

21 OFFICE HOLDERS AWAIT TRIAL; ONE COURT IS PLANNED

Judge Crain Suggests Special Calendar to Speed These Cases.

ONE OPENS TO-MORROW

Whitman to Prosecute Two Cops Accused of Killing Boy on a Roof.

NEW WITNESSES FOUND

City Employees Under Indictment Include Hirschfeld, Lahey, Kilroe and Smith.

Judge T. C. T. Crain of General Sessions will propose to his fellow Judges this week a plan whereby all the twenty-one city office holders now under indictment and others who may be indicted by the Whitman Grand Jury could be assured of reasonably prompt trials. He will suggest that a special calendar be arranged for office holders only.

He feels that as all these men are on the public payroll, and those under suspension because of indictments will, if exonerated, receive pay for the full time of the suspension, the public interest requires speedy determination of their cases. Some of the trials are scheduled for the Supreme Court, but could be transferred to General Sessions by agreement of the Judges.

In any event the first of the Whitman trials, that of Patrolmen Cornelius J. Flood and Robert A. O'Brien, will be started before Judge Crain tomorrow. In preparation for it Mr. Whitman spent nearly three hours yesterday exploring the roofs of tenement houses in West Fiftieth street on one of which the boy, James Cushing, whom Flood and O'Brien are accused of shooting, was killed.

Most of the indictments of city servants have sprung from the Whitman graft inquiry, but some go back much further. James E. Smith, an Assistant District Attorney who is helping Mr. Whitman, was indicted last July by the Almiral Grand Jury, charged with making improper use of a Grand Jury subpoena for the benefit of Charles F. Murphy and others indicted in the "glucose case."

Special Court Planned.
The Almiral jury also indicted David Hirschfeld, Commissioner of Accounts, and Edwin P. Kilroe, Assistant District Attorney. Hirschfeld is accused of libel, and Kilroe of compounding a felony. Kilroe, since the Grand Jury acted, has not tried any case in the courts. Smith has made a few appearances, but one of the Judges will not permit him to practice in his court as long as the indictment stands. This is said to be the reason the trials of Augustus D. Porter, former Deputy Police Commissioner, and Detectives John J. O'Brien, Frederick F. Franklin and Joseph Maloney have been held up since early last year. Smith obtained all these indictments. Porter was put on trial last April, but the jury disagreed.

The Grand Jury with which Ex-Gov. Whitman is working has indicted fourteen employees of the city. The highest of these is William J. Lahey, Chief Inspector of the Police Department. The only trial thus far set is that of Flood and O'Brien.

If the six other General Sessions Judges accept Judge Crain's suggestion the special calendar will be arranged either according to priority of rank or priority of indictment. Mr. Whitman's advice would be sought on this point. One part of the Court of General Sessions would handle the trials of public officers and nothing else. There are now six parts of the court in session simultaneously, but there are seven Judges. It is believed that Part 7 could be created for temporary service.

Whatever arrangement is made, one of the accused men cannot go to trial for a long time. Detective William H. Thompson of the automobile squad, indicted for taking a reward unlawfully, is in bed in the Kings County Hospital. He was wounded and gassed in France, and after returning to police duty fell ill and has had several operations.

Visits Scene of Shooting.

Believing that murder verdicts have sometimes been lost because of the failure of the leading counsel to visit personally the scene of the alleged crime, Mr. Whitman yesterday studied every inch of the roofs on which the Cushing boy was playing and running from the policeman when he met his death on July 14, 1918. He took with him his Assistant District Attorney Smith, Detective Al Thomas and a photographer. With the tape and by making many distances were measured, and pictures were taken which will be shown to the jury to help them visualize the scene when the policemen fired their revolvers and the boy fell. Three boys who say they saw the shooting were found and will testify at the trial. When Mr. Whitman went to the roofs (the block is bounded by Forty-ninth and Fiftieth streets and Ninth and Tenth avenues, he found boys trapping pigeons by sending up a decoy, which returned with other birds.

It became known yesterday that agents of the Internal Revenue Department visited Mr. Whitman a few days ago to ask for certain cancelled checks that had come to him from Meier Steinbrink and were obtained by the latter in his investigation of city contracts for the Board of Estimate.

The revenue men were specially interested in two or three contractors who are suspected of falsifying their income tax returns. One of these men has been under the scrutiny of Arthur M. King of Mr. Whitman's staff, who has been looking into city contracts. He called on King three times and said each time that he had destroyed his books. He produced some sort of a book for the Internal Revenue agent, but the agents did not agree with his income tax returns for 1918 and 1919. The revenue agents think that the cancelled checks which, it is understood, they got from Mr. Whitman, will help them to solve their puzzle. The contractor is said in the Criminal Court Building to have had business relations with two city officers.

