckham—Well, if you have, it would be very convenient if you went on.
Mr. Strahan—Is Mr. Joseph Koch here?
Mr. Miller—Are you through with Mr. Lyons, Mr. Strahan?
Mr. Strahan—Yes.
The Mayor (to Mr. Lyons and Mr. Strahan who are talking together)—Hadn't you better give whatever you have to say, publicly, so that we will know; not that I have the slightest objection, only that these explanations—you had better make them so we can hear them.
Mr. Lyon—Mr. Strahan desired to know whether the pay-rolls for the Bureau of Permits had been produced.
The Mayor—There is no objection to putting them in; they belong to the Mayor's office.
Mr. Strahan—I offer in evidence, your Honor, under the ruling that you have just made, the pay-rolls of the Mayor's Bureau of Permits for the months of January, February, March and April, 1885.
The Mayor—There is no objection to them I understand.
Mr. Peckham—I object to them. I suppose they come under your former ruling.
The Mayor—Well, I overrule the objection.
The pay-rolls are marked Exhibits "18," "19," "20" and "21."
Mr. Strahan—I offer the heading and the names, and the name amongst others of White, who is put down here as a Clerk, with the certificate upon which the payments were made and ordered.
The portion offered in evidence reads as follows:
Pay-roll of Bureau of Permits—City of New York, for the month of January, 1885:

NAME.	RESIDENCE.	OFFICIAL DESIGNATION.	TERM OF SERVICE.			RATE PER AN.	AMT.
			From	To	Time		
David S. White.....	363 E. 71st st.....	Clerk.....	1st	31	1mo.	\$1,500	\$125

Received from Edward V. Loew, Comptroller, the sum hereunder placed opposite my name, in full, payments for services rendered by me in the capacity and for the entire time specified in this pay-roll.

DAVID S. WHITE.

The certificate is as follows :

MAYOR'S OFFICE.

This is to certify that compensation for the persons and at the rate for above indicated was heretofore by the Mayor fixed.

W. R. GRACE, Mayor.

hereby certify that the persons named in the above pay-roll were duly appointed by William R. Grace, Mayor; that salaries and wages therein stated and allowed are just and reasonable, and have been lawfully designated and approved by the Mayor and in accordance with the rules of the law and ordinance; that the services set forth in said pay-roll were necessary for the proper conducting of the lawful business of said Department, and have been faithfully performed for and on behalf of the Corporation of the City of New York, and that the amount placed opposite the name of each person is justly due to such person respectively, as specified in the above pay-roll, and that the amount of said pay-roll, together with the previous payments made and liabilities contracted by said Department, payable from the same appropriation as to said pay-roll, does not in the aggregate exceed the total amount duly appropriated therefor; and I do further certify that all the persons named in the said pay-roll that have been appointed subsequent to the taking effect of the Civil Service regulations, have been duly appointed in conformity with the requirements of those regulations.

Henry Woltman, Registrar, signs for January and February; Henry Wood, Registrar, signs for March and April.

Mr. Strahan—My offer is incomplete on the pay-rolls of the Finance Department. I offer these pay-rolls in evidence for each month since the month of March, 1885, so far as they apply to the employment of skilled laborers, and I offer to show, and ask permission to show, that the parties on these several pay-rolls were employed as laborers and detailed to the performance of other duties in that Department, and paid for the performance of those duties, without having undergone a Civil Service examination, the duties which they were required to perform being such as in the case of the Axemen and others employed and detailed in the Department of Public Works it is claimed required them to undergo a Civil Service examination.

The Mayor—The same ruling as I made before.

Mr. Strahan—Is Mr. Joseph Koch here?

The Mayor—Have you got through with Mr. Lyon?

Mr. Strahan—Yes. John Tracy? I have issued my subpoenas for those two men; it is necessary I should have them; I haven't got them yet. They have been out all the morning since I got the subpoena. I wrote a note to each of the gentlemen when I found I couldn't serve a subpoena and posted them the other night.

The Mayor—You could have had all the subpoenas you want the other day. I offered you subpoenas the other day, and you said you didn't want them.

Mr. Strahan—It was a mere mistake in overlooking them.

The Mayor—You have no other witnesses here, I understand, to-day?

Mr. Strahan—I think not, your Honor; I think so far as I am concerned I will conclude with those two witnesses.

The Mayor—Are these the only two witnesses you desire to examine?

Mr. Strahan—Yes.

Mr. Lacombe—It seems to me that as neither of the witnesses are here, we might take a recess until one o'clock, and we will send out and try and find these gentlemen in addition to your sending. We will send messengers and try and get them here by one o'clock for you. Of course, if they have been served they will be here; if not, we will send out and get them.

Mr. Peckham—Mr. Mayor, the meeting was adjourned to this morning at half-past ten o'clock.

The Mayor—At your request and at Mr. Strahan's, ten o'clock. It was finally settled at half-past ten.

Mr. Peckham—Mr. Strahan was not here until nearly twelve or half-past eleven.

Mr. Strahan—It is only five minutes past twelve now.

The Mayor—It seems to me we will go on better now by taking a recess till one o'clock and try and get these gentlemen here for Mr. Strahan, if we can get them served. Do you see any objection to that?

Mr. Peckham—My only question is about getting some one.

The Mayor—He says these are the only two witnesses he has got that he wants to examine.

Mr. Peckham—All right.

Mr. Miller—I am told Mr. Koch is up in the Catskills.

Mr. Peckham—I understand that Mr. Strahan wanted to call a man by the name of Joseph Koch, by whom, I understand, he wants to prove certain things. If he will state what he expects to prove by that witness—

Mr. Strahan—I want to prove the fact that Koch was chairman of the convention at Chickering Hall, where the late Hubert O. Thompson placed William R. Grace in nomination for Mayor of the City of New York, the convention being held by the County Democracy.

Mr. Peckham—Do you mean that Hubert O. Thompson placed him in nomination, that he made the motion for his nomination.

Mr. Strahan—He made the report of the Committee.

Mr. Peckham—And moved his confirmation?

Mr. Strahan—Moved the adoption of the report; it was made on his motion.

Mr. Peckham—I understand the Mayor to say that he don't know whether that is true.

The Mayor—I don't know.

Mr. Peckham—If Mr. Strahan says that he has any sort of information that Mr. Koch would swear to any such thing, we will admit that he would so swear if he were here and examined.

Mr. Strahan—No; I can't put it that way—that Mr. Strahan has information, that Joseph Koch was Chairman or presided at the meeting, and that such a report was presented by Hubert O. Thompson, its adoption moved by him, and that upon his motion the report was adopted.

Mr. Lacombe—Mr. Strahan on the first day had a copy of a newspaper of an old date in his hand. Perhaps the newspaper is his source of information. Is that so?

Mr. Strahan—Correct.

Mr. Peckham—Mr. Mayor, I propose, upon the statement of Mr. Strahan that he has any information of that kind, for the purposes of this proceeding, to admit it as a fact, while I do not know anything about it.

Mr. Lacombe—Now, do you want to prove some equally important thing by Mr. Tracy?

The Mayor—Mr. Peckham, perhaps you can arrange this Tracy matter in the same way.

Mr. Strahan—No, we can't.

Mr. Lacombe—I think if your Honor will put the telephone in connection with this office in connection with the District Courts it will be able to trace where Mr. Tracy is.

Mr. Peckham—I would suggest to the Mayor that if Mr. Strahan has any idea where he can find this man and it can be done by telephone, Mr. Strahan be requested to go to the telephone and do it.

Mr. Strahan—It is just as much your interest to get him here as mine.

Mr. Lacombe—Wherever Mr. Tracy is he can't be got here within five minutes. Why don't we adjourn until one o'clock, and if there is any waiting let Mr. Tracy do it.

The Mayor—There is no objection to that. We will take a recess until one o'clock.

After recess :

The Mayor—Well, Mr. Strahan, are you ready to go on? Have you got your witness here?

Mr. Strahan—I have sent around to all the District Courts of the city and failed to get him at any of them.

The Mayor—The Harlem Court was reported to me as being closed for the day.

Mr. Strahan—Yes; I had a messenger up there early in the morning, your Honor. Whenever I got the subpoena I started him off with it at once.

The Mayor—Is there no way between you that you can get the thing in shape?

Mr. Peckham—Well, Mr. Mayor, it is considerably after one o'clock, and I think we should go on with the case.

The Mayor—What does Mr. Strahan say?

Mr. Strahan—Mr. Mayor, I have issued a subpoena as early as I possibly could obtain it in reference to Mr. Tracy for the purpose of securing Mr. Tracy's appearance here to-day. Through no fault attributable to any one, it has failed to reach its destination; now, I can't close my case, as your Honor is perfectly well aware, until evidence which I consider of importance is put in bearing upon the so-called Squire letter; I have several witnesses, including Mr. Squire himself. It is necessary for me to examine Mr. Squire himself and Mr. Flynn in connection with that particular matter; for the reasons fully explained yesterday and which can be now calmly considered and reviewed, I cannot close my case, and I ask, therefore, that the hearing go over to enable me to put in that part of my case until after the trial on the criminal indictment. I do not intend and decline to go into any matters, or to examine any witnesses bearing upon what is included in the criminal indictment, and as I think that I am right in the request, I reserve to myself the right in the event of this matter being subsequently proceeded with, to then avail myself of the privilege of examining Mr. Tracy. In the meantime, I ask that the case stand adjourned until after the criminal trial, because, until that trial is over, I cannot put in the evidence that it is necessary for me to put in here, and until that evidence is in I have not the hearing which the statute provides I am entitled to.

Mr. Peckham—I understand, Mr. Mayor, that the counsel for the defense has presented all the evidence which he now has, and has no further evidence at the present moment to present to the tribunal; I understand him as now and for the first time making a request, that the hearing be adjourned

because he says he wants to examine his client Mr. Squire, further as to this letter, and also some other witnesses whom he now states.

Mr. Strahan—Mr. Flynn, Judge Gildersleeve and several others; I don't disclose my evidence.

Mr. Peckham—Judge Gildersleeve, the counsel now says, is also one of those who he desires to examine; I believe Judge Gildersleeve is not under indictment; I haven't heard of any.

Mr. Strahan—Mr. Peckham, don't misunderstand me. I say that because of the indictment I decline to disclose my answer and defence to that indictment, and, therefore, no witness that is necessary to be examined on my behalf, in connection with that matter, do I call here. I decline to do so, and for that reason I have made the motion I have.

Mr. Peckham—Yesterday the counsel declined to permit his client to be cross-examined, having stated or conceded that he had already, upon the direct-examination, examined him in all respects, so far as he expected to, upon the subject of that letter.

Mr. Strahan—No, Peckham, I did not. I state so now, that I haven't concluded my examination on that branch of the case and I decline to do so. Now I say so clearly, and the witness was put upon the stand against my desire and against my wish.

Mr. Peckham—Mr. Strahan having interrupted me, I again repeat that yesterday he did affirmatively concede that he had examined his client upon the subject of that letter, so far as he had expected to, and had gone off to other matters, and the record so shows. I do not propose now to stop to investigate the record. I am satisfied with my memory. Mr. Strahan also stated yesterday—last night—that he had but four or five witnesses, naming them, whom he proposed to examine, and he would examine them this morning and that was all. There wasn't an intimation that he should ask or request any further adjournment. The excuse so called, or the ground upon which he now puts his request for an indefinite adjournment, after having put his client upon the stand and having had him tell what he regarded as the whole story about this letter, it seems to me is not only disingenuous, it is childish, it is puerile, it is no excuse whatever. If his clients are innocent of the matters of which they are charged here, the telling of the truth would harm them in no court and under no indictment. This is an independent tribunal. It is an investigation upon a different subject. It may very well be possible that a man would be found guilty in the sense that he would require his removal from office and yet might be found not guilty in the sense that he wouldn't be convicted upon an indictment. The public service should not suffer because of an incompetent and improper person—if he should be so adjudged—remaining at the head of a large Department, because he is charged in addition to that with crime, and I therefore submit to your Honor that you are bound, in the ordinary discharge of the duties imposed upon you by the statute in this respect, to go on with this examination now, and if the defense do not choose to produce any other witnesses, to close it.

The Mayor—(To the Corporation Counsel)—What is your opinion?

