BROCKWAY ON THE STAND.

HIS FIRST OPPORTUNITY TO DENY THE CHARGES AGAINST HIM.

He Explains the System Which Has Made the Elmira Reformatory the Greatest in the World, and Then Denies Categorically All the Allegations of Cruelty Made Against Him—Statistics Showing that Since Spanking Had Ceased Fighting Among the Inmates Had Increased.

ELMIRA, Sept. 13.—After being compelled for nearly a year to rest quietly under the malicious libels of the ex-convict and newspaper persecutors of the Reformatory, Mr. Z. R. Brockway, the General Superintendent, to-day for the first time had the opportunity to deny the allegations of barbarity made against him and a chance to explain fully the system of what the great penologists of the country call the greatest reformatory in the world. Mr. Brockway made for himself and the institution a witness that the Board of Managers, who are technically on trial, must certainly feel more than satisfied with. There was no dodging and no equivocation in the answers he gave to any of the questions asked him. He was straightforward in everything, and those who listened to him were impressed with his sincerity. To them his explanation of things that before had seemed hard to explain was satisfactory and lucid, and it cleared away any doubt that may have existed as to the justification for certain forms of punishment that may have been in vogue in the institution. The attempts that were made by ex-Judge Gilbert, the counsel for the prosecution, to rattle him or shake the force of his direct testimony on cross-examination were failures. To use a common expression, the Judge found when he started to fool with the witness that he had struck a Tartar. Mr. Brockway's forty-six years of experience as a practical penologist made him tower head and shoulders above his cross-examiner, and it made Judge Gilbert's efforts look feeble by comparison. Dr. Austin Flint, the medical member of the Commission, was not present.

The session began this morning at 10 o'clock in the Reformatory office. The managers were all present except Mr. William Peters. Mr. William M. Ivins and Mr. John B. Stanchfield were both present, representing the defense. The prosecution had Judge Gilbert and the usual number of ex-reporter assistants to help him. Oscar Hoppe, the executive clerk of the Reformatory, was put on the stand first for the purpose of proving that since spanking had ceased in the institution fighting among the inmates had increased. Mr. Hoppe had been through the books, and he swore that in the five years preceding Sept. 1 last, when spanking was abolished, only 373 inmates were reported for fighting, an average of 37 each six months. In the six months following Sept. 1, 172 inmates were reported, an increase of 135.

Prof. Monks, the Superintendent of the educational system of the Reformatory, was called after Mr. Hopp's statistics were in. When Prof. Monks was on the stand in New York he was asked questions about religious opportunities afforded the inmates. Ex-Judge Gilbert objected at that time and the matter was left in abeyance. Ex-Judge Gilbert objected again this morning, on the ground that the religious part of the Reformatory rules was not an issue and was not objected to.

Mr. Ivins asked if the prosecution was willing to strike from the complaint all there was about religious questions.

"We certainly cannot amend our complaint," said Judge Gilbert.

Then he insisted that, notwithstanding the charges, the management had no right to prove anything about religion.

Judge Learned and Mr. Deyo decided that it was very proper for the Commission to hear all about the religious system, and, despite Judge Gilbert's objections, Prof. Monks went on. There is no resident chaplain. Prof. Monks said, and the Protestant portion of the population is looked after by non-resident clergymen. For the Catholics there is a service every Sunday morning, and there are opportunities for confession every other Sunday in the afternoon. In addition to the regular service, there is a service held by a Protestant Episcopal organization. "I will say," said the Professor, "that attendance at any service is voluntary. No man is compelled to attend, and no man is prevented from attending any."

The Professor went on and described some of the services that were held. "They are really religious services," he said. "Men go to divine worship." Besides the Sunday services, the Professor said that any time an inmate wanted to receive religious consolation or religious advice or instruction he had but to ask for it, and he could see a clergyman of any denomination he cared to see. The religious services on Sunday were generally attended by about 1,000 of the 1,800 inmates. The names of some of the clergymen who have conducted the services were given. They included some of the greatest clergymen in the country. In addition to the religious services, there are classes in ethics and lectures.

"Are your relations to the inmates of the institution such that you receive written communications from them at times?" asked Mr. Stanchfield.

"Yes, sir, they are," said the Professor.

"About how many have you received since you have been here?"

"I should say about 100,000."

