

GENERAL OVERSEER AGUIRRE IS WARNED OF HIS TRANSGRESSIONS OF THE LAW BY CAPTAIN OF THE YARD EDGAR, THE EXPERT PENOLOGIST OF SAN QUENTIN

Veteran Official Exposes the Crime. Begg Superior to Desist From Fraud.

GENERAL OVERSEER JOSEPH AGUIRRE was warned of his infraction of the law in the manufacture of furniture and other stuff in the State prison at San Quentin. But Joseph Aguirre was above the law. The Governor of the State was his friend and was the beneficiary of his unlawful acts, so Joseph Aguirre had nothing to fear. He defied the law, and the manufacture of gimcracks, carvings and solid furniture went on in full view of everybody on the inside of the prison.

The man who warned Joseph Aguirre of his danger and remonstrated with him in his illegal practice was John C. Edgar, former captain of the yard in the State's reformatory. Captain Edgar had been in San Quentin for nearly sixteen years and is regarded as one of the most expert penologists in the United States. He was on the witness stand yesterday, and it was more in sorrow than anger that he spoke of what he had observed inside the walls of the State's bastille. The sturdy guardian of the prisoners, who has grown gray in the service and who has earned the commendation of every administration under which he served and the respect and admiration of the convicts over whom he had the keep, made an impressive figure on the witness stand.

He is no longer in the service of the State, the administration having parted company with him. But he is still loyal to his former associates and it was with reluctance that he gave his testimony, which condemned the appointees of Governor Gage. In response to a question, he replied that he knew that furniture was being made in the carpenter shop, but he never had ocular demonstration of the fact. Why? Because he had never gone into the carpenter shop, except when he passed through there on his way to the condemned cell or an execution. Here is what Captain Edgar said:

"I have always understood that the law said that there was nothing to be manufactured at San Quentin except jute bags. I thought that trouble might come of it, and I did not care to place myself in a position to testify against those I was employed by."

The captain stated that before the present administration took hold of the prison no manufacturing work except that of jute bags had been done for years.

More irregularities in the workings of the prison were disclosed yesterday by the mute evidence of Head Carpenter Emslie's book. This is a book of original entries, so the carpenter testified. That there were certainly some original entries in the book was fully brought out in the examination of it by the attorneys for the defense. The condition of the book was certainly good for the length of time it was supposed to have done service. There was a fewness about it that attracted attention and moved Attorney Preston to ask the owner when the entries had been made. Emslie was sure that the items had been written in more than two months or three months ago. He admitted, though, that he was fully a year in charge of the shop before he had opened the book.

