PENNA. ROAD BARS SOME UNION MEN

They Are Discharged, Says W. W. Atterbury, to Prevent a Tieup by a Strike.

KNOWS NOTHING OF GUNS

WASHINGTON, May 5.—Interesting testimony in regard to the treatment of employees of the Pennsylvania Railroad was given to-day before the Federal Commission on Industrial Relations by Vice-President W. W. Atterbury, in charge of operations of the Pennsylvania system. Mr. Atterbury's testimony was intended as a reply to charges by labor leaders that the Pennsylvania had attempted to crush the unions.

He said the company believed that in the conduct of its business it should be permitted to operate in consonance with the "open shop" principle. The company favored organization, but opposed any unions that advocated or practised such punitive measures as the "sympathetic strike."

It was brought out that the Pennsylvania lives in harmony with the four great brotherhoods of trainmen, but that it had fought the Order of Railway Telegraphers and the more recently organized Federation of Railway Employees.

Mr. Atterbury took up the specific charges brought against the Pennsylvania system by M. B. Perham, president of the Order of Railway Telegraphers.

Mr. Perham charged first that the Pennsylvania opposed the organization of any of its men except those engaged in train service. To this charge Mr. Atterbury replied:

"We insist that the men shall be under their own control; that they shall not submit themselves to any association that would be likely to involve them in troubles in which they are not directly concerned. Our policy is to prevent sympathetic strikes that would be likely to tie up our road. That is the position of the Federal Governemnt in the transportation of the mails."

Discharged for Joining Union.

The second charge by Mr. Perham was that the Pennsylvania makes a practice of discharging employees who join labor organizations.

"In a measure that is correct," said Mr. Atterbury. "If we have knowledge that an attempt is being made to induce our employees to join a union that practises things to which we object we takes steps to avoid it."

Mr. Atterbury denied that the road resorted to false arrests as a means of crushing out union movements.

Replying to the fourth charge that unorganized employees were not so well paid as organized employees Mr. Atterbury said:

"Our rates of wages generally are higher than those paid by our competing friends and also of the competing territory which we serve."

To the charge that the company encouraged company organizations as against other organizations, Mr. Atterbury said:

"That is not correct. We have never fostered any labor unions."

Answering the charge that the Pennsylvania had refused to mediate with its telegraphers, Mr. Atterbury said that to deal with this union as proposed would have been in violation of the system's well known policy not to treat with organizations that favor sympathetic strikes.

Must Join Relief Association.

Mr. Atterbury practically admitted the charge that the Pennsylvania required its employees to join the company relief association. He admitted that the system employed police to protect its property and interests, asserting that it was necessary to maintain such protection to assure continuity of service for the public.

"We have our emissaries in their ranks and they have their emissaries in our ranks," said Mr. Atterbury.

"Do you employ a private detective staff?" asked Chairman Walsh of the committee.

"We have our police organization," replied the witness. "We have about 400 men employed in this work. Some of them are uniformed; some are not. This department is well organized."

"Are you at all times prepared for any trouble that may arise?" asked Mr Walsh.

"We are prepared for anything that the other fellow may be getting ready to do," was the reply.

"How many rifles have you on hand?"

"I do not know that we have any," replied Mr. Atterbury. "We do not leave anything undone to keep our trains running."

"Have you arms and ammunition on hand?"

"If that was necessary it probably would be done," responded Mr. Atterbury.

RATES UP 10 PER CENT.

Southeastern Carriers First to Act on Cummins Amendment.

WASHINGTON, May 5.—Railroads in the Southeast are the first to take definite action on the Cummins amendment to the interstate commerce act which prohibits carriers from limiting their liability on shipments. This is the amendment which the Senator from Iowa intended should hit the railroads, but which really turns out to be a boomerang for the shippers, apparently opening the way for a 10 per cent. increase in freight rates by some roads.

Southeastern carriers gave notice to-day to the Interstate Commerce Commission that they did not have to prepare tariffs, but met the situation by adopting a new classification rule. The amended classification provides that after June 3 freight rates in the Southeast will be increased 10 per cent., unless shippers accept the railroads' bill of lading. The new bill of lading has not been submitted to the commission for approval.