"Did any of these notes contain a complaint against Mr. Brockway?"

"Never in any of these notes was there a complaint against the General Superintendent."

The questions about the kicks and blows and profanity that have been asked of every witness were asked of the Professor, and he answered "No" to each. Concluding Mr. Stanchfield asked what was the ordinary manner of the Superintendent toward the inmates.

"His manner was uniformly courteous and kind. At first I was greatly surprised at his kindness. It surpassed that of ordinary associations between gentlemen."

Prof. Monks was questioned at great length about various interviews he had had with inmates. His testimony regarding absence of complaints was most important, because he has borne the relation of confidant to a great numbers of the inmates. He is the only person in the institution, except the Superintendent, to whom inmates are permitted to talk freely and of whom they may ask advice. They have embraced the privilege freely, yet never in any instance has one of them made a complaint against Superintendent Brockway or his manner of treating them.

There was a stir when Mr. Ivins called on Mr. Brockway to take the stand. The commotion was especially noticeable on the prosecution's side of the long table. Ex-Judge Gilbert squared himself off for making objections. He didn't intend that the General Superintendent should have a chance to say anything good of the institution if he could help it. That has been the rule he has followed ever since the defence began presenting its case. He has even protested vigorously that the defence had no right to deny specific charges of cruelty, putting his objection on the ground that such denials were immaterial, and judging from the reports of the hearings the New York *World*, his client, has printed, they probably are immaterial to his client. Mr. Ivins began his examination as follows:

Q.—Mr. Brockway, you are the General Superintendent of this reformatory? A.—Yes, sir.

Q.—How long have you held that position? A.—Since May 13, 1887.

Q.—How long in all have you been connected with the administration of penal institutions? A.—About forty-six years.

He told then of the institutions with which he had been connected. First he was with the Connecticut State prison. He was there two years, and then went to the Albany Penitentiary, where he was the first officer. From Albany he went to the penitentiary at Rochester, where he was the first Superintendent. He opened that institution. Then he went to Detroit, and was the first Superintendent of the State prison there. He established the system of discipline that is in force there now. For two years after he left Detroit he was in business a part of the time for himself, and then he accepted the place of General Superintendent of the Elmira Reformatory, which was just about to open. In all this time he was one of the closest students of the science of penology there was in the world. Taking up his career since he had been identified with the Reformatory, Mr. Ivins asked:

"Mr. Brockway, who has established and worked out and brought into operation the system of discipline, trade schools, and marking that now prevails in this institution?"

"I object," shouted Judge Gilbert, "on the ground that it is immaterial," and then he made a speech.

He was overruled, and Mr. Brockway answered:

"Myself. I was the active agent, with the approval and constant conference of the Board of Managers.

Q.—Have you ever known of any element or feature of any description adopted in the institution that was not your suggestion or did not meet with your approval? A.—I think I have not.

Q.—Now, are you familiar with penal institutions in the State, such as the State prisons? A.—I am generally so, yes, sir.

Here Judge Gilbert made another objection and another speech. Chairman Learned told Mr. Ivins to go on.

Q.—Wherein is the administration and discipline of this institution different from that of State prisons?

Judge Gilbert's continued objections, although they were each overruled, led to the changing of this question four different times, the idea being not to open the way for the prosecution to call large numbers of witnesses to rebuttal and prolong the case. In the course of the argument Mr. Ivins said:

"We want to prove not only that an attempt has been made to ruin the character of Mr. Brockway, but that, as a matter of fact, Mr. Brockway is one of the greatest benfactors the State has ever seen."

The question as it was finally put was as follows:

Q.—Will you now tell the court what are the principal features of the reformatory methods that prevail in this institution? A.—The first principal feature is in the indeterminate sentence system in place of what is generally understood as the determinate system. The second that occurs to me is the limitation as to the class of felons that come here; they must be between the ages of 16 and 30 years, and must be sent only upon the conviction for their first felony so far as the Court that sends them has knowledge. The purpose of the institution, the whole object and effort of the administration, is to effect a moral reformation, and everything here tends in that direction.

There were more objections by Judge Gilbert.

Q.—What are the means taken to accomplish this purpose? A.—The means to accomplish this purpose are discipline under the marking system; the system of education, such as the school of letters; technological training in the trade schools; the military system, which, perhaps, comes under the head of discipline; the department of physical training and moral improvement. These, I think, are the main means for carrying out of the purpose of the institution.