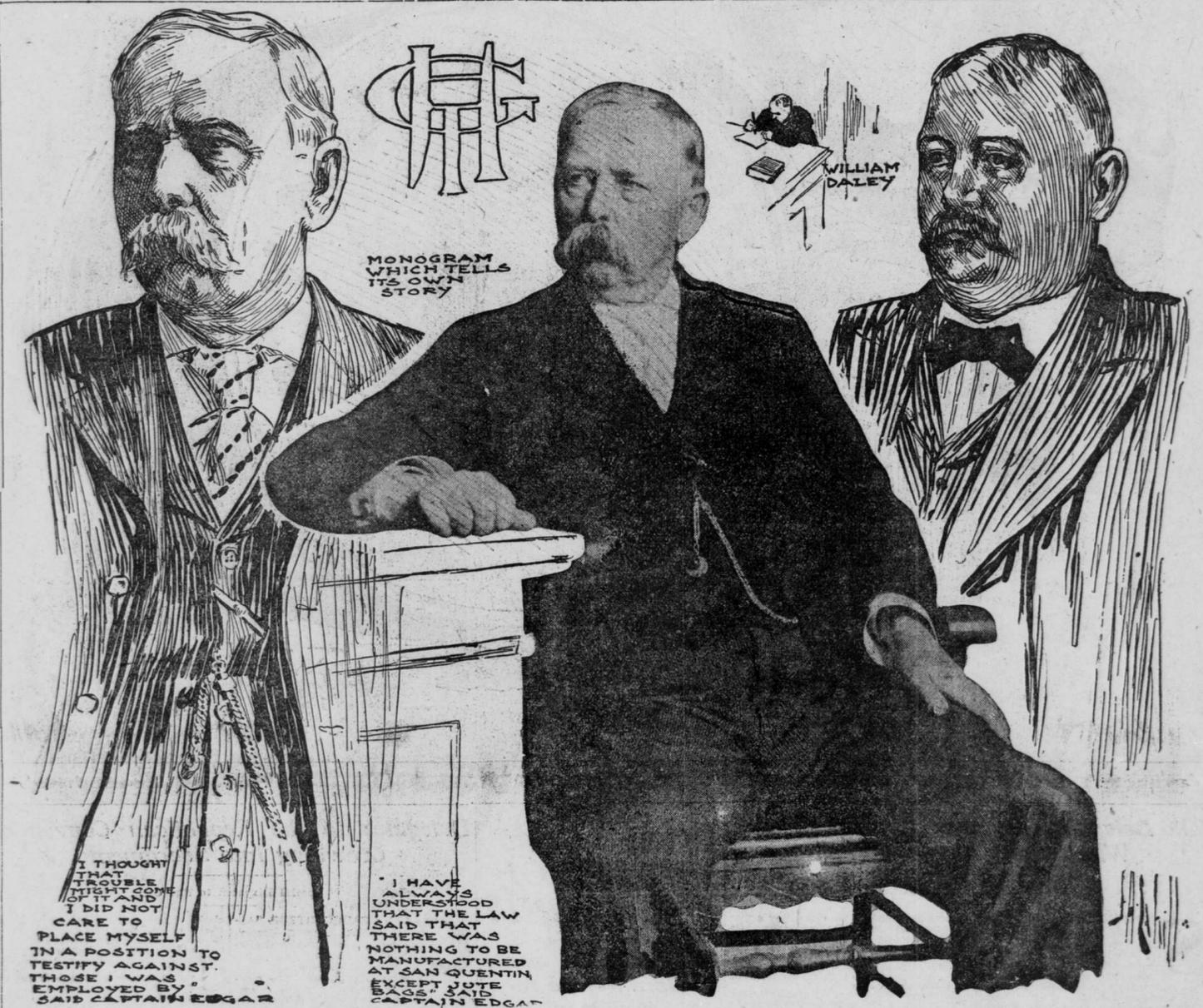
The entry of the material furnished to Joseph Aguirre excited the curiosity of Colonel Preston. It was in July that the bill was entered. It was on May 24 that the exposure was made by The Call, and the intimation in Colonel Preston's question was that the entire entry had been written after the conspiracy had been unearthed and the conspirators were beating to cover. Carpenter Emslie said that he was the keeper of the records in his shop, yet he could not identify the writing in his own book. The handwriting was not his; that was the only thing of which he was certain.

An ex-convict named William Daley, who spent twenty months in the bastille, gave startling testimony concerning the manufacturing work which had been going on in violation of the law. He told of carriages and buggies, musical instruments and tables that had been made. He saw the articles in the process of manufacture and when they were completed he painted them. That was his business. He saw pearl and abalone shells ground for the inlaid tables; he saw furniture shipped out of the prison by the wagon load. He said that he had nothing against the prison authorities, for they had treated him royally. He had nothing against Governor Gage; he did not know him.

Then he told how he had been ordered to make a design for two monograms. One was of the letter "G" and the other of the initials "H. T. G." He stated that he knew for whom the monograms stood, but the prosecution would not let him tell this. The "H. T. G." monogram he never saw in evidence. It does not require a wizard to guess the owner of these valuable manufactured goods.

The former convict testified that not a week passed during his confinement that the commissary wagon did not leave the prison with a load of furniture.

CAPTAIN JOHN C. EDGAR, former captain of the yard at San Quentin prison for fifteen or sixteen years, and one of the best of reformatory disciplinarians, is the man who had the assignment of convicts to the various departments. It was he who sent the men, under order of the Warden, to work in the carpenter shop. He knew that furniture and other articles were being manufactured in the prison, and he warned Joseph Aguirre, to the violation of the law. Guards accompanied the prisoners to their work, but the captain of the yard never once went into the carpenter shop. While on the witness-stand yesterday morning he was questioned as to this apparent neglect of his duty, and he was called upon for an explanation of his seeming dereliction. The veteran prison official made in response a most remarkable statement. He said he knew that furniture was being manufactured there, but he did not wish to have ocular demonstration of the fact. No work had been going on there for many years previous to the present administration. He knew that the work was going on in violation of the law, and he did not wish to possess himself of the positive knowledge, fearing that he might be compelled to use the information against the people who were employing him.