Mr. Lacombe—Mr. Strahan can possibly make it a little more definite. He commenced with a statement about Colonel Tracy and left him off entirely. If it was a question of an adjournment until to-morrow morning, because his subpoena hadn't reached Colonel Tracy, I should say it would be right to do that much, but he has abandoned that and it is well to get the record straight as to what the motion is. I was suggesting to the Mayor, Mr. Strahan, you commenced your motion or statement in regard to your inability, through no fault of your own or your messenger or anybody else, to serve subpoena upon Colonel Tracy to whom you desired to propound some questions, and if he were here now you would desire to put him upon the stand. You then at the foot of that, after further statements, made a motion to adjourn the hearing until after the trial of the indictment. Do you besides that first make any other or alternative motion with regard to Colonel Tracy, or do you now abandon your intention of calling Colonel Tracy unless the main motion is granted?

Mr. Strahan—I stated my position yesterday and again to-day I think sufficiently clear. Probably I failed to make it so very clear as to carry an understanding of it to my friends on the other side. I stated yesterday that I had not concluded the examination of Mr. Squire on the matters that were then under investigation.

Mr. Lacombe—Mr. Strahan, I understand that; but I was speaking with regard to Col. Tracy.

Mr. Strahan—I am doing a double duty with reference to you and my friend Peckham? I stated yesterday that I had not concluded my examination of Mr. Squire; that I had got to that stage of the proceedings when Mr. Newcome had left to bring me some papers bearing upon the subject; that during his absence there was an adjournment, and when we met in the afternoon there was an indictment. Now, yesterday I stated the course that I thought I was entitled to follow in connection with that particular matter. I have not concluded my examination of Mr. Squire, and I, for the reasons explained, refuse to permit Mr. Squire to answer any question pending the indictment on matters covered by the indictment. I, for the same reason, am excluded from putting any witness upon the stand whose testimony bears upon that branch of this investigation. I say I am entitled—I am not asking it as a matter of courtesy; I am not asking it as a matter of favor, and I beg my friend Peckham not to labor under any such misapprehension.

Mr. Peckham—I wish you would be a little more select in your language, and not call me "your friend Peckham."

Mr. Strahan—Mr. Peckham, I beg pardon. I ask it as a matter of law and not as a matter of courtesy. I am entitled to be heard. My hearing is one relieved from all restraint of law. A restraint has been interposed, and until that restraint is removed I claim the privilege of having the hearing—I claim the right of having the hearing. Now, I therefore have stated that because of the position in which matters have been placed, by no action so far as Mr. Squire is concerned, the impossibility of examining the witness, or offering the defendant the hearing which the statute prescribes, that the case should stand over until the criminal indictment is disposed of. On the other matter let there be no anxiety; I think Mr. Miller and I understand each other on that; there will be no difficulty so far as Mr. Tracy's evidence is concerned. If the case goes back for a hearing or a hearing in any other manner is allowed, which will cover the matters that are included in the indictment, at that hearing I claim the privilege of adducing Mr. Tracy. There will be no objection made.

Mr. Lacombe—If the case does not go back, or if you do not have the opportunity on another hearing, do you then withdraw any claim to having been cut off from Col. Tracy's testimony for the reason that the opportunity to subpoena him was not given.

Mr. Strahan—I shall not make any such claim upon that ground. That is the way to put it—not your way.

Mr. Peckham—Then, as I understand it, the case stands upon the mere aspect of a motion by the counsel for the respondent to adjourn indefinitely until the disposal of the indictment.

The Mayor—Is that as you understand it?

Mr. Strahan—That is substantially the position, for the reasons stated.

Mr. Peckham—To that I object.

The Mayor—You heard what Mr. Peckham said and what Mr. Strahan confirmed. What is your opinion, Mr. Corporation Counsel?

Mr. Lacombe—In my opinion the respondent is not entitled, as matter of law, to such adjournment; the granting or refusal of his motion rests entirely in your discretion.

The Mayor—The motion for an adjournment till after the trial of the criminal case is refused.

Mr. Peckham—Has your Honor made any ruling?

The Mayor—Yes, sir; I refused the motion to adjourn.

Mr. Peckham—I beg your pardon; I didn't hear it. The case of the prosecution is closed.

Mr. Strahan—The case for the defense is not closed, sir.

The Mayor—You have got nothing further to offer at present, as I understand you, except your motion for an adjournment.

Mr. Strahan—No, sir; my motion for an opportunity for my witnesses to be heard.

The Mayor—Your motion was for an adjournment until after the trial of the criminal indictment; that has been refused. Now, what else have you to offer in the case? That is what we want to know; if you have anything.

Mr. Strahan—I don't quite understand you, Mr. Mayor?

The Mayor—You made a motion for an adjournment until after the trial of the criminal case against your client.

Mr. Strahan—Until the criminal matter is disposed of, that I may then have the opportunity of putting my witnesses upon the stand.

The Mayor—Exactly, and that is refused. Now, the question is whether at present, that being refused, you have got anything to offer?

Mr. Strahan—I have no further evidence at present to offer.

The Mayor—Have you any document you desire to offer, or anything else you want to say?

Mr. Strahan—I would like to suggest what the other side have to say. I do not think it falls upon me in the first place to say what I have to say.

Mr. Peckham—I suppose, Mr. Mayor, that the procedure with respect to any remarks which might be made by either side in the nature of a summing up would be analogous to and follow that of the proceedings in a court, and there, as most lawyers are familiar, if the defendant or respondent, or prisoner, or whatever he may be in the particular kind of proceeding that is going on has anything to say he first addresses the tribunal, and the prosecution or plaintiff closes. Therefore, if there is any address to the tribunal it is to be first by the man who is respondent.

The Mayor—Well, Mr. Strahan, I repeat the question whether you have anything to say in the premises; have you anything to lay before me further upon this matter at present?

Mr. Strahan—I am precluded by you and by your actions from presenting my evidence and when I conclude my evidence, whatever I have to say to you shall then be addressed—not before that.

The Mayor—I shall then close the case as it now stands on the record.

Mr. Strahan—That, sir, does not affect me in the slightest; I object to your action, but it does not affect me in the slightest.

LEGISLATIVE DEPARTMENT.

OFFICE OF THE BOARD OF ALDERMEN,
No. 8 CITY HALL,
NEW YORK, May 29, 1886.

PUBLIC NOTICE.

A resolution, of which the following is a copy, was adopted by the Common Council, May 26, 1886, and was approved by the Mayor, May 28, 1886, viz :

"Resolved, That in consideration of the fact that little, if any, business is transacted in the public offices of the Corporation after 12 o'clock, M., on Saturdays during the summer season, the various offices of the City, except those specially required by law to be kept open, be closed at noon every Saturday during the months of June, July, August and September, and the heads of the several departments of the City government be and are hereby requested to give their employees a half-holiday on Saturdays during the months above named."

FRANCIS J. TWOMEY, Clerk Common Council.

APPROVED PAPERS.

Ordinances and Resolutions passed by the Common Council during the week ending Aug. 28, 1886.

Resolved, That Julius M. Mayer be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York.

Adopted by the Board of Aldermen, August 27, 1886.

FRANCIS J. TWOMEY, Clerk of the Common Council.

POLICE DEPARTMENT.

The Board of Police met on the 23d day of August, 1886.
Present—Commissioners Porter, McClave, and Voorhis.

Leave of Absence Granted.

Patrolman James H. Maxwell, First Precinct, five days, half-pay.

Deaths Reported.

Patrolman Thomas J. Coyle, Fourth Precinct, on 17th instant.

" Richard Lahert, Eleventh Precinct, on 21st instant.

Weekly statement of the Comptroller, showing condition of the several accounts of the Police Department, was referred to the Treasurer.

Application of Doorman Francis McGinley, Thirty-fifth Precinct, for fifteen days' leave of absence, was referred to Captain Yule for report.

Application of Captain Gunner, Twenty-eighth Precinct, for additional sleeping accommodations, was referred to the Committee on Repairs and Supplies, with power.

Applications Ordered on File.

F. Alexander & Son—For appointment of Wm. Ellwood as Special Patrolman.

Captain Smith, Twenty-fourth Precinct—For permission to hire steamboat in emergencies.

Application for Second Grade Denied.

Patrolman Frederick J. Eigen, Jr., Twenty-ninth Precinct.

Application of Patrolman Thomas V. Murphy, Twenty-fourth Precinct, for promotion, was referred to the Board of Examiners for citation.

Communications ordered on file.

Civil Service—Eligible list for Patrolmen, I. 3, August 17.

Lorenzo Bayer—Relative to complaint against Captain Williams, Twenty-ninth Precinct.

Communication from Captain Smith, Twenty-fourth Precinct, relative to tugs, etc., crowding Pier A, was ordered on file, and a copy to be forwarded to Department of Public Works, with request that the evil be remedied.

Communication from William T. Elsing, Pastor De Witt Memorial Church, complaining of disorderly boys, was referred to the Superintendent.

Communication from the Comptroller, relative to coal contract of George W. Winant, was referred to the Chief Clerk.

Communication from William B. Smith, Mayor, Philadelphia, relative to Police parade and convention, October 7, 1886, was referred to Commissioner Voorhis for report.

Resignation Accepted.

Patrolman Daniel J. Dowd, Twenty-eighth Precinct.

Transfer and Details.

Patrolman Francis Becker, from Twenty-ninth Precinct to Twenty-second Precinct.

" Daniel Matthison, Twenty-ninth Precinct, detail as Doorman, temporarily.

" James F. Crowe, Thirty-first Precinct, detail as Doorman, temporarily.

Advanced to Second Grade.

Patrolman Henry Hahn, Sixth Precinct, from August 23, 1886.

" George Lavender, Thirtieth Precinct, from August 23, 1886.

" John J. Hanlon, Twenty-third Precinct, from August 12, 1886.

Employed on Probation.

George E. Cummings.

Frederick D. Robbins.

John M. DeLay.

John E. Miller.

Patrick F. Gilmartin.

Walter J. McGrath.

Thomas F. Kearns.

John Mahony.

Appointed Patrolmen.

Precinct.			Precinct.	
Edward C. Frizzell.....	1	George W. Lacour.....		20
Joseph H. McCauley.....	7	Alfred J. Reid.....		20
Michael J. Cox.....	8	Martin D. Langdon.....		23
William J. Clarke.....	11	Edward F. Nishwitz.....		23
George G. Murphy.....	12	Horace E. Patrick.....		28
Frank Keiser, Jr.....	17	Orson Freer.....		28
Adam H. Schery.....	18	John H. Thompson.....		29
Henry G. Masson.....	19	Andrew Wood.....		33

Resolved, That the pay-rolls of the Police Department and force, and of the Central Department, for the month of August, 1886 (when properly audited and approved), be and are hereby ordered to be paid by the Treasurer—all aye.

Resolved, That the following bills be approved, and the Treasurer authorized to pay the same—all aye.

Frederick Ringler, error in pay-roll, \$4.93.

Steamer John E. Moore, services, \$10.

Complaints Dismissed.

Patrolman Edward McLaughlin, Twenty-third Precinct.

" Michael McCauley, Thirty-second Precinct.

Adjourned.

WM. H. KIPP, Chief Clerk.

HEALTH DEPARTMENT OF THE CITY OF NEW YORK.

Statement of all Suits for Penalties for Violations of the Sanitary Code, finally disposed of in the Civil and Criminal Courts, for the Week ending August 14, 1886.