The notice is a temporary arrangement, it is said, and these carriers will give notice later of increases which they purpose to make permanent.

The new classification rule will apply to shipments from Atlantic seaport cities and from Chicago, Milwaukee, Indianapolis and other points.

ROADS' REVENUE GROWS.

Curtailment of Expenses by Carriers the Cause.

WASHINGTON, May 5.—Net revenue per mile on 38,258 miles of railroad in the eastern district for March amounted to $458, as against $423 in March, 1914, according to a statement of the Interstate Commerce Commission to-day. This increase was due to curtailment of expenses, as railway operating revenues showed a decrease, being for March, 1915, $68,712,247, as against $74,059,926 in March, 1914.

On 189,499 miles of railroad in the United States the net revenue per mile for March, 1915, amounted to $285, as against $291 in March, 1914. Railway operating revenues were $184,793,269 in March, 1915, as compared with $199,146,237 in March, 1914.

A VOICE FROM THE PAST

IN June, 1819, one of our oldest savings banks in opening for business published this statement to the general public:

"There are few spectacles more truly gratifying, or more honorable to human nature, than a poor man surmounting, by his own exertions, the difficulties of his situation, and training up his family in the ways of honor and virtue, of industry and independence."

The Guaranteed First Mortgage Certificates sold by our Company to-day give this opportunity to any man or woman who is capable of saving $10 per month.

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WILSON DISPLEASED AT WALSH'S CONDUCT

Controversy With Rockefeller Hurts Industrial Board, President's View.

REBUKE FOR CHAIRMAN

WASHINGTON, May 5.—There were definite indications to-day that President Wilson does not approve the way Frank P. Walsh has conducted himself as chairman of the Industrial Relations Commission.

Evidence of an authoritative character made it appear that the President in refusing yesterday to furnish the commission the correspondence between the White House and Gov. Ammons of Colorado did so to indicate his disapproval of Mr. Walsh's conduct.

It was learned to-day that the President did not consider that any of the letters written to him by Gov. Ammons contains anything that could not properly be made public. Indeed it was said that most of the letters had been made public at the White House from time to time.

The inference drawn from this disclosure was that the President had withheld the correspondence for the sole purpose of administering a rebuke to Chairman Walsh and indicating his displeasure at the way Mr. Walsh has carried on a controversy in the newspapers with John D. Rockefeller, Jr.

This inference apparently was borne out by the expression from an adviser of the President of the opinion that Chairman Walsh's official conduct has greatly handicapped the usefulness of the Industrial Relations Commission. This friend of the President expressed the view that Chairman Walsh has assumed extra judicial powers in launching statements at persons who had been invited to appear at his investigations and generally in expressing views in advance regarding questions upon which his commission was gathering information.

As a result of these developments speculation arose as to whether Chairman Walsh's retirement from the head of the commission is to be forecasted. It was pointed out, however, that the present hearing probably will be the last undertaken by the commission before it formulates a report on the Colorado strike.

The disclosure of the President's attitude toward Chairman Walsh probably should be regarded as intended merely to rid the Administration of the disfavor which might be brought on it by the manner in which the investigation has been conducted or the character of the report to be formulated at its conclusion.

Friends of the President insist that he should not be held responsible for the conduct of Chairman Walsh, inasmuch as the Industrial Relations Commission is answerable to Congress instead of to the President, but it is realized that since Mr. Walsh is an appointee of this Administration, Mr. Wilson, if he maintains silence, cannot hope to escape a large measure of the disfavor which has resulted in the minds of business men and others from the aggravating policy pursued by the chairman of the commission.

In order that no injustice may be done Mr. Walsh care was taken by the friends of the President to state that he is regarded as a man of independent and high character and that his official faults have been temperamental rather than the result of any conscious intent to do injustice to the capitalists involved in his investigation.

DISBANDS SNOBBISH MILITIA.

Governor Acts When Officers Refuse to Serve With Barber.