FORMER CAPTAIN OF THE YARD EDGAR TELLS OF HIS WARNING TO AGUIRRE THAT HE WAS BREAKING THE LAW.

object lesson to those who read Governor Gage's statement that he had investigated the affairs of the penitentiary and found everything all right. His idea of right—well, the evidence tells the story.

The case goes on again Monday morning.

CAPTAIN EDGAR WOULD HAVE NO PART IN FRAUDS

CAPTAIN J. C. EDGAR, who for fifteen years served as captain of the yard at San Quentin, which position he resigned a month ago, was the first witness called at the morning session. Following is his testimony:

Q.—Did you ever perform as captain of the yard in relation to the assignment of convicts for labor into the various departments? A.—They were all assigned from my office.

Q.—Do you know of a department there you assign the persons for convict labor in the carpenter shop? A.—Yes.

Q.—To whom or to whose charge did you assign the persons for convict labor in the carpenter shop? A.—I assigned them to the carpenter shop and sent them to the superintendent of the shop.

Q.—During the progress of your duties there did you know a man by the name of Enos Virgin? A.—Yes, sir.

Q.—Do you know where he worked? A.—Yes, sir; he had been working in what we call six room—that is, a room above the carpenter shop.

Q.—Do you know at what he worked? A.—Well, he was manufacturing articles out of wood.

Q.—Do you know what character of articles he was manufacturing out of wood? A.—I think they were principally fancy articles.

Q.—Yes; of what nature, please, if you know? A.—Well, I suppose fancy boxes and tables and some of the other things.

Q.—Do you know whether or not there were any persons working in this six room with Virgin? A.—Yes, there were some working there with him.

Q.—Do you know how many? A.—I think four or five; may have been more within the last six months or a year than there was previous to that; I think that Virgin worked there alone quite a while.

Q.—Do you know how long he worked there? A.—Well, I guess you are right, Mr. District Attorney. I will withdraw the question. Mr. Virgin and two or three men worked there, for how long? A.—Well, probably two years and a half.

Q.—Yes? Were there more than two or three sometimes? A.—I don't think there were over three that were working at woodwork. There might be some men there varnishing and finishing.

Q.—Do you know of your own knowledge whether or not he made any harness? A.—I do not.

Q.—Do you know whether or not of your knowledge trunks and dress suit cases were made there? A.—I do not.

articles were manufactured in this six room? A.—No, sir.

Q.—Was Virgin and these men working there continuously for the last two years and a half? A.—Well, I think that Virgin was. Sometimes he may have had two or three men, and he might have had three.

Q.—Were you in the habit of going up to this six room? A.—No, sir.

Q.—You have already stated that you know Mr. Joseph Aguirre. I will ask you to state to this court whether or not within six months last past you went to Joseph Aguirre and protested to him as to the manner of the conduct of that portion of the carpenter shop?

Mr. Whiting—One minute, captain. We object to that upon the ground it is incompetent, immaterial and irrelevant.

Mr. Campbell—If your Honor please, I think we do.

Mr. Whiting—(Interrupting)—It don't show that. There is no foundation for the question at all.

Mr. Campbell—Now, let us see. Let us examine that—see if he has any authority to protest in any right to do it.

Mr. Campbell—Now, what I want to show is the answer of Mr. Joseph Aguirre. Now, I stated to your Honor that I went to Joseph Aguirre and protested to him as to the manner of the conduct of that portion of the carpenter shop. Now, I want to show to the jury that I went to Joseph Aguirre and protested to him as to the manner of the conduct of that portion of the carpenter shop. Now, I want to show to the jury that I went to Joseph Aguirre and protested to him as to the manner of the conduct of that portion of the carpenter shop.

Q.—Did you ever see downstairs in the carpenter-shop any furniture in the process of being manufactured? A.—I have seen some down there.