Q.—Now, take up the first of those distinctive features, the indeterminate sentence system. What are the objects of that system, and what its purposes? A.—We think here that it eliminates from the mind of the prisoner the pernicious element of retribution, and supplies a moral motive to the effort at self-regulation. It enables the marking system. It enables also the release of prisoners and the control in a measure of their situation after release. That is the substance and the purpose.

Q.—Is it a fundamental detail of the successful operation of the institution on the basis of a reformatory institution? A.—I say without hesitation that it is.

Q.—How will you describe the object of limiting the felon class here to the ages from 16 to 30 years? A.—The reformatory to the reformatory reformative treatment to persons who are going through the age of formative character—that is, persons in that period of life when the mind is most active when adjusted relations to society are of the most importance.

Q.—In your experience, is the treatment of the younger criminals more difficult than the treatment of older ones—that is, of criminals who have spent a part of their lives in State prisons? A.—I think that it is.

Q.—In what respect? A.—Well, they are at a period of life when men act from impulse.

Q.—Are old criminals less amenable to discipline? A.—Oh, yes; naturally so.

Q.—Have you found that the disciplinary methods for the treatment of the two classes should be entirely different? A.—No. I should not be willing to say that the method of treating a criminal between the ages of 16 and 30 should be entirely different to the method of treatment of criminals between the ages of 30 and 40. The same principles would apply all along the line, but the treatment would not be exactly the same. It would have to be adjusted to obtain the same results.

Q.—Now, will you explain the purpose of the marking system that is in operation in the institution? A.—The prisoners under the so-called indeterminate sentence system, being no more sure than the boys in the Yates bill, forbidding the employment of prison labor, the reformatory, together with all the other penal institutions in the State, found it had on its hands a lot of idle prisoners. The purpose of the introduction of the military system was to occupy the time of the prisoners when they were not occupied with other pursuits, such as the trade school, the school of letters, and the physical training. That was the first object. When it was established, we found it of use in many directions, particularly in the matter of discipline of the whole place. It made more perfect the habit of discipline. It aided in the regulation of the conduct. It aided also in the promotion of good health.

Q.—Now, as to the physical training, is there any primitive element in that? A.—Certainly not.

Q.—What is the object of the department of physical training? A.—It is to improve the physical condition of those prisoners who, in the judgment of the physicians, need that sort of exercise of treatment to build them up, and to be a corrective in some cases where men have proved themselves not amenable to any other form of discipline. It aids in regulating habits as nothing else would do. Men are sent to the department of physical training who, if that department did not exist, might be sent to the hospital. Men often come to the institution who are run down in body and mind, not from vice, but from a sickly and feeble constitution and from other occupation than that afforded them in the other departments. They are put in the physical training class. We find their mind develops as their body grows.

Q.—Now tell us what is that you describe as moral impression? A.—It is the improvement of the power and habit of adjustment to moral and social obligations.

Q.—Describe the methods. A.—The various departments of administration all lead in this direction. For instance, take the school of letters. Increasing the mental strength gives more power of judgment as to what is right and what is wrong. It gives better moral perceptions. So in the technical department. The very exactness of mechanical work aids. The same in the military department and throughout all the departments.

Q.—What are the particular steps taken for the purpose of forcing obedience and subordination to the will of the management? A.—Well the marking system is the great change. This supplies sufficient motive to 80 per cent of the inmates. For the residuum of the population that do not respond something more is needed.

Q.—What is the purpose of the degrading system? A.—It is a loss of privileges. It means a change of clothing, a change in diet, and the loss of the right to communicate outside of the walls of the institution. The object is to create a want, with the opportunity to supply that want only in good behavior and amenability to discipline.

Q.—Is the object at all punitive? A.—It is not.

Q.—After the loss of grade what next? A.—Reproof, warning, and the proximity of other penalties, such as spanking and seclusion, chiefly spanking.

Q.—Is the spanking administered with a punative purpose? A.—Not at all.

Q.—Have you ever spanked an inmate without first admonishing him or warning him? A.—I do not recall an instance.

Q.—Have you ever kept men in seclusion after they expressed a willingness to agree with the rules of the institution? A.—I never have during my administration. Understand, the seclusion was little used for punitive purposes. Men preferred the spanking as the better reformative method.