Number of Order.	DATE OF ISSUE OF ORDER.	DATE OF SERVICE OF ORDER.	DATE OF JOINING OF SUIES.	LOCATION.	DEFENDANT.	ADDRESS.	OWNER, AGENT, OR LESSEE.	SUBJECT OF COMPLAINT, OR OFFENSE CHARGED.	Nature of Action, Criminal, Civil, or both.	Section of Sanitary Code Violated.	Section of Consolidation Act Violated.	No. of Inspections on Order.	RESULT OF TRIAL.	REASONS OF ACQUITTAL OR DISCHARGE.	No. of Suits.	NAME OF COURT.	Amount of Judgment.	Amount Collected.	Dismissed by Court.	Consent of Attorney to Discontinue.	REASONS THEREFOR.	Execution Issued.	REASON WHY EXECUTION ISSUED.	DATE OF ARREST.	REMARKS.
6213	1886. June 15	1886. June 30	1886. July 10	333 E. 24th st.....	John B Dolan....	335 E. 24th st.....	Owner....	School sink required.....	Civil....	206	206	1	Judgt for plfr....	1792	Third Dist. Court	\$59 50	None	No	{Defect not notified.}	Two inspections made by police officers, with Order issued by Board.
15919	1885. July 3	1885. July 21	" 10	248 Eighth ave....	Pat'k Byrnes and John Morgan....	343 W. 9th st.....	".....	".....	".....	206	206	8	".....	.....	1866	".....	59 50	".....	.....	.....	.....	"	.....	.....
6448	1886. June 19	1886. June 30	" 10	344 E. 34th st.....	James McGuire....	344 E. 34th st.....	".....	{Sinks to be trapped, main waste-pipe to be vented.....}	".....	206	206	1	".....	.....	1869	".....	59 50	".....	.....	.....	.....	"	.....	.....
6297	" 17	July 3	" 17	452 Broome st.....	John Hutchings...	{Cor. Barclay and Greenwich 45..}	".....	.....	".....	193	193	1	".....	.....	1835	".....	59 50	".....	.....	.....	.....	"	.....	.....
6904	" 25	" 12	" 24	319 E. 59th st.....	Patrick Dwyer....	319 E. 59th st.....	".....	School sink required.....	".....	206	206	2	".....	.....	1865	".....	59 50	".....	.....	.....	.....	"	.....	.....
6648	" 24	" 9	" 24	3 Hamilton st.....	Thomas McGinley...	20 Pike st.....	Agent....	{Main waste-pipe to be connected with sewer; cellar stairs, etc., to be repaired.....}	".....	92	92	3	".....	.....	1878	".....	59 50	".....	.....	.....	.....	"	.....	.....
6607	" 23	" 3	" 24	246 Division st.....	Isaac Rinaldo....	446 Grand st.....	Owner....	Yard and woodhouse cleaned and disinfected.....	".....	92	92	3	".....	.....	1884	".....	59 50	".....	.....	.....	.....	"	.....	.....
7252	July 8	" 23	" 24	5 Mott st.....	Solomon Jacobs...	195 East Broadway...	".....	{Water-closets and halls cleaned, force pump provided, roof repaired.....}	".....	92	92	1	".....	.....	1891	".....	59 50	".....	.....	.....	.....	"	.....	.....

Executions were issued in cases Nos. 1650, 1672, 1870 and 1875, previously reported on Orders Nos. 4618, 5124, 5949 and 6798. Statistics in the Attorney's Weekly Report to the Board of Health not included in the above statement. Besides the ordinary office work, there were 40 Suits begun, 158 Attorney's Notices issued, 62 Nuisances abated, Executions were issued in 4 cases, and 3 Arrests made.

Respectfully submitted,

W. P. PRENTICE, Attorney and Counsel.

EXECUTIVE DEPARTMENT.

MAYOR'S MARSHAL'S OFFICE,
NEW YORK, August 28, 1886.

Number of licenses issued and amounts received therefor, in the week ending Friday, August 27, 1886:

DATE.	NUMBER OF LICENSES.	AMOUNTS
Saturday, August 21.....	24	\$35 25
Monday, " 23.....	50	93 50
Tuesday, " 24.....	35	70 25
Wednesday, " 25.....	33	62 75
Thursday, " 26.....	34	64 00
Friday, " 27.....	30	47 75
Totals.....	206	\$373 50

THOMAS W. BYRNES,
Mayor's Marshal.

MAYOR'S OFFICE,
NEW YORK, January 7, 1886.

Pursuant to section 9 of chapter 339, Laws of 1883, I hereby designate "New York Times" and the "Daily News" two of the daily newspapers printed in the City of New York, in which notice of each sale of unredeemed pawns or pledges by public auction in said city, by pawnbrokers, shall be published for at least six days previous thereto, until otherwise ordered.

W. R. GRACE, Mayor.

MAYOR'S OFFICE,
NEW YORK, December 31, 1885.

In pursuance of the ordinance, approved April 30, 1877, and amended June 1, 1877, entitled, "An ordinance to prevent the danger of hydrophobia to any of the inhabitants of the City of New York," notice is hereby given that all Dogs found at large in the City of New York on and after January 1, contrary to such ordinance, will be seized and disposed of as provided therein.

The Dog Pound at the foot of Sixteenth street, East river, is hereby designated as the place where dogs so captured must be delivered to the Keeper thereof. The Pound will be open from eight o'clock A. M. until five o'clock P. M. daily, Sundays excepted, on and after the first day of January, 1886.

WM. R. GRACE,
Mayor.

OFFICIAL DIRECTORY.

STATEMENT OF THE HOURS DURING WHICH all the Public Offices in the City are open for business, and at which each Court regularly opens and adjourns, as well as of the places where such offices are kept and such Courts are held; together with the heads of Departments and Courts.

EXECUTIVE DEPARTMENT.

Mayor's Office.

No. 6 City Hall, 10 A. M. to 3 P. M.
WILLIAM R. GRACE, Mayor; WILLIAM L. TURNER, Secretary and Chief Clerk.

Mayor's Marshal's Office

No. 1 City Hall, 9 A. M. to 4 P. M.
THOMAS W. BYRNES, First Marshal.
GEORGE W. BROWN, Jr., Second Marshal.

COMMISSIONERS OF ACCOUNTS.

Rooms 114 and 115, Stewart Building, 9 A. M. to 4 P. M.
WM. PITT SHEARMAN, J. B. ADAMSON.

AQUEDUCT COMMISSIONERS

Room 209, Stewart Building, 5th floor, 9 A. M. to 5 P. M.
JAMES C. SPENCER, President; JOHN C. SHEEHAN, Secretary; BENJAMIN S. CHURCH, Chief Engineer; J. C. LULLEY, Auditor.

BOARD OF ARMORY COMMISSIONERS.

THE MAYOR, Chairman; PRESIDENT OF DEPARTMENT OF TAXES AND ASSESSMENTS, Secretary.
Address M. COLEMAN, Staats Zeitung Building, Tryon Row. Office hours, 9 A. M. to 4 P. M.; Saturdays, 9 A. M. to 12 M.

LEGISLATIVE DEPARTMENT.

Office of Clerk of Common Council

No. 8 City Hall, 10 A. M. to 4 P. M.
ROBERT B. NOONEY, President Board of Aldermen.
FRANCIS J. TWOMEY, Clerk Common Council.

City Library.

No. 12 City Hall, 10 A. M. to 4 P. M.

DEPARTMENT OF PUBLIC WORKS.

Commissioner's Office.

No. 31 Chambers street, 9 A. M. to 4 P. M.
ROLLIN M. SQUIRE, Commissioner; WILLIAM V. SMITH, Deputy Commissioner

Bureau of Chief Engineer.

No. 31 Chambers street, 9 A. M. to 4 P. M.
GEORGE W. BIRDSALL, Chief Engineer.

Bureau of Water Register.

No. 31 Chambers street, 9 A. M. to 4 P. M.
JOHN H. CHAMBERS, Register.

Bureau of Street Improvements.

No. 31 Chambers street, 9 A. M. to 4 P. M.
WM. M. DEAN, Superintendent.

Engineer-in-Charge of Sewers

No. 31 Chambers street, 9 A. M. to 4 P. M.
HORACE LOOMIS, Engineer-in-Charge.

Bureau of Repairs and Supplies.

No. 31 Chambers street, 9 A. M. to 4 P. M.
THOMAS H. McAVOY, Superintendent.

Bureau of Water Purveyor

No. 31 Chambers street, 9 A. M. to 4 P. M.
ALSTON CULVER, Water Purveyor.

Bureau of Lamps and Gas.

No. 31 Chambers street, 9 A. M. to 4 P. M.
STEPHEN McCORMICK, Superintendent.

Bureau of Streets.

No. 31 Chambers street, 9 A. M. to 4 P. M.
GEO. E. BABCOCK, Superintendent.

Bureau of Incumbrances.

No. 31 Chambers street, 9 A. M. to 4 P. M.
GEO. A. McDERMOTT, Superintendent.

Keeper of Buildings in City Hall Park.
MARTIN J. KEESSE, City Hall

FINANCE DEPARTMENT.

Comptroller's Office.

No. 15 Stewart Building, Chambers street and Broadway, 9 A. M. to 4 P. M.
EDWARD V. LOEW, Comptroller; RICHARD A. STORRS, Deputy Comptroller.

Auditing Bureau.

Nos. 19, 21, 23 Stewart Building, Chambers street and Broadway, 9 A. M. to 4 P. M.
WM. J. LYON, Auditor of Accounts; DAVID E. AUSTEN, Deputy Auditor.

Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents.

Nos. 31, 33, 35, 37, 39 Stewart Building, Chambers street and Broadway, 9 A. M. to 4 P. M.
ARTEMAS S. CADY, Collector of Assessments and Clerk of Arrears.

Bureau for the Collection of City Revenue and of Markets.

Nos. 1 and 3 Stewart Building, Chambers street and Broadway, 9 A. M. to 4 P. M.
JAMES J. KELSO, Collector of the City Revenue and Superintendent of Markets.

Bureau for the Collection of Taxes.

First floor, Brown-stone Building, City Hall Park.
GEORGE W. McLEAN, Receiver of Taxes; ALFRED VREDENBURG, Deputy Receiver of Taxes.

Bureau of the City Chamberlain.

Nos. 25, 27 Stewart Building, Chambers street and Broadway, 9 A. M. to 4 P. M.
WM. M. IVINS, City Chamberlain.

Office of the City Paymaster.

No. 33 Reade street, Stewart Building.
—, City Paymaster.

LAW DEPARTMENT.

Office of the Counsel to the Corporation.

Staats Zeitung Building, third floor, 9 A. M. to 5 P. M. Saturdays, 9 A. M. to 4 P. M.
E. HENRY LACOMBE, Counsel to the Corporation
ANDREW T. CAMPBELL, Chief Clerk.

Office of the Public Administrator.

No. 49 Beekman street, 9 A. M. to 4 P. M.
RICHARD J. MORRISON, Public Administrator.

Office of the Corporation Attorney.

No. 49 Beekman street, 9 A. M. to 4 P. M.
WILLIAM A. BOYD, Corporation Attorney.

POLICE DEPARTMENT.

Central Office.

No. 300 Mulberry street, 9 A. M. to 4 P. M.
STEPHEN B. FRENCH, President; WILLIAM H. KIPP, Chief Clerk; JOHN J. O'BRIEN, Chief Bureau of Elections.

DEPARTMENT OF CHARITIES AND CORRECTION.

Central Office.

No. 66 Third avenue, corner Eleventh street, 8.30 A. M. to 5.30 P. M.
HENRY H. PORTER, President; GEORGE F. BRITTON, Secretary.

FIRE DEPARTMENT.

Office hours for all except where otherwise noted from 9 A. M. to 4 P. M. Saturdays, to 3 P. M.

Headquarters.

Nos. 155 and 157 Mercer street.
HENRY D. PURROY, President; CARL JUSSEN, Secretary.

Bureau of Chief of Department.

CHARLES O. SHAY, Chief of Department.

Bureau of Inspector of Combustibles.

PETER SEERY, Inspector of Combustibles.

Bureau of Fire Marshal.

GEORGE H. SHELTON, Fire Marshal.

Bureau of Inspection of Buildings.

ALBERT F. D'ONCH, Superintendent of Buildings.

Attorney to Department.

WM. L. FINDLEY, Nos. 155 and 157 Mercer street.

Fire Alarm Telegraph.

J. ELLIOT SMITH, Superintendent of Telegraph, Nos. 155 and 157 Mercer street.

Central Office Fire Alarm Telegraph open at all hours

Repair Shops.

Nos. 128 and 130 West Third street.
JOHN CASTLES, Foreman-in-Charge, 8 A. M. to 5 P. M.

Hospital Stables.

Ninety-ninth street, between Ninth and Tenth avenues.
JOSEPH SHEA, Foreman-in-Charge.
Open at all hours.

HEALTH DEPARTMENT.

No. 301 Mott street, 9 A. M. to 4 P. M.
ALEXANDER SHALER, President; EMMONS CLARK, Secretary.

DEPARTMENT OF PUBLIC PARKS.

Emigrant Industrial Savings Bank Building, Nos. 27 and 29 Reade street, 9 A. M. to 4 P. M.
HENRY R. BECKMAN, President; CHARLES DE F. BURNS, Secretary.

Civil and Topographical Office.

Arsenal, Sixty-fourth street and Fifth avenue, 9 A. M. to 5 P. M.

Office of Superintendent of 23d and 24th Wards
One Hundred and Forty-sixth street and Third avenue, 9 A. M. to 5 P. M.

DEPARTMENT OF DOCKS.