Q.—The kind and character of it you are not able to state, are you? A.—It was in the course of construction. Some pretty large pieces.

Q.—Did you ever see any bedsteads being constructed there? A.—I don't think I ever saw any bedsteads.

Q.—Might have been chifoniers and dressing cases; something of that sort.

Q.—Do you know how many men were working in the lower portion of the carpenter-shop? A.—There were in the neighborhood of twenty or twenty-five men.

Q.—Now, captain, you were asked by counsel—he said—you said you did not go up into that shop; now, will you kindly state to the court why you did not go up there?

Mr. Whiting—We submit that is immaterial, if the court please.

Mr. Campbell—I think it is proper, if your Honor please.

Mr. Whiting—I submit it is immaterial why he did not go up there.

The Court—I will allow the question.

Last question read by the reporter:

The Witness—I have always understood that the law said that there was nothing to be manufactured at San Quentin for sale except jute bags.

Mr. Whiting—We move to strike that out.

Q.—I thought that trouble might come of it and I did not care to place myself in a position to testify against those that I was employed by.

CROSS-EXAMINATION BY MR. WHITING.

Q.—What were your duties, captain, as captain of the yard—I mean did you have general supervision of the men? A.—Yes, sir; I had general supervision of the discipline of the prison.

Q.—Did you frequent the carpenter-shop ever go there? A.—I passed through the carpenter-shop frequently, the lower one.

Q.—Did you ever go upstairs into this place you were speaking of? A.—I don't think I have been up there in two years.

Q.—Have not been up there in two years? Well, you were in the carpenter-shop, saw it frequently though? A.—Yes, sir; passed through there.

Q.—Well, what is the—what is the customary work of these men in the carpenter-shop? A.—Well, they do considerable work for the jute mill, making shuttles, and there is considerable woodwork about the machinery in the shape of wheels and so on.

Q.—Is there any carpenter working around the prison? A.—All the carpenters work around the place inside and outside, the dwelling there or the buildings inside, the office—what work there was around the building.

Q.—That carpenter work and the carpenter-shop itself has been established there for a long time, I suppose? A.—Yes, sir.

Q.—Is there a process of making the needed material or needed articles of the prison? A.—Yes, sir.

Q.—You say you have never been up in the upstairs part of the carpenter-shop; how do you know, captain, that the work was being made up there? A.—Well, I have seen some pieces that were being brought down from there.

Q.—But you never saw what was going on up there? A.—No.

Q.—Did you have supervision of those men upstairs there? A.—As far as the discipline was concerned I had, yes.

Q.—Could you—but you detailed them under Mr. Emslie, you say? A.—Yes, sir. Usually there is a guard looks after the men.

Q.—You paid no attention then to what was going on upstairs at all? A.—No, sir.

Q.—Well, captain, do you know of your knowledge where these things—you say you have seen things come out of the upstairs part—did you see them taken out? A.—I have only seen a very few things—I have seen two or three musical instruments.

Q.—Did you see anything come out there? A.—No.

Q.—You cannot say but what they came out of the main shop of your own knowl-

edge, personal knowledge? A.—Of my own personal knowledge I don't know; that is, as far as seeing it is concerned.

Mr. Campbell—One moment, captain—Counsel asked you whether or not this carpenter shop had been in existence for long time; I ask you now to state whether or not this room had been in existence for a long time? A.—Well, the room has been in existence, but the workshop? A.—For a number of years past.

Q.—And when did they start to do this work in room 6, to your knowledge, if you know? A.—Well, I think from two years to two years ago.

Q.—Since the administration of Warden Aguirre? A.—Yes, sir.

Q.—Now, captain, you were asked by counsel—he said—you said you did not go up into that shop; now, will you kindly state to the court why you did not go up there?

Mr. Whiting—We submit that is immaterial, if the court please.

Mr. Campbell—I think it is proper, if your Honor please.

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The Court—I will allow the question.

Last question read by the reporter:

The Witness—I have always understood that the law said that there was nothing to be manufactured at San Quentin for sale except jute bags.

Mr. Whiting—We move to strike that out.

Q.—I thought that trouble might come of it and I did not care to place myself in a position to testify against those that I was employed by.