BALTIMORE, May 5.—Gov. Goldsborough has settled the trouble in the Fifth Regiment which resulted from the refusal of the board of officers to permit the election of Marshall Jones to a lieutenancy because he was a barber by approving the report of the court of inquiry which orders the mustering out of Company I for insubordination and also raps the officers' association for its rule making social status a requisite to a commission.

The report, which was submitted by Col. Little of the First Regiment, who acted as president of the board, condemns the rule of the Fifth Regiment that provides that the election of officers must be approved by the officers' association. This regulation is denounced as out of keeping with the spirit of the organization, is pernicious and ought to be abolished.

The conduct of Capt. Thomas Brundidge is also criticised. Those members of the company who did not take par in the demonstration at the armory are assigned to other commands.

NEW YORK MASONS IN SESSION.

Officers of State Grand Lodge to Be Chosen To-day.

The New York State Grand Lodge of Masons, which is holding its annual communication at Masonic Hall, Sixth avenue and Twenty-third street, entertained yesterday visiting Masons from Connecticut, Pennsylvania and New Jersey. The day's programme consisted of a brief meeting in the forenoon, followed by luncheon at the Republican Club, an automobile tour of the city and a dinner in the evening, also at the Republican Club.

The communication closes to-day. Officers of the Grand Lodge will be elected and installed at the meeting called for 9 o'clock this forenoon.

T. R. SAYS BARNES SAID MACHINE RULED LEGISLATURE

Continued from First Page.

and in the very years covering the big printing operations.

The testimony was received, therefore, as in mitigation of the alleged libel.

"Mr. Roosevelt," began Mr. Bowers, "will you state what conversations, if any, you had with Mr. Barnes in 1899 and in 1900 as to the propriety and nature of bosses and as to the domination of the machine?"

"I had more than one such conversation with Mr. Barnes," replied the Colonel, turning first toward Justice Andrews and then toward the jury. "The particular points I have in mind were brought up after the franchise tax matters and before Mr. Payn was removed from office. I should say [and here the mind of the witness seemed to be tracking back with meticulous care] that it was in the late spring of 1899 and again at the end of 1899, or at the beginning of 1900.

Necessity for Machine.

"The conversations were about the necessity for the existence of a machine in party government. They took place sometimes at the Executive Mansion in Albany, in the Governor's Chamber, in the secretary's chamber and in the executive offices at the Capitol. At such times we were entirely alone. There were other conversations in the ordinary reception room of the Governor's Chamber, when other people were in the room. I remember also that we held one conversation on the train from Albany to New York prior to the appointment of Mr. Payn's successor."

William L. Barnum, between whom and the Colonel there is not an atom of amiability, the same Mr. Barnum who questioned the Colonel in the early part of the trial in about the same tone and words he would have addressed to an offender in a police court, was up at once with objections. He demanded that the witness fix accurately the time and place of the conversations. Justice Andrews reminded Mr. Barnum that the Colonel had already said he couldn't absolutely localize the conversations, and permitted the witness to continue.

"The substance of these conversations," said Colonel Roosevelt, "was that Mr. Barnes told me it was necessary that the head of the organization should have complete control of the organization.

Albany County as Example.

"He gave Albany county as an example. **He said that it was impossible that the riffraff could be allowed to go on in politics without damage to the Government, unless they had a leader.** I do not recall that Mr. Barnes used the term 'boss.' I am inclined to think he used the word 'leader.' He said that the riffraff could not be trusted to handle political affairs with propriety. He said they would so misconduct themselves that the Government could not go on.

"He told me that it wasn't necessary ordinarily for a boss to issue orders to men in the organization, to legislators or to public officials, because organization men, legislators and officials found out for themselves very speedily, and without the boss needing to say a word, **that it was impossible for them to get consideration for their bills or to get renominations for themselves or to get any campaign funds unless they did what they were expected to do.**

"He told me that they quickly learned that it was to their interests to find out what the organization wanted and to do it.

"'You know yourself, Col. Roosevelt,' he said to me, 'that Senator Platt doesn't bully. He doesn't have to. The man who wants to go ahead for himself finds out that he cannot do so unless he does what the boss asks. It is not necessary to give orders. It is clearly understood that the men who stand by the organization will find the organization standing by them. It is understood that the man who doesn't do what he is told gets punished.'"