Battery, Pier A, North River, 9 A. M. to 4 P. M.
L. J. N. STARK, President; B. W. ELLISON, Secretary.
Office hours from 9 A. M. to 4 P. M. daily, except Saturdays; on Saturdays as follows: from October 1 to June 1, from 9 A. M. to 3 P. M.; from June 1 to September 30, from 9 A. M. to 12 M.

DEPARTMENT OF TAXES AND ASSESSMENTS.

Staats Zeitung Building, Tryon Row, 9 A. M. to 4 P. M. Saturdays, 3 P. M.
MICHAEL COLEMAN, President; FLOYD T. SMITH, Secretary

Office Bureau Collection of Arrears of Personal Taxes.
Brown-stone Building, City Hall Park, 9 A. M. to 4 P. M.
CHARLES S. BEARDSLEY, Attorney; WILLIAM COMBERFORD, Clerk.

DEPARTMENT OF STREET CLEANING.

Nos. 31 and 32 Park Row, "World" Building, Rooms 8 and 9, 9 A. M. to 4 P. M.
JAMES S. COLEMAN, Commissioner; JACOB SEABOLD, Deputy Commissioner; R. W. HORNER, Chief Clerk.

CIVIL SERVICE SUPERVISORY AND EXAMINING BOARDS.

Room No. 11, City Hall.
EVERETT P. WHEELER, Chairman of the Supervisory Board; LEE PHILLIPS, Secretary and Executive Officer.

BOARD OF ESTIMATE AND APPORTIONMENT.

Office of Clerk, Staats Zeitung Building, Room 5, The Mayor, Chairman; CHARLES V. ADEE, Clerk.

BOARD OF ASSESSORS.

Office, City Hall, Room No. 11½, 9 A. M. to 4 P. M.
EDWARD GILON, Chairman; WM. H. JASPER, Secretary.

BOARD OF EXCISE.

No. 54 Bond street, 9 A. M. to 4 P. M.
CHARLES H. WOODMAN, President; DAVID S. WHITE, Secretary and Chief Clerk.

SHERIFF'S OFFICE.

Nos. 3 and 4 New County Court-house, 9 A. M. to 4 P. M.
HUGH J. GRANT, Sheriff; JOHN B. SEXTON, Under Sheriff; BERNARD F. MARTIN, Order Arrest Clerk.

REGISTER'S OFFICE.

East side City Hall Park, 9 A. M. to 4 P. M.
JOHN REILLY, Register; JAMES A. HANLEY, Deputy Register.

COMMISSIONER OF JURORS.

Room 127, Stewart Building, Chambers street and Broadway, 9 A. M. to 4 P. M.
CHARLES REILLY, Commissioner; JAMES E. CONNER, Deputy Commissioner.

COUNTY CLERK'S OFFICE.

Nos. 7 and 8 New County Court-house, 9 A. M. to 4 P. M.
JAMES A. FLACK, County Clerk; THOMAS F. GILROY, Deputy County Clerk.

DISTRICT ATTORNEY'S OFFICE.

Second floor, Brown-stone Building, City Hall Park, 9 A. M. to 4 P. M.
RANDOLPH B. MARTINE, District Attorney; JOHN M. COMAN, Chief Clerk.

THE CITY RECORD OFFICE.

And Bureau of Printing, Stationery, and Blank Books.
No. 2 City Hall, 8 A. M. to 5 P. M., except Saturdays, on which days 8 A. M. to 3 P. M.
THOMAS COSTIGAN, Supervisor; R. P. H. ABELL, Book-keeper.

CORONERS' OFFICE.

Nos. 13 and 15 Chatham street, 8 A. M. to 5 P. M. Sundays and holidays, 8 A. M. to 12.30 P. M.
MICHAEL J. B. MESSEMER, FERDINAND LEVY, FERDINAND EIDMAN, JOHN R. NUGENT, Coroners; JOHN T. TOAL, Clerk of the Board of Coroners.

SUPREME COURT.

Second floor, New County Court-house, opens at 10.30 A. M.
NOAH DAVIS, Presiding Justice; JAMES A. FLACK, Clerk; THOMAS F. GILROY, Deputy County Clerk.
General Term, Room No. 9, WILLIAM LAMB, Jr., Clerk.
Special Term, Part I., Room No. 10, HUGH DONNELLY, Clerk.
Special Term, Part II., Room No. 18, JOSEPH P. McDONOUGH, Clerk.
Chambers, Room No. 12, WALTER BRADY, Clerk.
Circuit, Part I., Room No. 12, SAMUEL BARRY, Clerk.
Circuit, Part II., Room No. 14, RICHARD J. SULLIVAN, Clerk.
Circuit, Part III., Room No. 13, GEORGE F. LYON, Clerk.
Circuit, Part IV., Room No. 15, J. LEWIS LYON, Clerk.
Judges' Private Chambers, Rooms Nos. 19 and 20, EDWARD J. KNIGHT, Librarian.

SUPERIOR COURT.

Third floor, New County Court-house, 11 A. M.
General Term, Room No. 35.
Special Term, Room No. 33.
Chambers, Room No. 33, 10 A. M.
Part I., Room No. 34.
Part II., Room No. 35.
Part III., Room No. 36.
Judges' Private Chambers, Room No. 30.
Naturalization Bureau, Room No. 32.
Clerk's Office, Room No. 31, 9 A. M. to 4 P. M.
JOHN SEDGWICK, Chief Judge; THOMAS BOESE, Chief Clerk.

COURT OF COMMON PLEAS.

Third floor, New County Court-house, 11 A. M.
Assignment Bureau, Room No. 23, 9 A. M. to 4 P. M.
Clerk's Office, Room No. 22, 9 A. M. to 4 P. M.
General Term, Room No. 24, 11 o'clock A. M. to adjournment.
Special Term, Room No. 21, 11 o'clock A. M. to adjournment.
Chambers, Room No. 21, 10.30 o'clock A. M. to adjournment.
Part I., Room No. 25, 11 o'clock A. M. to adjournment.
Part II., Room No. 26, 11 o'clock A. M. to adjournment.
Part III., Room No. 27, 11 o'clock A. M. to adjournment.
Naturalization Bureau, Room No. 23, 9 A. M. to 4 P. M.
RICHARD L. LARREMORE, Chief Justice; NATHANIEL JARVIS, Jr., Chief Clerk.

COURT OF GENERAL SESSIONS.

No. 32 Chambers street. Parts I. and II. Court opens at 11 o'clock A. M.
FREDERICK SMYTH, Recorder; HENRY A. GILDER-SLEEVE and RUFUS B. COWING, Judges of the said Court.
Terms, first Monday each month.
JOHN SPARKS, Clerk. Office, Room No. 11, 10 A. M. till 4 P. M.

CITY COURT.

City Hall.
General Term, Room No. 20.
Trial Term, Part I., Room No. 20.
Part II., Room No. 19.
Part III., Room No. 15.
Special Term, Chambers, Room No. 21, 10 A. M. to 4 P. M.
Clerk's Office, Room No. 10, City Hall, 9 A. M. to 4 P. M.
DAVID McADAM, Chief Justice; JOHN REID, Clerk.

OYER AND TERMINER COURT.

New County Court-house, second floor, southeast corner, Room No. 12. Court opens at 10½ o'clock A. M.
Clerk's Office, Brown-stone Building, City Hall Park, second floor, northwest corner, Room No. 11, 10 A. M. till 4 P. M.

COURT OF SPECIAL SESSIONS.

At Tombs, corner Franklin and Centre streets, daily at 10.30 A. M., excepting Saturday.
Clerk's Office, Tombs.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION.

DEPARTMENT OF PUBLIC CHARITIES AND CORRECTION, 1
No. 66 THIRD AVENUE.

TO CONTRACTORS.

PROPOSALS FOR GROCERIES, DRY GOODS, HARDWARE, IRON, TIN AND LUMBER, ETC.

SEALED BIDS OR ESTIMATES FOR FURNISHING

GROCERIES.
6,000 pounds Dairy Butter, sample on exhibition Thursday, September 9, 1886.
1,000 pounds Cheese.
1,000 pounds Dried Apples.
3,000 pounds Barley.
3,000 pounds Rio Coffee, roasted.
2,000 pounds Hominy, price to include packages.
3,000 pounds Oatmeal, price to include packages.
500 pounds Whole Pepper.
100 pounds Ground Pepper, half-pound packages.
2,000 pounds Prunes.
4,000 pounds Rice.
12,000 pounds Brown Sugar.
2,000 pounds Coffee Sugar.
1,000 pounds Cut-loaf Sugar.
2,500 pounds Granulated Sugar.
2,000 pounds Oolong Tea.
2,512 dozen Fresh Eggs, all to be candled.
12,000 pounds Brown Soap.
100 bushels Beans.
500 barrels good, sound Irish Potatoes, to weigh 168 pounds net per barrel.
100 barrels prime quality American Salt, 320 pounds net each, to be delivered at Blackwell's Island.
10 dozen Sea Foam.
30 pieces prime quality City cured Bacon, to average about 6 pounds each.
30 prime City cured Smoked Hams, to average about 14 pounds each.
100 bales long bright Rye Straw, tare not to exceed three pounds; weight charged as received at Blackwell's Island.
300 bushels Oats, 32 pounds net per bushel.
50 bags Fine Meal, 100 pounds net each.
100 bushels Rye.
10 barrels prime quality Sal Soda, about 340 pounds per barrel.
24 dozen best quality Potash.

DRY GOODS.
300 dozen Women's Stockings.
800 yards Crash.
200 pounds White Linen Thread, No. 40.
100 pounds Black Linen Thread, No. 40.
30 pounds Black Machine Thread, No. 50.
10 pieces Mosquito Netting.

HARDWARE, IRON AND TIN.
10 kegs best quality Cut Nails, 20d.
10 kegs best quality Cut Nails, 40d.
3 bundles each, Wire Nos. 4, 10 and 14.
2 boxes best quality Charcoal Tin IX, 14 x 20.
10 boxes best quality Charcoal Tin IX, 10 x 14.
2 boxes best quality Bright Tin XX, 14 x 20.

LEATHER, ETC.
110 sides Good Damaged Sole Leather, to average about 22 to 25 pounds.
100 sides prime quality Waxed Kip Leather, to average about 11 feet.
100 sides prime quality Waxed Upper Leather, to average about 17 feet.
12 bushels best quality Shoe Pegs, 6-8.
3 dozen half-round Shoe Rasps, 9 inches.

WOODENWARE, ETC.
50 gross Clothes Pins, 5 gross per box.
10 dozen Dust Brushes.
10 dozen Window Brushes.

LIME AND CEMENT.
15 barrels best quality Common Lime.
25 barrels best quality Whitewash Lime.
20 barrels best quality Plaster Paris.
50 barrels best quality Plasterer's Hair.
18 barrels best quality Portland Cement.

LUMBER.
30 best quality White Pine Plank, clear, 1½ by 12 inches by 13 feet.
10,000 lineal feet first quality cone or vertical grained, thoroughly seasoned, Georgia Yellow Pine Flooring, 1½ by 3 inches, tongued and grooved, dressed one side.

—will be received at the Department of Public Charities and Correction, in the City of New York, until 9.30 o'clock A. M. of Friday, September 10, 1886. The person or persons making any bid or estimate shall furnish the same in a sealed envelope, indorsed "Bid or Estimate for Groceries, Dry Goods, Hardware, Iron, Tin and Lumber," with his or their name or names, and the date of presentation, to the head of said Department, at the said office, on or before the day and hour above named, at which time and place the bids or estimates received will be publicly opened by the President of said Department and read.

THE BOARD OF PUBLIC CHARITIES AND CORRECTION RESERVES THE RIGHT TO REJECT ALL BIDS OR ESTIMATES IF DEEMED TO BE FOR THE PUBLIC INTEREST, AS PROVIDED IN SECTION 64, CHAPTER 410, LAWS OF 1882.

No bid or estimate will be accepted from, or contract awarded to, any person who is in arrears to the Corporation upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the Corporation.

The award of the contract will be made as soon as practicable after the opening of the bids.

Delivery will be required to be made from time to time, and in such quantities as may be directed by the said Commissioners.

Any bidder for this contract must be known to be engaged in and well prepared for the business, and must have satisfactory testimonials to that effect; and the person or persons to whom the contract may be awarded will be required to give security for the performance of the contract by his or their bond, with two sufficient sureties, in the penal amount of fifty (50) per cent. of the estimated amount of the contract.