Q.—You took charge of the carpenter shop, didn't you? A.—Some time afterwards.

Q.—About how long afterwards? A.—I don't know.

Q.—Then can you tell me what it is that there is no charge in your book made against Joseph Aguirre until July, 1902? A.—Well, I made several articles for him, and I charged him when I had it all completed, made one charge of it.

Q.—Where did you keep the charges that you made against him, as you made the articles? A.—I kept a little memorandum.

Q.—In a book? A.—No, sir.

Q.—On what kind of a memorandum? A.—I may have kept it on a slip of paper, I had a large number of other things you charge one large icebox, \$15.52—\$15.52—1 ment safe \$8.90, 12 dining chairs \$11.20, 1 small bookcase \$4.52, 1 large bookcase \$10.47, 1 extension, that means extension, \$4.52—\$4.52—\$4.52.

Q.—\$3.76? A.—Yes, sir.

Q.—I notice in this book of yours on page 94, marked carpenter shop, after a large number of other things you charge one large icebox, \$15.52—\$15.52—1 ment safe \$8.90, 12 dining chairs \$11.20, 1 small bookcase \$4.52, 1 large bookcase \$10.47, 1 extension, that means extension, \$4.52—\$4.52—\$4.52.

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Q.—\$3.76? A.—Yes, sir.

CARPENTER SHOP BOOKS PROOF OF LOOSE METHODS

HAD CARPENTER EMSLIE was recalled for further direct examination. His testimony was as follows:

Mr. Campbell—Now, have you your book with you? A.—Yes, sir.

Q.—Will you give me the large one? (The witness handed the book to Mr. Campbell.)

Q.—Under the head of private accounts—first let me ask you how long, or in what year did you manufacture this furniture for Joseph Aguirre, 1901 or 1902, or both years? A.—Both years, yes.

Q.—How early in 1901 did you commence to manufacture furniture for him? A.—I could not really tell you.

Q.—You commenced there soon after

you took charge of the carpenter shop, didn't you? A.—Some time afterwards.

Q.—About how long afterwards? A.—I don't know.

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Q.—\$3.76? A.—Yes, sir.

Q.—Where is the charge here in the book for the bedsteads and the things which Mr. McDougall got? A.—Well, he gave me what—the lumber was already paid for and he gave me the casters and some shellac to finish it with.

Q.—How did Mr. McDougall give you that? A.—Yes, sir.

Q.—Do you know where he got it? A.—No.

Q.—You say the lumber was already paid for? A.—Well, it was supposed to be paid for.

Q.—You don't know that? A.—No, sir.

Q.—You don't know where the lumber that you know where the lumber came from that went into Mr. McDougall's bed? A.—I can tell you where I think it came from.

Q.—Well, did it come from this White Bros.? A.—I think it did.

Q.—While we are on White Bros., a question, Mr. Emslie. Have you thought that over since you were on the stand the last time? A.—No.

Q.—Are you quite positive you ever paid White Bros. a dollar? A.—Yes, sir.

Q.—Have you that receipt with you? A.—I tried to find the receipt. I had it in my trunk—at least I thought I put there, but I couldn't find it this morning.

Q.—This morning you got a receipt from White Bros. in case it should be called for.

Mr. Campbell—Now, if your Honor please, Mr. Preston has paid some attention to these books and I know it is not the rule to allow two counsel to examine an witness—

Q.—Whose handwriting are those entries in the month of May, 1901? A.—They look like a clerk under my charge.

Q.—What is his name? A.—Slagel.

Q.—I call your attention to all the entries in the month of May, 1901, in whose handwriting are they, Slagel's? A.—Yes, sir.

Q.—In whose handwriting is this instruction: "On the last day of each month enter all charges against those departments and persons in this book and send to accountant, jute department." A.—I don't know, sir; I don't recognize that handwriting.

Q.—This is your book, kept by you? A.—Yes, sir.

Q.—Did you instruct that entry to be made (showing)? A.—No, sir.

Q.—What had been made by somebody else, has it? A.—Yes, sir.

Q.—Did you ever see that entry before? A.—No, sir.

Q.—Did you send the item of this account, shown to have been entered in this book in May, 1901, to the accountant of the jute department? A.—No, sir.