Lets "Punished" Sink In.

The Colonel gave the word "punished" with all possible emphasis, his voice rising to the falsetto that marks his intensity or gleefulness when he drives home what he thinks is a particularly good point. He paused, with teeth gleaming in his largest smile, for just long enough to let the word sink in.

"Mr. Barnes told me that the ordinary man finds this out for himself and that if he doesn't find it out he gets dropped eeliminated; he couldn't get anything done."

These conversations referred, of course, to Mr Barnes's political ethics in the period when Barnes was a subboss, one of Platt's lieutenants in company with Odell, Quigg and others.

Mr. Bowers, however, paved the way for the Colonel to describe Mr. Barnes's views when Barnes himself became a full fledged leader during the Hughes administration and when the Colonel was in his last years in the White House.

"Did you ever have any conversations of the same character with Mr. Barnes while you were President?" asked Mr. Bowers.

"I did," replied the Colonel with obvious eagerness. "I talked to him after Gov. Hughes was elected, either in the White House or at Oyster Bay, my mind is not quite clear as to which.

Organization in Control.

"Mr. Barnes told me that the organization had complete control of the Legislature and that on certain questions the organization made itself dominant. We had spoken of the proposed primaries bills. Mr. Barnes told me that the effort to pass them represented a general effort to break down party government. He said to me:

"'You cannot have party government without bosses, and in such a party cause as the primaries fight **the Democratic organization will make common cause with the Republican organization.** It had been agreed to make such common cause in the effort to defeat such measures as would destroy party government.'"

"Did he say the Democrats had joined with him?" asked Mr. Bowers.

"He said they would make common cause," replied Col. Roosevelt.

"In your testimony just now you said Mr. Barnes had told you that the machine dominated legislators," pressed Mr. Bowers.

"Legislators and executive officers," repeated the Colonel.

"And this was when you were President?"

"Both when I was Governor and President."

Then the Roosevelt counsel introduced in evidence two articles published in the New York *World* during the legislative session of 1913, in which the writer described the close combination of the Barnes machine and the Murphy machine and said that the only orders heeded by the legislators were the orders received from Fourteenth street, New York city, and from the editorial rooms of the Albany *Evening Journal*, Mr. Barnes's newspaper.

Brings in Packy McCabe.

"In writing the articles complained of," began Mr. Bowers, "and in other statements concerning Mr. Barnes, did you have in mind anything besides that which had been brought to your attention?"

"I did," said the Colonel quickly.

"Did what you had in mind have any bearing on the arrangement made between Mr. Barnes and Mr. McCabe?"

The Colonel was not permitted to answer as to what he knew or heard about the double acting arrangement between Barnes as Republican leader in Albany and Packy McCabe as the Democratic leader. The point brought up one of the most contentious matters of the trial, whether or not the Albany municipal situation had any relevancy. It was agreed to defer argument on the point until to-morrow morning. Then, too, Mr. Ivins will have a last opportunity to cross-examine Col. Roosevelt.

Overshadowed somewhat by the personality of the Colonel and the interesting character of his revelations the public printing testimony, nevertheless, was one of the features of the day, a vitally important feature if it is to be believed by the jury. Winnowed of chaff the testimony came to this:

The J. B. Lyon Company, the most considerable of the big printing concerns which did State, county and city work, the company in which Mr. Barnes held 750 shares, one-fourth of the stock, was accustomed to pay 15 per cent. commissions to the Albany Evening Journal Company on jobs obtained from the State. These were jobs for which the Journal company had not bid, for which it held no contracts and with which it apparently had no legitimate business connection.

"Profits" From Printing.

In 1906, for example, the Journal company, in which Barnes held 806 shares of the 1,000 shares of common stock, received $14,000 from the J. B. Lyon Company, although there were no jobs sublet and no understandable reason from a strictly business point of view that the Lyon company should part with the cash. Mr. Bowers's skilful handling of the case left only one interpretation for the jury, that the Lyon company was paying for Barnes's political influence.