Chief Inspector Lahey, although suspended from duty on Thursday, following his indictment, has been seen about Police Headquarters since then.

SURETY FIRM DROPS BAIL COMMISSIONERS

Begins Reforms Suggested by Magistrate Simpson.

The National Surety Company, which has done a considerable business in the furnishing of bail bonds in criminal cases, according to an announcement made yesterday by Joel Rathbone, its vice president and general manager, is cancelling the underwriting authority of its commissioned bail bond solicitors, in compliance with recommendations made in Magistrate George W. Simpson's report of the recent investigation conducted by him.

"Magistrate Simpson," said Mr. Rathbone, "recommends methods which the National Surety Company has always practiced and felt to be necessary for the dignified handling of the business. The company has never received a premium in excess of 2 per cent., and for a long time it has maintained for the guidance of its agents a schedule of service fees, with a maximum permissible charge of \$10. It has never been the intention of this company to bail known criminals. For that reason we will heartily welcome the investigation by a Judge, which Magistrate Simpson recommends, and will be glad to cooperate in the enforcement of all his suggestions which have been made public.

"This company had very few commission representatives, with underwriting authority, but in deference to the magistrate's suggestions we are cancelling these, as we are in favor of the suggested plan, believing it will put the ball bond situation on a proper basis."

MURPHY'S COUNSEL FIGHTS INDICTMENT

Justice Wagner at Last Hears Arguments in Tammany Man's Glucose Case.

DISPUTE OVER \$175,000

Grand Jury Acted Year Ago, but Suit Is Held Up by Court Appeal.

Supreme Court Justice Robert F. Wagner listened for the second time yesterday to argument on a motion to dismiss the indictment against Charles F. Murphy, Assistant District Attorney James E. Smith and others, found in June of last year and charging conspiracy to force one Louis N. Hartog to pay to Murphy money to which he was not entitled.

The indictment was found by the Extraordinary Grand Jury which spent so many months of last year in receiving evidence relevant to an "overhanging crime." It recited the history of a concern formed to manufacture a product

of glucose during the war and sell it to the British Government, and set forth that Hartog, the president of the concern, took Murphy in as a partner, and that after a disagreement between them found he was unable to buy glucose at any price. He testified before the Extraordinary Grand Jury that Murphy demanded \$175,000, which he had not earned, as his price for getting out.

The indictment also names as defendant Arthur J. Baldwin, who acted as Murphy's counsel; John A. McCarthy, a friend of Murphy; Ernest B. Walden, president of the Corn Products Refining Company, who is accused of refusing to sell Hartog glucose at Murphy's order, and Assistant District Attorney Smith, who is charged with serving Murphy's ends by using the influence of his office to coerce Hartog.

When the motion to dismiss the indictment was made first before Justice Wagner he was prevented from hearing argument on it by a restraining order taken out on the ground that the motion should have been made before Justice Bartow S. Weeks, to whom the indictment was handed up when found. The Appellate Division of the Supreme Court has since ruled that Justice Wagner or any Justice sitting in motion term is clothed with authority to hear it, and so argument was duly heard yesterday.

It consisted principally of a review of the evidence taken before the Extraordinary Grand Jury, counsel for defendants maintaining that the evidence did not support a prima facie case and counsel for the people insisting that it did. Justice Wagner reserved decision.

Lovers of well-phrased English present in the court room were rewarded for the attention they gave by a moral of testimony read out of the Grand Jury

minutes. It related to a situation in which Counselor Baldwin informed Mr. Murphy that while the glucose concern stood to make a million a year, the excess profits tax would eat up four-fifths of the money. The minutes set forth Murphy as replying:

"Well, Arthur, it is going to take a long time to get my money back at that rate. I will leave it to you. I guess you can fix things all right."

**PICK KINGS REPUBLICANS
FOR MAYORALTY FIGHT**

Committeemen Decide on Conference to Frame Policy.

Announcement was made yesterday of the personnel of the conference committee representing the Kings County Republican Committee, which will meet with similar committees from the Republican organizations of the four other boroughs to talk over the adoption of a policy for the coming Mayoralty election. The New York County Committee will authorize the appointment of such a committee at the next meeting.

The Kings county conference committee consists of Jacob A. Livingston, the county leader; United States Senator William M. Calder of the Twelfth Assembly district; Alexander T. White of the First district, former Judge Marcus B. Campbell of the Second, Jacob Brenner of the Eighth, F. J. H. Kracke, former Public Service Commissioner, of the Twenty-first; Lewis M. Swazey of the Seventeenth, Mrs. Abel Appleby of the Thirteenth, Mrs. May Gooderson of the Eleventh and Mrs. Beatrice V. Stevenson of the Ninth.

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The charm of the wearer is greatly accentuated by this box-coat suit of Twill Cord, artistically Silk and metallic thread embroidered. May be worn with or without the shoestring sash.

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