Q.—Do you know the handwriting on that first page in that book? A.—I do not.

Q.—Look at the entries for the month of June, 1901, in whose handwriting are they? A.—That seems to be in the clerk's handwriting.

Q.—Slagel? A.—Yes, it looks very much like his handwriting.

Q.—Whose handwriting is that, September, 1901? A.—I don't recognize that, one I don't recognize that writing. You see, the book is there in the office.

Q.—Interrupting—It would be the same handwriting you do not recognize on the first page here, is it not?

Mr. Whiting—We object to the witness' testimony as to whether it is the same handwriting. He is not an expert.

Mr. Preston—Q.—You don't know the handwriting of September 19th, 1901? A.—No.

Q.—Somebody making entries in your book whose name you don't know? A.—The book is kept there in my desk.

Q.—Lying around loose. A.—Sometimes, I would be possible for somebody to put that in there.

Q.—The book was lying around loose on your desk? A.—Not lying around loose.

Q.—How many of these books would you write in? A.—I may go away and attend to some other business, leave the book on the desk, and somebody come along.

Q.—Some in and make an entry? A.—Yes, sir.

Q.—I simply want to find out this: I was going to ask you whether on the 15th of October, 1901, are a number of items running from October 1 to October 27, then there is a red ink line drawn across; it is totaled and the total is \$4.52, the next item "Captain of Guards," commences with the 4th of October, the 15th, the 27th of October, and is totaled as \$4.52, appears upon the face of the books that the items are not entered in sequence. It shows on all the items for each particular charge is entered all at once, out regard to dates? A.—Sometimes they would make an entry of a certain amount of work to be done, and then the work would be completed, and sometimes a job would not be completed for two or three weeks; any large amount of work, it would not be completed for two or three weeks, or a month—building a house, I would not turn it in for three or four months after the building was completed.

Q.—That does not answer my question. Under the head of "Captain of the Guards" all the items for the month of October appear to have been entered at once and totaled in the book; under the next item is "Captain of the Guards," all the items for the month are brought together and totaled. It is self-evident they could not have been written in the ordinary course of business, as you say you kept that item for that entry (referring to book)? A.—That must be on the memorandum book, did you say? A.—That is work pertaining to the prison.

Q.—Then you kept all those items in the memorandum book, did you? A.—Yes, sir.

Q.—But Mr. Joseph Aguirre's items you did not keep in the memorandum book? A.—I made a bulk of it. I had all his stuff in one place. When it was completed I made a complete list and put it in this book.

Q.—This account of Joseph Aguirre shown on page 94—none of these—this last item on page 93 seems to have been the list of items done, does it not? A.—I appear that way, yes.

Q.—Then how does this come in (showing)—after you had closed the account for the 31st of July how did you come to write the Joseph Aguirre account in date and place—captain (interrupting)—After I took an inventory of all this stuff I put it down in the book.

Mr. Preston—shall offer that book in evidence pending another question.

Mr. Whiting—We object to it.

Foresees Danger to Aguirre Ahead.

Captain's Advice is Heeded by All.

Mr. Whiting (interrupting)—I have no objection.

Mr. Preston—This book that you present here and marked "Jute Carpenter Shop" is the regular book kept by you? A.—It is my account book, yes.

Q.—It is your account book? A.—Yes, sir.

Q.—When did you first see this book? A.—Some time ago; I really couldn't tell.

Q.—How long ago? A.—Well, since I took charge of the shop.

Q.—You had this book then, did you? A.—No, sir.

Q.—When did you get it? A.—Oh, it was quite a while afterward; I used to make out a statement.

Q.—Interrupting—Was a while afterward; how long afterward? A.—Maybe a year or ten months.

Q.—A year after you took charge of the shop, the dates are on there, are they? A.—I want to know how long it was after you took charge of the shop that you first got this book? A.—I couldn't positively tell.

Q.—Might it not have been three months ago? A.—Oh, before that.

Q.—Have you had it more than one month? A.—Oh, yes.

Q.—Will you swear positively to two months? A.—Yes, sir.

Q.—Then the month? A.—Yes, sir.

Q.—Four months? A.—Yes, sir.

Q.—Five months? A.—Oh, I—

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