Each bid or estimate shall contain and state the name and place of residence of each of the persons making the same; the names of all persons interested with him or them therein; and if no other person be so interested, it shall distinctly state that fact; also that it is made without any connection with any other person making an estimate for the same purpose, and is in all respects fair and without collusion or fraud; and that no member of the Common Council, Head of a Department, Chief of a Bureau, Deputy thereof, or Clerk therein, or other officer of the Corporation, is directly or indirectly interested therein or in the supplies or work to which it relates, or in any portion of the profits thereof. The bid or estimate must be verified by the oath, in writing, of the party or parties making the estimate, that the several matters stated therein are in all respects true. Where more than one person is interested, it is requisite that the verification be made and subscribed by all the parties interested.

on its completion and that which the Corporation may be obliged to pay to the person or persons to whom the contract may be awarded at any subsequent letting. The consent above mentioned shall be accompanied by the oath or affirmation, in writing, of each of the persons signing the same that he is a householder or freeholder in the City of New York, and is worth the amount of the security required for the completion of this contract, over and above all his debts of every nature, and over and above his liabilities, as bail, surety, or otherwise; and that he has offered himself as surety in good faith and with the intention to execute the bond required by section 12 of chapter 7 of the Revised Ordinances of the City of New York, if the contract shall be awarded to the person or persons for whom he consents to become surety. The adequacy and sufficiency of the security offered to be approved by the Comptroller of the City of New York.

No bid or estimate will be considered unless accompanied by either a certified check upon one of the National Banks of the City of New York, drawn to the order of the Comptroller, or money, to the amount of five per centum of the amount of the security required for the faithful performance of the contract. Such check or money must not be inclosed in the sealed envelope containing the estimate, but must be handed to the officer or clerk of the Department who has charge of the Estimate-box, and no estimate can be deposited in said box until such check or money has been examined by said officer or clerk and found to be correct. All such deposits, except that of the successful bidder, will be returned to the persons making the same, within three days after the contract is awarded. If the successful bidder shall refuse or neglect, within five days after notice that the contract has been awarded to him, to execute the same, the amount of the deposit made by him shall be forfeited to and retained by the City of New York, as liquidated damages for such neglect or refusal; but if he shall execute the contract within the time aforesaid, the amount of his deposit will be returned to him.

Should the person or persons to whom the contract may be awarded neglect or refuse to accept the contract within five days after written notice that the same has been awarded to his or their bid or proposal, or if he or they accept but do not execute the contract and give the proper security, he or they shall be considered as having abandoned it and as in default to the Corporation, and the contract will be readvertised and relet as provided by law.

The quality of the articles, supplies, goods, wares, and merchandise must conform in every respect to the samples of the same, respectively, at the office of the said Department. Bidders are cautioned to examine the specifications for particulars of the articles, etc., required, before making their estimates.

Bidders will state the price for each article, by which the bids will be tested.

Bidders will write out the amount of their estimate in addition to inserting the same in figures.

Payment will be made by a requisition on the Comptroller, in accordance with the terms of the contract, from time to time, as the Commissioners may determine.

Bidders are informed that no deviation from the specifications will be allowed, unless under the written instruction of the Commissioners of Public Charities and Correction.

No bid or estimate will be accepted from, or a contract awarded to, any person who is in arrears to the Corporation upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the Corporation.

The form of the agreement, including specifications, and showing the manner of payment, can be obtained at the office of the Department.

Dated New York, August 30, 1886.

HENRY H. PORTER, President,
THOMAS S. BRENNAN, Commissioner,
CHARLES E. SIMMONS, Commissioner,
Public Charities and Correction.

DEPARTMENT OF PUBLIC AND CHARITIES CORRECTION,
No. 66 THIRD AVENUE,
NEW YORK, August 25, 1886.

IN ACCORDANCE WITH AN ORDINANCE of the Common Council, "In relation to the burial of strangers or unknown persons who may die in any of the public institutions of the City of New York," the Commissioners of Public Charities and Correction report as follows:

At Morgue, from Seventy-second street and North river—Unknown man; aged about 50 years; 5 feet 7 inches high; light brown hair, blue eyes. Had on black coat, dark pants, black vest, white shirt, white knit undershirt, white cotton socks, elastic gaiters.

Unknown man, from Bellevue Hospital; aged about 35 years; 5 feet 7 inches high; dark hair, blue eyes. Had on striped coat and vest, dark pants, white shirt.

Unknown man, from foot of Dey street; aged about 45 years; 5 feet 8 inches high; dark hair, light brown moustache. Had on dark vest, dark gray pants, blue striped shirt, gray knit undershirt and drawers, dark brown socks, gaiters.

Unknown man, from foot of Vesey street; aged about 30 years; 5 feet 10 inches high; brown hair. Had on black coat and vest, brown cloth pants, white socks, gaiters.

At Workhouse, Blackwell's Island—Mary Shea. Committed June 9, 1886, for one month.
Henry Valentine; aged 54 years. Committed July 16, 1886, for six months.

At Lunatic Asylum, Blackwell's Island—Johanna Piggott; aged 25 years; 5 feet 6 1/4 inches high; brown hair and eyes.

Mary Harris (colored); aged 32 years; 4 feet 11 3/4 inches high; black eyes and hair.

At Homeopathic Hospital, Ward's Island—John Colkin; aged 51 years; 5 feet 8 inches high; blue eyes, gray hair. Had on when admitted brown coat, gray pants, blue check jumper, gaiters.

Rudolph Specker; aged 43 years; 5 feet 6 inches high; black hair, brown eyes. Had on when admitted blue coat and vest, black pants, gaiters, black felt hat.

Margaret Kelly; aged 42 years; 5 feet high. Had on when admitted striped calico dress, green sacque, striped cotton shawl, black straw hat.

Nothing known of their friends or relatives.

By order

G. F. BRITTON,
Secretary

NEW AQUEDUCT.

NEW YORK SECTION.

NOTICE OF APPLICATION FOR CONFIRMATION OF THE REPORT OF COMMISSIONERS OF APPRAISAL, NEW YORK SECTION, DATED AUGUST 3, 1886, AS TO PARCEL FIFTY-EIGHT (58) AND REAL ESTATE CONTIGUOUS THERETO.

PUBLIC NOTICE IS HEREBY GIVEN THAT it is my intention to make application before the Honorable Jackson O. Dykman, at a Special Term of the Supreme Court of the State of New York, to be held in the Second Judicial District, at the Court-house in White Plains, on the 11th day of September, 1886, at 11 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, to confirm the report as to Parcel Fifty-eight (58) and real estate contiguous thereto, of the Commissioners of Appraisal appointed in the above matter, pursuant to the provisions of chapter 490 of the Laws of 1883, which said report was filed in the office of the Clerk of the County of Westchester, on the 11th day of August, 1886, and a copy of which was filed in the office of the Clerk of the City and County of New York on the same day.

Dated New York, August 11, 1886.

E. HENRY LACOMBE,
Counsel to the Corporation,
2 Tryon Row, New York City

JURORS.

NOTICE

IN RELATION TO JURORS FOR STATE COURTS.

OFFICE OF THE COMMISSIONER OF JURORS,
ROOM 127, STEWART BUILDING,
CHAMBERS STREET AND BROADWAY,
NEW YORK, June 1, 1886.

APPLICATIONS FOR EXEMPTIONS WILL BE heard here, from 10 to 3 daily, from all persons hitherto liable or recently serving who have become exempt, and all needed information will be given.

Those who have not answered as to their liability, or proved permanent exemption, will receive a "jury enrollment notice," requiring them to appear before me this year. Whether liable or not, such notices must be answered (in person, if possible, and at this office only) under severe penalties. If exempt, the party must bring proof of exemption; if liable, he must also answer in person, giving full and correct name, residence, etc., etc. No attention paid to letters.

Persons "enrolled" as liable must serve when called or pay their fines. No mere excuse will be allowed or interference permitted. The fines if unpaid will be entered as judgments upon the property of the delinquents.

All good citizens will aid the course of justice, and secure reliable and respectable juries, and equalize their duty by serving promptly when summoned, allowing their clerks or subordinates to serve, reporting to me any attempt at bribery or evasion, and suggesting names for enrollment. Persons between sixty and seventy years of age, summer absentees, persons temporarily ill, and United States and District Court jurors are not exempt.

Every man must attend to his own notice. It is a misdemeanor to give any jury paper to another to answer. It is also punishable by fine or imprisonment to give or receive any present or bribe, directly or indirectly, in relation to a jury service, or to withhold any paper or make any false statement, and every case will be fully prosecuted.

CHARLES REILLY,
Commissioner of Jurors.

FIRE DEPARTMENT.

HEADQUARTERS
FIRE DEPARTMENT, CITY OF NEW YORK,
155 AND 157 MERCER STREET,
NEW YORK, August 21, 1886.

TO CONTRACTORS.

SEALED PROPOSALS FOR FURNISHING

four thousand (4,000) feet of 2 1/2 inch seamless cotton fabric, rubber-lined hose, with standard couplings attached, will be received by the Board of Commissioners at the head of the Fire Department, at the office of said Department, Nos. 155 and 157 Mercer street, in the City of New York, until 11 o'clock A. M., Friday, September 3, 1886, at which time and place they will be publicly opened by the head of said Department and read.

Special attention is directed to the test of the hose by the Fire Department and the guarantee of the hose by the contractor, required by the specifications.

No estimate will be received or considered after the hour named.

For information as to the description of the hose, bidders are referred to the specifications which form part of these proposals.

The form of the agreement, with specifications, and showing the manner of payment for the work, may be seen and forms of proposals may be obtained at the office of the Department.

Bidders will write out the amount of their estimates, in addition to inserting the same in figures.

The hose is to be delivered at the Repair Shops of the Fire Department (Nos. 130 and 132 West Third street) on or before the thirtieth (30) day after the execution of the contract.

The damages to be paid by the contractor for each day that the contract may be unfulfilled after the time specified for the completion thereof shall have expired, are, by a clause in the contract, fixed and liquidated at fifteen (15) dollars per day.

The award of the contract will be made as soon as practicable after the opening of the bids.

Any person making an estimate for the work shall present the same in a sealed envelope, to said Board, at said office, on or before the day and hour above named, which envelope shall be indorsed with the name or names of the person or persons presenting the same, the date of its presentation, and a statement of the work to which it relates.

The Fire Department reserves the right to decline any and all bids or estimates if deemed to be for the public interest. No bid or estimate will be accepted from, or contract awarded to, any person who is in arrears to the Corporation upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the Corporation.

Each bid or estimate shall contain and state the name and place of residence of each of the persons making the same; the names of all persons interested with him or them therein; and if no other person be so interested, it shall distinctly state that fact; that it is made without any connection with any other person making an estimate for the same purpose, and is in all respects fair and without collusion or fraud; and that no member of the Common Council, Head of a Department, Chief of a Bureau, Deputy thereof or Clerk therein, or other officer of the Corporation, is directly or indirectly interested therein, or in the supplies or work to which it relates, or in any portion of the profits thereof. The bid or estimate must be verified by the oath, in writing, of the party or parties making the estimate, that the several matters stated therein are in all respects true. Where more than one person is interested, it is requisite that the verification be made and subscribed by all the parties interested.

Each bid or estimate shall be accompanied by the consent, in writing, of two householders or freeholders of the City of New York, with their respective places of business or residence, to the effect that if the contract be awarded to the person making the estimate, they will, on its being so awarded become bound as sureties for its faithful performance, in the sum of four thousand (4,000) dollars; and that if he shall omit or refuse to execute the same, they will pay to the Corporation any difference between the sum to which he would be entitled on its completion and that which the Corporation may be obliged to pay to the person or persons to whom the contract may be awarded at any subsequent letting; the amount in each case to be calculated upon the estimated amount of the work by which the bids are tested. The consent above mentioned shall be accompanied by the oath or affirmation, in writing, of each of the persons signing the same, that he is a householder or freeholder in the City of New York, and is worth the amount of the security required for the completion of this contract, over and above all his debts of every nature, and over and above his liabilities, as bail, surety, or otherwise; and that he has offered himself as a surety in good faith and with the intention to execute the bond required by law. The adequacy and sufficiency of the security offered is to be approved by the Comptroller of the City of New York before the award is made and prior to the signing of the contract.

