PART V.
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FINANCIAL AND MISCELLANEOUS.

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THE BLACK ART OF "JURY FIXING" AS PERFECTED IN NEW-YORK CITY.

Not a Spasmodic Crime, but a Carefully Regulated System—Methods Suggested for Making It More Difficult and Dangerous.

According to lawyers, jurors and high court officials, the jury system o this city has become more corrupt than at any time since the days of the notorious Tweed. Jurymen are said to have sold themselves fo $10 and up, and some court clerks are said o have leagued themselves with powerful corporations for the purpose of putting bribed jurors into the jury box.

Those who have sought the fountain head of this pollution have found that it sprang from the evil alliance between certain corporate interests in this city and Tammany Hall. These corporations have paid money to Tammany for the election of its ticket, and in return have demanded that even the courts shall be "swung" to their profit and aggrandizement. The corrupting of juries, therefore, is said to be not an occasional crime, with alternate success and failure, but a wide reaching and comprehensive system, which has been worked out according to the tables of actuaries, and which, in nineteen cases out of twenty, overwhelms its victim.

The recent confession of William H. Tillinghast, who said that for many years he had taken money from a street railway company to sit on juries and to obtain verdicts favorable to that company, may have startled the average citizen, but it did not surprise lawyers who have been fighting such corporations. "I have wondered that the lid did not come off long before," said one prominent attorney. "We lawyers have suspected that things were rotten in our jury system, but we did not dare attack the men whom we thought were to blame. Some may call us cowardly, if they will, but they don't understand. Lawyers have to make a living, and they don't, as a rule, care to strike at those officials who have the power to cripple their practice and endanger the interests of their clients."

FIGHT AGAINST THE EVIL WIDENS.

Since Tillinghast told how he had sold himself as a juror the fight against this evil has come into the open, and each day it has assumed greater and more formidable proportions. Judge Seabury, of the City Court, aroused by the accusation that the clerks of his court were "rigging" juries under his very nose, has begun an investigation which promises sensational developments. A resolution was introduced before the State Bar Association at its last annual meeting by A. Edward Woodruff, a lawyer, of No. 111 Broadway, asking for an investigation of the methods pursued in their litigation by street railway companies in this city. A resolution was also introduced in the Legislature for an investigation of the judiciary of the state, with the purpose of finding out what relations, if any, exist between the bench and the street railways. The Governor has been petitioned to pardon Tillinghast, who, soon after his confession, was arrested for impersonating a juror who wanted to be excused from serving. The plea for the pardon is that because Tillinghast has uncovered what appears to be a far reaching conspiracy to thwart the ends of justice he should be permitted to help in the prosecution of the men who used him as their tool.

In the City Court, according to lawyers who practise there, jury fixing has been done far more openly than in the Supreme Court. The chief clerk of the City Court is Thomas F. Smith, secretary of Tammany Hall. "The Supreme Court clerks," said Tillinghast, "wouldn't stand any monkey business. A man had to be on the panel to get into the jury box. But in the City Court it was different. The gang there had all that fixed. I was on the jury there in lots of cases when I was not on the panel at all. The clerk would call my name, that's all. Everybody thought he was reading it from the panel, but he was not. He'd just put his arm in the wheel, take out a slip, and, no matter what name was written on it, he would call:

"William H. Tillinghast."

"And then I'd step up and go through the red tape of the examination, and get on. Sometimes I'd sit on several cases in one week that way. Whenever the company would want me it would send a man to my house to tell me what court to appear in. Then I simply sat there until my name was called."

JURY FIXER ENERGETIC.

To illustrate how Tillinghast "worked" as a juryman week in and week out in the City Court a few cases are printed below. In all of these he says he was a juryman, although his name did not appear on the panel. In these cases, Tillinghast says, he did all in his power to cut down the damages sued for as low as possible, or cause the jury to disagree. Whether or not he was successful may be seen by a look at the sums awarded in the following instances:

April 2, 1900—Julius Waterman agt. Metropolitan; verdict for only $100.

April 10, 1900—Joseph S. Klipper agt. Metropolitan; verdict for the railroad company.

April 18, 1900—Morris Jacobson vs. Metropolitan; verdict for $300.

April 25, 1900—John S. Wholly agt. Metropolitan; verdict for $200.

May 21, 1900—Edward P. Gallagher agt. Metropolitan; verdict for the railroad company.

May 22, 1900—Thomas J. O'Reilly agt. Metropolitan; verdict for $91.

May 23, 1900—Margaret Connolly agt. Metropolitan; jury disagreed.