Q.—Will you describe the object of the rest-cure cell treatment? A.—The main object of the rest-cure cell is to enable us to keep an inmate under close observation. Sexual perverts are one class it does not do to confine in cells when they are not constantly under the eye. There is another class of men upon whom have been exercised all the effort of the institution to properly adjust them without success. Then they are placed there for a period of rest. There are there cases where persons have been spanked to what, in my judgment, is the maximum of that sort of treatment in their cases. They are then laid aside for a while, to give them time to reflect and reach that state of mind necessary to enable the treatment and cure of their trouble.

Q.—Mr. Brockway, have you ever in the bathroom kicked an inmate? A.—No, sir.

Q.—Have you ever struck an inmate a blow with your closed fist? A.—Yes, a light blow.

Q.—Where? A.—Well, on the shoulder or the breast or the side of the face.

Q.—Have you ever caused men to be strung up in the bathroom so that their feet could not touch the floor during the act of spanking? A.—Never have.

Q.—Have you anywhere about the institution, at any time other than in the bathroom, kicked or struck an inmate with your closed fist? A.—I never kicked an inmate, but I may have inflicted a light blow. But, as I testified to before, I have no distinct recollection of any such case.

Q.—Have you at any time or in any place so struck an inmate as to occasion the loosening of a tooth? A.—I have not.

Q.—Have you ever used profane language toward an inmate? A.—I have not, except on one occasion, when the term "damn" has been vocalized.

Q.—Have you ever known of any officer having struck or kicked an inmate either in your presence except in case of rebelliousness? A.—I never have. There have been instances of blows by officers, for which I have reproved them when they were called to my attention.

Q.—Have you ever removed an officer for that offence? A.—Yes, sir. I have in mind one case now where I dismissed a man for striking an inmate when in my mind the blow was unjustifiable.

Q.—Have you ever known a man to faint or to become unconscious in the bathroom? A.—No. I never have, except in the case of a man named Sneller. Sneller threw himself back on the floor and struck the back of his head. I was somewhat alarmed, fearing that he might have seriously injured himself, and I sent for Dr. Wey. My alarm was needless.

Q.—Did you ever send for Dr. Wey to visit any other man for injuries resulting from treatment in the bathroom? A.—I never have.

Q.—What is there about the case of Sneller? A.—As I remember it, he had received two spats and then threw himself on the floor, just as a petulant child would do. He struck on his head and he became unconscious.

Q.—Do you remember the occurrence known as the January deal? A.—I do very well, sir.

Q.—Will you tell the court all that you know about that matter? How it came to your attention particularly? A.—Well, my attention was called to it by a report of one of our chief officers that he had discovered the existence of the thing in the pipe shop. In pursuing his inquiries about this one case he had accidentally discovered that it existed to a large extent. It was revealed to us that there was a great deal of it in the place. I immediately ordered a thorough investigation. I had a perfect right, and it was the usual custom for me to investigate such things myself. But I hadn't the time in this case, and, again, I desired to have my judgment supported by the opinion of others. This investigation went on for two weeks, night and day, and the large amount of the crime was discovered. When the investigation was completed I got a final report about it. I then called the accused before me, one by one, and investigated each case myself in connection with the judgment of others who had conducted the investigation. I arrived at what I believed a just conclusion, and made a report and a recommendation to the Board of Managers.

Q.—Was the object of the transfer of many men found guilty punitive? A.—Decidedly! It was not.

Q.—Was it solely the welfare of the institution. A.—For the welfare of the institution only.

Q.—Was any man transferred whose transfer by you was not believed to be necessary for the welfare of the institution? A.—I answer no.

Q.—In your judgment, as the responsible Superintendent of the Reformatory, would it have been proper to have permitted any of the men transferred to remain in the institution? A.—It would have not. It will be remembered that one of the chief complaints of the ex-convicts and others who are trying to ruin the institution is that the transfers in January, 1893, referred to, were unjust.

Q.—Tell the Court whether or not a recommendation has ever been made for the return of a prisoner on parole except in case he has violated the provisions of his parole? A.—I never heard of such a case.