No estimate will be considered unless accompanied by either a certified check upon one of the National Banks of the City of New York, drawn to the order of the Comptroller, or money, to the amount of two hundred (200) dollars. Such check or money must not be inclosed in the sealed envelope containing the estimate, but must be handed to the officer or clerk of the Department who has charge of the Estimate-box, and no estimate can be deposited in said box until such check or money has been examined by said officer or clerk, and found to be correct. All such deposits, except that of the successful bidder, will be returned to the persons making the same within three days after the contract is awarded. If the successful

bidder shall refuse or neglect, within five days after notice that the contract has been awarded to him, to execute the same, the amount of the deposit made by him shall be forfeited to and retained by the City of New York, as liquidated damages for such neglect or refusal; but if he shall execute the contract within the time aforesaid, the amount of his deposit will be returned to him.

Should the person or persons to whom the contract may be awarded, neglect or refuse to accept the contract within five days after written notice that the same has been awarded to his or their bid or proposal, or if he or they accept but do not execute the contract and give the proper security, he or they shall be considered as having abandoned it and as in default to the Corporation, and the contract will be readvertised and relet, as provided by law.

HENRY D. PURROY,
RICHARD CROKER,
ELWARD SMITH,
Commissioners

HEADQUARTERS
FIRE DEPARTMENT, CITY OF NEW YORK,
155 & 157 MERCER STREET,
NEW YORK, May 12, 1885.

NOTICE IS HEREBY GIVEN THAT THE Board of Commissioners of this Department will meet daily, at 10 o'clock A. M., at the transaction of business.

By order of

HENRY D. PURROY, President.
RICHARD CROKER,
ELWARD SMITH,
Commissioners.

CARL JUSSEN,
Secretary.

CORPORATION NOTICE.

THE BOARD OF ASSESSORS HEREBY GIVE public notice to all property-owners having claim for damages caused by the closing of that portion of Kingsbridge road lying south of One Hundred and Fiftieth street to present the same, with corroborative evidence of title thereto, to said Board on or before September 16, 1886.

EDWARD GILON, Chairman,
PATRICK M. HAVERTY,
CHAS. E. WENDT,
VAN BRUGH LIVINGSTON,

OFFICE OF THE BOARD OF ASSESSORS,
No. 11 1/2 CITY HALL,
NEW YORK, August 28, 1886.

PUBLIC NOTICE IS HEREBY GIVEN TO THE owner or owners, occupant or occupants of all houses and lots, improved or unimproved lands affected thereby, that the following assessments have been completed and are lodged in the office of the Board of Assessors, for examination by all persons interested, viz.:

List 2218, No. 1. Regulating, grading, setting curbstones and flagging, and paving with macadamized pavement the avenue bounding Morningside Park on the east from One Hundred and Tenth to One Hundred and Twenty-third street, providing tree spaces, etc., and regulating, grading, etc., One Hundred and Twenty-third street, from Ninth to Tenth avenue, and providing tree spaces.

List 2335, No. 2. Regulating and grading, Morningside avenue and constructing retaining-walls in connection therewith, from the northerly line of One Hundred and Tenth street to the easterly line of Tenth avenue, and setting curbstones and flagging sidewalks therein.

The limits embraced by such assessments include all the several houses and lots of ground, vacant lots, pieces and parcels of land situated on—

No. 1. Both sides of the avenue (bounding Morningside Park on the east), from One Hundred and Tenth to One Hundred and Twenty-third street, and to the extent of half the block at the intersecting streets, also both sides of One Hundred and Twenty-third street, from Ninth to Tenth avenue, and to the extent of half the block at the intersecting avenues.

No. 2. Both sides of the avenue (bounding Morningside avenue on the west), from One Hundred and Tenth street to the Tenth avenue, and to the extent of half the block at the intersecting streets.

All persons whose interests are affected by the above-named assessments, and who are opposed to the same, or either of them, are requested to present their objections in writing to the Chairman of the Board of Assessors, at their office, No. 11 1/2 City Hall, within thirty days from the date of this notice.

The above-described lists will be transmitted, as provided by law, to the Board of Revision and Correction of Assessments for confirmation, on the 15th day of September, 1886.

EDWARD GILON, Chairman,
PATRICK M. HAVERTY,
CHAS. E. WENDT,
VAN BRUGH LIVINGSTON,

OFFICE OF THE BOARD OF ASSESSORS,
No. 11 1/2 CITY HALL,
NEW YORK, August 14, 1886.

PUBLIC NOTICE IS HEREBY GIVEN TO THE owner or owners, occupant or occupants of all houses and lots, improved or unimproved lands affected thereby, that the following assessments have been completed and are lodged in the office of the Board of Assessors, for examination by all persons interested, viz.:

List 1344, No. 1. Regulating, grading, setting curb and gutter-stones and flagging Lexington avenue, from One Hundred and Second street to Harlem river.

List 1506, No. 2. Regulating, grading, curb, gutter and flagging Madison avenue, from Ninety-ninth to One Hundred and Fifth street.

List 1899, No. 3. Paving Lexington avenue, from One Hundred and Fourth to One Hundred and Thirty-first street, with granite-block pavement.

The limits embraced by such assessments include all the several houses and lots of ground, vacant lots, pieces and parcels of land situated on—

No. 1. Both sides of Lexington avenue, from One Hundred and Second street to Harlem river, and to the extent of half the block at the intersecting streets.

No. 2. Both sides of Madison avenue, from Ninety-ninth to One Hundred and Fifth street, and to the extent of half the block at the intersecting streets.

No. 3. Both sides of Lexington avenue, from One Hundred and Fourth to One Hundred and Thirty-first street, and to the extent of half the block at the intersecting streets.

All persons whose interests are affected by the above-named assessments, and who are opposed to the same, or either of them, are requested to present their objections in writing to the Chairman of the Board of Assessors, at their office, No. 11 1/2 City Hall, within thirty days from the date of this notice.

The above-described lists will be transmitted, as provided by law, to the Board of Revision and Correction of Assessments for confirmation, on the 1st day of September, 1886.

EDWARD GILON, Chairman,
PATRICK M. HAVERTY,
CHAS. E. WENDT,
VAN BRUGH LIVINGSTON,

OFFICE OF THE BOARD OF ASSESSORS,
No. 11 1/2 CITY HALL,
NEW YORK, July 31, 1886.

PUBLIC NOTICE IS HEREBY GIVEN TO THE owner or owners, occupant or occupants of all houses and lots, improved or unimproved lands affected thereby, that the following assessments have been completed and are lodged in the office of the Board of Assessors, for examination by all persons interested, viz.:

List 2193, No. 1. Regulating, grading, setting curbstones in One Hundred and Fifty-first street, from the west curb of Avenue St. Nicholas to the east line of the Boulevard.

List 2220, No. 2. Constructing sewers and appurten-

ances in One Hundred and Forty-sixth street, between Third avenue and Brook avenue, with branches in Willis avenue, between One Hundred and Forty-sixth and One Hundred and Forty-seventh streets, and in Courtland avenue, between Third avenue and One Hundred and Fifty-first street.

List 2309, No. 3. Regulating, grading, curbing and flagging sidewalks in Eighty-fifth street, between Ninth and Tenth avenues.

The limits embraced by such assessments include all the several houses and lots of ground, vacant lots, pieces and parcels of land situated on—

No. 1. Both sides of One Hundred and Fifty-first street, from Avenue St. Nicholas to the Boulevard.

No. 2. Both sides of One Hundred and Forty-sixth street, from Third to Brook avenue; both sides of Willis avenue, between One Hundred and Forty-sixth and One Hundred and Forty-seventh streets; both sides of Courtland avenue, between Third avenue and One Hundred and Fifty-first street, and block bounded by Third and Willis avenues, One Hundred and Forty-sixth and One Hundred and Forty-seventh streets.

No. 3. Both sides of Eighty-fifth street, between Ninth and Tenth avenues.

All persons whose interests are affected by the above-named assessments, and who are opposed to the same, or either of them, are requested to present their objections in writing to the Chairman of the Board of Assessors, at their office, No. 11 1/2 City Hall, within thirty days from the date of this notice.

The above-described lists will be transmitted, as provided by law, to the Board of Revision and Correction of Assessments for confirmation, on the 31st day of August, 1886.

EDWARD GILON, Chairman,
PATRICK M. HAVERTY,
CHAS. E. WENDT,
VAN BRUGH LIVINGSTON,

OFFICE OF THE BOARD OF ASSESSORS,
No. 11 1/2 CITY HALL,
NEW YORK, July 30, 1886.

DEPARTMENT OF PUBLIC PARKS

DEPARTMENT OF PUBLIC PARKS,
27 AND 29 READE STREET,
NEW YORK, August 20, 1886.

TO CONTRACTORS.

PROPOSALS FOR ESTIMATES FOR FURNISHING PARKKEEPERS' UNIFORM OVERCOATS AND UNIFORM PANTS.

SEALED ESTIMATES FOR THE ABOVE WORK, indorsed with the above title, also with the name of the person or persons making the same, and the date of presentation, will be received at the Office of the Department of Public Parks, Nos. 27 and 29 Reade street, until eleven o'clock A. M., on Wednesday, the 1st day of September, 1886, at which place and hour the bids will be publicly opened by the head of said Department and read, and the award of the contract will be made as soon thereafter as practicable.

The number and kind of uniforms required is as follows:

Eleven (11) Uniform Overcoats for Parkkeepers.
Seven (7) pairs Uniform Pants, for Captain and Sergeants.

Ten (10) pairs Uniform Pants, for mounted Parkkeepers.

One hundred and forty-three (143) pairs Uniform Pants, for Parkkeepers.

Each and every of the foregoing articles to be made of the best West Point Cadet cloth, 54 inches wide, 28 ounces to the yard for overcoats and 22 ounces to the yard for pants.

The time for the completion of the work of furnishing said Uniforms will be forty (40) days after the date of the contract.

The person or persons to whom the contract may be awarded will be required to attend at the office of the said Department, with the sureties offered by him or them, and execute the contract within five days after written notice that the same has been awarded to his or their bid or estimate, and that the sureties offered by him or them have been approved by the Comptroller; and in case of failure or neglect so to do, he or they will be considered as having abandoned it, and as in default to the Corporation, and thereupon the contract will be readvertised and relet, and so on until the contract be accepted and executed.

N. B.—The prices must be written in the estimate, and also stated in figures, and all estimates will be considered as informal which do not contain bids for all items called for in these proposals, or which contain bids for items not called for therein. Permission will not be given for the withdrawal of any bid or estimate, and the right is expressly reserved by the Department of Public Parks to reject any or all estimates which it may deem prejudicial to the public interests.

No estimate will be accepted from, or contract awarded to any person who is in arrears to the Corporation upon debt or contract, or who is a defaulter, as surety or otherwise, upon any obligation to the Corporation.

No bid or estimate will be received or considered unless accompanied by either a certified check upon one of the National or State Banks of the City of New York, drawn to the order of the Comptroller, or money to the amount of five per centum of the amount of the security required for the faithful performance of the contract. Such check or money must not be inclosed in the sealed envelope containing the estimates, but must be handed to the officer or clerk of the Department who has charge of the Estimate-box, and no estimate can be deposited in said box until such check or money has been examined by said officer or clerk and found to be correct. All such deposits, except that of the successful bidder, will be returned to the persons making the same, within three days after the contract is awarded. If the successful bidder shall refuse or neglect, within five days after notice that the contract has been awarded to him, to execute the same, the amount of the deposit made by him shall be forfeited to and retained by the City of New York as liquidated damages for such neglect or refusal, but if he shall execute the contract within the time aforesaid, the amount of his deposit will be returned to him.

Bidders are required to state in their estimates, under oath, their names and places of residence; the names of all persons interested with them therein; and if no other person be so interested, they shall distinctly state the fact; also, that such estimate is made without any connection with any other person making a bid or estimate for the same purpose, and that it is in all respects fair and without collusion or fraud; and also, that no member of the Common Council, head of a department, chief of a bureau, deputy thereof, or clerk therein, or other officer of the Corporation, is directly or indirectly interested therein, or in the supplies or work to which it relates, or in any portion of the profits thereof.

The estimate must be verified by the oath, in writing, of the party making such estimate that the several matters therein stated are in all respects true. When more than one person is interested in the estimate the verification must be made by all the parties interested.