This fact came out as the most important point of justification evidence so far produced in the testimony of Charles M. Winchester, vice-president and general manager of the Lyon company. For a long time Mr. Winchester had been parrying and sparring, but finally he let slip one word, "commissions," and Mr. Bowers pounced like a cat upon that word.

Mr. Winchester sought to make it appear that payments to the Journal company were entirely proper and justified, but Mr. Bowers drew from him that they were made at times when the Lyon company was not subletting contracts to the Journal company, was getting nothing in the way of value received, except somebody's good will. Mr. Winchester was led to testify that similar payments of $3,280 and $5,000 and so on had been made in similar circumstances.

He tried to explain the $14,000 payment by saying that it was a part of the money received by Mr Barnes in 1912, when Barnes sold his stock in the Lyon company, but Mr. Bowers promptly called his attention to the fact that the date of the $14,000 payment in question was 1906 and that it could have had nothing to do with Mr. Barnes's stock sale, since that took place six years later.

Witnesses Reluctant.

Mr. Bowers labored subtly with Mr. Winchester and with other printing witnesses from Albany, bringing out in high relief their reluctance, their poor memory, their inability to locate facts and figures in books, that, as Mr. Bowers contended, should have been familiar to them. He held them before the jury by asking a multitude of questions that seemed trivial and probably were, so far as the big facts of the case are concerned, but which gave the jury a chance to size up the bearing of the witnesses.

The result of the whole day was that the Roosevelt counsel gained confidence and feel that they have been able to present such a set of facts as will enable the jury to decide whether or not Col. Roosevelt was justified in attacking Mr. Barnes.

When the court work began this morning, the thirteenth day of the testimony, the big sunny room on the third floor of the Onondaga county court house looked more than ever as though a section of a political convention had strayed into it. Otto Kelsey, ex-Superintendent of Insurance; J. Mayew Wainwright, Republican member of the committee that investigated Albany county and city; Senator Bayne, chairman of that committee; Speaker Thaddeus C. Sweet of the Assembly, Senator Henry M. Sage of Albany county, John W. Hutchinson, active in press bureau work for the Republican State committee, were some of the new arrivals. Ex-Gov. B. B. Odell, under subpœna by the Barnes side, appeared to-day. Ex-Gov. Martin H. Glynn is expected by the end of the week. Senators, Assemblymen, ex-Governors and all sorts of ex-es and present officials have been raked in by the subpœna process servers.

STRAIN FORCES JUDGE TO SHORTEN SESSIONS

SYRACUSE, N. Y., May 5.—Justice Andrews, presiding over the Barnes-Roosevelt libel suit, announced tonight that hereafter court will adjourn at 4 P. M. The tremendous strain upon Justice, lawyers and everybody directly connected with the case has made it necessary to shorten the hours of trial work. Justice Andrews, Mr. Ivins and Mr. Bowers are fatigued, not only because of court room work but because of night labor over the record and the preparation of questions. It is estimated that it will take two weeks more, or five weeks in all, to get the case in the jury's hands.

BOWERS PAVES WAY FOR TESTIMONY ON PRINTING

The first real business of the morning was the reading into the record by Mr. Bowers of such parts of the records of the Journal Company as proved Mr. Barnes's majority holding of the stock. Some interesting names appeared in the list of minority stockholders. The records covered the period from July 1, 1897, to May 23, 1914. In 1897 the stockholdings were as follows:

William Barnes, Jr., 800 shares common stock, 28 preferred; Grace Davis Barnes, 25 shares preferred; Harriet I. Barnes, 50 common, 62 preferred; Thurlow Weed Barnes 2d, 15 preferred; Mrs. Davis, 120 preferred.

April 1, 1901—William Barnes, Jr., 801 common; Grace Davis Barnes, 28 preferred; Harriet I. Barnes, 50 common, 62 preferred; Thurlow Weed Barnes 2d, 15 preferred; Mrs. Davis, 120 preferred; J. B. Lyon, 10 preferred; A. N. Brady, 30 preferred; Levi P. Morton, 25 preferred; Robert C. Pruyn, 25 preferred; William J. Walker, 5 preferred; William H. Weaver, 5 preferred; Joseph Helser, 10 preferred; William E. Thorn, 5 preferred, and Urban Weldon, 5 preferred. Held by William Barnes, Jr., and family, 801 common and 222 preferred.