Q.—Describe the object and the purpose of the inmate monitor system. A.—The possible promotion of a prisoner to the position of monitor is an incentive of ambition. That is one object. Then again the inmate monitor system provides a useful supply of teachers and gives us a better service in some places than we could obtain from citizen monitors. It is also useful often in aiding us to prepare for release men who are without friends or acquaintances, and who are unable to procure employment. By employment here with the money reward they are able after a while to leave, and not be dependent upon us to aid in adjusting themselves when they get out. Another advantage, they have earned and saved money here that is a lesson in one element of good citizenship. They have accumulated and got out with a sense of ownership.

Q.—In your experience do you know of a case when the system has been taken advantage of to unjustly oppress or to induce the commission of a crime? A.—I can recall no such case now.

Q.—Has the appropriation for the support of the institution ever been sufficient to enable you to conduct the institution in any other than the inmate monitor system? A.—Yes. The appropriation has been sufficient, but we would not have got the service that we get now.

Q.—Is the inmate monitor system a necessary part of the reformative system? A.—Perhaps not necessary, but it is a very important part of the system.

Mr. Brockway was next asked to describe the object of the system of regulating correspondence. First grade men have the right to send and receive one letter a month. Intermediate grade men one letter every two months, and lowest grade men cannot write or receive at all. The prohibition of the privilege to the lowest men, he said, was an incentive for them to get to an upper grade. The privilege in the intermediate grade was a reward, and the increased privilege in the upper grade was to permit a preparation to resume life outside.

The next question was about the object of the oral examination of men when first delivered at the Reformatory.

"It is," said Mr. Brockway, "to have intimate individual knowledge of the character of the men as they come in, so as to map out or plan the particular sort of treatment, to make the proper assignment in classes, and explain in detail the conditions of progress toward release, and inspire the hope of getting on."

This question and answer led up to an explanation of the case of the boy Wallace. It has been printed a hundred times that Wallace was paddled within an inch of his life because he refused to give the name of his parents, such refusal being taken on the high ground of honor; that he was kept in solitary confinement, and finally transferred to State prison. Mr. Brockway said he remembered Wallace very well. He refused from the first to answer questions about his parentage or his friends. Mr. Brockway told him that such information was necessary if he ever hoped for parole, for the law required that no prisoner could be paroled except his home was known. The law particularly provided that the questions Wallace refused to answer should be answered. This, too, was explained, but Wallace remained obdurate.

"I explained to him," said Mr. Brockway, "that it was impossible for me to map out a course of treatment that would lead to his restoration to society without he gave me his confidence. I gave him my word, but he would not communicate the facts. I told him then that I could not do anything for him as long as he kept his will opposed to mine. I told him to go away to the seclusion cell and think about it. I thought this I supposed he would come around in a day or two and would send for me. He did not, and after four days I had him removed to the rest cure. I waited, but still he would not send. Then I sent for him and had another talk. I explained the necessity of all this things, but it had no effect on him. There was a batch of prisoners transferred to State's prison shortly after this. I had determined to recommend his transfer, but I sent Mr. Hoppe to him. Mr. Hoppe talked with him, and then reported to me that he thought he were sincere in regretting his action. I kept him here. Finally I sent for him again and again talked with him, but it had no effect. His case was considered by the Board of Managers, and at the next transfer he was drafted. That was all there was of the Wallace case."

Q.—Was the transfer made at his own request? A.—It was; from the first he asked to be transferred.

Q.—Did you at any time or anywhere strike or kick Wallace? A.—No; I never struck or kicked him. Wallace was never spanked.

After this Mr. Ivins followed the rule that has been followed in the examination of all the witnesses for the defence, the denial of specific allegations of cruelty, such as kicking, blows, and inhuman use of the strap. To each specific allegation made by the prosecution there had so far been three denials. Mr. Brockway's made the fourth, and as there was no corroborating witness in any single allegation it stands in every case a denial against a denial. In answering questions about specific cases Mr. Brockway made many general denials. He reiterated the statement again and again that he had never kicked any inmate of the institution.

"Did you ever strike an inmate in the stomach with the leather strap he was asked, and he answered, "I never did."

Again he was asked: "Have you ever spanked an inmate when you were angry?" He answered emphatically, "I never did."

Q.—Did you ever strike Hogan so that you took the skin off his face? A.—I never struck Hogan or any other man so that the skin was taken off his face.