Each estimate shall be accompanied by the consent, in writing, of two householders or freeholders in the City of New York, with their respective places of business or residence, to the effect that if the contract be awarded to the person making the estimate, they will, on its being so awarded, become bound as his sureties for its faithful performance; and that if he shall omit or refuse to execute the same, they will pay to the Corporation any difference between the sum to which he would be entitled on its completion, and that which the Corporation may be obliged to pay to the person to whom the contract may be awarded at any subsequent letting; the amount in each case to be calculated upon the estimated amount of the work by which the bids are tested. The consent above mentioned shall be accompanied by the oath or affirmation, in writing, of each of the persons signing the same that he is a householder or freeholder in the City of New York, and is worth the amount of the security required for the completion of

the contract, and stated in the proposals, over and above all his debts of every nature, and over and above his liabilities as bail, surety or otherwise; that he has offered himself as surety in good faith and with an intention to execute the bond required by law. The adequacy and sufficiency of the security offered will be determined by the Comptroller of the City of New York after the award is made and prior to the signing of the contract.

Bidders will be required to complete the entire work to the satisfaction of the Commissioners of the Department of Public Parks, and in substantial accordance with the specifications. No extra compensation beyond the amount payable for the work before enumerated which shall be actually performed, at the price therefor to be specified by the lowest bidder, shall be due or payable for the entire work.

The amount of the security required is Five Hundred Dollars.

Bidders are informed that no deviation from the specifications will be allowed unless a written permission shall previously have been obtained from the Commissioners of the Department of Public Parks.

Blank forms of proposals and form of agreement, including the specifications, and showing the mode of payment for the work can be obtained on application to the Secretary at this office.

HENRY R. BEEKMAN,
JOHN D. CRIMMINS,
JESSE W. POWERS,
M. C. D. BORDEN,

Commissioners of the Department of Public Parks.

DEPARTMENT OF PUBLIC PARKS,
27 and 29 READE STREET,
NEW YORK, August 18, 1886.

TO CONTRACTORS.

SEALED BIDS OR ESTIMATES FOR THE FOLLOWING-MENTIONED WORK, with the title of the work and the name of the bidder indorsed thereon, will be received by the Department of Public Parks, at its offices Nos. 27 and 29 Reade street, until eleven o'clock A. M., on Wednesday, September 1, 1886:

FOR THE ERECTION OF AN IRON RAILING AND GATES AROUND JEANNETTE PARK, AT COENTIES SLIP, BETWEEN SOUTH AND FRONT STREETS.

The Engineer's Estimate of the materials to be furnished and work to be done is as follows:
682½ lineal feet of wrought-iron railing and gates, constructed and erected complete.

As the above-mentioned quantity, though stated with as much accuracy as is possible in advance, is approximate only, bidders are required to submit their estimates upon the following express conditions, which shall apply to and become a part of every estimate received:

1. Bidders must satisfy themselves by personal examination of the location of the proposed work, and by such other means as they may prefer, as to the accuracy of the foregoing statement, and shall not at any time after the submission of an estimate dispute or complain of such statement nor assert that there was any misunderstanding in regard to the nature or amount of the work to be done.

2. Bidders will be required to complete the entire work to the satisfaction of the Department of Public Parks and in substantial accordance with the specifications for the work and the plans therein referred to. No extra compensation beyond the amount payable for the class of work before mentioned, which shall be actually performed at the prices therefor, to be specified by the lowest bidder, shall be due or payable for the entire work.

The person making any bid or estimate must furnish the same inclosed in a sealed envelope, to the head of said Department, at his office, on or before the day and hour above mentioned.

The envelope must be endorsed with the name or names of the person presenting the same, the date of its presentation, and a statement of the work to which it relates.

The estimates received will be publicly opened by the head of the said Department at the place and hour last above mentioned and read.

Each bid or estimate shall contain and state the name and place of residence of each of the persons making the same; the names of all persons interested with him or them therein, and if no other person be so interested, it shall distinctly state that fact; that it is made without any connection with any other person making an estimate for the same purpose, and is in all respects fair and without collusion or fraud, and that no member of the Common Council, Head of a Department, Chief of a Bureau, Deputy thereof or Clerk therein, or other officer of the Corporation is directly or indirectly interested therein, or in the supplies or work to which it relates or in any portion of the profits thereof. The bid or estimate must be verified by the oath, in writing, of the party or parties making the estimate, that the several matters stated therein are in all respects true. Where more than one person is interested, it is requisite that the verification be made and subscribed by all the parties interested.

Each bid or estimate shall be accompanied by the consent, in writing, of two householders or freeholders in the City of New York, with their respective places of business or residence, to the effect that if the contract be awarded to the person making the estimate, they will, on its being so awarded, become bound as his sureties for his faithful performance; and that if he shall omit or refuse to execute the same, they shall pay to the Corporation any difference between the sum to which he would be entitled on its completion and that which the Corporation may be obliged to pay to the person or persons to whom the contract may be awarded at any subsequent letting; the amount in each case to be calculated upon the estimated amount of the work by which the bids are tested. The consent above mentioned shall be accompanied by the oath or affirmation, in writing, of each of the persons signing the same, that he is a householder or freeholder in the City of New York, and is worth the amount of the security required for the completion of this contract, over and above all his debts of every nature, and over and above his liabilities as bail, surety or otherwise; and that he has offered himself as surety in good faith, and with the intention to execute the bond required by section 27 of chapter 8 of the Revised Ordinances of the City of New York, if the contract shall be awarded to the person or persons for whom he consents to become surety. The adequacy and sufficiency of the security offered to be approved by the Comptroller of the City of New York.

No bid or estimate will be considered unless accompanied by either a certified check upon one of the National or State banks of the City of New York, drawn to the order of the Comptroller, or money to the amount of five per centum of the amount of the security required for the faithful performance of the contract. Such check or money must not be inclosed in the sealed envelope containing the estimate, but must be handed to the officer or clerk of the Department who has charge of the Estimate-box, and no estimate can be deposited in said box until such check or money has been examined by said officer or clerk and found to be correct. All such deposits, except that of the successful bidder, will be returned to the persons making the same, within three days after the contract is awarded. If the successful bidder shall neglect or refuse, within five days after notice that the contract has been awarded to him, to execute the same, the amount of the deposit made by him shall be forfeited and retained by the City of New York, as liquidated damages for such neglect or refusal; but if he shall execute the contract within the time aforesaid, the amount of his deposit will be returned to him.

N. B.—The price must be written in the estimate, and also stated in figures, and all estimates will be considered as informal which do not contain bids for items for which bids are herein called or which contain bids for items for which bids are not herein called for. Permission will not be given for the withdrawal of any bid

or estimate. No bid will be accepted from, or contract awarded to any person who is in arrears to the Corporation upon debt or contract, or who is a defaulter, as surety or otherwise upon any obligation to the Corporation.

The amount in which security will be required for the performance of the contract is the sum of \$1,200.

The time allowed to complete the whole work will be Sixty days, and the damages to be paid by the Contractor for each day that the contract, or any part thereof, may be unfulfilled after the time fixed for the completion thereof has expired, are, by a clause in the contract, fixed and liquidated at Ten dollars per day. See paragraph (E) of contract.

The Department of Public Parks reserves the right to reject any or all the bids received in response to this advertisement if it should deem it for the interest of the city so to do, and to readvertise until a satisfactory bid or proposal shall be received. But the contract when awarded will be to the lowest bidder.

Blank forms for proposal and forms of the contract which the successful bidder will be required to execute, can be had at the office of the Secretary, and the plans can be seen and information relative to them can be had at the office of the Department, Nos. 27 and 29 Reade street.

HENRY R. BEEKMAN,
JOHN D. CRIMMINS,
JESSE W. POWERS,
M. C. D. BORDEN,

Commissioners of the Department of Public Parks.

DEPARTMENT OF PUBLIC WORKS.

DEPARTMENT OF PUBLIC WORKS,
COMMISSIONER'S OFFICE,
ROOM 6, NO. 31 CHAMBERS STREET,
NEW YORK, August 19, 1886.

TO CONTRACTORS.

BIDS OR ESTIMATES, INCLOSED IN A SEALED envelope, with the title of the work and the name of the bidder indorsed thereon, also the number of the work as in the advertisement, will be received at this office, until Wednesday, September 1, 1886, at 12 o'clock M., at which place and hour they will be publicly opened by the head of the Department and read, for

No. 1. REGULATING AND GRADING EDGE-COMB AVENUE, from One Hundred and Thirty-seventh to One Hundred and Fortieth street, and SETTING CURBSTONES AND FLAGGING SIDEWALKS THEREIN.

No. 2. REGULATING AND GRADING SIXTY-FIFTH STREET, from Tenth to Eleventh avenue, and SETTING CURBSTONES AND FLAGGING SIDEWALKS THEREIN.

No. 3. REGULATING AND GRADING ONE HUNDRED AND FIRST STREET, from Eighth to Manhattan avenue, and SETTING CURBSTONES AND FLAGGING SIDEWALKS THEREIN.

No. 4. REGULATING AND GRADING ONE HUNDRED AND TWELFTH STREET, from Eighth to New avenue, and SETTING CURBSTONES AND FLAGGING SIDEWALKS THEREIN.

No. 5. REGULATING AND GRADING ONE HUNDRED AND THIRTEENTH STREET, from Eighth to New avenue, and SETTING CURBSTONES AND FLAGGING SIDEWALKS THEREIN.

No. 6. REGULATING AND GRADING ONE HUNDRED AND THIRTIETH STREET, from old Broadway to the Boulevard, and SETTING CURBSTONES AND FLAGGING SIDEWALKS THEREIN.

No. 7. REGULATING AND GRADING ONE HUNDRED AND THIRTY-SEVENTH STREET, from Eighth to St. Nicholas avenue, and SETTING CURBSTONES AND FLAGGING SIDEWALKS THEREIN.

No. 8. REGULATING AND GRADING ONE HUNDRED AND FORTY-THIRD STREET, from Seventh to Eighth avenue, and SETTING CURBSTONES AND FLAGGING SIDEWALKS THEREIN.

Each estimate must contain the name and place of residence of the person making the same, the names of all persons interested with him therein, and if no other person be so interested, it shall distinctly state that fact. That it is made without any connection with any other person making an estimate for the same work, and is in all respects fair and without collusion or fraud. That no member of the Common Council, head of a department, chief of a bureau, deputy thereof, or clerk therein, or other officer of the Corporation is directly or indirectly interested in the estimate or in the work to which it relates or in the profits thereof.

Each estimate must be verified by the oath, in writing, of the party making the same, that the several matters therein stated are true, and must be accompanied by the consent, in writing, of two householders or freeholders in the City of New York, to the effect that if the contract is awarded to the person making the estimate, they will, upon its being so awarded, become bound as his sureties for his faithful performance; and that if he shall refuse or neglect to execute the same, they will pay to the Corporation any difference between the sum to which he would be entitled upon its completion and that which the Corporation may be obliged to pay to the person to whom the contract shall be awarded at any subsequent letting; the amount to be calculated upon the estimated amount of the work by which the bids are tested.

The consent last above mentioned must be accompanied by the oath or affirmation, in writing, of each of the persons signing the same, that he is a householder or freeholder in the City of New York, and is worth the amount of the security required for the completion of the contract, over and above all his debts of every nature, and over and above his liabilities as bail, surety, or otherwise, and that he has offered himself as surety in good faith, with the intention to execute the bond required by law.

No estimate will be considered unless accompanied by either a certified check upon one of the State or National banks of the City of New York, drawn to the order of the Comptroller, or money, to the amount of five per centum of the amount of the security required for the faithful performance of the contract. Such check or money must not be inclosed in the sealed envelope containing the estimate, but must be handed to the officer or clerk of the Department who has charge of the Estimate-box, and no estimate can be deposited in said box until such check or money has been examined by said officer or clerk and found to be correct. All such deposits, except that of the successful bidder, will be returned to the persons making the same within three days after the contract is awarded. If the successful bidder shall neglect or refuse, within five days after notice that the contract has been awarded to him, to execute the same, the amount of the deposit made by him shall be forfeited and retained by the City of New York, as liquidated damages for such neglect or refusal; but if he shall execute the contract within the time aforesaid, the amount of his deposit will be returned to him.

THE COMMISSIONER OF PUBLIC WORKS RESERVES THE RIGHT TO REJECT ALL BIDS RECEIVED FOR ANY PARTICULAR WORK IF HE DEEMS IT FOR THE BEST INTERESTS OF THE CITY.

Blank forms of bid or estimate, the proper envelopes in which to inclose the same, the specifications and agreements, and any further information desired, can be obtained at Room 5, No. 31 Chambers street.