October 8, 1900—Adolf Bachmann agt. Metropolitan; jury disagreed.

October 9, 1900—Moritz agt. Metropolitan; verdict for the railroad company.

November 15, 1900—George M. Strachan agt. Metropolitan; verdict for the railroad company.

November 19, 1900—Annie McAleer agt. Metropolitan; verdict for the railroad company.

November 20, 1900—Helen White agt. Metropolitan; verdict for the railroad company.

HOW JURORS ARE SHADOWED.

Hanging about the City Court and the Supreme Court there are men who make a business of getting hold of jurors after they are in the box and of trying then to buy them. One of these "doctors," as they are called, who was regularly employed by the gamblers and policy people until about a year ago, was frequently to be seen in the corridors of the Criminal Courts Building, with his black silk hat tipped far back on his head, a half burned cigar in one corner of his mouth and his catlike eyes always watching the door of the courtroom. It was not in the Criminal Courts Building, however, that this jury fixer did his work. He did it before he got there, and appeared only to see that his plans were carried out. After twelve men had been selected for the jury in a case in which he was interested he sent out "shadows," I is said, to follow the men to and from their homes and to study their talk and actions, their habits and companions. In this way he decided what men he could "touch." His judgment of human nature was so good that whenever he was employed to watch a case the jury almost invariably disagreed or returned a verdict of not guilty. Since Mr. Jerome sent Al Adams, the "policy king," to Sing Sing, however, this particular "doctor" has rarely been seen about the Criminal Courts Building. The conviction of Adams so surprised him that, it is said, he has not yet fully recovered. At any rate, he found that his prestige as a jury fixer was gone.

It was in fear of just such men that Mr. Jerome took the severe measures which he did recently in the trial of a well known lawyer of this city for conspiracy to defraud a client. The District Attorney had the jury locked up from one end of the trial to the other. The result was a speedy conviction.

CORRUPTION IN JURY BOX.

It sometimes happens, lawyers say, that one corrupt juror will seek to debauch some of his fellow jurymen, so that he will not be alone in his fight to prevent a just verdict. In a letter which J. L. Quackenbush, the present head of the Metropolitan's legal department, sent more than a year ago to District Attorney Jerome, reference is made to an alleged attempt to influence a juror after the trial had begun.

"On Saturday last" (December 9, 1904), wrote Mr. Quackenbush, "Henry C. Price, of No. 170 East 81st street, called at this office and stated to me that he had been a juror in two cases in which the New-York City Railway Company was defendant, and that he voted as a juryman for a verdict in favor of the defendant in both of these cases in consideration of a promise, which he claimed was made him by an employe of the company by the name of Wund. I had Wund brought into my room, and also requested Ambrose F. McCabe, my assistant, to listen to the conversation.

"In the course of the conversation Price stated that he had been approached by Wund while he was on jury duty and that Wund requested him to do what he could for the railroad company, and promised him that he would in return endeavor to get Price a job with the company as a plumber.

"Wund, in the presence of McCabe and myself, admitted that he had a conversation with Price, and that in substance he had told Price he would do what he could to get him employment with the company.

"I subsequently called into the room Lyle T. Hall, the assistant who tried the cases mentioned in the City Court, and the conversation was repeated in his presence.

"The statements made by both Price and Wund to Messrs. McCabe, Hall and myself satisfied me that there was an unlawful agreement between this juror and Wund, and that your (Mr. Jerome's) attention should be called to the matter, for such action as you may deem proper.

"When I assumed charge of this office on July 1 I gave explicit instructions to all employes that no practices of the kind mentioned should be tolerated, and that I should be the first to make a complaint against any subordinate who violated these instructions. . . ."

When Mr. Quackenbush was asked, the other day, why the District Attorney failed to obtain an indictment with such evidence, he replied:

"I don't know myself. I heard that the grand jury could not understand why the attorney for the Metropolitan should be seeking the indictment of one of its own men."

The McCabe of whom Mr. Quackenbush speaks was arrested last Monday as the result of evidence which Judge Seabury discovered in the course of his investigation of the City Court. He is charged with having bribed a juror in the case of Ettie Eicher, who sued the Metropolitan company for damages on account of injuries on May 12, 1904.

TRICKS OF COURT CLERK.