Q.—Did you strike James Shortel over the head and cause a cut on the eye? A.—I never struck any man over the head so as to cause a cut of any kind.

Q.—Did you ever order a keeper to kick Shortel? A.—I never ordered a keeper to kick any man, and I would not permit a keeper to kick any man.

Then came the case of the *World's* agent, John Gilmore, the man who first got the *World* in that has come to be known as the Brockway deal. Gilmore is the man who has conducted inside the Reformatory the same sort of a conspiracy that the *World* conducted outside.

In explaining his case Mr. Brockway said that there was no question but that Gilmore had returned to the criminal career that had first landed him in the Reformatory, and, in consequence, the management could not avoid returning him to the institution. Most of the things that Gilmore had said on the stand were untrue, Mr. Brockway said. One of the things Gilmore swore to was that an inmate named Tarpie had been paddled over the loins.

Mr. Ivins asked: "Did you ever paddle Tarpie in that way?"

Mr. Brockway answered: "I never spanked him over the loins anywhere than across the buttocks. I never spanked any man elsewhere than on the buttocks, statements to the contrary notwithstanding."

In speaking of the case of the negro Johnson, Mr. Brockway said:

"I began with the maximum number of blows, 12, with him, and each time I reduced it, until finally he was so far reformed that it was not necessary to give him any. I remember his case very well."

Q.—Was any man ever carried out of the bathroom in a fainting fit? A.—Never to my knowledge.

Q.—Did you ever spank Wilfred Jolly until he could not stand? A.—I never spanked any man so that he could not stand on his feet. I have known men like Sneller to come up to keep an inmate under close observation. Sexual perverts are one class it does not do to confine in cells when they are not constantly under the eye. There is another class of men upon whom have been exercised all the effort of the institution to properly adjust them without success. Then they are placed there for a period of rest. There are there cases where persons have been spanked to what, in my judgment, is the maximum of that sort of treatment in their cases. They are then laid aside for a while, to give them time to reflect and reach that state of mind necessary to enable the treatment and cure of their trouble.

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office of the Reformatory, of course I came in contact with him probably more than any other inmate in the place. He has always acted impartially toward me, and, as far as I could judge, the same toward every one in the institution.

I, for one, can really say that I was greatly benefited by my short stay there. In one way in particular I was greatly benefited. I was taught stenography and typewriting and also type setting. I am at present working as stenographer and typewriter at a salary of $75 per month, so the advantages of the Reformatory are plainly seen when I say that I had not the slightest idea of either when I was first sent there.

In the Elmira Reformatory there is always a class of boys and young men who have never had a home; they have lived in the street, and that class is the class with whom one has to contend. They care nothing for a few days' stay in the solitaries, and the only way to do with them is to ply the paddle effectually on them until they learn to believe. They think when they are sent there that there is no use of trying to earn a parole, because they are not capable of learning anything, and when once that notion is driven from their heads they go right ahead and try to get the desired marking which will entitle them to go out into society and live down their disgrace.

In my opinion the system of marking in the Reformatory is admirable. In regard to inmate monitors being spiteful and trying to have other inmates reduced in grade by reporting them, in order to save themselves, that is rank nonsense. Only one inmate monitor has been in office for about three months, as well as an inmate officer in the military, and I think that inmate monitors are more inclined to be lenient with other inmates under them than otherwise.

Then, again, the trade schools are another important factor in Reformatory life. A man who goes there without a knowledge of any kind of trade most certainly has one when he comes out, and that knowledge, if he is any kind of a man at all, will enable him to earn an honest livelihood instead of preying upon his fellows.

I may say that I am intimately acquainted with Mr. Brockway, Col. Bryan, Prof. Monks, Luke Halpin, Mr. Sample, and, in fact, all the officials of the Reformatory, and in my estimation they are gentlemen.

I do not come here at the suggestion of any one, but write it because I am truly honest enough to come forward and say that the Reformatory has been a great benefit to me. I am not on parole, as I secured my absolute release in April last, after the usual six months on parole had elapsed.

I do not care to have my name published on account of my present business associates, but Mr. Brockway will probably recollect me, and so will Col. Bryan and other officers, therefore I will sign myself simply

EX-QUARTERMASTER SERGEANT.

PARKHURST ON JUDICIAL RINGS.

Calls Recorder Smyth the Policemen's Champion—The Recorder's Reply.