ROLLIN M. SQUIRE,
Commissioner of Public Works.

BOARD OF EDUCATION.

SEALED PROPOSALS WILL BE RECEIVED BY the School Trustees of the Twenty-second Ward, at the Hall of the Board of Education, until Tuesday the seventh day of September, 1886, and until 4 o'clock P. M. on said day, for Erecting a New School-house on the south side of West Fifth street, between Ninth and Tenth avenues.

Plans and specifications may be seen, and blanks for proposals and all necessary information may be obtained at the office of the Superintendent of School Buildings, No. 146 Grand, corner of Elm street, third floor.

Proposals will be received for the entire work and materials required for the erection of the building (excepting plumbing and steam-heating work, which will be furnished by other contractors, under separate contracts).

The party submitting a proposal, and the parties proposing to become sureties, must each write his name, place of residence, and place of business on said proposal.

Two responsible and approved sureties, residents of this city, are required in all cases.

No proposal will be considered from persons whose character or antecedent dealings with the Board of Education render their responsibility doubtful.

The Committee reserve the right to reject any or all of the proposals submitted.

JAMES R. CUMING,
J. SEEVER PAGE,
GEO. H. ROBINSON,
RICHARD S. TREACY,
HENRY A. ROGERS,

Board of School Trustees, Twenty-second Ward.

Dated New York, August 23, 1886.

SEALED PROPOSALS WILL BE RECEIVED BY the Committee on Normal College, etc., at the Hall of the Board of Education, corner of Grand and Elm streets, until Monday, the 6th day of September, 1886, and until three o'clock P. M. on said day, for the materials and work for Altering Iron Railing, Granite Coping, etc., and for covering with Artificial Stone Pavement the entire surface (after the altering of railing, etc.), of the sidewalk on Lexington avenue, from the curb-line on Sixty-eighth street to the curb-line on Sixty-ninth street.

Plans and specifications may be seen at the office of the Superintendent of School Buildings, No. 146 Grand street, third floor.

Proposals will be received for the entire work on one contract.

The names of two responsible sureties to accompany each proposal; proposals will not be considered unless sureties are named, and are entirely satisfactory to the Committee.

The Committee reserves the right to reject any or all of the proposals offered.

WILLIAM WOOD,
ISAAC BELL,
MILES M. O'BRIEN,
GUSTAV SCHWAB,
DE WITT J. SELIGMAN,
Committee on Normal College, etc.

Dated New York, August 23, 1886.

THE CITY RECORD.

COPIES OF THE CITY RECORD CAN BE obtained at No. 2 City Hall (northwest corner basement). Price three cents each.

FINANCE DEPARTMENT.

CITY OF NEW YORK,
FINANCE DEPARTMENT,
COMPTROLLER'S OFFICE,
August 18, 1886.

NOTICE TO PROPERTY-OWNERS.

IN PURSUANCE OF SECTION 916 OF THE "New York City Consolidation Act of 1882," the Comptroller of the City of New York hereby gives public notice to all persons, owners of property affected by the following assessment lists, viz.:

Ninth avenue regulating and grading, from One Hundred and Fifty-first to One Hundred and Fifty-fifth street.

Seventy-fourth street regulating, grading, setting curbstones and flagging, from Eighth avenue to Riverside Drive.

One Hundred and Thirty-seventh street regulating, grading, setting curbstones and flagging, from Fifth to Seventh avenue.

Alexander avenue regulating, grading, setting curbstones, flagging, laying crosswalks and paving roadway with trap blocks, from the Southern Boulevard to North Third avenue.

Eighty-second street paving, from Eighth to Ninth avenue, with granite-block pavement.

Eighty-eighth street paving, from Second to Third avenue, with granite-block pavement.

One Hundred and Fifteenth street paving, from Fifth to Sixth avenue, with granite-block pavement.

One Hundred and Thirty-fourth street paving, from Madison to Fifth avenue, with granite-block pavement.

Eighty-sixth street sewers, between Tenth and Riverside avenues.

—which were confirmed by the Board of Revision and Correction of Assessments August 12, 1886, and entered on the same date, in the Record of Titles of Assessments, kept in the "Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents," that unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of said entry of the assessments, interest will be collected thereon as provided in section 917 of said "New York City Consolidation Act of 1882."

Section 917 of the said act provides that, "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment, to charge, collect and receive interest thereon at the rate of seven per centum per annum, to be calculated from the date of such entry to the date of payment."

The above assessments are payable to the Collector of Assessments and Clerk of Arrears at the "Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents," between the hours of 9 A. M. and 2 P. M., and all payments made thereon, on or before November 1, 1886, will be exempt from interest as above provided, and after that date will be subject to a charge of interest at the rate of seven per cent. per annum from the date of entry in the Record of Titles of Assessments in said Bureau to the date of payment.

EDWARD V. LOEW
Comptroller.

CITY OF NEW YORK—FINANCE DEPARTMENT,
BUREAU FOR THE COLLECTION OF ASSESSMENTS AND ARREARS OF TAXES AND ASSESSMENTS AND OF WATER RENTS,
OFFICE OF THE COLLECTOR OF ASSESSMENTS AND CLERK OF ARREARS,
STEWART BUILDING, ROOM 35, August 16, 1886.

NOTICE OF THE SALE OF LANDS AND TENEMENTS for unpaid taxes of 1880, 1881 and 1882, and Croton water rents of 1879, 1880 and 1881, under the direction of Edward V. Loew, Comptroller of the City of New York.

The undersigned hereby gives public notice, pursuant to the provisions of section 926 of the New York City Consolidation Act of 1882,

That the respective owners of all lands and tenements situated in the Wards Nos. 1 to 24, inclusive, in the City of New York, on which taxes have been laid and confirmed for the years 1880, 1881 and 1882, and are now remaining due and unpaid; and also the respective owners of all lands and tenements in the City of New York, situated in the Wards aforesaid, on which the regular Croton water rents have been laid for the years 1879, 1880 and 1881,

and are now remaining due and unpaid, are required to pay the said taxes and Croton water rents so remaining due and unpaid, with the interest thereon at the rate of seven per cent. per annum, from the time when the same became due to the time of payment, together with the charges of this notice and advertisement, to the Collector of Assessments and Clerk of Arrears at his office in the Finance Department, in the Stewart Building, corner of Broadway and Chambers street, in said city.

And that if default shall be made in such payment, such lands and tenements will be sold at public auction, at the Court-house in the City Hall Park, in the City of New York, on Monday, December 6, 1886, at 12 o'clock, noon, for the lowest term of years at which any person shall offer to take the same in consideration of advancing the amount of tax and Croton water rent, as the case may be, so due and unpaid, and the interest thereon, as aforesaid, to the time of sale, together with the charges of this notice and advertisement, and all other costs and charges accrued thereon, and that such sale will be continued from time to time until all the lands and tenements so advertised for sale shall be sold.

Notice is hereby further given that a detailed statement of the taxes and the Croton water rents, the ownership of the property on which taxes and Croton water rents remain unpaid, is published in a pamphlet, and that copies of the said pamphlet are deposited in the office of the Collector of Assessments and Clerk of Arrears, and will be delivered to any person applying for the same.

A. S. CADY,
Collector of Assessments and Clerk of Arrears.

CITY OF NEW YORK,
FINANCE DEPARTMENT,
COMPTROLLER'S OFFICE,
July 26, 1886.

NOTICE TO PROPERTY-OWNERS.

IN PURSUANCE OF SECTION 916 OF THE "New York City Consolidation Act of 1882," the Comptroller of the City of New York hereby gives public notice to all persons, owners of property affected by the following assessment lists, viz.:

Beekman place sewers, between Forty-ninth and Fifty-first streets.

Madison avenue sewers, alteration and improvement to, between Fifty-seventh and Fifty-ninth streets, and in Fifty-seventh street, east and west of Madison avenue.

Fifth avenue sewer, east side, between Fifty-fifth and Fifty-ninth streets.

West End avenue (formerly Eleventh avenue) sewer, between Sixty-fifth and Sixty-sixth streets, and in Sixty-fifth street, between West End and Tenth avenues.

West End avenue (formerly Eleventh avenue) sewer, between Ninety-sixth and One Hundred and Fifth streets.

Boulevard sewer, between One Hundred and Fifty-fifth and One Hundred and Fifty-seventh streets, and in One Hundred and Fifty-fifth street, between the Boulevard and Tenth avenue.

Forty-seventh street sewer, extension at the East river Ninety-seventh street sewer, between Third and Fourth avenues, from end of present sewer east of Lexington avenue.

One Hundred and Thirty-first street sewer, between Sixth and Seventh avenues.

One Hundred and Thirty-fifth street sewer and appurtenances, between College and Third avenues.

One Hundred and Forty-fifth street sewer, between Brook and St. Ann's avenues.

One Hundred and Forty-eighth street sewer, between Brook avenue and Mill brook, and between Mill brook and Courland avenue, with branches in North Third avenue, between One Hundred and Forty-seventh and One Hundred and Forty-ninth streets, and in Willis avenue between One Hundred and Forty-eighth and One Hundred and Forty-ninth streets.

One Hundred and Forty-ninth street sewer, between Brook avenue and Mill brook, and between Mill brook and Courland avenue, with branch in Bergen avenue, between One Hundred and Forty-eighth and One Hundred and Forty-ninth streets.

Eighty-first street paving, from First avenue to Avenue A, with granite-block pavement.

Eighty-first street paving, from the Boulevard to Riverside Drive, with trap-block pavement.

One Hundred and Eighth street paving, from Second to Third avenue, with granite-block pavement.

Ninth avenue regulating, grading, setting curb and flagging, from Eighty-first to One Hundred and Tenth street.

Fifty-third street regulating, grading, setting curb and gutter-stones and flagging, from Tenth to Eleventh avenue.

Ninety-fifth street regulating, grading, setting curbstones and flagging, from Ninth to Tenth avenue.

One Hundredth street regulating, grading, setting curbstones and flagging, from Fourth to Fifth avenue.

One Hundred and Thirty-eighth street regulating, grading, setting curbstones and flagging, from Sixth to Eighth avenue.

One Hundred and Thirty-ninth street regulating, grading, setting curb and gutter stones and flagging, from North Third to Willis avenue.

Sixty-ninth street, laying crosswalks at Ninth avenue, the Boulevard and Eleventh avenue.

Railroad avenue, laying crosswalks opposite Tremont Depot of the New York and Harlem Railroad, and at the southerly intersection of East One Hundred and Seventy-sixth street.

—which were confirmed by the Board of Revision and Correction of Assessments, July 15, 1886, and entered on the same date in the Record of Titles of Assessments, kept in the "Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents," that unless the amount assessed for benefit on any person or property shall be paid within sixty days after the date of said entry of the assessments, interest will be collected thereon as provided in section 917 of said "New York City Consolidation Act of 1882."

Section 917 of the said act provides that, "If any such assessment shall remain unpaid for the period of sixty days after the date of entry thereof in the said Record of Titles of Assessments, it shall be the duty of the officer authorized to collect and receive the amount of such assessment to charge, collect, and receive interest thereon at the rate of seven per centum per annum, to be calculated from the date of such entry to the date of payment."

The above assessments are payable to the Collector of Assessments and Clerk of Arrears, at the "Bureau for the Collection of Assessments and Arrears of Taxes and Assessments and of Water Rents," between the hours of 9 A. M. and 2 P. M., and all payments made thereon, on or before October 4, 1886, will be exempt from interest as above provided, and after that date will be subject to a charge of interest at the rate of seven per cent. per annum from the date of entry in the Record of Titles of Assessments in said Bureau to the date of payment.

EDWARD V. LOEW,
Comptroller.

REAL ESTATE RECORDS.

THE ATTENTION OF LAWYERS, REAL Estate Owners, Monetary Institutions engaged in making loans upon real estate, and all who are interested in providing themselves with facilities for reducing the cost of examinations and searches, is invited to these Official Indices of Records, containing all recorded transfers of real estate in the City of New York from 1853 to 1887, prepared under the direction of the Commissioners of Records.

Grantors, grantees, suits in equity, insolvents' and Sheriff's sales, in 61 volumes, full bound, price \$100 00

The same in 25 volumes, half bound 50 00

Complete sets, folded, ready for binding 15 00

Records of Judgments, 25 volumes, bound 10 00

Orders should be addressed to "Mr. Stephen Angell Room 23, Stewart Building."

EDWARD V. LOEW,
Comptroller