The investigation which Judge Seabury is making has shown that the court clerk may easily pack a jury, not only by calling names not on the panel, but by manipulating the jury wheel. The panel of names is furnished the clerk by the office of the Commissioner of Jurors. At the present time a list of seventy-five names is given to the clerk of each of the five parts of the City Court twice a month. A clerk will then copy the seventy-five names on separate slips of paper and put these in a wheel. After turning the wheel a few times the clerk reaches his arm through a hole in the wheel, picks out a slip and reads it aloud. The juryman with this name thereon responds, is examined, and if satisfactory is put in the box.

It has been charged that by means of bending over a corner or by folding one of these slips a clerk may take out of the wheel the men he wants.

According to Tillinghast, the clerks who have to his knowledge "fixed" juries get little money for their crimes. He tells of several clerks who were so poorly paid that "they gave it up in disgust." One, he said, got a "Christmas present of from $25 to $75." Tillinghast himself, so he says, obtained $40 to $50 a week for his "work." He got the money on Saturdays.

In telling of the first "weekly wages" which he got from the street railway company Tillinghast said: "On Saturday morning at 10 o'clock I was waiting for my friend in the hall of the building. He was on time, and told me to wait a few minutes while he went upstairs. When he came down in a little while he invited me to have a drink with him. As soon as we got our drinks he squeezed close to me and slipped into my hands several bills. I shoved them into my pocket. When I counted the money afterward I think there was $35 or $40."

SOLD HIMSELF FOR $10.

The very first bribe money which Tillinghast says he got from a railroad company amounted to only $10.

Thomas Allison, Commissioner of Jurors, says that no ramification of the jury fixing system can be traced to his office. He says that the names drawn for the various panels are taken by him from wheels in his office in the presence of a judge and of the County Clerk. For the year 1904-'05 he drew for the thirteen parts of the Supreme Court 17,175 names; for the five parts of the City Court, 6,340 names; for the four parts of General Sessions 4,200 names, and on special panels 3,125, making a total of 30,840 names. He also drew in the course of the year 200 names for each of the sixteen municipal courts, and also 450 names for the Sheriff.

REMEDIES FOR JURY FIXING.

"I believe that the penalty for the impersonation of a juryman should be more clearly defined in the statutes than it is at the present time," said Commissioner Allison yesterday. "The crime strikes at the very foundation of our civilization. I would advise, therefore, that a new subsection be added to both the Civil and Penal codes, which would make criminal the following act:

Impersonating or making to any court any false representation or statement as to the identity of any one whose name appears on the panel of jurors in such court, or in any part of such court, or of any one claiming to be the person whose name so appears.'

"This subsection would fit into Section 8 of the Civil Code and Section 148 of the Penal Code."

"The penalty imposed for such an offence, according to the Penal Code, would be a maximum imprisonment of one year, or a maximum fine of $500, or both; and according to the Civil Code, a maximum imprisonment of three months, or a maximum fine of $250, or both. A judge could punish an offender, therefore, according to either code, as he saw fit."

JUDGE SHOULD TURN WHEEL.

According to many lawyers, the turning of the jury wheel should not be intrusted, as at present, to the court clerk, but, instead, to the judge.

"Let the judge call off the names of the jurymen," said Abraham Gruber, "and we will get clean juries." Mr. Gruber, in a recent case in the Supreme Court, discovered an employe of the railroad he was suing in the jury box. As he could not get the man out, he threw up the case on the spot.

"This duty the judge could easily perform," Mr. Gruber added, "and I don't believe crooks would then dare to impersonate jurors, or that juries would be packed at the instigation of unscrupulous litigants. I would also recommend that the Commissioner of Jurors should not, as at present, prepare such and such a list of jurors' names for such and such a court. Instead, let all the lists, after they are prepared, be shuffled up and distributed among the different judges haphazard. This would prevent certain names from getting on the panels for certain cases."

LAW SUFFICIENT IF ENFORCED.

A. Edward Woodruff, who is the counsel of Judge Seabury and one of the leaders in the present fight against the jury fixing evil, believes that the present law is severe enough. What is needed, he says, is its enforcement. He said:

"Section 71 of the Penal Code says:

"'A person who gives or offers, or causes to be given or offered, a bribe, or any money, property, or value of any kind, or any promise or agreement therefor, to a judicial officer, juror, etc., or other person authorized by law to hear or determine any question, matter, etc., with intent to influence his action, vote, opinion or decision thereupon, is punishable by imprisonment for not more than ten years, or by a fine of not more than $5,000, or both.'

"Section 74 says:

"'A juror, etc., or other person authorized by law to hear or determine any question, matter, etc., who asks, receives, or agrees to receive, any money, property, or value of any kind, or any promise or agreement therefor, upon any agreement or understanding that his vote, opinion, action, judgment or decision, shall be influenced thereby, is punishable by imprisonment for not more than ten years, or by fine of not more than $5,000, or both.'