The Rev. Dr. Charles H. Parkhurst has picked out his candidate for Recorder, and it is not difficult to guess that the candidate is John William Goff, counsel to the Lexow committee.

Dr. Parkhurst told in much detail yesterday how, with the assistance of Charles Stewart Smith, he had prevailed on Mr. Goff to act as chief engineer of the investigating machine, and then praised Mr. Goff's course while acting in that capacity. In nominating Mr. Goff, Dr. Parkhurst attacked Recorder Smyth.

"Now, it is a fact," said he "that it is being whispered with more and more of courage and assurance that with some superb and notable exception questions of right are not handled in the courts with clean hands or with an honesty of purpose to have that which is right vindicated and that which is wrong dishonored. Not only are we obliged to believe that this is a fact with reference to individual Judges, but we are compelled by known facts to feel that there is just as truly a judicial 'ring' as there is a police 'ring.'

"And right here it is a fact that must be named, that it is probable there is no man upon the bench who has labored more constantly than Recorder Smyth to produce in the mind of the community in general and in the mind of jurymen in particular the conviction that the unparalleled genius of our police force and the inimitable integrity of its character.

"Now that is a pretty serious matter, in view of what has been brought to light during the past six months. Recorder Smyth has shown all the way through that the Police Department was vicious and substantially rotten, or he has not known it.

"If he has not known it, he has been guilty of having talked about what he was not posted upon, or if he has known of it, he is as big a rascal as any of them, and first cousin to the Police Commissioners."

When Recorder Smyth was seen last evening and asked concerning Dr. Parkhurst's strictures, he said:

"I haven't read what Dr. Parkhurst has to say, and I don't want to."

The Recorder was made acquainted with the substance of the Doctor's interview, when he said:

"I don't care to talk about it. I don't know but there is one thing, though, that I might say. I know nothing about any rings. I am not a member of any judicial ring, and as to policemen, probably no Judge on the bench has sentenced more policemen to terms of imprisonment than have I. I believe that a policeman who is trying to do his duty should be upheld, but when he does not, and is remiss in his obligation as a public officer, he should be severely punished, and I believe that I would be more severe in my judgment of such a man than any one else.

"I don't care to say anything further. My record speaks for itself."

A Last Appeal for the Canals.

ALBANY, Sept. 13.—The advocates of canal improvement to-day made a last appeal to the Constitutional Convention, in which they say:

"The canals need much, but the disposition of your Convention warns us to gladly accept a little, wherefore we have so modified our request as to ask you to adopt the following plain, clear, and simple amendment:

"Amend section 6 of article VII. by adding: 'The canals shall be improved, and the Legislature shall provide for such improvement, subject to the provision of section 12 of article VII., except that the bonds issued for the payment of any debt created for such improvement shall be issued for a period of not more than thirty years.' This only differs from Judge Cady's in the emphasis of its phraseology, which, however, we deem vital, and is not burdened with the other schemes. If the people adopt it, as we believe they will by a great majority, that cannot but materially strengthen the revised Constitution which you will present to them for approval; then we shall be able to go to the Legislature backed by the people."

A Report that Ex-Sultan Murad Is Dead.

CONSTANTINOPLE, Sept. 13.—It is reported that Murad, who reigned as Sultan Murad V. and was deposed in 1876, died last night. No confirmation of the report can be obtained.

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THE NEW JUDICIARY ARTICLE ALSO ADOPTED, 112 TO 33.

King Caucus Rules in the Constitutional Convention—Republican Delegates from the Sixth District Were Disposed to Kick Until Their Pay for the Whole Session Was Assured Them—The Niagara Falls Water Power Amendment Defeated After a Lively Row, in Which Republican Delegates Called One Another Liars and Lobbyists—The Forestry Amendment is Adopted by a Unanimous Vote—The Convention is to Adjourn To-morrow Until Thursday Next.