March 1, 1906—Capital, 1,000 common and 600 preferred. William Barnes, Jr., 806 common, and Harriet I. Barnes, 50 common, and the following preferred: Grace Davis Barnes, 64; Thurlow Weed Barnes 2d, 25; Mrs. Davis, 120; J. B. Lyon, 10; A. N. Brady, 30; Levi P. Morton, 25; Robert C. Pruyn, 25; Joseph Helser, 10; William E. Thorn, 5; Urban Weldon, 5. Held by Barnes family, 806 common and 65 preferred.

August 1, 1913—Capital, 1,000 common and 600 preferred. William Barnes, Jr., 819 common and 1 preferred, and the following preferred: Grace Davis Barnes, 64; Harriet I. Barnes, 62; Thurlow Weed Barnes 2d, 25; J. B. Lyon, 10; A. N. Brady, 30; Levi P. Morton, 25; R. C. Pruyn, 25; Joseph Helser, 10; William E. Thorn, 5; Urban Weldon, 5. Held by Barnes family, 819 common and 199 preferred.

May 27, 1914—Capital, 1,000 common and 1,000 preferred. William Barnes, Jr., 819 common and 26 preferred, and the following preferred: Grace Davis Barnes, 98; Harriet I. Barnes, 162; Thurlow Weed Barnes 2d, 52; J. B. Lyon, 10; A. N. Brady, 30; Levi P. Morton, 25; R. C. Pruyn, 25; Joseph Helser, 10; William E. Thorn, 5; Urban Weldon, 5; J. H. Lyon Company, 130; Ledyard Cogswell, 5; Ledyard Cogswell, Jr., 5; Chauncey M. Depew, 20; Samuel Hessberg, 10. Held by Barnes family, 819 common and 256 preferred.

Bookkeeper Called.

William J. Mussbaum, a bookkeeper who examined the books of the Journal company, was called to testify as to the nature of the examinations made by him. Mr. Bowers said he was trying to prove the expenditures on job printing accounts and also the receipts for various sums paid to the Journal company as "commissions" by the J. B. Lyon Company and Argus Company. Mr. Ivins objected.

The court said he had already admitted similar proof, but that he doubted whether the books of a corporation were competent evidence without proof being brought to show that the plaintiff was aware of such payments.

"The mere fact that Mr. Barnes is an officer or director of the company does not necessarily charge him with knowledge of the entries on the books of the corporations," said Justice Andrews.

"We are going to offer in evidence also the private account of Mr. Barnes to show that he had knowledge of it," said Mr. Bowers.

"Have you any officer of the company—a general manager, treasurer or head bookkeeper—who can give responsible evidence on this point?" asked the court.

"No one is forthcoming," said Mr. Ivins. "Mr. Lindsay, the general manager, is dead, and the bookkeeper who was with the company for several years is no longer in its employ and cannot be located."

Tries to Show Barnes Knew.

Mr. Bowers said he would be able to show that the surplus on the profit and loss account was transferred to Mr. Barnes's private account and that, according to the by-laws, his duties were such that he must inevitably have had knowledge of the details of the business.

"Your argument is," said the court, "that in the first place Mr. Barnes had supervision of the company with the power to discharge employees and that it was his duty to countersign checks, so that he must have seen all statements that came to the company; that he had a personal account in which he was credited with salary, cash, &c., from profits derived by the company and that various sums drawn out by him were charged against his account and that, therefore, to see that he was properly credited he must have had knowledge of the entries on the books of the company?"

"Take any stockholder of any company. On the ledger he is credited with dividends and charged with various expenditures made for him. Is he, therefore, chargeable with knowledge of all the entries on the books of the company in order to be sure that he was properly charged?"

"It would have been not only his duty but his pleasure to see that the books were properly kept and his account made straight," said Mr. Bowers.

"Why wouldn't that apply equally to every stockholder?" asked the court.

"It would, if he took his dividends," declared Mr. Bowers.

Mussbaum was excused temporarily and Charles M. Winchester was recalled to the stand. He was asked about checks given by his company to the *Journal*.