"Offences punishable by imprisonment in state prison are felonies, and not outlawed until the lapse of five years."

STATUE OF MAJOR GENERAL GEORGE B. M'CLELLAN.

TICKET SELLING MACHINE.

One of the automatic slot machines immediately outside the Lancashire and Yorkshire Railway station at Southport, England. The system was introduced this month, and, should the experiment prove successful, an extension of the idea will follow. The object of this novel departure is to save the time of the passenger and the salary of a ticket agent in suburban traffic.

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IOWA INEBRIACY LAW.

How It Has Become Popular with Confirmed Drunkards.

Des Moines, Iowa, March 16 (Special).—Iowa has more drunks than she knows what to do with. The inebriate hospital established a few weeks ago at Knoxville is already full to overflowing, and the board of control in alarm has ordered that no more candidates for the "jag cure" be accepted until vacancies occur. In consequence, from every village and hamlet has gone up a wild cry of anguish, for the inebriacy law passed by the Iowa Legislature has been the one delight of Iowa drunkards ever since it was put into execution.

The State of Iowa has made it exceedingly pleasant for its inebriate wards. Statistics proved that drunkards were responsible for most of the crimes committed in the state, and the board of control wanted to eliminate this, even if it cost as much to cure a man of the drink habit as it did to send him to the penitentiary. So the state opened the hospital.

Drunkards, as fast as they applied, were hurried to the baths, stripped and provided with new suits of clothes. Then they got good food, pleasant work and a promise of their liberty when cured. The men who didn't like even this much confinement didn't stay, or rather they remained for a few months until they had rested.

Scores of confirmed drunkards have been sent up for inebriacy dozens of times in the few months the law has been in operation. Just as often as they leave the hospital they begin another spree. In fact, the confirmed drunkards of the state—they number anywhere from ten thousand to fifteen thousand—are having a glorious old time at the expense of the State of Iowa, and appear perfectly willing to keep it up, ed from their last spree. Then they left the hospital and started on another, and a few weeks of a good time made them in condition to accept the hospitality of the state again.

EQUESTRIAN STATUE OF M'CLELLAN.

The equestrian statue of Major General George B. McClellan, now in process of construction by Frederick MacMonnies, will be unveiled in Washington on October 18. The commission in charge of the work is composed of the Secretary of War, Senator Wetmore, of Rhode Island, and General Horatio C. King, of Brooklyn. The statue is the outcome of the efforts and subscriptions of the Society of the Army of the Potomac, which will hold its thirty-seventh annual reunion coincident with the unveiling in the capital city. The discussion caused by the appearance of the model of General McClellan in a slouch hat, at a period when that was not worn, led to the substitution of the cap which General McClellan wore at the time, in which the statue depicts him, when he was in command of the Army of the Potomac.

SPREADING A PEST FOR PETTY PROFIT.

That the Destructive Gypsy Moth Is Being Deliberately Planted Is the Astounding Charge Brought by a State Expert.

Boston, March 17 (Special).—Now that Congressman Roberts, of Massachusetts, has introduced a bill in Congress calling for an appropriation of $250,000 for the extermination of the gypsy moth and browntail moth scourges, there is hope of something being done in a scientific, systematic way to relieve New-England from this rapidly growing evil, which is fast being spread over the East. Governor Guild appointed a delegation to appear before the committee at the hearing on the Roberts bill, which includes Superintendent Kirkland, head of the State gypsy moth work; C. H. Fernald, of Amherst Agricultural College, an authority on the subject and one of the most expert entomologists in the world; W. H. Bowker, president of the Bowker Fertilizer Company, and F. H. Appleton, of the State Board of Agriculture.

Superintendent Kirkland recently came out in public, charging that grafters are going about the country and deliberately planting the pests in adjacent States. "I know gypsy moths have been planted in Providence and throughout Rhode Island," he says, "planted by those who want the plague in that State. We know who is to blame, but we are powerless. There is no law—no law in either this State or Rhode Island—which will reach them. I am going to ask for additional legislation at once. Prison bars are too good for the guilty parties. The work is being maliciously done by those whose interests it would serve by having the plague in that State." Professor Kirkland says that these grafters, who are seeking employment exterminating the moths, are engaged in carrying the plague to other parts of the East, and that warm spring weather will see them spread all over Eastern New-York and throughout Connecticut. Careful and complete investigation by the Finance Committee of the Rhode Island General Assembly has produced indisputable evidence that the two plagues are being brought there by those who expect to reap a harvest in the work of extermination. The work has been going on for some time, but the authorities of the little State say that they are helpless to prevent it, as there is no law covering the matter. To be doubly sure, they called Professor Kirkland in consultation, and his independent investigation brought him to the same result—that the moths have been deliberately "planted" by interested parties.