ALBANY, Sept. 13.—With celerity and slickness that Republican engine, the Constitutional Convention, rolled over the Democrats to-day. This has been the programme from the day in May last, when the Convention adopted rules that even the Republicans declare to be contrary to all parliamentary usage. Even such an expert as that old Republican war horse, Commodore Perry Vedder, admits this, and to-day his sentiments were echoed by Second Vice-President William F. Steele of Oswego, who has been known for years as an expert parliamentarian. The rules of the Legislature, it is contended, are forceful enough for the most partisan majority, and yet the managers of this Republican Convention declined to accept them, and it is now recalled with a shade of sorrow by some of the Democrats who acceded so gracefully to the wishes of the majority in May last that they have been buncoed. John M. Bowers, who all along has been known as the leader of the Democratic minority, admits this. That bright young Democrat from Brooklyn, William H. Cochran, and those equally bright Democrats from New York county, William P. Burr and Arthur D. Williams, and that fighter, William J. Roche of Troy, are convinced that somebody has blundered, and that Elihu Root, the Republican leader, supported in the main by President Choate and aided by ex-Senator Vedder, is a mighty clever manipulator from his side of the fence.

The Democrats said in the early days of the Convention, "Better half a loaf than none," meaning that possibly it was wiser to accept the rules offered by the Republican majority than to goad them to still more arbitrary conduct. Only few Democrats, though, took that stand, and even these now agree with their brethren that things couldn't be very much worse, as the Republicans have ignored in many instances the very rules which gave slight opportunities to the Democratic minority. Most of the Democrats are manly fellows, and do not repine. They are somewhat aghast at times, but even that feeling passes away when they recall that their adversaries are Republicans. These Democrats declare unreservedly that they believe in the rule of the majority, but when they are ground under the iron heel of the bitterest partisanship they feel a little like kicking.

The Republicans, however, have not been without their own sorrows and in the closing hours of the Convention this is readily demonstrated. The Convention is to adjourn on Saturday at noon until Thursday next. All during the summer there has been a body of kicking Republicans opposed to Mr. Choate and Mr. Root, and in frequent instances they have seized opportunities to thwart measures in which these two gentlemen and their friends were interested. In a word, there has been throughout a Platt and an anti-Platt contingent.

It requires eighty-eight votes to send any proposed amendment to the Constitution before the people this fall, and it is an undisputed fact that on Tuesday morning, when the third and final readings began on the proposed amendments in sight, Leader Root was without the requisite votes at his back. This state of affairs came about through the efforts of the Republicans of the Sixth Senate district, who took their seats in the Convention on Aug. 2, unseating the Democrats at that time. These Republicans immediately put in a claim for their pay from May 8, the day on which the wheels of the Convention began to move. From day to day they were put off. They were hustled about from the Attorney-General's office to the Comptroller's office and every day they got madder and madder. President Choate did not believe that he had any authority to sign their pay warrants. The Court of Appeals has decided that the Senate could only pay them, and the only remedy left to the successful Republican contestants of the Sixth district was to bring suit against the Democrats who had held the seats and collected the pay of $10 a day since May 8. Each of these Democrats received $900, deducting the mileage. They didn't like the delay of a lawsuit. They wanted their money, and they wanted it right off. But the delays continued, and they became exasperated and made themselves first-class nuisances to Mr. Choate, Mr. Root, and their friends. The main body of the Republicans of the Convention have not pretended to have a fondness for these Republicans from the Sixth. But the kickers got around them the labor delegates, and after repeated exertions they corralled, in the alleged, fifteen or sixteen kickers. In other words, they held the balance of power, and could hold up the Convention and prevent the passage on third reading of any of the proposed amendments ground out by Mr. Root's committees.

The Republican leader quickly saw the situation and, by promising concessions, when the first amendment calling for the abolishment of the Coroner's office came up. The Brooklyn malcontents and their sympathizers held off and refused to vote. The situation was becoming grave. They were assured that they would get their pouches, but they wouldn't budge. Leading Republicans and Chairmen of important committees besought the Brooklyn men to come into line. As a last resort Mr. Root introduced and had passed a resolution authorizing the Convention to pay them. After that everything was delightful, and the Republican majority was greatly relieved. Since then all of the proposed amendments have been passed by votes ranging from 88 to 102 until to-day, when the judiciary article was passed by a vote of 110. This large vote, however, was brought about by the vote of a number of Democratic delegates who wished to oblige personal friends now on the bench. So it is clearly demonstrated that it was necessary to mollify the Republican delegates from the Sixth and their allies before the requisite number of votes to pass an amendment could be obtained. To-day these Republicans from that now famous district handed up to President Choate a combined bill for $6,500, which they declared represented their expenses in the contest for counsel and stenographer's fees