Tells of Commissions.

He said he was familiar with the accounts of his concern and explained that they had performed work for the *Journal* and knew of the commissions. He admitted his company had done a great deal of work for the Barnes paper on State, city and county printing.

"Are you in the habit of paying commissions as large as $3,289.89; did you ever pay them that amount?" asked Mr. Bowers.

"Yes, we did."

"Did you ever pay as large a sum to the *Journal* as $5,000?"

"We may have," said Mr. Winchester.

"Did you ever pay them $10,000?"

"I am sure we did not."

"In 1906 did you pay them $14,000?"

Mr. Winchester replied that he was not in the main office of the company at the time. The commissions were on State, county and city work, he replied in answer to several questions.

"Was there any way of billing the work to the *Journal?*"

"We had yearly settlements with them," Mr. Winchester said.

Tries to Explain Payment.

Mr. Winchester then sought to explain that the $14,000 payment was for Barnes's stock in the Lyon Company, but Mr. Bowers showed the jury that the stock payment was made in 1912, whereas the $14,000 commission was paid in 1906. The point that Mr. Bowers was hammering on was that commission had been paid even when there had been no contracts sublet. Both Mr. Bowers and Stewart E. Hancock, his associate, were positive after court adjourned that they had brought out this point. On cross-examination Mr. Barnum handled the witness.

Q. Have you any recollection of Mr. Barnes having used his influence with the Legislature to obtain public printing for the J. B. Lyon Company? A. No.

Q. Did you have absolute charge of all the printing contracts? A. Yes.

Q. Did Mr. Barnes ever talk with you in regard to charges that were to be made against this State for printing? A. Never.

Q. How many jobs have been given to you since 1896 for departmental and legislative printing? A. About 15,000 each year for department and from 200 to 300 for legislative printing.

"During the year ended April 30, 1914," Mr. Winchester told Mr. Bowers in redirect examination, "the Lyon company did business amounting to $1,300,000, of which $304,000 was commercial, miscellaneous, including county and city printing, and $849,000 was legislative and departmental printing."

William H. Hotchkiss, former State Superintendent of Insurance, was the first witness at the afternoon session. He testified that he caused an investigation to be made of the printing of the records of his department and that he found that at least 10,000 more copies of the annual report were printed than the State had any use for and that these copies were laid away in attics. He tried to stop the waste, first by an unsuccessful appeal to the J. B. Lyon Company to cut down the number of sets and copies and second by offering bills to the Legislature. He found, however, that it was impossible to curb the waste because the corrective bills were smothered or there was some sort of legislative jugglery that made his efforts abortive.

Mr. Hotchkiss's testimony paved the way for Col. Roosevelt, and the day ended with the Colonel finishing his story.

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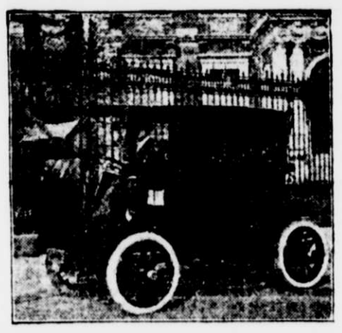

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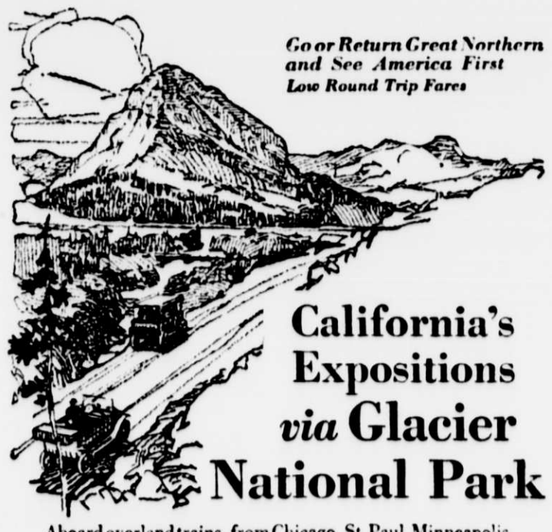

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