The modus operandi was extremely simple. The criminals, for they are surely nothing else, even if they cannot be prosecuted at present, came to Massachusetts and helped themselves to as many egg clusters as they could carry away and distributed the nests where they would do the most harm. Exceedingly prolific and hardy, the most of the clusters were simply cast away in fields and vacant lots. Left to themselves, they never disappointed the propagators, bringing forth a goodly number of caterpillars to start in and eat up every green thing in sight.

Although millions have been spent in fighting it, the gypsy and browntail moth pest still continues in Massachusetts, and now experts find that New-York, New-Jersey and the Middle West are invaded. It is one of the greatest pests of the age, one of the greatest of all ages since the locusts flew over Egypt. An overwhelming number of moths settled down upon Southern and Eastern Massachusetts last summer, and a southwest wind swept into Boston a horde of browntails. In parts of the city the white moths were so thick as to make seeing across the street as difficult as in a driving snowstorm.

Both moths are frequently carried great distances by railroad trains. The gypsy caterpillar spins a long silken thread attached to the end of a bough and swings in the wind until some passing train picks him up and carries him along. Anything moving is likely to catch and carry this caterpillar. In many cases the agent of distribution appears to have been the ubiquitous automobile. The browntail, attracted by light, will fly into an open car window or into the cab of the engine. The gypsy is dependent upon these human agencies to spread him, for the female moth cannot fly, and the caterpillar seldom crawls more than two hundred feet. Not so the browntail, a swarm of which will rise into the air, and then, aided by the wind, will fly many miles, to be drawn to earth at last by some bunch of street lights.

The gypsy moth plague is due to the carelessness of a scientist living in Medford, Mass. The gypsy is a silk spinner, and Professor Trouvelot had an idea that by crossing it with the common silkworm he could produce a caterpillar hardy enough to withstand the cold winters. Accordingly he imported a lot from their native European haunt, and then carelessly allowed several caterpillars to escape. When they got acclimated to the east winds of Massachusetts the mischief began. It was five hundred caterpillars to each female moth. Soon a commission had to be appointed, which spent $1,500,000 in ten years in a vain effort to exterminate the plague. What might have been, if the legislature, in a fit of mistaken economy, had not suspended the work, is a matter of speculation, but, at any rate, last May indignant public opinion and the openly expressed alarm of experts in the neighboring States brought about the appointment of a new commission, which faced a condition of moth-riden counties. The browntail had in the mean time been imported from Holland on some rose bushes. The carelessness of that scientist and those imported rose bushes have inflicted untold millions of damage upon Massachusetts

It is conservative to estimate that over $1,000,000 will be expended in the State of Massachusetts in the next two years to fight the plague of moths. The State has appropriated directly $330,000; cities and towns will be obliged to appriate as much more at least. The sum of about $700,000 will be spent, mainly in the work of supervision and of ridding the public domain, such as parks, of moths.

The only methods so far successful in controlling the plague are methods of direct tree to tree work. Certain habits of the insect help in this herculean task. The browntail caterpillar hatches in the late summer, and as soon as the weather becomes cold weaves a nest at the end of a bough, into which he crawls and hibernates all winter. These nests are cut off and burned. Both moths are the prey of various parasites.

Dr. O. W. Howard, of the Department of Agriculture, was in Europe this last summer to determine whether the European parasites could be acclimatized in the United States. Several thousand parasites of different kinds have been imported and placed in a special observation station at North Saugus, Mass. The greatest dependence is being placed upon the tachina fly, a native of Japan.

The moths are voracious pests, especially the gypsy. Fruit and shade trees suffer alike. In the natural parks north of Boston thousands of fine trees are dead, and thousands more not yet entirely killed were as bare of leaves in midsummer as in the dead of winter. The browntail has so far exhibited a marked preference for pear trees. The browntail caterpillar is also an enemy of man. It sheds its minute, wiry hairs, and these, floating in the air, often come into contact with human flesh, producing a painful irritation of the skin. Cases have been reported so serious that the victim, with face swollen beyond recognition and eyes closed, has had to go to a hospital. Only the other day a colony of the gypsy moth was discovered in Connecticut.